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THE DOCUMENTARY HISTORY OF THE
RATIFICATION OF THE CONSTITUTION

VOLUME XI

Ratification of the Constitution by the States

MARYLAND

[1]

THE DOCUMENTARY HISTORY OF THE
RATIFICATION OF THE CONSTITUTION

Volume XI

Ratification of the Constitution
by the States

MARYLAND

[1]

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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's Memorial Library.

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This first of two volumes on Maryland ratification is dedicated to Edward C. Papenfuse. Dr. Papenfuse is one of the foremost historians

of Maryland, having devoted more than forty years of service to research, teaching, conservation, and archives management and administration in the state. In November 2013, he completed his tenure at the Maryland State Archives in Annapolis, where, since 1975, he had held the offices of state archivist and commissioner of land patents. Papenfuse was a notable early champion of archives digitization, and his energy on this front sparked a dramatic increase in the accessibility of Maryland's historic legacy. His persistence, devotion, and consistency as a historian, a scholar, and a preserver of the past for present and future generations merit the gratitude of Marylanders and all Americans. The editors thank Dr. Papenfuse for his long-term service, and we dedicate this volume to him as a mark of deep respect and appreciation.

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* (23 volumes),
- (3) *Commentaries on the Constitution: Public and Private* (6 volumes),
- (4) *The Bill of Rights* (2 or 3 volumes).

Internet Availability

The Maryland volumes, and all other volumes, will be found at the web site of “Rotunda: American Founding Era Collection,” maintained by the University of Virginia Press at <http://rotunda.upress.virginia.edu>. The Maryland supplemental documents, as well as those from the other states, will be found on the web site of the University of Wisconsin-Madison Libraries at <http://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–XXX).

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.

The supplemental documents for Massachusetts, New York, Rhode Island, Maryland, and all future volumes are no longer placed on microfiche. The Maryland supplemental documents can be found on the web site of the University of Wisconsin-Madison Libraries at <http://library.wisc.edu>.

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

The types of documents in the supplements are:

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

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

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

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

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

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

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

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

The Bill of Rights.

The public and private debate on the Constitution continued in several states after ratification. It was centered on the issue of whether there should be amendments to the Constitution and the manner in which amendments should be proposed—by a second constitutional convention or by the new U.S. Congress. A bill of rights was proposed in the U.S. Congress on 8 June 1789. Twelve amendments were adopted on 25 September and were sent to the states on 2 October. These volumes will contain the documents related to the public and private debate over amendments, to the proposal of amendments by Congress, and to the ratification of the Bill of Rights by the states.

Editorial Procedures

All documents are transcribed literally. Obvious slips of the pen and errors in typesetting are silently corrected. When spelling, capitalization, punctuation, paragraphing, and spacing between words are unclear, modern usage is followed. Superscripts and interlineations are lowered to the line, and marginalia are inserted where the author intended. The thorn is spelled out (i.e., “ye” becomes “the”). Crossed-out words are retained when significant. Obsolete meanings of words are supplied in footnotes.

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

All headings are supplied by the editors. Salutations, closings of letters, addresses, endorsements, docketings, and postmarks are deleted unless they provide important information, in which case they are retained in the document or placed in editorial notes. Contemporary footnotes and marginal citations are printed after the text of the document and immediately preceding editorial footnotes. Symbols used by contemporaries, such as stars, asterisks, and daggers, have been replaced by superscripted letters (a), (b), (c), etc.

Many documents, particularly letters, are excerpted when they contain material that is not relevant to ratification. Whenever an excerpt is printed in this edition and a longer excerpt or the entire document appears elsewhere in this edition or in other editions, this is noted. “Editors’ Notes” have been used to discuss important events as well as out-of-state newspaper essays or pamphlets that circulated in Maryland but are printed elsewhere in the edition.

General Ratification Chronology, 1786–1791

1786

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

1787

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

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

15 December	Bill of Rights adopted.
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Calendar for the Years 1787–1788

1787

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

1788

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

Introduction

Founding the Proprietary Colony

The founding and establishment of the proprietary government of Maryland was the product of competing factors—political, commercial, social, and religious. It was intertwined with the history of one family, the Calverts, who were well established among the Yorkshire gentry and whose Catholic sympathies were widely known. George Calvert had been a favorite of the Stuart king, James I. In 1625, following a noteworthy career in politics, including periods as clerk of the Privy Council, member of Parliament, special emissary abroad of the king, and a principal secretary of state, Calvert openly declared his Catholicism. This declaration closed any future possibility of public office for him. Shortly thereafter, James elevated Calvert to the Irish peerage as the baron of Baltimore. Calvert's absence from public office afforded him an opportunity to pursue his interests in overseas colonization. Calvert appealed to Charles I, son of James, for a land grant.¹

Calvert's appeal was honored, but he did not live to see a charter issued. In 1632, Charles granted a proprietary charter to Cecil Calvert, George's son and the second baron of Baltimore, making him Maryland's first proprietor. Maryland's charter was the first long-lasting one of its kind to be issued among the thirteen mainland British American colonies. Proprietorships represented a real share in the king's authority. They extended unusual power. Maryland's charter, which constituted Calvert and his heirs as "the true and absolute Lords and Proprietaries of the Region," might have been "the best example of a sweeping grant of power to a proprietor." Proprietors could award land grants, confer titles, and establish courts, which included the prerogative of hearing appeals. They could also make laws and levy taxes, subject to the consent of the freemen. True lords temporal within their own domains, the Calverts had been endowed with authority to carry out the functions of government as they saw fit. The colony was their fief.²

By default Maryland served as a haven for Catholics in British North America, but the Calverts intended it primarily as a proprietary venture. The Calverts had an interest in attracting to the colony as many productive people as possible. Success depended on it. "Lord Baltimore was neither a political philosopher nor a prophet," writes William Warren Sweet. "He was rather a practical and hardheaded investor in a great land venture, in which his whole fortune was at stake." According

to Sweet, Maryland was founded on the principle of toleration “in spite of his [Baltimore’s] religion rather than because of it.” Cecil Calvert’s idea of toleration, much like his father’s, would be enshrined in the colony’s Act of Toleration (1649), which protected Christians’ religious practice. By honoring all Christian professions—instead of preferring one—the proprietor hoped to inspire faithfulness to the civil government by everyone.³

In the final decades of the seventeenth century, the Church of England grew in stature in Maryland. Some Anglican clergy began making appeals to the archbishop of Canterbury to strengthen the Protestant religion in Maryland. Canterbury passed their concerns to the bishop of London, who oversaw ecclesiastical conditions in the American colonies. Maryland had boasted a significant Protestant population from early on, and the continued growth of that community made their pleas progressively difficult to ignore. By 1692, in the aftermath of England’s Glorious Revolution (1688–89), which led to the ouster of James II, a Catholic, and the coronation of Protestant monarchs William and Mary, Maryland had become a royal colony. Though the proprietorship would be restored in 1715, that act was only accomplished on the conversion of Benedict Leonard Calvert, the fourth baron of Baltimore, to the Anglican Church. Maryland Catholics faced significant disabilities during the eighteenth century, including a restriction on holding office. Ironically, to use Sweet’s words, Maryland, which had been established “for the sake of religious freedom by the toil and treasure of Roman Catholics,” would be made open to all Christians “save Roman Catholics.”⁴

Maryland’s eventual internal tensions mirrored the clash that took hold in England between the Crown and Parliament in the seventeenth century. That period was marked by a series of civil wars between supporters and opponents of monarchical prerogative and included the execution of Charles I, the destruction of the monarchy and the House of Lords, the restoration of the House of Lords and the monarchy under Charles II, and the Glorious Revolution, which finally affirmed Parliament’s supremacy and led to the expulsion of James II. While England’s conflict was about the proper limits of monarchy, Maryland’s revolution was about the limits of proprietary governance. The proprietor had considerable latitude in crafting a government and shaping its policies, but Maryland’s colonial charter had provided for “the Advice, Assent, and Approbation” of the colony’s freemen, who proprietors agreed to call together “for the framing of Laws, when, and as often as Need shall require.”⁵

The generations following Maryland’s founding were marked by real efforts to discern a balance between freemen, who constituted the lower

house of Maryland's General Assembly, and the proprietor and his counselors, who, after 1650, formed the Assembly's upper house. In 1774, Maryland freemen rallied for more extensive legislative powers in the colony, establishing what would be the first of nine extralegal conventions that wrested control of the legislative process from the established power structure. The Ninth Convention adjourned in November 1776. The proprietary government arguably ended in Maryland when the first of those extralegal assemblies convened in June 1774. But the symbolic end of the regime occurred in June 1776, shortly after the Eighth Convention assembled, when Governor Robert Eden, the last of the colony's governors, left Maryland's shores. By undermining and ultimately throwing off the proprietary government, Marylanders had achieved a revolution in their provincial government as the American colonies moved toward independence.⁶

In the mid-1770s Maryland's internal politics, especially the dispute between colonists and the proprietor, had commanded much of the colony's attention. However, Marylanders' concerns were also imperial and had been since 1765 and the furor over the Stamp Act. Marylanders were well aware that the changes in British imperial policy put an end to the period of "salutary neglect," as Parliament encroached on the affairs of colonial assemblies.

Maryland in the Pre-war Years: Resistance to British and Proprietary Rule

Maryland politics during the 1760s and the first half of the 1770s was dominated by two principal political factions—the court party and the country party. Political insiders—people who regularly received lucrative appointments and other forms of political patronage from the proprietary regime—represented the court party. The regime was not without means to reward the faithful. Depending on the year, between £12,000 and £14,000 in posts and remittances was available to entice supporters and to lavish on Marylanders who had proved their loyalty to the regime and the governor. Members of the court party in the General Assembly had a vested interest in voting for policies that favored the maintenance of proprietary prerogative. Below the higher-ranking officials, who received key government posts and significant monetary reward, a host of lesser officials also received appointments. A system of kickbacks bolstered the appointment scheme in proprietary Maryland, with lesser officials "thanking" their patrons for posts of note. Opposed to the court party, the country party represented political outsiders or outliers. Some political outsiders no doubt hoped to become insiders, but the difficulty of transitioning from country to court could be great. As critics, some people established themselves as permanent outsiders to the system that seemed to violate the best interests of rank-and-file Marylanders.⁷

Economic conditions in Maryland were favorable during much of the French and Indian War (1754–63). Imports grew, crop production was good, and prices were strong. But the economic winds changed direction in the early 1760s. Tobacco prices dropped sharply, even below the cost of shipping, and the end of that war brought with it still greater hardships, especially in Europe. Dutch bankers recognized the precarious situation of the war's belligerents, Britain and France, neither of which would be able to pay off their wartime debts, and the end to wartime trade, which had bolstered German currency, caused a financial collapse on the European continent. Maryland merchants were particularly affected by such conditions and the unfavorable balance of trade that resulted from them. The fear of bankruptcy led some English merchants to call in their colonial debts, which drained Maryland of specie. The importation of European goods relied upon the exportation of American stores, like grain and lumber. But restrictions on colonial exports, especially lumber and iron, prevented Maryland merchants from righting the trade imbalance. Ronald Hoffman casts the story of prewar Maryland in cycles of boom and bust, and these cycles, Hoffman contends, served as a bellwether for the colony's politics at any given time. "Maryland's planters and merchants knew both soaring profits and agonizing losses in the years immediately before the Revolution," Hoffman writes. Much of the political ferment in the American colonies that eventually led to the Revolution concerned a particular piece of parliamentary legislation: the Stamp Act.⁸

Parliament passed the Stamp Act on 22 March 1765. "Anger and frustration developed over the Stamp Act of 1765, which coincided with depression," writes Hoffman, "while indifference characterized the reaction to the Townshend program initiated in 1767 during prosperous years," so it was not the act alone that aggravated the inhabitants of Maryland. But the Stamp Act was certainly a catalyst for escalating tensions. The act placed a tax on newspapers, pamphlets, licenses, academic degrees, wills, warrants, bills of sale, deeds, and a host of other documents and printed materials. Burdensome for some colonists, less burdensome for others, the tax brought to the fore a critical principle at the heart of the transatlantic debate: the colonies' right to tax themselves. The Stamp Act Congress, which represented the climax of "formal opposition" to the act, met in New York City between 7 and 24 October to debate an appropriate colonial response to parliamentary abuses. Nine colonies, including Maryland, sent delegates at the invitation of the Massachusetts legislature. The declarations that emerged from the Stamp Act Congress reaffirmed the prerogatives of colonial legislatures. The

“late Act of Parliament,” in the words of the declarations, exhibited a tendency “to subvert the rights and liberties of the colonists,” and the necessity of the stamp tax being paid in specie, because of “the peculiar circumstances of these colonies”—the economic slump, that is—would make the payment of the tax “absolutely impracticable.”⁹

Economics and politics were intimately connected in Maryland. The same was true in other colonies. In response to dire economic conditions at home and abroad and the perception that colonial economies had been unfairly disadvantaged by British imperial policy, particularly the Stamp Act, merchants in the leading port towns—New York, Philadelphia, and Boston—discussed and then implemented boycotts of British goods. Merchants agreed that trade conditions had to be rejuvenated and oppressive British acts repealed before non-importation could cease. Maryland’s merchants adopted a similar albeit informal posture toward Britain’s policies and the importation of British goods. William Lux, a notable Baltimore merchant who suffered substantially during the economic downturn, was pivotal in consolidating support among the merchant class. But Marylanders across classes and professions, not merchants alone, sought a realistic and principled—but powerful—response to the situation.¹⁰

Another Marylander, Daniel Dulany, Jr., born in Annapolis, classically educated at Eton and Cambridge, and trained in law at Middle Temple, London, represented the turmoil that colonists felt about the heightening conflict. A leading lawyer, one of few colonists called to the bar in England, Dulany ardently opposed the Stamp Act, publishing his well-regarded pamphlet *Considerations on the Propriety of Imposing Taxes in the British Colonies* in October 1765, the same month as the meeting of the Stamp Act Congress. Dulany’s arguments were generally accepted as the most authoritative in favor of a colonial right to internal taxation. While Dulany supported well-argued legal advocacy against British interference with the colonies’ proper prerogatives, he was no advocate of the Sons of Liberty and their attempts to stir up popular resentment against the British.¹¹

The Sons of Liberty, whose membership was primarily comprised of merchants and tradesmen, began to coalesce in a number of locales, particularly New York City and Boston, in advance of the 1 November 1765 implementation of the Stamp Act. Maryland’s Sons of Liberty had its roots in what Hoffman identifies as “a local Baltimore ‘mechanical company,’ ” which was founded in 1763. “From 1763 to 1766,” Hoffman writes, “the company was responsible for policing, fire protection, drilling and mustering in Baltimore.” Already members of the com-

pany, Lux and Robert Adair, a sheriff, justice, and commissioner of Baltimore Town, were vital to the group's transition in organization and disposition. "Maryland's last colonial governor, Robert Eden, labeled the group the most 'pronounced rebellious and mischievous organization in the province of Maryland.'" The radicalism of Baltimore's Sons of Liberty was almost immediately apparent, and their excessive energies would eventually be successfully harnessed by men of means and political interest and ability, like Samuel Chase.¹²

Samuel Chase, an Annapolis lawyer and, later, a leading Antifederalist in Maryland's debate over the Constitution, became a principal organizer of the country party, and he helped to orchestrate the activities of Maryland's Sons of Liberty. Chase settled for the power of the people, which was sometimes manifested by symbolic acts of defiance and, at other times, by actual political violence. Resistance by the colonial population and Maryland merchants' adoption of non-importation policies left little social space for political neutrality in British-American relations, even before independence from Britain was a possible or desirable option. Stamp agents were harassed by Sons of Liberty, burned in effigy, and had their lives threatened. Even when they fled to other colonies, Sons of Liberty networks prevented their finding any quarter. Colonists who wavered or waned in their advocacy of colonial prerogatives—namely, the right to internal administration—became suspect. Dulany, the moderate, and Chase, his more radical counterpart, would form a mutually beneficial partnership in 1764–65, one that got Chase a coveted seat in the House of Delegates. But the two men would eventually part ways over tactical approaches—Dulany favoring reasonable printed protest against Parliament's policies and Chase tending to support the mob, and occasionally to provoke it. Dulany's course left him few options in the decade leading to independence.¹³

By 1773, a debate had erupted in Maryland, again involving Dulany, that highlighted colonists' continuing concerns about government's limits. Subsequently known as the fee controversy, the issue at hand was whether the General Assembly had the right to interfere with Governor Eden's proclamation setting public officials' level of compensation. The controversy erupted when Governor Eden issued a proclamation in 1770 that established the fees. The proclamation resulted from the Assembly's lack of consensus; the earlier statute enacted in 1763—which set officers' fees—had lapsed and the Senate and House of Delegates were unable to agree on a new tobacco inspection bill and fee scale to replace it. The House of Delegates wanted lower fees than provided for in the original 1763 law, an option denied to them when Governor Eden issued his proclamation. They saw this as a usurpation of their

rightful role, as well as a challenge in the long-standing battle over the limits of proprietary power.¹⁴

Dulany, who as secretary of the colony was a clear political insider, emerged as a champion of the governor's authority to set such fees. In the absence of legislative action, Dulany regarded the governor's action as necessary to good government. To defend the governor's action, Dulany composed a debate between two fictitious citizens, which was published in the Annapolis *Maryland Gazette*. The first citizen was little more than a straw man introduced by Dulany to show the superior reasoning of the second, who spoke to Dulany's concerns for order in government. Dulany used the second citizen to argue against more extreme elements in the country party. Dulany presumed these men's motives were selfish. They were the same men who resisted paying the public debt and had neglected their obligations to pass necessary tobacco inspection legislation. Such men, despite their protestations to the contrary, were not friends to Maryland's constitution. By the dialogue's conclusion, the first citizen had been won over to the second's arguments and foreswore listening to dubious politicians in the future.¹⁵ Dulany's staged dialogue did not go without a response. Another Marylander, Charles Carroll of Carrollton, took up the debate in earnest under the pseudonym "First Citizen." In his first response, Carroll used Dulany's earlier *Considerations* pamphlet (1765) as grist for the mill. There was no love lost between the Dulanys and the Carrolls. Despite the pseudonyms, the two men's identities were no secret to readers of the *Gazette*.¹⁶

The debate would last from 7 January 1773, when Dulany drafted his original piece, through 1 July, when Carroll penned his fourth letter as "First Citizen." Each man contributed four pieces to the *Gazette*. Carroll pursued the debate as a matter of natural rights, while Dulany approached the exchange legally and constitutionally. Like Dulany, though almost a generation younger, Carroll studied law and benefitted from wealth and privilege. Both men had been educated abroad. Carroll came from one of the richest families in the American colonies and would, as a Maryland delegate to Congress, sign the Declaration of Independence. He was also a Catholic, meaning that he was disenfranchised in the colony. Not only could Carroll not vote or hold political office, but the colony also deprived him of the right to practice his religion in public. The matter may seem irrelevant to the politics of fees, but the debate that ensued between "First Citizen" and "Antilon," the pseudonym assumed by Dulany, resurrected the colony's history with religion. Dulany, who had championed the colonies' right to internal taxation during the Stamp Act controversy, seemed to be

doing an about-face by arguing, in Carroll's estimation, that magistrates were above the law. Carroll compared Governor Eden's proclamation of 1770 to Charles I's extortion of ship-money, a tax that had been levied to strengthen naval defenses from alleged pirates. Dulany was on the defense, and he repeatedly contended that a fundamental difference existed between fees and taxes. Within the course of the debate the exchanges became personal, with Dulany arguing that Carroll's Catholicism made his political views inherently suspect and even untrustworthy. Carroll wasted no time calling into question Dulany's veracity. Could such a man who "Attempts to rouse popular prejudices" be trusted, Carroll wanted to know. Carroll gave as good as he got, attributing considerable mischief to Dulany as a minister of government and arguing that Dulany had corrupted others by his artifices.¹⁷

Aside from highlighting the two men's legal prowess, the Dulany-Carroll debates attracted significant popular attention in the pages of the Annapolis *Maryland Gazette*. The exchange enthralled Marylanders. By the debate's conclusion, and even before, a large majority of colonists were probably sympathetic with Carroll's critique of bloated government and self-serving ministers. Carroll seized the high ground by convincing readers that the issue was neither narrow nor legal. The matter of fees was one that affected their lives, and its importance could not be overstated if people intended to preserve their liberty against the unjust—and, in some minds, unlawful—encroachment of powerful political insiders. Those who sympathized with Carroll's "First Citizen" won a decisive victory in the elections for members of the House of Delegates that took place while the debate was raging. The new legislature that met in June 1773, however, was characterized by moderation, with the House merely adopting a resolution condemning the fee proclamation at the end of the session. The fee issue remained unresolved, and the tension between the country and proprietary parties continued.¹⁸

In 1774, the year following Dulany and Carroll's notable debate, "an event of immense political importance" occurred in Annapolis harbor: the burning of the merchant vessel *Peggy Stewart*. "No other single act in Maryland," Hoffman argues, "played a greater role in shaping the attitudes individuals adopted toward the political conflicts both within the empire and at home." After the imposition of the Tea Act in 1773, colonists in several towns—Philadelphia, New York, and Boston, in particular—banded together to oppose imports, and to do so violently if necessary. Anthony Stewart, partner in a Maryland shipping company that was in difficult financial straits, recognized the danger in harboring

his brig in Annapolis on 15 October. Some contemporaries and historians even question whether Stewart had anticipated the violence, willing to risk the loss of his ship, which had a hold full of tea and other products from London, as a means of strengthening personal relations with British officials. Regardless of Stewart's intentions, he would be faced with a tremendous decision by the following week: burn the ship and its contents or face violent repercussions.¹⁹

On 19 October, a crowd gathered to debate a proper course for dealing with Stewart. The gathering had been publicized in handbills. The debates were acrimonious. Some Marylanders wanted Stewart's ship *and* its contents set ablaze. Others in the colony believed that burning the tea alone would be warning enough against potential violators of non-importation agreements. The debate mattered little. Before the gathering decided on the latter course, Stewart had been taken on-board the ship by Rezin Hammond, a Maryland planter who was active in prewar radical politics, and Charles Ridgely, a Baltimore merchant who had been active in colony politics since the 1760s. Hammond and Ridgely gave Stewart little choice. He could immediately set the ship and its contents alight or risk his family's safety. Even men like Samuel Chase, who had become associated with radical politics, supposedly advocated a moderate course, attempting to stop a group of Annapolitans who, on the way to the dock, had designed to burn the ship. For this attempt Chase drew the ire of radical leaders. Some accused him of cowardice for having lit a fire under the people only to smother it when he perceived it necessary. Charles Carroll, Barrister, also suggested a moderate response to Stewart's trespass. If those who had rallied against Stewart were to commit arson, surely setting the tea alone alight would demonstrate their anger. Carroll persuaded his audience. But the ship still burned. Stewart had taken Hammond and Ridgely's threat seriously.²⁰

The burning of the *Peggy Stewart* revealed a significant rift in popular party politics in the years immediately preceding the Revolution. Some Marylanders were clearly more comfortable with violence than others. Early rabble-rousers, like Chase, were chastened by the event and moderated accordingly. Merchants were justly fearful of recriminations by mob leaders if their demands went unmet. A fate like Stewart's might befall them, too. While the rift distanced some moderates from their radical counterparts, the same rift also drew more moderates to the popular fold, the country party. The proprietor's men were not a unified block. Rifts existed there, too, and families like the Carrolls, having considerable wealth and prestige, were in a choice position to exploit

them to the benefit of the country party. Men like Daniel of St. Thomas Jenifer, who had been close to Governor Eden, fell out with his former political ally. In the days and months immediately following the burning of the *Peggy Stewart*, delegates from the First Continental Congress arrived back in Maryland and urged that the colony ratify the Continental Association of late October 1774, a colonial response to British tax and trade policy, like the Boston Port Bill. The Association, a binding agreement among all of the colonies, was intended to reverse Parliament's course against the colonies by implementing a system of boycotts and economic disincentives that would persuade the British ministry to take a different tack. A committee of correspondence would also be elected for the colony and included some leading men of country party politics. The men on that committee, some of whom would be instrumental in Maryland's constitutional convention (1776), included Charles Carroll of Carrollton, Charles Carroll, Barrister, Samuel Chase, Thomas Johnson, Matthew Tilghman, William Paca, and John Hall. A council of safety under Jenifer's leadership would also help set the stage for Maryland's wider engagement in the revolutionary movement.²¹

Maryland Drafts a New Constitution

Having unsettled Maryland's proprietary regime, Marylanders were not spoiling for war, and certainly not on an imperial scale. As the revolutionary movement took hold throughout the colonies, Marylanders resisted being drawn into the ever-widening conflict. Maryland opposed independence as late as May 1776, when it stipulated that congressional delegates needed the approval of the Maryland Convention—the state's legislative body at the time—to cast a vote in favor of separation from Britain. But on 28 June 1776, Maryland's Eighth Convention "recalled" the instructions that it had given to its deputies to the Second Continental Congress on 11 January 1776—and that it had renewed in May of that year. On the evening of 28 June Chase wrote a letter to John Adams. In the letter Chase indicated that he was "this Moment from the House to procure an Express to follow the Post with an Unanimous Vote of our Convention for *Independence* etc. etc. See the glorious Effects of County Instructions. Our people have fire if not smothered." In place of earlier instructions, Maryland's new instructions allowed its deputies—William Paca, John Rogers, and Thomas Stone, who were present—"to concur with the other united colonies, or a majority of them, in declaring the united colonies free and independent states." Maryland also provided for its deputies to agree with the other colonies in compacting or confederating together, in securing foreign support, and "in adopting such other measures as shall be adjudged necessary

for securing the liberties of America.” As long as Maryland’s own internal governing and police powers were not jeopardized, the new instructions declared, the colony consented to be bound by the majority’s decision to declare independence.²²

Following up on his earlier letter, Chase wrote to Adams on 5 July 1776 expressing hope that “the decisive blow is struck”—that independence had been accomplished. The situation might have turned out differently. Chase’s signature on the Olive Branch Petition of 8 July 1775, along with those of fellow Marylanders Thomas Johnson, Matthew Tilghman, William Paca, and Thomas Stone, who were then serving in Congress, and forty-four delegates from other colonies, testified to the initial aim to repair the breach that had developed between Britain and the American colonies. As neither side was willing to concede the validity of the other’s claim, such a petition was a vain attempt at reconciliation. Less than a year after the petition, Chase’s letter of 5 July claimed that “Oppression, Inhumanity and Perfidy have compelled Us to it [i.e., independence].” “Blessed be Men who effect the Work, I envy you! How shall I transmit to posterity that I gave my assent?” A peaceful coexistence with Britain was hoped for, according to Chase, but that country had lost “every Virtue” and been “corrupted with every Vice.” Britain could no longer be trusted to exercise power over the colonies.²³

On 6 July 1776, four days after the Continental Congress voted to approve Richard Henry Lee’s resolution for independence and two days after Congress finished revising a draft of the Declaration of Independence, Maryland’s Eighth Provincial Convention, which met between 21 June and 6 July, adopted a declaration of independence of its own: “The king of Great-Britain has violated his compact with this people,” the text stated, “and that they owe no allegiance to him.” The document shared certain similarities with Thomas Jefferson’s more mellifluous creation, like a register of the king’s abuses of colonists’ rights, but the text did not approach Jefferson’s high-flying prose. The document appealed to the justice and necessity of its action. “No ambitious views, no desire of independence, induced the people of Maryland to form an union with the other colonies.” Maryland’s “original and only motive,” the document read, was “To procure an exemption from parliamentary taxation, and to continue to the legislatures of these colonies the sole and exclusive right of regulating their internal polity.” The colony’s “duty and first wish” was “To maintain inviolate our liberties, and to transmit them unimpaired to posterity.” Maryland’s final consideration was its historic connection to Great Britain, which was dear to its inhabitants but not principal in their minds.²⁴

On 8 July 1776, Chase wrote a third letter to Adams in which he supposed that Maryland had proclaimed its own independence in advance of the colonies' united statement: "We have declared the Throne vacant, and by the Omnipotence of our Power, in the Stile of the Papal Chair, We have absolved the people from their Allegiance—this too before You have done it. I hope the Congress will not be offended with our advancing before we received their Orders." His fears were unfounded. Adams' letter of 9 July informed Chase that Congress had in fact declared independence on 4 July. Broad­sides of the document, printed by Philadelphian John Dunlap between 4 and 5 July, began to circulate almost immediately. By 8 July, when the Declaration of Independence was read to the people of Philadelphia from the yard of the Pennsylvania State House (now Independence Hall), Congress had committed Americans to a decisive and, in the estimation of some, a seemingly impossible course.²⁵

On 3 July 1776 Maryland's Eighth Convention called for delegates to be elected to a constitutional convention, which would be the last of the nine extralegal conventions, to draft a new state constitution. This practice was pursued with varying degrees of speed by the other colonies. Convention elections were to take place on 1 August. Suffrage requirements were identical to those under the proprietary regime, which reflected the continued conservatism of the state's entrenched elite interests. Males above twenty-one years with freeholds of no less than fifty acres and estates valued at £40 sterling or more were allowed to vote for representatives in the counties and Baltimore. Annapolis had slightly differing requirements from these. One had to be a free-man of at least twenty-one years who owned a lot in the city, who had property valued at £20 sterling or more, or who had been an apprentice in the city for at least five years and a householder. Each Maryland county would elect four delegates. The exception was Frederick, which was allotted four from each of its three districts. Annapolis and Baltimore were allowed two delegates each. Elections for the Ninth Convention were irregular in some locales. Democratic segments of the citizenry objected to the use of longstanding property qualifications and voted without the sanction of judges who supervised the elections. In some cases, restless crowds deposed duly appointed judges and selected different ones in their stead. Members of the Convention were generally unmoved by appeals for widening the electorate, and they rejected attempts of non-qualified voters to force the issue. The early days of the revolutionary movement in Maryland represented the state's character well—firm and forceful, but not radical. Wars had consequences. The colonies' decision for independence would surely result in an imperial

backlash. Maryland's elites, many of them merchants, had much to lose from the uncertainty of conflict. Broken commercial ties could easily jeopardize the health of the up-and-coming community.²⁶

The Ninth Convention that was called to draft Maryland's state constitution began its work on 14 August 1776. Three days later, the delegates "took into consideration the resolution of congress declaring the United Colonies free and independent states" and then "*unanimously*" resolved that the "convention will maintain the freedom and independency of the United States with their lives and fortunes." Immediately thereafter, Samuel Chase moved that "a committee be appointed to prepare a declaration on and charter of rights, and a plan of government agreeable to such rights." By day's end, the Convention "proceeded to ballot" for a committee to draft a plan of government and a declaration and charter of rights. Matthew Tilghman, a delegate from Talbot County who had been unanimously elected as president of the Convention, along with representatives of Maryland's commercial interests—Charles Carroll of Carrollton, Charles Carroll, Barrister, William Paca, George Plater, Robert Goldsborough, and Chase—comprised the seven-man committee.²⁷

On 27 August 1776, George Plater reported a declaration and charter of rights, and about two weeks later, on 10 September, he presented a constitution and form of government. After three weeks of deliberation, on 3 November, Maryland's delegates agreed to a slightly amended form of the declaration of rights, and five days later, on 8 November, the Convention "having gone through the form of government paragraph by paragraph," the constitution was adopted in a form that varied negligibly from the committee's original draft. Aside from the Convention's selection of a council of safety on 10 November, the Convention's last major action, on 11 November, was to order that the declaration of rights and constitution "be immediately printed" and disseminated to each of Maryland's counties—twenty-two copies to each county "by express." The Convention also ordered that its journal be printed "as soon as conveniently may be" and be sent to each of the Convention delegates. The Constitution was not submitted to the people for their assent. For this reason among others, Maryland's constitution of 1776 represented, in Philip Crowl's words, "the most conservative of all of the state constitutions framed in 1776–1777."²⁸

Maryland Under the Constitution of 1776

The Maryland constitution provided for a bicameral legislature, the General Assembly, which was to meet at least once a year, on the first Monday in November, and consisted of the Senate and the House of

Delegates. The constitution made clear at the outset that property holding would be the key to political influence in Maryland. Those eligible to elect members of the House of Delegates—four delegates per county and two each for Annapolis and Baltimore—were charged to select “the most wise, sensible, and discreet of the people,” who were to be residents of their respective counties or Baltimore for at least one entire year before the election. Delegates had to be more than twenty-one years in age with property, real or personal, “above the value of five hundred pounds current money,” which was no small sum for the period. Annapolis’ requirements for serving in the House of Delegates included residing within the city and having “a Freehold or visible Estate” of at least £20 sterling. Members of the House of Delegates would be elected annually.²⁹

The Maryland Senate was to be chosen by electors representing the individual counties and towns—two electors for each county and one each for Annapolis and Baltimore. Senate electors were to convene at Annapolis, or at another locale appointed for the meeting of the General Assembly, on the third Monday in September 1781 and on the same day in every fifth year following. At least twenty-four electors had to gather to elect members of the Senate. Fifteen senators, men of “the most wisdom, experience and virtue,” were to be selected for the office. The electors could choose from among themselves. They could also choose men at large. Nine were to represent the Western Shore, and six were to represent the Eastern Shore. The nine highest vote recipients among gentlemen of the Western Shore and the six highest vote recipients among those from the Eastern Shore would be elected. The men selected must have been Maryland residents for at least three years before the elections. They were to be more than twenty-five years in age with property, real and personal, “above the value of one thousand pounds current money.” A president of the Senate was to be chosen from among the senators by ballot of the senators. Maryland’s Senate would garner praise from some corners of the United States during the debates over the U.S. Constitution, which followed on the heels of the Constitutional Convention in September 1787. South Carolinian Charles Pinckney, for instance, regarded the Maryland Senate as “the best model of a senate that has yet been offered to the union.”³⁰

At an executive level, Maryland’s governor was to be “a person of wisdom, experience, and virtue” and would be selected annually on the second Monday of November “by the joint ballot of both Houses (to be taken in each House respectively).” A Council consisting of five men selected annually—again by joint ballot, this time in the manner governing the selection of state senators—on the second Tuesday of

November, would aid the governor in his work. Members of the Council were to be “the most sensible, discreet, and experienced men” and were held to the same age and property qualifications as senators, which again spoke to the state’s unique constitutional conservatism. Qualifications for governor were higher still: “No person, unless above twenty-five years of age, a resident in this State above five years next preceding the election—and having in the State real and personal property, above the value of five thousand pounds, current money, (one thousand pounds whereof, at least, to be freehold estate) shall be eligible as governor.” The governor would not be eligible to the office for longer than three successive years, and he would have to wait for a period of four years before being re-eligible for the office.³¹

Maryland’s delegates to Congress were to be selected annually. The delegates representing the state at the national level were not to serve in that capacity for more than three years of any six-year period, and at least two of the delegates were to be changed on an annual basis. Additionally, Maryland required its delegates to be at least twenty-one years of age and to have resided in the state for at least five years before the subsequent election. The delegates also had to be men of significant means, which meant having real and personal estate “above the value of one thousand pounds current money,” the same monetary requirement of the state’s senators.³²

All of this spoke to the character of Maryland’s constitutional settlement. Maryland’s constitution was an elite document, and its intentions were abundantly clear in requirements for officeholding. To wield political power in revolutionary Maryland one needed considerable wealth as well. “Under its [the Maryland constitution’s] aegis,” wrote Crowl, “Maryland was to be governed for a full generation by an oligarchy of lawyers, merchants, and landed gentry.”³³

Maryland’s Declaration of Rights, a forty-two article document, established its purpose at the outset. Since Parliament, “by a declaratory act,” had “assumed a right” to make laws for the American colonies “in all cases whatsoever,” the delegates to Maryland’s constitutional convention believed it necessary to establish a “good constitution” for the state, which included a “sure foundation” of established rights. Among those were an entitlement to the common law of England and the right to jury trials (Article III), the right to participatory government (V), and a guarantee of the separation of powers (VI). The Declaration of Rights also included the freedom of speech and debate in the legislature (VIII) and the prohibition of *ex post facto* laws (XV). Defendants had the right to know the charges against them in a criminal prosecution, the right to counsel, the right to confront witnesses,

and the right to a speedy trial (XIX). Excessive bail and cruel and unusual punishments were prohibited (XXII), as were standing armies without legislative consent and mandatory quartering of soldiers in private homes during peacetime (XXVI, XXVIII).³⁴

The Declaration of Rights also ensured an independent judiciary (XXX) and, not least, the liberty of the press (XXXVIII). Singular among the Declaration's principles was the conviction that non-resistance to arbitrary power (IV) was "absurd, slavish, and destructive of the good and happiness of mankind." The doctrine of non-resistance to arbitrary power was a corollary of the doctrine of the divine right of kings. In denying the principle of non-resistance, the Maryland Convention was also denying the right of any arbitrary authority over the people of Maryland.³⁵

One of few reforms in Maryland's constitution was the Declaration of Rights' mitigation of religious disfranchisement—for Christians, including Roman Catholics. The state constitution effectively ended the establishment of the Church of England. Article XXXIII of the Declaration granted freedom of worship to all Christians, who would be "equally entitled to protection in their religious liberty." Article XXXIII also gave the state legislature power to levy a tax "for the support of the christian religion" and permitted each person taxed to direct his taxes toward the support of "any particular place of worship or minister, or for the benefit of the poor of his own denomination." The Declaration provided for the Church of England's property rights in perpetuity, but it did not bind the legislature to provide maintenance for Anglican properties.³⁶

Confiscation of Loyalist Estates and Paper-Money Politics in Maryland

The issue of loyalism in Maryland was intertwined with politics and property, much as it was throughout the American states. While Congress tried to offer direction on this front, the states had to chart courses that were possible within their unique political climates. Consensus on the matter was not so easily arrived at in Maryland. Political loyalism was certainly problematic. Maryland could not afford insurrectionists in its midst. But long-lasting internal tension in Maryland stemmed mostly from the confiscation of Loyalist estates and the debt associated with their sale.

Maryland had passed a law as early as 4 July 1776 to keep Loyalists from extending their reach or propagating their sentiments within the state. The law was probably a response to a resolution that Congress considered on 24 June declaring British supporters to be guilty of treason. Maryland's attempt to legislate its inhabitants' political behavior

did not impress Loyalists in Worcester and Somerset, both counties on the Eastern Shore, where insurrection eventually erupted in February 1777 and lasted at least until April. General William Smallwood of Charles County, Maryland, later the governor under whom the state adopted the U.S. Constitution, was directed by Congress to assist Maryland's General Assembly in quelling the Eastern Shore disturbances. Some Worcester and Somerset Loyalists doubted that the Revolution would last, and they sent their wives and children to weather the storm in New York, where British troops remained stationed for the duration of the war. Others removed to Britain. Because of their location, Loyalists on the Eastern Shore benefited from a degree of British protection, and they in turn aided the British cause in Maryland, resorting to arms and providing counsel to British commanders. Many other Maryland Loyalists, particularly those who once held high posts in the colonial government and a significant contingent of Anglican clergy, abandoned the fray early on and made their way to Great Britain, perhaps hoping to return one day. Those Loyalists who left risked significant economic loss. Some who stayed shared their fate.³⁷

As early as November 1777, Congress recommended that the states confiscate and sell off Loyalists' property. The basis of a resolution that emerged in Congress on 27 November was that Loyalists had forfeited not only their property, real and personal, by allying with Britain in the civil war, but also had given up "the right to the protection of their respective states." The protection of property was not owed to those who purportedly turned their backs on the American cause. Congress went a step further, though. In the same resolution it advocated that proceeds from the sale of Loyalist estates be invested in "continental loan office certificates." Loyalists would not simply lose their property, but the sale of their property would be one of several ways to finance the American war effort. The violation of property rights did not sit well with some Marylanders, especially members of the elite state Senate. The Maryland House of Delegates and Senate found themselves locked in a perennial dispute on opposite sides of the question of confiscation following the congressional resolution.³⁸

Between 1779 and 1780, the two houses of the Maryland Assembly could not agree on the confiscation of Loyalist properties. The House had unanimously supported a confiscation bill in December 1779, and the Senate rejected the "extraordinary" bill on the grounds of insufficient time for debate, which an "abstruse, difficult, and important" matter deserved. Circumstances had prevented the bill from receiving "more mature deliberation." Inclement winter weather might soon impede travel across the Chesapeake, and the Senate adjourned to allow

members from the Eastern Shore to make their way home. The Senate questioned the House's support for a bill that would, in the Senate's estimation, only enrich speculators and other unscrupulous persons, who would acquire properties on too lenient terms. The Senate again rejected a confiscation bill from the House in the April session of 1780.³⁹

In January 1781, when the Senate finally conceded to a bill providing for the confiscation of Loyalists' property, senators stipulated by amendment that debts owed to British citizens and Loyalists would be exempted from confiscation. In other words, Americans could not justly escape paying their debts because of the ongoing conflict. The question of debts owed to British citizens brought with it a unique problem. Would debts paid in depreciated continental currency be held as legitimate? A "black list" including the names of men who paid depreciated currency into the Maryland treasury in 1781 aroused contention throughout the state and played into Maryland politics up to April 1788, when elections to the state ratifying convention were held. Once the two houses agreed on a bill, the sale of Loyalist properties in Maryland was initially entrusted to three commissioners. Following the resignation of several commissioners, the sale of the property would be put in the hands of Daniel of St. Thomas Jenifer, who was serving as intendant of the revenue and, after that post had been terminated, as special agent of Maryland's governor and council. The confiscated estates, the bulk of which would be sold before 1788, were sold under Jenifer's tenure in these two positions.⁴⁰

By the mid-1780s, Maryland's confiscation of Loyalist estates had grown entangled with the issues of paper money and debt relief in the state. "Paper money and debtor relief were the major political issues in Maryland during the mid-1780s," writes Gregory Stiverson. The sensitive nature of these already complicated fiscal and political questions was exacerbated by the debt associated with the sale of Loyalist estates. Disputes over the issues were primarily legislative in nature, and they developed in a way that eventually led to government stalemate. The Senate, which was not directly elected by the people, and the House of Delegates, which was more accountable through annual direct elections, repeatedly found themselves in conflict over debt relief, much as they had been during the stalemate over confiscation. Conflict between the two houses was heightened by a general state of tension about the postwar economy, particularly the burden of wartime debts and the hardship of redeeming paper currency that had been issued to fund the war. Additionally, the weight of a nationwide depression was crushing the potential for economic development in all the states.⁴¹

Maryland had a history with paper money during the Revolutionary era. By the time of the 1785–86 controversy in the General Assembly, the state had made at least three separate emissions of paper currency: continental state money, black money (£50,000), and red money (£200,000). The first two emissions were made as legal tender in 1780, and the last was issued in 1781. The currency depreciated in value from the outset. Maryland's initial plans were to redeem the red money between 25 December 1784 and 25 June 1785 and the black money by 1 May 1786. In order to retire the black money and the continental state money more quickly, the General Assembly passed an act during the November session of 1784, a "consolidating act," which provided that the currency emissions would be received at par for tax arrearages due before 1 March 1784. A second act passed in the November session of the following year expanded the previous provisions, allowing the emissions of 1780 to be received at par for taxes due before 1 January 1785. The legislature's actions in 1784 and 1785 increased the currencies' value, which made it difficult for debtors to pay their debts contracted at the peak of wartime inflation. The General Assembly's actions also provided for the systematic collection of the public debt, particularly the outstanding bonds for confiscated Loyalist estates and all tax arrearages, by 1 January 1790. The situation was ripe for conflict, and a significant part of the Maryland populace began clamoring for inflated currency. This was accompanied by increasing animus directed at wealthier members of Maryland society.⁴²

Maryland's elites, including merchants and propertied men, questioned the need for debt relief. Some perceived debtors as spendthrifts who tied up the repayment of just debts in legal appeals. Others saw in them people who had hoped to pay legitimate debts with depreciated currency. Some prominent Marylanders had speculated in the purchase of confiscated Loyalist estates, hoping to pay off their mortgages with depreciated currency. Without depreciated currency many of these men stood to lose fortunes. On the other hand, debtors often looked at creditors and those representing their interests, like the Senate, as too aristocratic and, therefore, out of touch with the plight of people who risked losing their property and livelihoods despite prudence.⁴³

In 1785–86, the Maryland House of Delegates would emerge as the champion of debt relief. No one serving in the Maryland Assembly could be described as poor, but some members of the House of Delegates sympathized with Maryland's debtors. Samuel Chase, William Paca, and Luther Martin, among others, who were themselves heavy speculators in confiscated property, began a lengthy campaign for paper money, and for debt relief, more generally. Political interest—the desire to be

returned to office—and personal economic security surely factored into their support.⁴⁴

Maryland and the Articles of Confederation

Arriving at a lasting system of government for the newly independent United States was not a process without difficulty. Americans' first attempts to draft such a government began as soon as independence seemed likely. In fact, Richard Henry Lee's motion of 7 June 1776, which called for the colonies to declare themselves "free and independent states," also included a proposal for "a plan of confederation" to be "prepared and transmitted to the respective colonies for their consideration and approbation." Lee's hopes would be realized when, on 12 June, the Continental Congress selected a grand committee (one delegate from each state), chaired by John Dickinson of Pennsylvania, to prepare that plan of government.⁴⁵

On 12 July the committee returned a draft of the Articles of Confederation to Congress, which ordered eighty copies to be printed. Between 22 July and 20 August, Congress debated the merits and deficiencies of the plan and amended it accordingly. At the conclusion of that period, Congress again ordered that eighty copies, this time of the amended plan of government, be printed and distributed to the delegates. Military hostilities kept Congress from devoting its complete attention to the matter of a new plan of confederation. But on 8 April 1777 Congress voted to spend two days each week tailoring the text, committing itself to advancing the necessary work. Seven additional months passed before all the states' concerns had been addressed. On 10 November, three men—Richard Law of Connecticut, Richard Henry Lee of Virginia, and James Duane of New York—were appointed to report additional amendments to Congress, which they did the following day, seven amendments in total. On 13 November, Lee and Duane, in addition to James Lovell of Massachusetts, were appointed to revise and arrange the new plan of government and to prepare a circular letter to the states. Congress adopted the Articles of Confederation on 15 November and ordered that 300 copies be printed. The copies took the form of a twenty-six page pamphlet signed by President of Congress Henry Laurens. Along with Laurens' circular letter, which explained the challenge of writing a constitution to accommodate each state's or region's interests, the Articles were sent to the legislatures for their deliberation. Maryland's legislature received copies of the Articles on 3 December. Congress asked that the state legislatures authorize their delegates to approve the plan of government on 10 March 1778.⁴⁶

Nine states had given their assent to the Articles of Confederation by 10 March, but all of those states—with the exception of Virginia, which was prepared to ratify unconditionally—had qualifications or amendments to propose. Maryland also had reservations. On 13 December 1777, a motion was put in the House of Delegates to delay consideration of the new plan of government until the following legislative session, but it was defeated. On 17 December, the House had produced three resolutions instructing Maryland's delegates to Congress. The Maryland Senate concurred with those resolutions on 22 December.⁴⁷

When Maryland's delegates returned to Congress in June 1778, they presented their instructions, which clarified the state's principal areas of dissatisfaction. Firstly, Marylanders were concerned that, under Article IV, "paupers" from one state might become a financial burden on the citizens of another. To support and sustain "friendship and intercourse" among the states in the union, Article IV extended the "privileges and immunities of free citizens in the several states" to "free inhabitants" in the others. The provision provided for the free flow of people and goods, and Maryland legislators wondered if some states might be disproportionately disadvantaged under the scheme.⁴⁸

Secondly, Maryland legislators sought "an explanation" of Article VIII, which dealt with the costs of war and defense and the expense of providing for the general welfare. Any cost was to be offset "out of a common treasury" which the states were to contribute towards "in proportion to the value of all land within each state, granted to or surveyed for any Person." The "united states in congress assembled" would determine the mode by which such an estimate would be arrived at "from time to time." Congress gave each state legislature "authority and direction" to levy taxes for meeting a proportion of expenses to support the new government. Maryland instructed its delegates in Congress to determine whether each state's proportion would be based on the lands surveyed "at the time of ratifying the Articles of Confederation" or if the proportion would be updated based on newly surveyed lands.⁴⁹

Thirdly, Maryland legislators wanted their congressional delegates "to remonstrate" the importance of settling the question of western lands. Because Maryland had been granted no western lands in its charter, the matter was pressing in state legislators' minds. Some states would benefit to the detriment of others. Maryland legislators believed it "essentially necessary for rendering the Union lasting" that Congress should have "full power" to determine and "fix" the western borders of states that had claims extending to the Mississippi River or the "South

Sea” (i.e., the Pacific Ocean). Maryland considered itself “justly entitled to a right in common with the other members of the Union” to the “extensive tract of country” to the west of the U.S. frontiers. The land would be secured from Britain or the Indians “by the blood and treasure of all” and, for that reason, should “be granted out on terms beneficial to all the United States.”⁵⁰

Maryland’s protest over western lands was the only contentious point among the state’s three resolutions, and some observers, even one of Maryland’s congressional delegates, had doubts whether the state would succeed in its objection. On 2 March 1778, John Henry, part of Maryland’s delegation, wrote to Nicholas Thomas, who was then serving as speaker of the Maryland House of Delegates, that he despaired of the delegates achieving their aim. There was little promise in light of other states’ likely opposition. On 10 March, the date originally established by Congress for a decision on the Articles, Henry wrote to Governor Thomas Johnson hoping that the issue of western lands would be decided soon. He concluded regretfully, “I fear it never will [be decided] in our favour.” In a second letter to Nicholas Thomas, on 17 March, Henry concluded that his fellow delegates had made up their minds on the subject, suggesting that “all attempts” to invest Congress with power to fix the states’ western boundaries would be “vain and fruitless.” The likelihood that the states would cede their western lands to Congress was not great, Henry noted. “The bare mentioning of the Subject rouses Virginia, and conscious of her own importance, she views her vast Dominion with the surest expectations of holding it unimpaired.”⁵¹

Because so few states were represented in Congress in March 1778, when that body originally called for ratification of the Articles, and because some delegates had not received instructions from their legislatures, Congress delayed further action on the Articles until 20 June, when it resolved that the delegates would present their instructions two days later, on 22 June. At that time no amendments but those presented by a state would be considered. In anticipation of that date, the Maryland Assembly renewed the instructions given at its October session. The delegates were “bound” by those former instructions, according to the June session of the legislature, and were unable to ratify the Articles until the Assembly received a response to its concerns and gave its delegates “express authority” to ratify.⁵²

On 22 June 1778, Maryland’s delegates tendered their instructions to Congress, and Congress rejected all three amendments. The amendments recommended by six other states were also rejected between 22 and 25 June. Following debate on 25 June, Congress appointed a committee to draft a form of ratification to appear after Article XIII, the

final article of the new plan of government. The delegates approved the form of ratification on the following day, and Congress ordered the Articles engrossed on parchment. On 9 July delegates from eight of the ten states that had ratified signed the engrossed copy of the Articles of Confederation. Georgia and North Carolina, which had ratified the Articles on 26 February and 25 April, respectively, were not present for the signing, but delegates from both states would add their names to the parchment by 24 July. Delegates' signatures from three states were left outstanding, two for a matter of months—New Jersey, whose delegates signed on 26 November 1778, and Delaware, whose delegate signed on 22 February 1779—and one, Maryland, for almost two and a half years.⁵³

Maryland's rationale for not ratifying the Articles was amplified in "A Declaration" that was agreed on in the Maryland Assembly on 15 December 1778 and was read to Congress on 6 January 1779. According to the text, Maryland would under no circumstances ratify the new plan of government until Congress was given full power to fix the western boundaries of states that had been given western lands in their founding documents. With the exception of western lands that had been surveyed and purchased by individuals at the outset of the war, Maryland consistently contended that other lands to the west should be held in common for the United States.⁵⁴

Virginia tried to force Maryland to ratify the Articles. By late February 1779, Maryland was the only non-ratifying state. Virginia's delegates arrived at Congress prepared for another refusal by Maryland. On 19 December 1778, Virginia's General Assembly had approved "certain powers and instructions" for its congressional delegates, and those instructions, laid before Congress on 20 May 1779, led the Virginia delegation to move that the new Confederation "be closed as soon as may be," rendering the Articles "forever binding" on the states that had acceded to the plan of government. The delegates' resolutions provided for a particular day and month to be named by which any states wishing to confederate had to ratify.⁵⁵

Perhaps anticipating such browbeating, Maryland's delegates came prepared to make a case for their state's insistence that all claims to western lands be relinquished under the Articles. Instructions from the Maryland legislature laid before Congress on 21 May made clear that the state's delegates were acting not on "the mere opinions of individuals," but from "the sense and deliberate judgment of the state [of Maryland]." The legislature, in its instructions, alluded to the question of western lands when it acknowledged the "almost equal division" of the states. Some states' "interests," and Virginia's, in particular, had

been clouded by “local attachments and prejudices, and the avarice and ambition of individuals,” according to the Maryland legislature. Were those prejudices and that ambition to “give way to the dictates of a sound policy,” one established on “the principles of justice,” Maryland argued, all of the states would be better served. Maryland flattered itself that the “apparent diversity of interests” might “soon vanish,” providing the confederated states an opportunity to unify “on terms mutually advantageous to all.” In the absence of the war with Britain, which had led some states to ratify “contrary to their own interests and judgments,” Maryland believed that local attachments would outweigh the benefit of union, that the formerly acceding states “will consider it as no longer binding,” and that some of those states will take the “first occasion” to assert their own prerogative in the interest of “securing their independence.”⁵⁶

Maryland considered Virginia’s designs obvious. In its view, the states that were “ambitiously grasping at territories” would vastly enrich themselves through the sale of western lands and then lord it over their neighbors, perhaps “by open force,” but more likely through other states’ “depopulation” and “impoverishment.” Maryland was confident in the justice of its cause. By opposing western land claims, Maryland saw itself as ensuring the mutuality and perpetuity of the Confederation. Claims to western lands, like those of Virginia and Massachusetts, were “injurious to more than one half, if not to the whole of the United States.” Such claims had to be supported “by the clearest evidence” of justice. Maryland had heard no such arguments from claimants. The Maryland legislature also had concerns that any states newly formed out of western lands not held by Congress might become unduly influenced by their parent states, which might create hierarchies of governance, confederacies and sub-confederacies, that would perhaps defeat “the letter and spirit of the proposed confederation.” Maryland’s strongest argument, and one of its original ones, for pressing the issue of western lands was that territory “wrested” from the British through shared military action—“by the blood and treasure of the thirteen states”—was rightly “common property” and should, therefore, “be parcelled out by Congress into free, convenient and independent governments” as Congress saw fit. Maryland had considered the matter “dispassionately” and “coolly” and instructed its delegates not to ratify until “an article or articles” ceding western lands to Congress had been added to the proposed plan of government. Maryland’s instructions, entered into the journals of Congress, was a boon to its position and an important remonstrance against Virginia and other states’ continued case for their charter prerogatives.⁵⁷

Maryland and Virginia remained in a contest of wills over the question of western lands until the end of 1780. The threat of a British invasion and the pressure to unify in the interest of securing French aid finally led the Maryland legislature to reconsider its longstanding posture toward the Articles. On 29 November 1780, a joint committee of Maryland's two houses was appointed to draft instructions to the state's congressional delegates. Within two months, on 27 January 1781, the House of Delegates passed a bill allowing Maryland's congressional delegation to ratify the Articles. On the following day, the Senate rejected the House bill. In response to the rejection, the House drafted a conciliatory message urging the Senate's approval. The message cited the "utility" of ratifying the Articles. According to the House of Delegates, the "advantages and necessity" of a united confederacy was "obvious" at the time. The war was in the front of everyone's mind. While the Senate did not inform the House of its rationale for refusing to pass the bill, the House could only presume that the chief difficulty was still the issue of western lands. The House maintained the justice of Maryland's perennial petition for Congress to have sole authority over western lands, but the time had come for the state to put aside its point, even if it was just:

The present appears to us to be a seasonable time to shew, that as our claim was better founded in justice than the exclusive claims of others, having supported it with firmness till a disposition is shewn of candidly considering it, we chuse rather to rely on the justice of the confederated states, than by an over perseverance incur the censure of obstinacy.⁵⁸

According to the House of Delegates, Congress' powers would be settled on "a known and permanent basis" with Maryland's decision to ratify the Articles. The confederated states' "confidence and satisfaction" would also increase. Of principal importance, Maryland's ratification would "gratify the wish of our illustrious ally" (i.e., France) and confirm the United States, in the eyes of Britain and the rest of Europe, "as one firm cemented body." The Senate agreed to the act of ratification four days later, on 2 February. The state forwarded its new instructions to delegates in Congress, grounding the legislature's decision in the importance of union and the need for French military aid against British encroachments in the Chesapeake.⁵⁹

On 12 February 1781, representing the Maryland delegation, Daniel Carroll, Maryland planter and merchant and cousin of Charles Carroll of Carrollton, "laid before Congress" a copy of the act ratifying the Articles. Daniel Carroll and John Hanson, a Maryland merchant and

soon-to-be president of Congress, signed the Articles in Congress on 1 March, which finally completed the new government.⁶⁰

Maryland and the Road to the Constitutional Convention

Even before the Articles of Confederation were adopted, proposals surfaced for a general convention to amend the Articles. Instead of a convention, Congress in February 1781 proposed a five percent tariff (the Impost of 1781), the revenue of which would be earmarked to pay the war debt. Maryland's legislature approved the impost on 12 June 1782, along with eleven other states. Rhode Island rejected the plan, effectively killing it. The second attempt to give Congress an independent source of revenue, the Impost of 1783, met with opposition, too, this time from New York. The Maryland Assembly passed the Impost of 1783 on 6 March 1786, and the remaining states, excluding New York, had ratified the proposal by that spring. Maryland's approval of the impost was noteworthy for its indication that Congress' power to collect the impost could be exercised "as soon as twelve states, including this state," shall pass laws complying with the request. Maryland's stipulation was an interesting departure from the unanimity requirement to pass amendments provided in Article XIII. In November 1784, Maryland also adopted amendments to the Articles giving Congress power to regulate commerce and to apportion federal expenses (taxes) among the states proportionally according to population.⁶¹

Some delegates in Congress who favored a strong central government had almost become convinced of the impossibility of working within the Articles. The imposts had highlighted the difficulty. They and other sympathizers steadily turned toward a constitutional convention. A conversation outside of Congress also began around the same time, as some newspaper publishers, pamphleteers, and private correspondents focused their energies on rectifying the governmental impasse. Decisive changes needed to be made for government to work.

The Virginia legislature can be credited with advancing the cause beginning in December 1784, when James Madison convinced the legislature to invite Maryland representatives to discuss worsening interstate commerce between the two, which reflected the type of stalemate, or potential stalemate, that had become a signature of the United States under the Articles of Confederation. The meeting of the two states anticipated the growing concerns that led to future gatherings.⁶²

Due to the oversight of Virginia's governor, the meeting between delegates did not occur in Alexandria, Virginia, as originally planned.

Instead, the conference of March 1785 took place at George Washington's home, Mount Vernon, near Alexandria, on the shores of the Potomac River. Tensions during the post-Revolutionary era had been exacerbated by the state of the economy, which was seriously depressed at the time. The gathering at Mount Vernon attempted to ameliorate differences between Virginia and Maryland over the navigation of the Chesapeake Bay and the Potomac.⁶³ Of necessity, Maryland's planters and merchants had to ship their produce and wares through the Chesapeake, including the section under Virginia's control, and Virginia commerce in the northern regions of the state and the Shenandoah Valley relied on access to the Potomac, then under the complete control of Maryland. The neighboring states' historic dispute over western lands, coupled with their unique geography—Virginia's claim to the capes of the Chesapeake, Maryland's claim on the Potomac—and the severity of the economic downturn, could have easily led to a taxation war between the state governments. Achieving concord between the states was not especially difficult. Each had something the other desired. Virginia was represented by two commissioners and Maryland by three commissioners—Samuel Chase, Daniel of St. Thomas Jenifer, and Thomas Stone. By 28 March, following a slightly delayed start, the commissioners had drafted a compact consisting of thirteen articles. The final article of the agreement provided that, once Maryland's and Virginia's legislatures gave their "approbation," the articles of the compact "shall be confirmed and ratified" by an act in each state "never to be repealed or altered by either without the Consent of the other." Maryland's legislature adopted a series of resolutions implementing the compact on 23 November 1785. In the interest of securing a freer flow of commerce among the mid-Atlantic states, Virginia and Maryland expressed an interest in annual meetings to discuss any further problems affecting interstate commerce. Widening the amity, Maryland proposed that Pennsylvania and Delaware, who also had a stake in the region's key waterways, be included in future negotiations.⁶⁴

Virginia's second, more decisive move toward a convention of the states was its call for a meeting of commissioners from all of the states to discuss the commercial problems that had left the government politically lame. On 21 January 1786, the Virginia Assembly passed a resolution calling for commissioners "to take into consideration the trade of the United States," which would include a discussion of the "relative situations" of trade in the individual states and thoughts about how "a uniform system" in states' commercial regulations could better support

national life. The outcome was intended to be an act that, when unanimously agreed upon in Congress, would secure the commercial and political future of the fledgling country. On 19 February, Edmund Randolph, who chaired the Virginia delegation, sent copies of the 21 January resolution to the state executives. On behalf of the Virginia legislature, Randolph requested that the other states select commissioners to meet on “the first Monday in September next” in Annapolis. Virginia had already selected its commissioners, eight in total. New Englanders, in particular, were suspicious of the meeting’s designs. They imagined that its purpose was as much political as commercial. Nine states appointed delegates to meet in Annapolis. Twelve commissioners from five states would attend (N.Y., N.J., Del., Pa., and Va.).⁶⁵

Though the meeting of states would convene in Maryland’s capital, Maryland appointed no delegates. The two houses of the legislature disagreed with each other whether the state should send representatives to a meeting that might impinge on the authority of Congress. The Senate, in particular, believed that the proposed meeting of states would be “liable to some weighty objections.” Maryland’s House of Delegates did not share the Senate’s qualms. On 8 March, the House registered its approval of the gathering in Annapolis by nominating commissioners. Three days later the Senate cited fears that the meeting would be misconstrued or misunderstood abroad, especially in Europe, that it would “give umbrage to congress,” and that U.S. citizens might be disquieted, thinking that the Confederation Congress lacked “the will or wisdom” to regulate commerce effectively. Given appropriate powers, the Senate had no doubt that Congress could competently manage the nation’s commercial affairs. The Senate did not question Virginia’s good intentions but thought that calling such conventions might prove a dangerous innovation for the young republic.⁶⁶

The Annapolis Convention began meeting on 11 September 1786, one week later than proposed in Randolph’s letter, at which time the commissioners elected Delawarean John Dickinson to the chair. The men met over parts of four days, concluding the Convention on 14 September. The commissioners prepared a report to the legislatures of the states that had been represented in Annapolis, but copies of the report were also sent to Congress and other state executives. The report prepared by the commissioners represented real potential for strengthening the central government. The mere gathering of states’ representatives in Annapolis had suggested that there were “important defects in the system of the Foederal Government.” A “closer examination” revealed the probability that those defects were “greater and more numerous” than anyone imagined. The poor state of national affairs reflected the depth of the government’s deficiencies. “Some mode” was

needed to unite the states. The commissioners had in mind a convention of all thirteen states. That convention would be for the “special and sole purpose” of discussing weaknesses in the Articles of Confederation. The United States’ situation was “delicate and critical.” The “united virtue and wisdom” of the entire confederacy was necessary, which led the state delegations at Annapolis to recommend “the appointment of Commissioners, to meet at Philadelphia on the second Monday in May next, to take into consideration the situation of the United States.” After making recommendations for rectifying the shortcomings of the Articles of Confederation, delegates were “to report such an Act for that purpose” to Congress.⁶⁷

Doubts about the constitutional legitimacy of the commissioners’ call for a convention occurred to some people, like John Jay. Even if the Confederation Congress took up the commissioners’ proposal, some questioned whether Congress had power to act in the matter. The Articles of Confederation, under Article XIII, had provided a way of amending the plan of government. Would any approach other than that be acceptable for addressing its deficiencies? The matter was debatable. Congress’ action, or lack thereof, would be critically important to the country’s future.⁶⁸

Congress had received the Annapolis commissioners’ report by 20 September 1786 and, on 11 October, appointed a grand committee of ten members (three states being absent) to consider action on the report. Opposition to the report within Congress prevented further action on the matter until the new federal year, when on 12 February 1787 a quorum was finally achieved in Congress. As a result of agrarian uprisings around the country in 1786 and 1787, the culmination of which was violent armed rebellion in western Massachusetts, Shays’s Rebellion, Congress and more of the states were amenable to considering the report of the Annapolis Convention. On 13 February, Congress added two additional delegates to the ten-member grand committee of October 1786. On 19 February, by a majority of one vote, that committee endorsed the Annapolis commissioners’ idea of calling a convention in Philadelphia. Two prominent attempts to limit the purpose and power of any convention—one by New York, the other by Massachusetts—were made in Congress. New York moved to postpone consideration of the grand committee’s report in favor of a motion based on instructions that New York’s delegates had received from their state legislature. That motion was rejected. Massachusetts also proposed that consideration of the committee report be postponed and recommended that Congress call a convention for “the sole and express purpose of revising the Articles of Confederation.” Any suggested changes

would go into effect following Congress' and the states' approval of them. Nine states voted on the motion. Eight favored it.⁶⁹

Based on the report of the Annapolis commissioners, seven states (Va., N.J., Pa., N.C., Del., Ga., and N.H.) had already elected delegates to Philadelphia when Congress approved Massachusetts' motion. Five other states (Mass., N.Y., S.C., Conn., and Md.) elected delegates following the motion. (New Hampshire's legislature held two elections.) Every state in the confederacy, with the exception of Rhode Island, which refused to elect delegates, would be represented at Philadelphia.⁷⁰

The six months leading up to the Maryland Assembly's appointment of delegates were difficult and sometimes rancorous ones in the state legislature. The two houses of the Maryland legislature had been at odds with each other over paper money. That issue had strained the goodwill of legislators, who on both sides of the question of debt relief concurred in the necessity of shoring up the central government. An unexpected adjournment of the House of Delegates on 20 January 1787, a tactic endorsed by paper-money men, was intended to divest the Senate of its longstanding advocacy on behalf of creditors. The Senate was dismayed at the House's approach. The House of Delegates prepared to remain in adjournment until 20 March, and the Senate did not expect to reconvene until 20 April. Little had been accomplished during the legislative session. The two houses reconvened in early April, partly at the behest of Governor William Smallwood, who had issued a proclamation for the Assembly to meet. At that time the two houses agreed that five men would represent the state at Philadelphia.⁷¹

The House nominated ten men on 20 April 1787. The Senate nominated four on the next day. During the nomination and election process, several delegates refused to serve or resigned when elected. Among them were Samuel Chase; Thomas Johnson, a lawyer who had served in both the state House and Senate and as governor; and William Paca, a lawyer-planter who had also served Maryland as a state legislator and governor. These were not the last of the refusals and resignations. Completing the five-man Maryland delegation proved more challenging than many had imagined. More than a month after the two houses had begun the process of nominating and electing delegates the composition of the delegation was still unclear. The Maryland delegation was finally filled out on 24 May, the same day on which the two houses passed an act that "appointed and authorised" the delegates to represent the state at Philadelphia. That act provided that the delegates, "or such of them as shall attend the said convention," would be entrusted with "full power" to represent Maryland's interests. The men

were listed by name: James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin. On the following day, the two houses adopted a resolution to pay the delegates. The act that appointed the five men was signed into law on 26 May. A quorum of delegates had only just been reached in Philadelphia.⁷²

The Constitutional Convention

Maryland's delegates to the Philadelphia Convention were men of significant stature in the state. McHenry had served as a surgeon in the Continental Army and, later, as assistant secretary to General George Washington and aide-de-camp to General Lafayette. An Irish immigrant to the fledgling United States, McHenry eventually settled in Baltimore, where he established himself as a merchant and land developer. Jenifer had long been a Maryland political insider. His service to both the proprietary regime and the Revolutionary-era government bore witness to the fact. A Charles County planter of means, Jenifer had distinguished himself in many areas of Maryland state politics. Carroll, a Montgomery County planter, hailed from one of Maryland's distinguished families. Carroll had also established his reputation during years of repeated officeholding on the state level. Along with Pennsylvanian Thomas FitzSimons, he was one of two Catholic delegates to sign the Constitution. Mercer was a relatively recent arrival to the state, having settled in Maryland in 1785. A Virginia planter who had served during the Revolution, Mercer, along with Martin, represented the Antifederalist perspective within the delegation. Martin was the final member of the delegation. Unlike his fellow delegates, who primarily represented Maryland's planting and mercantile interest, Martin was a lawyer. Born in New Jersey, Martin relocated to Baltimore, where he embarked on a multi-decade tenure as Maryland's attorney general. His reputation as a litigator would only expand, principally for his later defense of Aaron Burr during the famous 1807 treason trial.⁷³

With the exception of Martin, none of the other Maryland delegates participated in any decisive way during the four months of the Federal Convention. Jenifer and Martin, who appeared in the Convention on 2 and 9 June 1787, respectively, attended more of the secret proceedings than other Maryland delegates. McHenry and Carroll were also present for significant portions of the Convention. Mercer attended for less than two weeks, 6–17 August. Martin's opposition to the proceedings of the Convention and the plan of government produced by it was noteworthy. Naturally distrustful of the Virginia Plan for its potential to increase the prominence and power of that state and other large states, like Massachusetts and Pennsylvania, Martin supported William

Paterson's proposed amendments to the Articles of Confederation (i.e., the New Jersey Plan), which had maintained the states' equal representation in Congress. Martin may have even been involved in drafting the amendments. That fact is not clear. Paterson's plan was rejected; the Maryland delegation was divided on the proposal.⁷⁴

Once the new plan of government began to take shape, Martin expressed serious qualms about its lack of a bill of rights. He feared that citizens might easily fall prey to a government under which individual rights were not explicitly guarded, not even to the extent that they had been in some state constitutions. Martin's and Mercer's absence from the Convention before its conclusion reflected the men's growing distrust of a new system of government that, in their minds, was being empowered beyond expectation and need. Such a system might put the states' sovereignty at risk. Maryland's three other delegates did not share the scruples of Martin and Mercer, and, along with thirty-five fellow delegates from other states, signed their names to the Constitution on 17 September 1787, the date on which the Convention closed. In his role as Convention president, George Washington transmitted the Constitution to Congress, requesting that it be sent to the states for their consideration. The new Constitution would become effective among the ratifying states after nine had given their assent.⁷⁵

Upon their return to Maryland, the state's delegates would be asked to give account of the Convention's proceedings. The General Assembly was scheduled to meet in early November 1787. Once in session, the House of Delegates wasted little time in calling on the men who attended at Philadelphia. On 23 November, the House requested that its five delegates appear on 29 November to give a report. Four of the five delegates certainly attended the House as requested. No record exists of Mercer's attendance, though Daniel Carroll noted that Mercer was in Annapolis while the Assembly was in session. The aftermath of the Philadelphia Convention revealed the delegates' decidedly different perspectives on what had taken place. Martin suggested that a strong monarchical faction had existed at the Convention. In Martin's estimation, that faction wanted to destroy the state governments in the interest of greater centralization. The delegates disagreed among themselves over the existence of such a faction and, if there was a faction, who might have been sympathetic with it. As he had been at the Convention, Martin would continue to be an outspoken critic of the Constitution at the state level. Martin's *Genuine Information*, a twelve-installment analysis and critique of the Convention and Constitution printed between December 1787 and February 1788 in the *Baltimore Maryland Gazette*, would give voice to his many anxieties about living

under a significantly strengthened national government, a government that Marylanders were being asked to debate and ratify. Martin and others—newspaper printers, essayists, letter writers, and pamphleteers—were beginning the work of laying bare the Constitution for Marylanders. The debate was public and private, peaceful and rancorous, ordinary and erudite. It was a debate that was happening across the country, and the culmination of it in Maryland would arrive in April 1788: the Maryland state Convention.⁷⁶

1. Aubrey C. Land, *Colonial Maryland: A History* (Millwood, N.Y., 1981), 4–6; and William Warren Sweet, *The Story of Religion in America* (New York, 1950), 77–78.

2. Thorpe, III, 1679; and Merrill Jensen, ed., *English Historical Documents: American Colonial Documents to 1776* (New York, 1955), 63–64.

3. Sweet, *Religion in America*, 77; and Neil H. Cogan, ed., *The Complete Bill of Rights: The Drafts, Debates, Sources, and Origins* (New York, 1997), 17.

4. Sweet, *Religion in America*, 41–43; and Land, *Colonial Maryland*, 118.

5. Thorpe, III, 1679.

6. Gregory Stiverson, “Necessity, the Mother of Union: Maryland and the Constitution, 1785–1789,” in Patrick T. Conley and John P. Kaminski, eds., *The Constitution and the States: The Role of the Original Thirteen in the Framing and Adoption of the Federal Constitution* (Madison, Wis., 1988), 132–33. Land contends that the departure of Robert Eden, the governor of Maryland, in June 1776 “symbolically ended proprietary government in Maryland,” though he concedes that any real authority with the proprietor had ended almost two years earlier when the first extralegal convention met in June 1774. See Land, *Colonial Maryland*, 313–14.

7. Ronald Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland* (Baltimore, 1973), 3, 44–47.

8. *Ibid.*, 3, 28–30.

9. *Ibid.*, 3. See also Jensen, *English Historical Documents*, 655–56, 672–73.

10. Hoffman, *Spirit of Dissension*, 36–40. For the nonimportation agreement by New York’s merchants, see Jensen, *English Historical Documents*, 671–72.

11. Daniel Dulany, Jr., *Considerations on the Propriety of Imposing Taxes in the British Colonies . . .*, 2d ed. ([Annapolis], 1765) (Evans 9956); Hoffman, *Spirit of Dissension*, 50–54; and Aubrey C. Land, *The Dulanys of Maryland: A Biographical Study of Daniel Dulany, the Elder (1685–1753), and Daniel Dulany, the Younger (1722–1797)* (Baltimore, 1955), Chapter 17, especially pp. 263–65.

12. Hoffman, *Spirit of Dissension*, 38–40.

13. *Ibid.*, 48–52.

14. Peter S. Onuf, ed., *Maryland and the Empire, 1773: The Antilon-First Citizen Letters* (Baltimore, 1974), 13–16; and Land, *Dulanys of Maryland*, 289–91.

15. Onuf, *Maryland and the Empire*, 15–16; and Land, *Dulanys of Maryland*, 301–2.

16. Onuf, *Maryland and the Empire*, 14–16; and Land, *Dulanys of Maryland*, 302. For background to the feud that existed between the Carrolls and the Dulanys, see Land, *Colonial Maryland*, 291–93.

17. Onuf, *Maryland and the Empire*, 15–16, 43–51, 54–55, 66, 118, 121–22, 125–26, 147, 151, 152, 186–87, 188, 189, 225–27. For Dulany’s denial of the parity of taxes, or ship-money, and fees, see “Antilon’s” second and third responses (pp. 61–76, 100–123). See also Land, *Dulanys of Maryland*, 302–3.

18. Onuf, *Maryland and the Empire*, 14–15; and Land, *Dulanys of Maryland*, 302–4.

19. Hoffman, *Spirit of Dissension*, 133–35; Jensen, *English Historical Documents*, 773–79; and Edward C. Papenfuse, *In Pursuit of Profit: The Annapolis Merchants in the Era of the American Revolution, 1763–1805* (Baltimore, 1975), 49–50.

20. Hoffman, *Spirit of Dissension*, 135–36.

21. *Ibid.*, 136–38.

22. *Proceedings of the Convention of the Province of Maryland . . . at the City of Annapolis, on Thursday the Seventh of December 1775* (Annapolis, 1776) (Evans 14832), 36–37; *Proceedings of the Convention of the Province of Maryland, Held at the City of Annapolis, on Friday the twenty-first of June 1776* (Annapolis, 1776) (Evans 14834), 10; JCC, V, 504; Philip A. Crowl, *Maryland During and After the Revolution: A Political and Economic Study* (Baltimore, 1943), 29; and Land, *Colonial Maryland*, 314. While Paca, Rogers, and Stone appear to have been present for the vote on independence on 2 July, the Maryland delegates who actually signed the engrossed copy of the Declaration of Independence on 2 August were Charles Carroll of Carrollton, Samuel Chase, Paca, and Stone. See also Robert J. Taylor and Gregg L. Lint, eds., *Papers of John Adams* (Cambridge, Mass., 1977–), IV, 351.

23. Taylor, *Papers of John Adams*, IV, 361–62. See also the introduction to Edward C. Papenfuse and Gregory A. Stiverson, eds., *The Decisive Blow Is Struck: A Facsimile Edition of The Proceedings of the Constitutional Convention of 1776 and the First Maryland Constitution* (Annapolis, 1977).

24. Papenfuse, *Decisive Blow*, Introduction. For the quoted selections, see Appendix I (RCS:Md., 770).

25. Taylor, *Papers of John Adams*, IV, 369–70, 372–73; and CDR, 72.

26. Crowl, *Maryland*, 29–32; Land, *Colonial Maryland*, 316; and Papenfuse, *Decisive Blow* (3 July 1776 resolutions).

27. Papenfuse, *Decisive Blow* (Convention Journal).

28. Papenfuse, *Decisive Blow* (Convention Journal); and Crowl, *Maryland*, 30–32. In her work on the Revolution in Charles County, Md., Jean Lee argues that, “measured against the colonial past,” the new state constitution (1776) “promised substantial change.” Lee points to the elimination of “‘grievous and oppressive’ poll taxes” and a reduction in suffrage qualifications. And while property qualifications for candidacy to the state Assembly increased, perhaps a mark of elites’ aggrandizement of power, Lee also contends that members of Maryland’s House of Delegates became “more regularly accountable to their constituents” because of annual elections. See Jean B. Lee, *The Price of Nationhood: The American Revolution in Charles County* (New York, 1994), 131.

29. RCS:Md., 776–77; and Thorpe, III, 1695. See also *The Bye-Laws of the City of Annapolis in Maryland . . .* (Annapolis, 1769) (Evans 11156), 8–9, for requirements to hold statewide offices from Annapolis.

30. Thorpe, III, 1693–95; and Charles Pinckney, “Speech at the Opening of the South Carolina Convention,” 14 May 1788, in the *Charleston City Gazette*, 3 June 1788.

31. Thorpe, III, 1695–96.

32. RCS:Md., 779.

33. Crowl, *Maryland*, 32.

34. RCS:Md., 770–76.

35. RCS:Md., 771, 773, 775.

36. RCS:Md., 774.

37. JCC, V, 475; and J. Thomas Scharf, *History of Maryland from the Earliest Period to the Present Day* (3 vols., Baltimore, 1879), II, 296–304.

38. JCC, IX, 971; and Crowl, *Maryland*, 42–43.

39. *Votes and Proceedings of the House of Delegates of the State of Maryland. November Session, 1779 . . .* (Annapolis, 1780) (Evans 16831), 45; *Votes and Proceedings of the Senate of the State of Maryland. November Session, 1779 . . .* (Annapolis, 1780) (Evans 16832), 23, 24–25,

51, 55, 59–60, 60–61; and Crowl, *Maryland*, 42–45. See also *Proceedings of the Two Houses of Assembly of the State of Maryland, on the Subject of Confiscation of British Property* (Annapolis, 1780) (Evans 16830).

40. *Votes and Proceedings of the Senate of the State of Maryland. October Session 1780. . . .* (Annapolis, 1781) (Evans 17208), 21, 40, 46; and Crowl, *Maryland*, 45–46. For a copy of the “black list,” see William Arthur O’Brien, “Challenge to Consensus: Social, Political and Economic Implications of Maryland Sectionalism, 1776–1789” (Ph.D. diss., University of Wisconsin-Madison, 1979), 460–62. For references to the black list during elections to Maryland’s ratifying convention, see RCS:Md., 557, 559–60, 564–65, 616.

41. Gregory A. Stiverson, “Maryland’s Antifederalists and the Perfection of the U.S. Constitution,” *MHM*, 83 (1988), 20.

42. Crowl, *Maryland*, 61–63, 87–89.

43. Crowl, *Maryland*, 91–92.

44. Stiverson, “Maryland’s Antifederalists,” 20; and Crowl, *Maryland*, 63, 96–98.

45. CDR, 78.

46. CDR, 78, 96, 100n.

47. CDR, 96, 97–98, 100n.

48. CDR, 87, 97.

49. CDR, 89, 97.

50. CDR, 97–98.

51. Paul H. Smith, ed., *Letters of Delegates to Congress, 1774–1789* (26 vols., Washington, D.C., 1976–2000), IX, 205, 258, 305.

52. CDR, 96, 98.

53. CDR, 96–97, 98–100, 136n–37n.

54. Merrill Jensen, *The Articles of Confederation: An Interpretation of the Social-Constitutional History of the American Revolution, 1774–1781* (Madison, Wis., 1970), 202–4.

55. JCC, XIV, 617–18; and Jensen, *Articles of Confederation*, 203–5.

56. JCC, XIV, 619–22. For the “almost equal division” of the states on the issue of western lands, see the 23 June 1778 vote tally by state delegation (CDR, 99–100), where six states (N.H., Mass., Conn., Va., S.C., and Ga.) voted against empowering Congress to administer the western lands and five states (R.I., N.J., Pa., Del., and Md.) voted in favor of such a proposal. New York’s delegation was divided. North Carolina was absent.

57. JCC, XIV, 619–22.

58. CDR, 136n–37n; *Votes and Proceedings of the House of Delegates of the State of Maryland. October Session, 1780. . . .* (Annapolis, 1781) (Evans 17207), 38, 102–3, 106–7; and *Votes and Proceedings of the Senate of the State of Maryland. October Session, 1780. . . .* (Annapolis, 1781) (Evans 17208), 38–39.

59. CDR, 136n–37n; *Votes and Proceedings of the House of Delegates of the State of Maryland. October Session, 1780. . . .*, 106–7; and *Votes and Proceedings of the Senate of the State of Maryland. October Session, 1780. . . .*, 49–50.

60. CDR, 135–37n.

61. *Votes and Proceedings of the House of Delegates of the State of Maryland. November Session, 1781. . . .* (Annapolis, 1782) (Evans 17585), 158; *Votes and Proceedings of the Senate of the State of Maryland. November Session, 1785. . . .* (Annapolis, 1786) (Evans 19773), 73; and *Laws of Maryland . . .* [November 1785 Session] (Annapolis, 1786) (Evans 19770), Chapter LXIV.

62. Alan V. Briceland, “Virginia: The Cement of the Union,” in Conley and Kaminski, *Constitution and the States*, 202.

63. *Ibid.*, 202–3; and *Votes and Proceedings of the Senate of the State of Maryland. April Session, 1787. . . .* (Annapolis, 1787) (Evans 20490), 63.

64. Briceland, "Virginia," 202–3; Robert A. Rutland, ed., *The Papers of George Mason, 1725–1786* (3 vols., Chapel Hill, 1970), II, 812n–14n, 816–21; and *Votes and Proceedings of the Senate of the State of Maryland. November Session, 1785*, 7.

65. CDR, 177n, 180–85.

66. Stiverson, "Maryland," 139–40; *Votes and Proceedings of the House of Delegates of the State of Maryland. November Session, 1785*. . . . (Annapolis, 1786) (Evans 19772), 185; and *Votes and Proceedings of the Senate of the State of Maryland. November Session, 1785*, 84–85.

67. CDR, 177n, 181–85.

68. CDR, 177n–78n.

69. CDR, 178n–79n.

70. CDR, 193n–94n.

71. RCS:Md., 780n–81n.

72. RCS:Md., 781n–82n, 804–5.

73. RCS:Md., 767–69. For further details about Maryland's delegates to the Philadelphia Convention (including age, religious affiliation, education, military service, colonial/state service, and service under the U.S. Constitution), see the "Biographical Gazetteer," RCS:Md., 767, 768, 769.

74. Farrand, III, 587–89; CDR, 250n–51n; and Stiverson, "Maryland," 142–43.

75. CDR, 304n–5n; and Stiverson, "Maryland," 143–44. Signatures of the three Maryland delegates accompanied those of thirty-six other men, though only thirty-five men actually signed the Constitution. Delawarean George Read signed for fellow Delaware delegate John Dickinson.

76. For more on the delegates' disagreement over a monarchical, or kingly, faction in the Federal Convention, see the headnote and documents in Appendix IV, "The Constitutional Convention and the Controversy over Kingly Government" (RCS:Md., 820–30). See also the headnote to "Luther Martin: Genuine Information I," Baltimore *Maryland Gazette*, 28 December 1787 (RCS:Md., 126n–28n).

Note on Sources

Legislative and Executive Records

The legislative records used in these two volumes consist largely of the votes and proceedings of the House of Delegates and the Senate that were printed by order of the state legislature by Frederick Green, state printer and co-publisher of the Annapolis *Maryland Gazette*. There is no manuscript record of these proceedings. The proceedings that the editors used most heavily are for the sessions of November 1786 (Evans 20487, 20489), April 1787 (Evans 20488, 20490), November 1787 (Evans 21224, 21226), and May 1788 (Evans 21225, 21227). Green also printed the laws and resolutions passed by the legislature, which also appear in these two volumes. Sessions laws adopted before Green became state printer in 1775 have also been employed, as has a law code book.

Lists of names of legislators for November 1786, April 1787, November 1787, and May 1788 can be found in the first volume of Edward C. Papenfuss et al., eds., *A Biographical Dictionary of the Maryland Legislature, 1636–1789* (2 vols., Baltimore and London, 1979–1985). These lists also include the committee assignments of the delegates. Below the legislative lists are the names of the members of the Executive Council. These two volumes also include extensive biographical data on the members of the legislature from 1636 through 1789.

Manuscript records exist for the Executive Council (Maryland State Archives) and these were used since no printed record exists of the Council's proceedings.

Manuscripts

Manuscript letters and other manuscript sources for the debate about the Constitution are both concentrated in a few repositories and widely scattered. The bulk of the material in these two volumes comes from five repositories: the Historical Society of Pennsylvania, the Library of Congress, the Maryland Historical Society, the New-York Historical Society, and the New York Public Library. One to three collections at these institutions represent the bulk of the manuscripts printed in Maryland. These repositories also contain collections that contribute only one or two letters. Eleven institutions and a single private individual contribute collections from which one item is printed in these two volumes.

By far the largest number of letters of any repository are from the Historical Society of Pennsylvania, with twenty letters coming from the

Tench Coxe Papers, ten from the Hollingsworth Family Papers, and four from the William Tilghman Collection. Correspondents of Coxe, a Federalist polemist, include James Buchanan, Alexander Contee Hanson, Thomas Hartley, John Relfe, Samuel Smith, and William Smith. Incoming letters from Coxe are in the Tilghman Collection. The Hollingsworth Family Papers contain letters of a Quaker mercantile and political family living in both Pennsylvania and Maryland. Levi Hollingsworth was one of the wealthiest merchants in Philadelphia. His brothers, Henry and Zebulon, Jr., were merchants in Elkton, Maryland. Henry served in the Maryland Convention. Six other collections in the society contribute eight letters.

Two collections at the Library of Congress yield sixteen letters: the George Washington Papers (9 letters) and the James Madison Papers (7 letters). Washington's Maryland correspondents included Thomas Johnson, George Lux, James McHenry, and Daniel of St. Thomas Jennifer. The Madison Papers has letters from Virginia Governor Edmund Randolph and Daniel Carroll, both of whom were delegates to the Constitutional Convention. Carroll informed Madison about the elections to and the proceedings of the Maryland Convention. Carroll also sent Madison copies of the address of the Maryland Convention's Anti-federalist minority. The Madison Papers also contains a lengthy narrative written by Alexander Contee Hanson, a delegate to the Maryland Convention, describing the proceedings of the Convention's amendment committee. Carroll's and Hanson's letters and their enclosures were sent to Madison as he prepared to attend the Virginia Convention as a delegate. The Library of Congress also has James McHenry's diary while he was a delegate to the Constitutional Convention and five other collections from which six items are printed in these two volumes. Of these collections, the John Leeds Bozman Family Papers have the speeches that McHenry and his fellow Convention delegate, Luther Martin, made to the Maryland House of Delegates in November 1787 giving information on the Convention's proceedings.

Two collections at the Maryland Historical Society contain substantial material printed in these two volumes. The William Tilghman Papers have five letters with material on the ratification of the Constitution and the James McHenry Papers yield four letters about the issue of kingly government in the Constitutional Convention (see Appendix IV). The Otho Holland Williams Papers contain three letters and a draft of a lengthy essay signed "A Marylander." (The pseudonym was changed to "An Elector" when it was published in a newspaper.) This draft helped the editors identify Williams as the writer of other newspaper articles signed "A Marylander." The Ridgely Papers has a detailed letter

on the upcoming election for delegates to the Maryland Convention that was written by George Lux, who also published newspaper articles on the election under his own name. The Society owns a five-page document that may be notes for a speech that Charles Carroll of Carrollton intended to deliver to the Maryland Convention had he been elected a Convention delegate.

Letters to Horatio Gates from Marylanders are in the Gates Papers at both the New-York Historical Society and the New York Public Library. The latter also has a copy of a manuscript itemizing numerous objections to the Constitution by Samuel Chase, a leader of the Anti-federalist minority in the Maryland Convention. Chase's granddaughter lent the original manuscript to historian George Bancroft who had a copy of it made.

The Maryland State Archives has a forty-page manuscript of notes for a speech that Charles Carroll of Carrollton intended to deliver to the Maryland Convention if elected to that body. The National Archives preserves the Maryland Form of Ratification and the only surviving copy of the Maryland Convention's journal. A portion of the journal through the vote to ratify the Constitution had been forwarded to Congress with the Form of Ratification.

Newspapers

From September 1787 through July 1788, four newspapers were published in Maryland at one time or another. Two newspapers, the *Maryland Gazette* and the *Maryland Journal*, were printed in Baltimore. The third newspaper, the *Maryland Chronicle*, was printed in Frederick. The last newspaper, also titled the *Maryland Gazette*, was based in Annapolis—the state capital and meeting place of both the state legislature and Maryland Convention. The Baltimore newspapers were published semiweekly on Tuesday and Friday, while the Annapolis and Frederick newspapers appeared weekly, the Annapolis paper on Thursday and the Frederick paper on Wednesday. The Baltimore and the Annapolis newspapers have almost complete runs from September 1787 through July 1788. The Frederick newspaper has nearly a complete run for September through December 1787 and almost no extant issues for 1788.

The numerous arguments in Maryland's ratification debate were well covered in the two Baltimore newspapers—the *Maryland Gazette* and the *Maryland Journal*. The Federalist and Antifederalist positions were well represented in both newspapers. These two newspapers printed many major original pieces and both, especially the *Journal*, reprinted major pieces from the newspapers of other states. The Annapolis *Maryland Gazette* was not a major participant in the debate, while not enough

issues of the *Maryland Chronicle* exist to determine its status in the debate. In analyzing advertisements in the *Maryland Journal* and the Annapolis *Maryland Gazette* for 1773, historian Clarence P. Gould concluded that “the Annapolis newspaper circulated only along the tidewater” while the Baltimore paper circulated “chiefly in the western country” (Joseph Towne Wheeler, *The Maryland Press, 1777–1790* [Baltimore, 1938], 57). “A Republican,” *Maryland Journal*, 6 May 1788, had reached the same conclusion. He asserted that the Annapolis paper “has a very confined circulation” while the two Baltimore papers did not circulate on the Eastern Shore. “A Republican” also believed that, although the Baltimore newspapers circulated “through the different counties of the Western Shore,” they “are read by, comparatively, few of the common class of the people” (RCS:Md., 737).

Given the proximity of Philadelphia to Maryland, many of that city’s newspapers (and broadsides and pamphlets) circulated in Maryland. The *Pennsylvania Gazette* was probably the most popular Philadelphia newspaper in Maryland. In November 1787, William Tilghman, a prominent merchant and politician, remarked that the Philadelphia newspapers had “a much more extensive circulation” in Chestertown than the local newspaper ever had (RCS:Md., 62. See also RCS:Md., 103.). Between the numerous original and reprinted items that appeared in the Maryland newspapers and those that appeared in the Philadelphia newspapers circulating in Maryland, Marylanders were thoroughly informed in the ratification debate.

The oldest Maryland newspaper was the Annapolis *Maryland Gazette*. Established in 1745 by Jonas Green, the *Gazette* remained in the Green family for three generations. When Jonas died in 1767, his wife Anne Catherine ran the newspaper until 1775 when she died. Her son Frederick took over the paper. He was joined by his brother Samuel in 1779. From the Stamp Act crisis in 1765 through the American Revolution, the *Gazette*, deeply involved in the revolutionary struggle, was known for its fierce anti-British fervor. Frederick Green (1750–1811) and his brother Samuel (1757–1811) also served as postmaster from time to time, while Frederick was clerk of the Maryland Senate during the Revolution and state printer from 1775 until his death.

Despite the Annapolis *Maryland Gazette*’s location and its history, it was not an important factor in the debate over the ratification of the Constitution from September 1787 through July 1788, by which time eleven states had ratified the Constitution. The *Gazette* printed only two significant original essays and reprinted only three major pieces or articles from newspapers outside Maryland in the debate. It did print a listing of Maryland Convention delegates, a few brief reports of the

Convention's proceedings, the address of the Antifederalist Convention minority, and two brief comments on the address. It rarely reported on the ratification debate in other states, although it faithfully reprinted rumors and reports of events in other states, especially the actual ratifications of the Constitution by state conventions. The *Gazette* was especially thorough reporting on the proceedings of the New York Convention which ratified the Constitution on 26 July 1788, making New York the eleventh one to ratify.

The Maryland Gazette; or, the Baltimore Advertiser was established on 16 May 1783 by John Hayes. On 27 February 1787 it became a semiweekly and remained so until 6 January 1792. The *Maryland Gazette* thrived in Baltimore despite stiff competition from the *Maryland Journal*, run by the Goddards (see below). The rivalry was generally a friendly one except when, in the mid-1780s, Hayes broke Goddard's monopoly over the almanac business.

Hayes printed or reprinted a mix of Federalist and Antifederalist material. Prior to 28 December 1787 Hayes printed no original Antifederalist pieces but reprinted several important items from out-of-state newspapers. On the 28th Hayes printed the first installment of Luther Martin's voluminous and vigorous Antifederalist essays entitled *Genuine Information*. The series concluded when the twelfth installment appeared on 8 February 1788. A week later the Baltimore *Maryland Gazette* started its publication of the rabidly Antifederalist essays by "A Farmer" (possibly written by John Francis Mercer). When the series ended on 25 April, the *Gazette* had printed seven numbers of "A Farmer" in fourteen parts. The amount of space that Hayes devoted to these two series crowded out most other original Antifederalist essays (if any were submitted for publication) and all Antifederalist material that could have been reprinted from out-of-state newspapers.

The Federalist items that appeared in the Baltimore *Maryland Gazette* were slightly skewed toward out-of-state material. The original Federalist items tended to be shorter pieces, with several series of two or three essays and the rest single items by individual authors. The out-of-state material was dominated by the reprinting of the four "An American Citizen" and nine "Fabius" essays (see CC:100-A, 677). All of the reprinted Federalist essays were quality pieces.

The *Maryland Gazette* printed pieces addressed to the voters in Anne Arundel and Baltimore counties and Baltimore Town in the run-up to the election of state Convention delegates in April 1788, the amendments presented by William Paca in the Convention, the Address of the Antifederalist minority in the Convention, an account of the Federal Procession in Baltimore celebrating Maryland's ratification, and

several essays on the Constitution and Maryland's ratification in the summer of 1788.

The impartiality of the Baltimore *Maryland Gazette* was questioned by some Marylanders and Hayes often defended his paper's impartiality. On 11 January 1788, the day the fifth installment of *Genuine Information* appeared in the *Gazette* Hayes firmly, and publicly, stated his editorial policy:

When subjects of the greatest magnitude are before the public, the strictest impartiality becomes the duty of every printer in conducting his press.—To preserve that most invaluable privilege, its liberty, it becomes necessary to admit the pieces of writers on both sides of a question, when they are intended to inform the public mind, and not to be the vehicle of personal reflections and slander—Impressed with these sentiments, the Editor of the *Maryland Gazette, &c.* would always wish to oblige his friends and correspondence—as much of his paper as can possibly be spared, will always be at their service, and he will endeavour to insert their pieces correctly and in the best manner—While it is thus his endeavour to please, he flatters himself that every candid and enlightened mind, will pardon any involuntary error, and kindly afford him encouragement and support in this his arduous business.—Original compositions will at all times be particularly acceptable.

On 15 February, when Hayes started publishing the Antifederalist essays by "A Farmer," he expressed "his gratitude to his literary friends, for the numerous instances of their patronage—The many original pieces which he constantly receives from every part of the State, sufficiently evinces their approbation of his conduct, in the publication of his paper, which he has now the happiness to find extensively established. He must assure them of his determined resolution to support the dignity and liberty of the press, by an impartial admission of pieces, on both sides of those great political questions, that are intimately connected with the public welfare."

On 27 June Hayes elaborated upon his publication policy of the past and outlined his policy in the future with respect to personally offensive articles. He stated that:

From a desire to protect the reputation or good name of our fellow-citizens, we have frequently taken the liberty when any pieces have been too acrimonious and personal, to obliterate or soften the exceptionable passages, and in so doing, have sometimes gained the approbation of the writers themselves: for men, in the ardor

of contention, are apt to be unguarded, and to use expressions which in their cooler moments they would disapprove.—The insertion of pieces, relative to private characters, are of all others the most disagreeable to a publisher, and being generally uninteresting to the public, it becomes necessary to require a pecuniary emolument for such performances.—The Editor, therefore, wishing to preserve and promote the harmony of the community, and also to give a check to the progress of defamation, gives notice, that all pieces of a private personal nature, must be paid for previous to their admission, and the name of the writer left with him.

On 4 July Hayes published his most definitive policy statement:

“Good name, in man or woman is the immediate jewel of the soul.” Convinced of the propriety of this sentiment, the Editor has been extremely desirous to preserve the peace of the community, and impartially to protect, to the utmost of his power, as a printer, the reputation of individuals.—This has been the ruling principle of his conduct, and he is greatly chagrined to find his endeavours to stop the progress of defamation, and to blunt the edge of public calumny, has been misconstrued.—The ideas of men, respecting the liberty of the press, and the conducting of the printing business, are various, and the line between liberty and licentiousness, is not always clearly discriminated—But every printer must consider himself as a servant of that community, with whom he resides, and whose reputation and honor must be endeared to him from motives of gratitude and friendship.—The Editor of this paper must now most pointedly declare, that if gentlemen are determined openly and without disguise, to attack the reputation of each other, and, not content with the strictures on professional merit, which alone can interest the public, will disclose the infirmities of private life—*they must hereafter* sign their names to their performances, and pay for them previous to insertion; for the Editor cannot deem it worth his while to make entries in his books of such disagreeable business.

In his very next issue, Hayes refused to print “Celius” who had not followed the above procedure. (For an even longer defense of his impartiality, see the Baltimore *Maryland Gazette*, 30 September [Mfm:Md. 159].)

The Maryland, Journal and Baltimore Advertiser was established in 1773 by William Goddard (1740–1817), a native of Connecticut, who had worked as a printer or who had owned newspapers in Connecticut,

Rhode Island, New York City, and Philadelphia. Soon after establishing the *Journal*, Goddard left for Philadelphia where he established a new postal service to get around the Crown's postal service. Before departing for Philadelphia, Goddard left his sister, Mary Katherine Goddard, in charge of the *Journal*. William Goddard helped to establish the U.S. Post Office but was given only a low-level position in it. He failed to get a commission in the Continental Army. Consequently, he returned to Baltimore but his sister's name remained on the masthead until January 1784. During that time her brother exerted much influence, but remained in the background. William Goddard was involved in several disputes with the government and the public over material that the *Journal* printed. In these disputes, he successfully defended the liberty of the press against the influence and interference of government and the pressure of public opinion. His defense of his publications, caused some to charge that he was loyal to the Crown. Throughout his life, Goddard exhibited a violent temper. He had numerous quarrels with his partners and the public, but according to his contemporary Isaiah Thomas, a prominent and prolific newspaper owner and the historian of early American newspapers, "Few could conduct a newspaper better than Goddard." Such conduct probably led "T" to assert in the *Maryland Journal* of 11 January 1788 that the *Journal* was a "useful and agreeable Paper [that] seems to circulate in as a great extent as any Paper on this Continent" (RCS:Md., 174).

From September to December 1787, the *Maryland Journal* reprinted several major Antifederalist items from out-of-state newspapers but no significant original Antifederalist pieces. On the Federalist side, Goddard printed several original pieces and reprinted a few out-of-state items. In the first four months of 1788, the *Maryland Journal* continued to publish original and reprinted Federalist items. This prompted a Baltimore gentleman to declare that: "Mr. Goddard, hitherto against the new constitution, is now by the force of the arguments published in his own paper, become highly and truly federal" (*Pennsylvania Mercury*, 26 February [RCS:Md., 324–25]). This observation, however, overstated the balance of Federalist and Antifederalist items in Goddard's paper. He printed six items by Luther Martin and reprinted several major Antifederalist pieces from New York and Pennsylvania newspapers.

The *Maryland Journal* printed pieces addressed to the voters in Anne Arundel, Baltimore, Montgomery, and Talbot counties and Baltimore Town in the run-up to the election of state Convention delegates in April 1788, the amendments presented by William Paca in the Convention, the Address of the Antifederalist minority in the Convention, an account of the Federal Procession in Baltimore celebrating Maryland's

ratification, an account of the celebration in Dorchester, and several essays on the Constitution and Maryland's ratification in the summer of 1788.

By the end of February 1788, Goddard began to complain of a problem that printers had encountered before the American Revolution—the prohibition of newspapers going through the mail. On 29 February Goddard reminded his readers that the prohibition had been tried before the Revolution and “was very severely reprobated and resented throughout the Continent.” The prohibition was intended “to endanger Public Liberty.” Massachusetts printers complained that they had not received the *Maryland Journal* since the beginning of 1788 (RCS:Md., 350–51). On 11 March Goddard's communications from the North had not “been *permitted* to come in the last Northern Mail, though, we are assured, they contain much Information interesting to the Public” (CC: Vol. 4, p. 556). On 18 March Goddard printed an article by “Manco” extolling the liberty of the press as the “*best* vehicles of intelligence and information, respecting public affairs” and “the shackling of the Press” was “the first symptom of a design on the liberties of America” (RCS: Md., 403–4). “Tom Peep,” which appeared in the *Maryland Journal* on 21 March, criticized “Manco” for his “inflammatory insinuations” (RCS: Md., 412–13. For complaints in Pennsylvania and New York about delays in receiving Luther Martin's *Genuine Information*, see “Delays in the Circulation of Luther Martin's Genuine Information,” 22 January–8 April 1788 [RCS:Md., 201–3].).

In 1777 Matthias Bartgis (1750–1825), a native of Lancaster, Pa., and a descendant of German immigrants, established presses in Lancaster and Frederick, Maryland. On 4 January 1786 he began printing a weekly newspaper in Frederick, called *The Maryland Chronicle, or the Universal Advertiser*. At about the same time, he also established a German-language newspaper in Frederick that lasted for about a year. In 1787 he branched out further and established weekly newspapers in Winchester, Virginia, and York, Pennsylvania. The last known issue of the *Maryland Chronicle* was 28 May 1788. No issues of the York paper have been found later than that of 7 March 1788, while the Winchester paper was in operation until 1791.

All but two issues of the *Maryland Chronicle* exist for 1787 after 17 September, the day the Constitutional Convention adopted the Constitution. For 1788, only the issues of 21 and 28 May are extant. On 26 September and 3 October 1787, Bartgis printed the report of the Constitutional Convention that included the Constitution. In October and November Bartgis reprinted, mostly from Philadelphia newspapers, considerable news about the Constitution in other states, particularly Pennsylvania and Virginia. He reprinted from a Boston paper only two major

articles, namely “Social Compact,” *New Haven Gazette*, 4 October (CC:130), and Elbridge Gerry’s objections to the Constitution included in a letter to the Massachusetts legislature (CC:227–A).

Biographical sketches of the above newspaper publishers are found in Joseph Towne Wheeler, *The Maryland Press, 1777–1790* (Baltimore, 1938). Lawrence Wroth also has a biography of William Goddard in *A History of Printing in Colonial Maryland, 1686–1776* (Baltimore, 1922), and a full-scale biography of Goddard is Ward L. Miner, *William Goddard, Newspaperman* (Durham, N.C., 1962). A sketch of Goddard’s sister Mary Katherine, was done by Christopher J. Young, “Mary K. Goddard: A Classical Republican in the Age of Revolution,” *MHM*, 96 (2001), 5–27.

Pamphlets and Broadsides

Only two pamphlets were printed in Maryland dealing with the ratification of the Constitution. On 1 December 1787, the Maryland House of Delegates ordered that Matthias Bartgis print in German 300 copies of the report of the Constitutional Convention that included the Constitution. These copies were to be distributed equally in Frederick, Washington, and Baltimore counties. Bartgis printed an eighteen-page octavo-sized pamphlet under his own colophon and was paid for both translating and printing the pamphlet in the German language. (See “The Publication and Circulation of the Constitution in Maryland, 22 September–December 1787” [RCS:Md., 6–7].) The second pamphlet printed in Maryland was “Aristides” (Alexander Contee Hanson), *Remarks on the Proposed Plan of a Federal Government, Addressed to the Citizens of the United States of America, And Particularly to the People of Maryland* (Annapolis, 1788), 31 January 1788 (RCS:Md., 224–60) (Evans 21131).

Pamphlets from other states reached Maryland during the debate over the Constitution. “Aristides” (RCS:Md., 233, 264n) cited “A Citizen of America” (Federalist Noah Webster), *An Examination into the Leading Principles of the Federal Constitution . . .* (Philadelphia, 1787), 17 October 1787 (Evans 19366). (For a brief discussion of this pamphlet, see CC:173, and for the text, see Mfm:Pa. 142.) In the objections to the Constitution that Samuel Chase delivered in the Maryland Convention in April (RCS:Md., 631, 635, 639, 642n, 643n, 644n), he cited the *Debates, Resolutions and Other Proceedings, of the Convention of the Commonwealth of Massachusetts . . .* (Boston, 1788) (Evans 21242) and “A Columbian Patriot” (Antifederalist Mercy Otis Warren), *Observations on the New Constitution, and on the Federal and State Conventions* (Boston, 1788), February 1788 (CC:581) (Evans 21111, 21112). In April 1788 Antifederalist printer Eleazer Oswald of Philadelphia printed all twelve numbers of Luther Martin’s *Genuine Information* in a 101-page pamphlet which was also sold in Maryland. (See RCS:Md., 509–15.) Beginning

in December 1787 advertisements appeared for Thomas Lloyd's notes of debate of the Pennsylvania Convention, although the pamphlet edition was not offered for sale in Philadelphia until February 1788. In April 1788 they were advertised for sale in Maryland. (See "The Sale of Thomas Lloyd's Debates of the Pennsylvania Convention . . .," 18 December 1787 [RCS:Md., 118–19].) In October 1787 Federalist polemicist Tench Coxe sent William Tilghman copies of broadsides that included all four numbers of his "An American Citizen" essays (RCS:Md., 23–24). Lastly, the six-page broadside struck by Philadelphia printers John Dunlap and David C. Claypoole of the report of the Constitutional Convention that included the Constitution also circulated in Maryland.

Several broadsides were printed in Maryland and are still extant. The first broadside printed was William Goddard's two-page, triple column broadside of the report of the Constitution Conventional using the type from his newspaper of 25 September 1787 (Evans 45176). In early December 1787 state printer Frederick Green, on order of the Maryland House of Delegates, printed 2,000 copies of a three-page broadside of the report of the Constitutional Convention, at the top of which was included the resolutions of the legislature calling a state convention to consider the Constitution (Evans 45092). The only Maryland broadside that explained the provisions of the Constitution and criticized the opponents of it was a three-page broadside addressed to the people of Maryland that was written by a Federalist (possibly George Lux) who signed himself "Aratus" (RCS:Md., 30–45n). No colophon of the printer appears on the broadside which is among the collections of the Maryland Historical Society. It is largely unknown and has no Evans number. On or before 1 May 1788 Frederick and Samuel Green of the Annapolis *Maryland Gazette* printed the address of the Antifederalist minority of the Maryland Convention (Evans 45288). Just before the October 1788 election for seats in the state House of Delegates, candidate Samuel Chase (RCS:Md., 682–84) discussed his role and those of candidates James McHenry and John Coulter in the debate over amendments in the Maryland Convention (Evans 45240).

Evidence exists for several broadsides or handbills that were printed in Maryland but that are no longer extant. In the election for a seat in the House of Delegates in September and October 1787 Samuel Chase distributed a handbill that indicated his position on the legislature's calling a state convention to consider the Constitution (RCS:Md., 11). In the run-up to the election of delegates to the state Convention in April 1788, Jeremiah Townly Chase and John Francis Mercer prepared an electioneering handbill to be distributed in Anne Arundel County (RCS:Md., 608–9). After Maryland ratified the Constitution,

the committee organizing the Baltimore celebration of that event prepared a broadside of the order of procession for the parade on 1 May 1788 (RCS:Md., 697–99). Another non-extant broadside, published in Baltimore on 31 May, included news that the South Carolina Convention had ratified the Constitution (RCS:Md., 740–42). A similar Baltimore broadside of 28 June indicated that Virginia had become now the “TENTH PILLAR” in the federal edifice (RCS:Md., 747–50).

Secondary Sources

The revolutionary politics of Maryland help to explain the politics of the Confederation Period and the struggle over the ratification of the United States Constitution. The standard works on the politics of the Revolution are: Charles A. Barker, *The Background of the Revolution in Maryland* (New Haven, Conn., 1940) and “The Revolutionary Impulse in Maryland,” *MHM*, 36 (1941), 125–38; Ronald Hoffman, *A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland* (Baltimore, 1973) and “Popularizing the Revolution: Internal Conflict and Economic Sacrifice in Maryland, 1774–1780,” *MHM*, 68 (1973), 125–39; and David Curtis Skaggs, *Roots of Maryland Democracy, 1753–1776* (Westport, Conn., 1973) and “Maryland’s Impulse Toward Social Revolution, 1750–1776,” *Journal of American History*, 54 (1968), 771–86. For a fine overview of the entire colonial years in Maryland, see Aubrey C. Land, *Colonial Maryland: A History* (Millwood, N.Y., 1981). For an older overview, which emphasized institutional history, see Newton D. Mereness, *Maryland as a Proprietary Province* (New York, 1901).

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13–29; Jean H. Vivian, “The Poll-Tax Controversy in Maryland 1770–76: A Case of Taxation *with* Representation,” *MHM*, 71 (1976), 151–76; and Anne Y. Zimmer, “The ‘Paper War’ in Maryland, 1772–73: The Paca-Chase Political Philosophy Tested,” *MHM*, 71 (1976), 177–93.

On the state constitution of 1776 and the Maryland Declaration of Rights, see Dan Friedman, *The Maryland State Constitution: A Reference Guide* (Westport, Conn., 2006); Friedman, “The History, Development, and Interpretation of the Maryland Declaration of Rights,” *Temple Law Review*, 71 (1998), 637–709; Friedman, “Who Was First?: The Revolutionary-Era State Declarations of Rights of Virginia, Pennsylvania, Maryland, and Delaware,” *MHM*, 97 (2002), 476–95; Walker H. H. Lewis, *The Maryland Constitution, 1776* (Baltimore, 1976); Edward C. Papenfuse and Gregory A. Stiverson, eds., *The Decisive Blow is Struck: A Facsimile Edition of the Proceedings of the Constitutional Convention of 1776 and the First Maryland Constitution* (Annapolis, 1977); John C. Rainbolt, “A Note on the Maryland Declaration of Rights and Constitution of 1776,” *MHM*, 66 (1971), 420–35; David Curtis Skaggs, “Origins of the Maryland Party System: The Constitutional Convention of 1776,” *MHM*, 75 (1980), 95–117; and Gordon S. Wood, *The Creation of the American Republic, 1776–1787* (Chapel Hill, N.C., 1969).

On the politics and economy of the Confederation Period, see Herbert Baxter Adams, *Maryland's Influence upon Land Cessions to the United States* (Baltimore, 1885); Kathryn Behrens, *Paper Money in Maryland, 1727–1789* (Baltimore, 1923); Philip A. Crowl, *Maryland During and After the Revolution, A Political and Economic Study* (Baltimore, 1943); Mary Jane Dowd, “The State in the Maryland Economy, 1776–1807,” *MHM*, 57 (1962), 90–132, 229–58; Arthur Pendleton Hall II, “State-Issued Bills of Credit and the United States Constitution: The Political Economy of Paper in Maryland, New York, Pennsylvania, and South Carolina, 1780–1789” (Ph.D. diss., University of Georgia, 1991); James Haw, “Politics in Revolutionary Maryland: 1753–1788” (Ph.D. diss., University of Virginia, 1972), especially chap. X on paper money; Merrill Jensen, “The Cession of the Old Northwest,” *Mississippi Valley Historical Review*, 23 (1936), 27–48; Jean B. Lee, “Maryland’s ‘Dangerous Insurrection’ of 1786,” *MHM*, 85 (1990), 329–44; Louis Maganzin, “Economic Depression in Maryland and Virginia, 1783–1787” (Ph.D. diss., Georgetown University, 1967); Jackson Turner Main, “Political Parties in Revolutionary Maryland, 1780–1787,” *MHM*, 62 (1967), 1–27; Main, *Political Parties before the Constitution* (New York, 1974); William Arthur O’Brien, “Challenge to Consensus: Social, Political and Economic Implications of Maryland Sectionalism, 1776–1789” (Ph.D. diss., University of Wisconsin-Madison, 1979); Peter Onuf, “Toward Federalism: Virginia, Congress, and the Western Lands,” *William and Mary Quarterly*,

3rd ser., 34 (1977), 353–74; Edward C. Papenfuse, “The Legislative Response to a Costly Fiscal Policy and Factional Politics in Maryland, 1777–1789,” in Ronald Hoffman and Peter J. Albert, eds., *Sovereign States in an Age of Uncertainty* (Charlottesville, Va., 1981), 134–56; Papenfuse, *In Pursuit of Profit: The Annapolis Merchants in the Era of the American Revolution, 1763–1805* (Baltimore, 1975); L. Marx Renzulli, Jr., *Maryland: The Federalist Years* (Rutherford, N.J., 1973); Norman K. Risjord, *Chesapeake Politics, 1781–1800* (New York, 1978); Tina H. Sheller, “Artisans, Manufacturing, and the Rise of a Manufacturing Interest in Revolutionary Baltimore Town,” *MHM*, 83 (1988), 3–17; Charles G. Steffen, *The Mechanics of Baltimore: Workers and Politics in the Age of Revolution, 1763–1812* (Urbana, Ill., 1984); Lee Lovely Verstandig, “The Emergence of the Two-Party System in Maryland, 1787–1796” (Ph.D. diss., Brown University, 1970); Mervin B. Whealy, “‘The Revolution Is Not Over’: The Annapolis Convention of 1786,” *MHM*, 81 (1986), 228–40; and Melvin Yazawa, ed., *Representative Government and the Revolution: The Maryland Constitutional Crisis of 1787* (Baltimore, 1975).

The works of several historians listed in the paragraph above, such as Philip A. Crowl, William Arthur O’Brien, L. Marx Renzulli, Jr., and Norman K. Risjord, are also valuable for the study of the ratification of the Constitution in Maryland. They should be supplemented with the following: Philip A. Crowl, “Anti-Federalism in Maryland, 1787–1788,” *William and Mary Quarterly*, 3rd ser., 4 (1947), 446–69; James Haw, “Samuel Chase and Maryland Anti-Federalism: A Study in Disarray,” *MHM*, 83 (1988), 36–49; Haw, “Samuel Chase’s ‘Objections to the Federal Government,’” *MHM*, 76 (1981), 272–85; Pauline Maier, *Ratification: The People Debate the Constitution, 1781–1788* (New York, 2010); Jackson Turner Main, *The Antifederalists: Critics of the Constitution, 1787–1788* (Chapel Hill, N.C., 1961); Forrest McDonald, *We The People: The Economic Origins of the Constitution* (Chicago, 1958); Peter S. Onuf, “Maryland: The Small Republic in the New Nation,” in Michael Allen Gillespie and Michael Lienesch, eds., *Ratifying the Constitution* (Lawrence, Kans., 1989), 171–200; Edward C. Papenfuse, “An Undelivered Defense of a Winning Cause: Charles Carroll of Carrollton’s ‘Remarks on the Proposed Constitution,’” *MHM*, 71 (1976), 220–51; Papenfuse, “An Afterword: ‘With What Dose of Liberty?’: Maryland’s Role in the Movement for a Bill of Rights,” *MHM*, 83 (1988), 58–68; Papenfuse, “The ‘Amending Fathers’ and the Constitution: Changing Perceptions of Home Rule and Who Should Rule at Home” in Robert J. Haws, ed., *The South’s Role in the Creation of the Bill of Rights* (Jackson, Miss., 1991), 51–75; Eric Robert Papenfuse, “Unleashing the ‘Wildness’: The Mobilization of Grass roots Antifederalism in Maryland,” *Journal of the Early*

Republic, 16 (1996), 73–106; Bernard C. Steiner, “Maryland’s Adoption of the Federal Constitution,” *American Historical Review*, 5 (1899), 22–44, 207–24; Gregory A. Stiverson, “Maryland Antifederalists and the Perfection of the U.S. Constitution,” *MHM*, 83 (1988), 18–35; and Stiverson, “Necessity, the Mother of Union: Maryland and the Constitution, 1785–1789,” in Patrick T. Conley and John P. Kaminski, eds., *The Constitution and the States: The Role of the Original Thirteen States in the Framing and Adoption of the Federal Constitution* (Madison, Wis., 1988), 131–52.

The town and county histories for Maryland, which often include important biographical data, are voluminous as revealed by the bibliographical essay in Robert Brugger et al., *Maryland: A Middle Temperament, 1634–1980* (Baltimore, 1988), especially pp. 713–15, 716–17. Other good sources for identifying lesser well-known individuals are such documentary histories as the letters and papers of Thomas Jefferson, James Madison, George Washington, the delegates of the Continental and Confederation congresses, and the members of the First Federal Congress. The most valuable biographical source has been Edward C. Papenfuss et al., eds., *A Biographical Dictionary of the Maryland Legislature, 1635–1789* (2 vols., Baltimore, 1979–1985). Volume 1 begins with the session lists for all of the legislatures between 1635 and 1789. These are followed by the biographies of legislators listed in alphabetical order.

Some full length biographies are helpful. However, except for the Carroll family, and Charles Carroll of Carrollton, in particular, only a few of Maryland’s revolutionary politicians have had book length biographies done on them. These biographies are listed below.

- Carroll Family: Ronald Hoffman in collaboration with Sally D. Mason, *Princes of Ireland, Planters of Maryland: A Carroll Saga, 1500–1782* (Chapel Hill, N.C., 2000).

- Charles Carroll of Carrollton: Thomas O’Brien Hanley, *Charles Carroll of Carrollton: The Making of a Revolutionary Gentleman* (Washington, D.C., 1970), and *Revolutionary Statesman: Charles Carroll and the War* (Chicago, 1983); and Kate Mason Rowland, *The Life of Charles Carroll of Carrollton, 1737–1832, with Correspondence and Public Papers* (2 vols., New York, 1898).

- Daniel Carroll: Mary Virginia Geiger, *Daniel Carroll, A Framers of the Constitution* (Washington, D.C., 1943).

- Samuel Chase: James Haw, Francis F. Beirne, Rosamond R. Beirne, and R. Samuel Jett, *Stormy Patriot: The Life of Samuel Chase* (Baltimore, 1980).

- William Goddard: Ward L. Miner, *William Goddard, Newspaperman* (Durham, N.C., 1962).

• Thomas Johnson: Edward S. Delaplaine, *The Life of Thomas Johnson* (New York, 1927).

• Luther Martin: Paul S. Clarkson and R. Samuel Jett, *Luther Martin of Maryland* (Baltimore, 1970), and William L. Reynolds III, "Luther Martin, Maryland and the Constitution," *Maryland Law Review*, 47 (1987), 291–321.

• James McHenry: Bernard C. Steiner, *The Life and Correspondence of James McHenry* (Cleveland, Ohio, 1907); Karen Robbins, "Ambition Rewarded: James McHenry's Entry into Maryland Politics," *MHM*, 93 (1998), 191–214; and Robbins, "'Domestic Bagatelles': Servants, Generations, and Gender in the McHenry Family of the Early Republic," *MHM*, 104 (2009), 31–51.

• John Francis Mercer: James Mercer Garnett, "John Francis Mercer: Governor of Maryland, 1801 to 1803," *MHM*, 2 (1907), 191–213.

• William Paca: Gregory A. Stiverson and Phebe R. Jacobsen, *William Paca: A Biography* (Baltimore, 1976) and Albert Silverman, "William Paca, Signer, Governor, Jurist," *MHM*, 37 (1942), 1–25.

• William Pinkney: Max P. Allen, "William Pinkney's First Public Service," *MHM*, 39 (1944), 277–92; Allen, "William Pinkney's Public Career, 1788–1796," *MHM*, 40 (1945), 211–29, and Robert M. Ireland, *The Legal Career of William Pinkney* (New York, 1986).

• Tilghman Family: Jennifer Anne Bryan, "The Tilghmans of Maryland's Eastern Shore, 1660–1793" (Ph.D. diss., University of Maryland, College Park, 1999) and Bryan, "'The Horrors of Civil War': The Tilghman Family in the American Revolution," *MHM*, 103 (2008), 33–61.

Norman K. Risjord, in his *Builders of Annapolis: Enterprise and Politics in a Colonial Capital* (Baltimore, 1997), has biographical chapters on several of the above, namely, Charles Carroll of Carrollton, Samuel Chase, and William Paca (and his wife). He also has a chapter on the Green family, owners and publishers of the Annapolis *Maryland Gazette*.

Biographies of the four Federalists and four Antifederalists candidates for election to represent Montgomery County in the Maryland Convention to ratify the Constitution may be found in Jane C. Sween, "Maryland and Montgomery County in the Evolution of the United States Constitution," *The Montgomery County Story*, 30 (1987), 8–13.

Symbols

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

Manuscripts

FC	File Copy
MS	Manuscript
RC	Recipient's Copy
Tr	Translation from Foreign Language

Manuscript Depositories

DLC	Library of Congress
DNA	National Archives
Md-Ar	Maryland State Archives
MdHi	Maryland Historical Society
PHi	Historical Society of Pennsylvania
NHi	New-York Historical Society

Short Titles

Abbot, <i>Washington, Confederation Series</i>	W. W. Abbot, ed., <i>The Papers of George Washington: Confederation Series</i> (6 vols., Charlottesville, Va., 1992–1997).
Blackstone, <i>Commentaries</i>	Sir William Blackstone, <i>Commentaries on the Laws of England. In Four Books.</i> (Re-printed from the British Copy, Page for Page with the Last Edition, 5 vols., Philadelphia, 1771–1772). Originally published in London from 1765 to 1769.
Boyd	Julian P. Boyd et al., eds., <i>The Papers of Thomas Jefferson</i> (Princeton, N.J., 1950–).
Evans	Charles Evans, <i>American Bibliography</i> (12 vols., Chicago, 1903–1934).
Farrand	Max Farrand, ed., <i>The Records of the Federal Convention of 1787</i> (3rd ed., 3 vols., New Haven, 1927).

Hoffman, <i>Spirit of Dissension</i>	Ronald Hoffman, <i>A Spirit of Dissension: Economics, Politics, and the Revolution in Maryland</i> (Baltimore, 1973).
JCC	Worthington C. Ford et al., eds., <i>Journals of the Continental Congress, 1774–1789 . . .</i> (34 vols., Washington, D.C., 1904–1937).
Land, <i>Colonial Maryland</i>	Aubrey C. Land, <i>Colonial Maryland: A History</i> (White Plains, N.Y., 1981).
MHM	Maryland Historical Magazine.
Montesquieu, <i>Spirit of Laws</i>	Charles, Baron de Montesquieu, <i>The Spirit of Laws</i> (Translated from the French by Thomas Nugent, 5th ed., 2 vols., London, 1773). Originally published in Geneva in 1748.
PCC	Papers of the Continental Congress, 1774–1789 (Record Group 360, National Archives).
Rutland, <i>Madison</i>	Robert A. Rutland et al., eds., <i>The Papers of James Madison, Volumes VIII–XVII</i> (Chicago and Charlottesville, Va., 1973–1991).
Thorpe	Francis N. Thorpe, ed., <i>The Federal and State Constitutions . . .</i> (7 vols., Washington, D.C., 1909).
<i>Washington Diaries</i>	Donald Jackson and Dorothy Twohig, eds., <i>The Diaries of George Washington</i> (6 vols., Charlottesville, Va., 1976–1979).

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

CC	References to <i>Commentaries on the Constitution</i> are cited as “CC” followed by the number of the document. For example: “CC:25.”
CDR	References to the first volume, titled <i>Constitutional Documents and Records, 1776–1787</i> , are cited as “CDR” followed by the page number. For example: “CDR, 325.”
RCS	References to the series of volumes titled, <i>Ratification of the Constitution by the States</i> , are cited as “RCS” followed by the abbreviation of the state and the page number. For example: “RCS:R.I., 325.”

Mfm

References to the microfiche 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:R.I. 25.” No microfiche supplement will be published for RCS:Md., RCS:N.Y. and RCS:R.I. All Mfm: Md., Mfm:N.Y. and Mfm:R.I. documents will be placed on the web site of the University of Wisconsin-Madison Libraries at <http://library.wisc.edu>.

Maryland Chronology, 1632–1789

	1632
20 June	Charles I grants Maryland charter to Cecil Calvert, 2nd Lord Baltimore
	1634
25 March	Settlers arrive in Maryland
	1649
21 April	Maryland act providing for religious toleration
	1692
April	William and Mary declare Maryland a royal colony
	1715
February	Crown restores property rights to Benedict Leonard Calvert, 4th Lord Baltimore
	1718
	Catholics disenfranchised by Assembly
	1727
September	Annapolis <i>Maryland Gazette</i> , first Maryland newspaper, established
	1747
	Tobacco inspection law passed (ensures quality of exported tobacco and sets clerical and proprietary officers' fees)
	1765
October	Daniel Dulany, Jr., denounces Stamp Act in <i>Considerations on the Propriety of Imposing Taxes in the British Colonies</i>
23 November	Stamp Act resistance at Frederick
	1766
	Sons of Liberty organized in Baltimore County
	1769
	Merchants adopt policy of nonimportation of British goods
	1772
28 March	Cornerstone laid for new statehouse in Annapolis
	1774
19 April	Last colonial Assembly prorogued
25 May	Annapolis inhabitants meet and resolve that lawyers should not bring suits for a British creditor against a Maryland debtor until the Intolerable Acts are repealed

- 22 June First Provincial Convention meets and sends delegates to First Continental Congress
- 15 October Arrival of the *Peggy Stewart* in Annapolis with a cargo of tea
- 19 October *Peggy Stewart* burned
- 1775**
- 22 March “Bush Declaration” calling for independence signed in Harford County
- 26 July Association of Freemen formed by Fifth Provincial Convention
- 29 August Council of Safety organized
- December Association of Freemen begins recruiting troops
- 1776**
- 26 June Departure of Robert Eden, Maryland’s last colonial governor
- 28 June Eighth Provincial Convention instructs delegates to Continental Congress to vote for independence
- 3 July Eighth Convention votes to call convention to draft state constitution
- 6 July Eighth Convention declares independence from Great Britain
- 3 November Declaration of rights adopted by Ninth Provincial Convention
- 8 November Constitution adopted by Ninth Provincial Convention
- 20 December–
4 March 1777 Continental Congress meets in Baltimore
- 1777**
- 5 February First General Assembly elected under new constitution meets in Annapolis
- 1780**
- 13 December General Assembly passes act allowing debtors to pay foreign creditors in depreciated paper money
- 1781**
- 2 February Property of Loyalists and British subjects confiscated
- 2 February General Assembly adopts Articles of Confederation
- 1 March Maryland delegates in Congress sign Articles of Confederation
- 1782**
- 12 June General Assembly adopts Impost of 1781
- 1783**
- 26 May General Assembly adopts resolutions offering Annapolis as the federal capital
- 26 November–
3 June 1784 Confederation Congress meets in Annapolis
- 2 December General Assembly adopts resolution granting Congress land for federal capital
- 1785**
- 16 January General Assembly passes bill to invest Congress with commercial powers

- 21 January General Assembly passes bill providing that Impost of 1781 goes into effect with adoption by twelve states
- 28 March Mount Vernon Compact signed by Virginia and Maryland commissioners
- 23 November General Assembly approves Mount Vernon Compact
- 22 December House of Delegates passes paper-money bill
- 26 December Senate unanimously rejects paper-money bill

1786

- 11 March General Assembly adopts Impost of 1783 when twelve states comply
- 11 March General Assembly adopts supplemental funds when twelve states comply
- 12 June Charles County riot against lawyer trying to collect a debt due a British creditor
- 11–14 September Annapolis Convention (no Maryland commissioners appointed)
- 15 December House of Delegates passes paper-money bill
- 30 December Senate unanimously rejects paper-money bill

1787

- 1 January House of Delegates passes debtor relief bill (“truck-bill”)
- 6 January Senate unanimously rejects debtor relief bill
- May House of Delegates and Senate fail to agree on installment bill
- 11 May General Assembly makes Treaty of Peace law of the land
- 26 May Maryland names delegates to Constitutional Convention
- 22 September Constitution first printed in Maryland
- 29 November Maryland’s delegates to the Constitutional Convention report in House of Delegates
- 1 December General Assembly calls state convention
- 28 December *Genuine Information I* published in the Baltimore *Maryland Gazette*

1788

- 31 January Pamphlet by “Aristides” published
- 7–10 April Maryland election of state convention delegates
- 12 April Publication of *Genuine Information* as pamphlet in Philadelphia
- 21–29 April Maryland Convention meets in Annapolis
- 26 April Maryland Convention ratifies Constitution, 63 to 11
- 28 April Maryland Convention signs Form of Ratification
- 1 May Baltimore procession celebrates Maryland ratification
- 23 December General Assembly offers ten miles square for federal capital

1789

- 25 November House of Delegates passes bill to ratify twelve amendments to Constitution
- 30 November Senate passes bill to ratify twelve amendments to Constitution
- 17 December House of Delegates assents to act ratifying twelve amendments to Constitution
- 19 December Senate assents to act ratifying twelve amendments to Constitution

Officers of the State of Maryland 1787–1788

Governor

William Smallwood

Attorney General

Luther Martin

Treasurer Eastern Shore

Henry Dickinson

Treasurer Western Shore

Thomas Harwood, Jr.

Governor's Council

Jeremiah Townly Chase

James Brice

John Kilty

John Davidson

Benjamin Harrison

Maryland Court of Appeals

Benjamin Rumsey, Chief Justice

Benjamin Mackall IV

Thomas Jones

Solomon Wright

James Murray

Chancellor

John Rogers

Judges of the General Court

Robert Hanson Harrison

Robert Goldsborough IV

Alexander Contee Hanson

Delegates to Confederation Congress

Elected 2 December 1786

Uriah Forest

William Harrison*

William Hindman*

Nathan Ramsey

David Ross

Elected 11 December 1787

Benjamin Contee

William Harrison*

John Eager Howard

David Ross

Joshua Seney

* Did not attend

Constitutional Convention

Daniel Carroll

Daniel of St. Thomas Jenifer

James McHenry

Luther Martin*

John Francis Mercer*

* Left Convention early

General Assembly of Maryland
First session: 5 November–17 December 1787
Second Session: 12–27 May 1788

SENATE

President: George Plater, Daniel Carroll, John Smith*
Clerk: Joshua Dorsey

Western Shore

Thomas Stone**
Charles Carroll of Carrollton
George Plater
John Hall
John Smith
Daniel Carroll
Richard Ridgely
Samuel Hughes
William Harrison***
Thomas Johnson***

Eastern Shore

John Henry
George Gale
Edward Lloyd
William Hemsley
William Perry
Peregrine Tilghman

* George Plater served as president for all but ten days from 15–25 May 1788, during which Daniel Carroll and John Smith served in quick succession.

** Died 5 October 1787

*** Did not serve

HOUSE OF DELEGATES

Speaker: Thomas Cockey Deye
Clerk: William Harwood
Sergeant at Arms: Cornelius Mill
Doorkeeper: Charles Hogg

Annapolis

Allen Quynn
Gabriel Duvall

Anne Arundel County

Richard Harwood
Nicholas Worthington
Brice T. B. Worthington
James Carroll

Baltimore Town

Samuel Chase
David McMechen

Baltimore County

Thomas Cockey Deye
Henry Dorsey Gough
Edward Cockey
Charles Ridgely

Calvert County

Michael Taney
John Grahame
William Fitzhugh, Jr.
Thomas Gantt

Caroline County

Thomas Loockerman
Henry Downes
Philip Walker
Thomas Hughlett

Cecil County

Benjamin Bravard
Richard Bond
William Matthews
Samuel Miller

Charles County

George Dent
 John Parnham
 William Hanson McPherson
 Henry Henly Chapman

Dorchester County

James Shaw
 Archibald Patison
 Moses Lecompte
 James Steele

Frederick County

Thomas Sim Lee*
 Thomas Johnson
 Abraham Faw
 Richard Potts

Harford County

John Love
 Aquila Scott
 Benjamin Bradford Norris
 Ignatius Wheeler

Kent County

Richard Miller
 Jeremiah Nichols
 Josiah Johnson*
 Philip Reed

Montgomery County

Laurence O'Neale
 Edward Burgess
 William Holmes
 Charles Greenbury Griffith

Prince George's County

Davis Craufurd
 Fielder Bowie

Walter Bowie
 George Digges

Queen Anne's County

John Seney
 Joshua Seney
 John Brown
 George Jackson

St. Mary's County

Samuel Abell, Jr.
 George Thomas
 Philip Key
 Uriah Forrest

Somerset County

John Gale
 John Stewart
 Gillis Polk
 William Adams

Talbot County

John Roberts
 Hugh Sherwood, of Huntington
 James Tilghman
 William Hayward, Jr.

Washington County

Jacob Funk
 Andrew Bruce
 John Cellars
 Ignatius Taylor

Worcester County

John Selby Purnell
 John Pope Mitchell
 William Purnell
 Francis Jenkins Henry

* Did not serve

**The Ratification of the
Constitution by
the States**

MARYLAND

[1]

I.
THE DEBATE OVER THE
CONSTITUTION IN MARYLAND
17 September–30 November 1787

Introduction

The public debate over the Constitution in Maryland began soon after the adjournment of the Constitutional Convention on 17 September. Because of Maryland's proximity to Philadelphia, newspapers, broadsides, pamphlets, and magazines printed in that city circulated widely in Maryland and were read by Marylanders. For instance, "Cato" I and II were originally printed in the Antifederalist *New York Journal*, 27 September and 11 October 1787 (CC:103, 153), but were never reprinted in a Maryland newspaper. Yet, the "Cato" essays could have been read by Marylanders because on 3 and 17 October they were reprinted in the Antifederalist Philadelphia *Freeman's Journal*, which circulated in Maryland.

Maryland newspapers reprinted many items from out-of-state newspapers—especially from the weekly Federalist *Pennsylvania Gazette*, the daily Antifederalist *Independent Gazetteer*, and the semiweekly neutral *Pennsylvania Herald*. During this early part of the public debate, Federalist pieces reprinted in Maryland newspapers included "An American Citizen" I–IV (Tench Coxe) (CC:100, 109, 112, 183–A), "Foreign Spectator" (Nicholas Collin) (CC:124), and the 6 October public speech of James Wilson (CC:134), a former Pennsylvania delegate to the Constitutional Convention. Antifederalist reprintings in Maryland included "Centinel" I and II (Samuel Bryan) (CC:133, 190), "A Democratic Federalist's" reply to Wilson (CC:167), and Constitutional Convention delegate Elbridge Gerry's objections to the Constitution outlined in a letter to the Massachusetts legislature (CC:227–A). With the exception of Gerry's objections, all reprinted items were first printed in Philadelphia newspapers.

Fifteen letters appear in Part I, twelve in manuscript and three in newspapers. In Maryland, the letters were written from Annapolis, Baltimore, Chestertown, Elkton, Georgetown, and Queen Anne's County. The out-of-state letters are from New York City, Philadelphia, and Bowling Green, Va. Two of the newspaper letters have an Antifederalist leaning, while the other thirteen letters are Federalist. The manuscript letters from Maryland are from merchants. A lengthy letter by William

Tilghman to Tench Coxe on 25 November comments on Coxe's writings, Maryland politics, and the prospects for Maryland ratification.

Part I also contains one item from the Annapolis *Maryland Gazette*, eight from the Baltimore *Maryland Gazette*, and eight items from the Baltimore *Maryland Journal*. These newspaper items are overwhelmingly Federalist. Several items supported or criticized Antifederalist leader Samuel Chase as an opponent of the Constitution. One of the newspaper items attacking Chase was "A Friend to the Constitution," *Maryland Journal*, 16 October 1787. An article by "A Friend to Order," Baltimore *Maryland Gazette*, 30 October, criticized "A Democratic Federalist," who had attacked James Wilson. Four items discussed the benefits or disadvantages of instructing delegates both to the state legislature and the state ratifying convention.

Excerpts from the diary of James McHenry, a Maryland delegate to the Constitutional Convention, also appear in Part I, as does a three-page Federalist broadside by "Aratus" (George Lux?) that responds to "Centinel" I and II. "Uncus," *Maryland Journal*, 9, 30 November, also responds to "Centinel."

James McHenry: Diary and Notes at Constitutional Convention Philadelphia, 17–18 September 1787¹

Monday 17 Sepr. 1787

Read the engrossed constitution altered the representation in the house of representatives from 40 to thirty thousand²

Doctor Franklin put a paper into Mr Willsons hand to read containing his reasons for assenting to the constitution It was plain, insinuating persuasive³—and in any event of the system guarded the Doctors fame

Mr Randolp[h] Mr Mason & Mr Gerry declined signing—the other members signed—Major Jackson Secry. to carry it to Congress—Injunction of secrecy taken off—Members to be provided with printed copies—adjourned sine die—Gentn. of Con[vention] dined together at the City Tavern

18—

(a) A lady asked Dr. Franklin Well Doctor what have we got a republic or a monarchy—A republic replied the Doctor if you can keep it.

Being opposed to many parts of the system I make a remark why I signed it and mean to support it. Is[t]ly I distrust my own judgement, especially as it is opposite to the opinion of a majority of gentlemen whose abilities and patriotism are of the first cast; and as I have had already frequent occasions to be convinced that I have not always judged right.

2dly alterations may be obtained, it being provided that the concurrence of $\frac{2}{3}$ of the Congress may at any time introduce them.

3dly Comparing the inconveniences and the evils which we labor under and may experience from the present confederation, and the little good we may can expect from it—with the possible evils and probable benefits and advantages promised us by the new system, I am clear that I ought to give it all the support in my power.

Philada. 17 Sepr. 1787 James McHenry

Mr Martin said one day in company with Mr Jenifer speaking of the system before Convention—I'll be hanged if ever the people of Maryland agree to it. I advise you said Mr Jenifer to stay in Philadelphia lest you should be hanged—

(a) The Lady here aluded to was Mrs. Powel of Philada.

1. MS, McHenry Papers, DLC. The material printed here is on four pages of McHenry's diary. McHenry placed the diary entries on the right-hand pages and two notes on the left-hand pages.

2. On 17 September, after the Constitution had been engrossed, the delegates changed the ratio of representation for the U.S. House of Representatives from no more than one per forty thousand to no more than one per thirty thousand (Farrand, II, 643–44).

3. For Benjamin Franklin's last speech in the Constitutional Convention, see CC:77 A–B.

James Tilghman to Edward Tilghman, Jr.

Chestertown, 22 September 1787 (excerpt)¹

. . . I have only had an opportunity of giving the Convention proceeding a cursory perusal² I think them liable to weighty objections yet the System will put the union upon a much better footing than that upon which it stands I beleive they find Government a more difficult affair than they first imagined. No new road they will ever make will be so good as the old one they slopped up It is to no purpose to look back yet one can't help it . . .

Yr affte. Uncle

1. FC, Tilghman Papers, MS 2821, MdHi. The letter was docketed: "Copy/ . . . Convention Proceedings." James Tilghman (1716–1793), a native of Queen Anne's County, Md., was a wealthy planter and lawyer. He moved to Philadelphia in 1764. He was a member of the governor's council of Pennsylvania, 1767–76, and secretary of the Proprietary land office, 1769–76. A Loyalist, Tilghman left Philadelphia in 1777 on parole from the patriot government and retired to Chestertown, Kent County, Md., where he lived quietly. He was discharged from his parole in 1778. Edward Tilghman (1750–1815), a 1767 graduate of the College of Philadelphia (University of Pennsylvania) and a brigade major during the Revolutionary War, was a prominent Philadelphia lawyer who had attended Middle Temple in London.

2. Tilghman probably saw one of the Philadelphia newspaper printings of the Constitution. On 19 September alone, four Philadelphia newspapers printed the Constitution. On 22 September, Thomas and Samuel Hollingsworth, Baltimore merchants, wrote that “The Proceedings of the Convention is much approved of” in Baltimore (to Levi Hollingsworth, Hollingsworth Family Papers, PHI).

Editors’ Note

The Publication and Circulation of the Constitution in Maryland 22 September–December 1787

The Maryland act of 26 May 1787 appointing delegates to the Constitutional Convention required the delegates “to report the proceedings of the said convention, and any act agreed to therein, to the next session of the general assembly” (Appendix II, RCS:Md., 805). Some time after the Constitutional Convention adjourned on 17 September 1787, Maryland’s Convention delegates forwarded the “Act of the late Convention at Philadelphia” to Maryland Governor William Smallwood.

Maryland’s Constitutional Convention delegates probably transmitted one or more of the 500 official copies of the Convention’s report that were printed as a six-page broadside by John Dunlap and David C. Claypoole, printers of the *Pennsylvania Packet*. This report consisted of (1) the Constitution, (2) the two resolutions of the Convention, and (3) the 17 September letter of the President of the Convention (George Washington) to the President of Congress. Each of the Convention’s forty-one delegates present on 17 September had received several copies of the broadside, some of which were probably sent to state officials. Dunlap and Claypoole did not provide a heading to the broadside (Evans 20818). (For more on this broadside, see CC:76.) On 19 September the Constitutional Convention report was printed in the *Pennsylvania Packet* and three other Philadelphia newspapers. Some of these printings circulated in Maryland.

All four Maryland newspapers published in the fall of 1787 printed the report of the Constitutional Convention by 3 October. John Hayes printed the report in a two-page “Extraordinary” issue of the *Baltimore Maryland Gazette* on 22 September under the heading “PLAN of the NEW FEDERAL GOVERNMENT.” (The heading was the same one used by the *Pennsylvania Gazette* when it printed the report on 19 September.) Three days later the report appeared in William Goddard’s *Maryland Journal*, a semiweekly, under a similar title. Goddard, apparently employing the same type he used in his *Maryland Journal*, struck a two-page, triple-columned broadside of the report. At the bottom of the second page, Goddard included his colophon (Evans 45176).

On 26 September and 3 October, Matthias Bartgis printed the Constitutional Convention's report in his Fredericktown weekly, the *Maryland Chronicle*, under the heading that had been used in the *Pennsylvania Gazette* of 19 September. This same title was used by Frederick and Samuel Green in their Annapolis weekly, the *Maryland Gazette*, on 27 September, when that paper printed the report.

On 23 November, the Maryland Senate read the four-page broadside containing the report of the Constitutional Convention authorized by the Confederation Congress and attested by its secretary Charles Thomson. Printed by John M'Lean, the broadside also contained Congress' resolution of 28 September recommending that the state legislatures call conventions to consider the Constitution (Evans 20817). On 1 December, the Maryland legislature authorized the election of delegates to a state ratifying convention when the Senate concurred in resolutions previously adopted by the House of Delegates. Upon receiving news of the Senate's concurrence, the lower house "ORDERED, That the printer to this state be directed to print immediately, two thousand copies of the proceedings of the federal convention, transmitted to the general assembly through the medium of congress, and of the resolutions of the general assembly thereon, to be distributed for the information of the citizens of this state." The House of Delegates also ordered that Matthias Bartgis print 300 copies of the Convention's report, in German, to be equally distributed in Frederick, Washington, and Baltimore counties (RCS:Md., 99).

Frederick Green, the state printer and co-publisher of the Annapolis *Maryland Gazette*, printed a three-page broadside of the report of the Constitutional Convention and the resolutions of the Maryland General Assembly calling a state convention to consider the Constitution in that order (Evans 45092). At the top of the first page Green included verbatim the order of House of Delegates to print two thousand copies of the report (see above). In Fredericktown, Matthias Bartgis printed a German translation of the Convention's report in an eighteen-page, octavo-sized pamphlet entitled "*Verfahren der Vereinigten Convention, gehalten zu Philadelphia, In dem Jahr 1787, Und dem Zwölften Jahr der Americanischen Unabhängigkeit.*" The title page also included a brief statement about the House of Delegates' order to translate and print the report, the place of publication (Fredericktown), and Bartgis' colophon (Evans 20814). The date of publication was not given. The state of Maryland paid Bartgis £15 for translating and printing this German-language edition (Journal of Accounts, 1788, Maryland State Archives).

Baltimore Maryland Gazette, 25 September 1787

The diet, the air, and the political constitution of a country, give the peculiar and distinguishing character of the people; and as the characteristics change, the inhabitants undergo the same metamorphoses. How different are the modern Italians from the ancient Romans! If *Brutus* were now living, he would probably acquiesce in the depending state of a cardinal, and the papal crown would be unanimously presented to Cæsar.

Youth, says a celebrated political writer, is the seed time of good habits as well in nations, as individuals.¹—It might be difficult if not impossible to form the continent into one Government half a century hence. The vast variety of interests occasioned by an increase of trade and population would create confusion. State would be against State. Each being able would scorn each other's assistance, and while the proud and foolish gloried in their little distinctions; the wise would lament that the union had not been formed before. Wherefore the present time is the true time of establishing it.

1. From Thomas Paine's *Common Sense* (Philadelphia, 1776) (Evans 14954), 71.

Maryland Journal, 28 September 1787¹

Mr. GODDARD, You'll please to insert in your Paper, the following Extract of a Letter from a Gentleman of New-York, to his Friend in this Town.

A. B.

Baltimore, September 28, 1787.

"I Have the Happiness to assure you from good Authority, that the New System of Federal Government will be unquestionably adopted by New-Hampshire, Massachusetts, Connecticut, New-York and Jersey. The People of Pennsylvania, I presume, you well know, are almost universally for it—And I can easily conceive, that your State will have no Hesitation upon the Subject, as it is particularly favourable to it. It will have no Opposition here, unless from a few Demagogues of *desperate Fortunes*, who wish not to see a *regular permanent* Government established.

"There is one Person in the State of Massachusetts, of respectable popular Talents, who was *originally* opposed to the Convention at Philadelphia, and who, it is well known, though he does not avow it, will oppose the proposed Federal Government. This Person's Politicks, however, will beyond a Doubt prevent his being in the Legislature. His Opposition to the New Government is attributed to a Wish to throw our Political Affairs in the utmost possible Confusion.—And, indeed,

should this Government not obtain, a Scene of *Anarchy* will ensue, that will seriously threaten our Political Existence. It is, therefore, devoutly to be wished, that the several States will send to their respective Legislatures Men, who are truly attached to their Country, and who, of course, will support and maintain this New System of Federal Government, which has been framed and *recommended* to us by our most distinguished Patriots and Statesmen.”

“P. S. As this New System of Federal Government will have a Tendency to promote Manufactures of every Kind, our Tradesmen here discover the utmost Anxiety to have it established.”

1. Reprinted in thirteen newspapers by 25 October: N.H. (2), Mass. (4), R.I. (1), N.Y. (1), N.J. (1), Pa. (2), S.C., (1), Ga. (1). The *New Hampshire Gazette* reprinting, 13 October, omitted the postscript. The Philadelphia *Columbian Magazine* reprinted the first paragraph of the letter in its October issue. The *New Hampshire Spy* reprinted the entire letter on 13 October and only the postscript on 3 November. The *Albany Gazette*, 18 October, *Salem Mercury*, 6 November, and *New Hampshire Mercury*, 9 November, reprinted only the postscript.

Samuel Chase: On Calling a State Convention, 28–30 September 1787

The October 1787 election for the state House of Delegates drew little public attention except in Baltimore Town. Samuel Chase, who had moved from Annapolis to Baltimore in 1786, announced his candidacy on 13 September 1787 (*Maryland Journal*, 14 September [Mfm:Md. 13]). In the Baltimore newspapers Chase was criticized for supporting paper money and debtor legislation and for being a champion of the poor and landless. An item in the *Maryland Journal* of 5 October described the newspaper publications and handbills against Chase as “virulent.” “Every Artifice was used, every Stratagem practised, every Falsehood circulated” to defeat Chase (Mfm:Md. 16).

The Constitution, adopted by the Constitutional Convention on 17 September, became an issue in the Baltimore Town election after Chase delivered speeches on 25 September at Fell’s Point and on 26 September at the courthouse. After “his harangue to the people of Fell’s point,” Chase was asked by two gentlemen if he “espoused the constitution or not.” He replied by brandishing the Maryland constitution of 1776 “under which we have lived happily for more than ten years.” Consequently, he did not think that Marylanders should “make a new experiment precipitately” (Edmund Randolph to James Madison, 30 September, below). The next day at the courthouse, Chase declared that he had “always maintained the Union, and the Increase of Powers in Congress.” He believed that “the Federal Government must be greatly altered,” but he was undecided whether the Constitution should be accepted “as it stands, without any Amendment or Alteration.” Chase promised, if elected, to support a legislative call of a ratifying convention (*Maryland Journal*, 28 September, immediately below).

Federalist leaders were angered by Chase’s position because he had not unequivocally supported the Constitution. On 28 September both Baltimore

newspapers printed a brief announcement informing their readers that James McHenry and Philip Rogers, “well known friends to the new Federal Constitution,” were candidates for representatives (Mfm:Md. 15). The onslaught against Chase and his fellow Antifederalist David McMechen was ineffectual since both men were easily elected. Chase received 612 and McMechen 593 votes, while McHenry and Rogers received 206 and 168 votes, respectively. In all, 830 voters took part in the election (*Maryland Journal*, 5 October [Mfm:Md. 16]). McMechen’s election was predictable since he had represented Baltimore Town since 1779. Neither McMechen nor Chase was reelected in 1788 or 1789.

Maryland Journal, 28 September 1787¹

The following is the Conclusion of the SPEECH of SAMUEL CHASE, Esq; delivered, this Day, at the Court-House, before a numerous and respectable Body of Citizens.

(Published by Request of many Electors of Baltimore-Town.)

The Constitution proposed by the late Convention, for the United States, will *alter*, and, in some Instances, *abolish* our Bill of Rights and Form of Government.

The Legislature of this State have no Right to alter our Form of Government, but in the Mode prescribed by the Constitution.²

The only Question for the General Assembly to determine is this, whether they will recommend to the People to elect *Delegates* to meet in CONVENTION, to consider and decide on the Plan proposed.

I have always maintained the Union, and the Increase of Powers in Congress. I think the Federal Government must be greatly altered. I have not formed my Opinion, whether the Plan proposed ought to be accepted, as it stands, without any Amendment or Alteration.—The Subject is very momentous, and involves the greatest Consequences.

If elected, I will vote for, and use my Endeavours to procure a Recommendation by the Legislature, to call a Convention, as soon as it can conveniently be done, unless otherways directed by this Town.

September 26, 1787.

Having been informed, that my Engagement, of Yesterday, to the Meeting, at the Court House, “to vote for, and use my Endeavours to procure a Recommendation, by the Legislature, to call a Convention, as soon as it can *conveniently* be done,” is not understood; from a Desire, if possible, to remove all Misunderstanding, I take the Liberty to declare, that by the above Promise I meant to engage, and therefore do promise, if elected, that I will use my Endeavours to procure, at the *next Session* of Assembly, and as soon in the Session as the necessary Business of the State will permit, a Recommendation by the General

Assembly to call a Convention, to consider and decide on the Constitution proposed by the late Convention for the United States, and to appoint the Election of Delegates to the Convention as soon as the *Convenience of the People* will permit. I further beg Leave to add, as my Opinion, that the Election of Delegates to the Convention ought to be as early in the Spring as may be.

SAMUEL CHASE.

Baltimore, September 27, 1787.

Steady

Baltimore Maryland Gazette, 28 September 1787

The conduct of Mr. *Chase* may surprise persons unacquainted with the man, and who do not recollect the desperate circumstances into which his imprudence, incapacity and extravagance, have plunged him—to others the whole is plain, and admits of an easy solution. When he declaimed at the Point³ on Tuesday evening, he was so much against the new federal government, that all his hearers were convinced, and most of them confessed he must be its decided enemy. When he declaimed again at the Court-house in town, the drift of his address was still on the same side as before, though not quite so violent. On this time too, he spoke at the particular instance of his friends to remove the impressions made by him at the Point. The design was not accomplished—he continued still opposed to the noble labour of the late patriotic Convention. Afterwards came out a hand-bill to clear up all doubts, and satisfy every voter of his being a perfect federal man. But alas! the hand-bill proved unsatisfactory, and left him where his first speech had fixed him. In conclusion, out issues a something else, to reconcile all contradictions, and make all things appear clear on the side of his fitness to represent the town. This is a short history of Mr. *Chase's* proceedings, who is nevertheless a decided friend to federal measures, as some assert.—Now, how can these things be? Is Mr. *Chase* of such weak and slow parts, that he cannot frame a distinct opinion on a subject, about which nine-tenths of the town are fully agreed? Is he so confined and poor a speaker that he cannot convey his ideas in plain intelligible language after several trials, without running wrong always on the same side, so that his orations and publications demand the aid of a commentator to explain them. His admirers say he is the wisest man and ablest speaker in the world! Whence then all this difficulty to be understood? The matter is obvious. Mr. *Chase* is in principle, inclination and interest, against the new continental government, because its establishment would leave him and his desperate adherents

in a state of irrecoverable ruin. He therefore wants to obtain a seat in the Legislature, that he may use his utmost endeavors to defeat it— But finding that a knowledge of this will destroy his interest among the people, he conceals it as much as possible, and tries to hold a different language. In spite of himself, however, the secret breaks out, and no impartial person in the town is at any loss to gather his real sentiments. He may now promise equal to the demands of the most zealous for the federal government—but what confidence can be reposed in promises directly contrary to opinion, judgment and interest. They are unwillingly and tardily brought forth, to answer the purpose of carrying his election, and none except the most soft-headed inconsiderate dupes to most palpable arts, will pay them the least regard.

Baltimore, Sept. 27, 1787.

Edmund Randolph to James Madison

Bowling Green, Va., 30 September 1787 (excerpt)⁴

My dear friend

. . . Baltimore resounds with friendship for the new constitution, and Mr. Chase's election depends, as it is said, upon his opinion concerning it. He waited on me, with an affectation, I suspect, of learning something to foster his opposition. I was prepared, because I had heard of his address harangue to the people of Fell's point the night before I saw him. It was represented to me, that after he had finished his speech, Colo Sam: Smith⁵ and Mr. Zebulon Hollingsworth⁶ asked him, whether he espoused the constitution or not? He replied to this effect: "Here gentlemen is a form of government, (pulling out the Maryland Act)⁷ under which we have lived happily for more than ten years. Shall we make a new experiment precipitately? Are we to pay taxes indefinitely, have our militia led from one End of the continent to the other, and be dragooned by a standing army, if we fail in the smallest article of duty?— But—I have not made up my mind"—However in the discourse between us, altho' he discovered a tendency to reject the constitution, unless amended, he declared he would labour to establish a fœderal government.

In Bladensburg the constitution is approved. . . .

Adieu: and believe me My dear sir, always & inviolably to be yr. affectionate friend

1. On 28 September, Chase's remarks were also printed in the Baltimore *Maryland Gazette* and then reprinted in the Philadelphia *Independent Gazetteer*, 4 October, the *Pennsylvania Herald*, 6 October, and the *State Gazette of South Carolina*, 18 October. For comments on Chase's "promise" to the electors, see "A Friend to the Constitution," *Maryland Journal*, 16 October (below).

2. Article LIX of the Maryland constitution of 1776 provided for amendments if the legislature passed a bill providing for such amendments, published the bill at least three months before the next legislative election, and then adopted it in the first session of the subsequent legislature (Appendix I, below).

3. Fell's Point is the port portion of Baltimore and is separated from the main part of the town by a creek.

4. RC, Madison Papers, DLC. For the omitted portions of the letter, see RCS:Va., 25–26. Randolph was in the Caroline County, Va., town of Bowling Green en route to the state capital of Richmond. Randolph (1753–1813), a Williamsburg, Va., lawyer, served as governor of Virginia from 1786 to 1788. He was attorney general of Virginia, 1776–86, and a member of Congress, 1779, 1781–82. Randolph represented Virginia in the Annapolis Convention (1786) and the Constitutional Convention of 1787, where he refused to sign the Constitution. In late December 1787 a long letter he had written to the Virginia House of Delegates explaining why he had not signed it was published (CC:385). In June 1788, however, Randolph supported the Constitution in the Virginia Convention and voted to ratify it. He was U.S. Attorney General, 1789–94, and U.S. Secretary of State, 1794–95.

James Madison (1751–1836) sat in the Virginia House of Delegates, 1776–77, 1784–87, 1799–1800; Congress, 1780–83, 1787–88; and the U.S. House of Representatives, 1789–97. He was U.S. Secretary of State, 1801–9, and U.S. President, 1809–17. Madison signed the Constitution in the Constitutional Convention in September 1787 and led the Federalists in the Virginia Convention, where he voted to ratify the Constitution in June 1788. He was one of the three authors of *The Federalist*, the most voluminous explanation and defense of the Constitution. (See CC:201.)

5. Colonel Samuel Smith (1752–1839), a native of Carlisle, Pa., was a merchant and land speculator and one of Baltimore's wealthiest men. He had served in the Continental Army during the Revolutionary War as a captain, major, and lieutenant colonel. After 1790 he served in the Maryland House of Delegates, the U.S. House of Representatives, the U.S. Senate, and as mayor of Baltimore. Smith was also a brigadier and major general of the Maryland militia.

6. Zebulon Hollingsworth, a Baltimore lawyer, was U.S. attorney for Maryland, 1792–1806 and associate judge of the Baltimore County Court, 1806–17.

7. The Maryland Constitution of 1776.

James Tilghman to John Penn Chestertown, 3 October 1787 (excerpt)¹

... Whether I shall ever see Phila. again is very doubtful I feel the Impression of years and am not very able to undertake long Journies My Spirits are hurt by the loss of my two valuable Sons whom I shall ever lament and tho' I am not gloomy I have lost a good deal of that cheerfulness which I used to have about me. I have seen the great work of the convention It requires much time to look into the consequences of the System I think it liable to some weighty Objections But it is not in human Ability at once to form perfect Systems especially of politicks policy—And perhaps upon the whole it is best better to adopt it and mend it as the imperfections or Errors of it may be discovered than let the Union rest upon the present ineffectual Confederation. There are different opinions here and people are warm on both sides I hear yr People are for driving it down the throats of yr Assembly² Will not this

bring the Paxton boys upon you?³ The seeds of Confusion were sown sometime ago, and now they begin to spring. Our best regards and wishes attend you and Mrs Penn and I am dear Sir yr affte friend & hble Sert

1. FC, Tilghman Papers, MS 2821, MdHi. Docketed: "Copy." Penn (1729–1795), a grandson of proprietor William Penn, was proprietary lieutenant governor of Pennsylvania and the Lower Counties (Delaware), 1763–71, 1773–76. The Revolutionary War ended his tenure in office and for a time the patriot government of Pennsylvania placed him on parole. Since Penn was moderate in his criticism of the patriot government, he eventually was able to keep most of his extensive Pennsylvania land holdings.

2. For the Federalists use of force to obtain a quorum in the Pennsylvania Assembly in order to adopt resolutions calling a state convention to consider the Constitution, see RCS:Pa., 95–126, and CC:125 A–B.

3. The "Paxton Boys" were Scotch-Irish settlers living in western Pennsylvania who had grievances against the proprietary government for failing to protect them from the Indians. In January 1764 about 250 of the "Paxton Boys" marched on Philadelphia to present their grievances. They were met in Germantown by Benjamin Franklin who promised them that the colonial assembly would address their grievances. The "Paxton Boys" then returned home.

Caution

Maryland Journal, 12 October 1787¹

To the INHABITANTS of BALTIMORE TOWN.

An attempt to *surprise* you into any *public* measure, ought to meet your indignation and contempt. When violence or cunning is substituted for argument and reason, suspicion should take the alarm, and prudence should dictate the propriety of deliberation. Questions of consequence in private life, ought not to be *hastily* decided, and with greater reason, determinations, that involve the future felicity of a whole people, ought not to be taken before the most mature and deliberate consideration, and a free and full examination of the subject, and all its consequences.—These reflections occurred on being informed that some gentlemen of this Town, employ themselves in carrying about and soliciting subscribers to a petition, addressed to the General Assembly, requesting them to call a Convention to ratify the new system of government, proposed for the United States, by the late Convention at Philadelphia.² If this petition contained no more, it would not have been worthy of notice; but it publishes to the world your entire approbation of the New Federal Government, and your desire that it should be adopted and confirmed by this State, as it stands, *without any amendment or alteration*. The ostensible cause for offering you the petition to sign is, that you may express your sentiments to the legislature, that

they ought to call a Convention to ratify the new form of government for the United States; but the *real* design of the promoters of the petition is to draw you into a declaration in favour of the *whole* system, and to bind you hereafter to support it, which you must do, or allege deception and surprise, if, on further reflection, you should discover that you rashly gave an opinion against your real interests. If the *real* intention of the promoters and carriers of this petition was *only* to obtain your opinion in favour of calling a Convention, it might have been expressed in a *few* lines; and no one would oppose such a petition, although improper and unnecessary, because your Delegates will certainly move for, and exert themselves to procure, the calling a Convention; and no member of the General Assembly will deny that, in so doing, your Delegates speak your sentiments.

In my opinion, it is not necessary or proper for you, *at this time*, to express your approbation, or disapprobation, of the new constitution for the United States, for the following reasons: First—because the decision *for* or *against* the plan, is of the greatest consequence, as it involves no less than the happiness or misery of you and all your posterity forever; and therefore, I think, requires your dispassionate and most deliberate consideration.—Secondly—because you want information, and have not had time yourselves to examine the proposed system, and to consider the consequences that may flow from rejecting or adopting it.—Thirdly—because time is not given for your countrymen in this, and the other States, to consider the subject, and to lay their sentiments and reasons for or against the measure before you.—Fourthly—because you ought to hear *both* sides, as the man who determines on hearing one party only, will almost always be mistaken in his judgment: He may be in the right, but it will be by *chance*, and not by *reason*.—Fifthly—because you are not pressed in point of time to determine on the subject; you have at least three months for deliberation; to decide, therefore, in a few days, will be rashness and folly.—Sixthly—when men urge you to determine in *haste*, on so momentous a subject, it is not *unreasonable* to inquire their motives; and it is not *uncharitable* to suspect that they are improper; and no possible mischief or inconvenience can happen from delay.

October 11, 1787.

1. Reprinted: *Pennsylvania Packet*, 19 October; *Philadelphia Evening Chronicle*, 20 October. "Caution" may have been written by Samuel Chase. (See "A Friend to the Constitution," *Maryland Journal*, 16 October, and Daniel Carroll to James Madison, 28 October, both below.) For a comment on "Caution," see "An Old Man," *Baltimore Maryland Gazette*, 20 November (below). For another address by "Caution," see *Baltimore Maryland Gazette*, 16 October (below).

2. The petition from Baltimore approving the Constitution and recommending that the legislature call a convention was received by the state Senate on 1 December (RCS:Md., 97–98n).

**Henry Hollingsworth to Levi Hollingsworth
Elkton, 15 October 1787 (excerpt)¹**

Dear Brother

. . . our new Assembly are all Federal the question was put at the Election not only in this County but almost over the State, Sam. Chase & Luther Martin are against it but I believe it will be accepted with us, the Sinod will be for it. . . .

1. RC, Hollingsworth Family Papers, PHi. Henry Hollingsworth (1737–1803), an Elkton, Md., merchant, mill owner, manufacturer, and farmer, was a lieutenant-colonel in the Cecil County militia, 1776, and a colonel, 1779–81. He represented Cecil County in the House of Delegates, 1789–94, and was a justice for the county, 1789–1803. In the state Convention in April 1788, Hollingsworth voted to ratify the Constitution. His brother Levi (1739–1824) was a wealthy Philadelphia merchant who was aligned with Robert Morris, a Federalist who had opposed the 1776 Pennsylvania constitution for being too democratic.

Caution

Baltimore Maryland Gazette, 16 October 1787¹

To the Editor of the Maryland Gazette, &c.

It has been well observed that disputes more frequently arise from the parties misunderstanding one another, than from any difference in opinion concerning the subject in dispute. The writer is led to this observation by what has lately happened to himself.

When the new system of Federal Government was submitted to the public, it was highly applauded by all ranks of people, even before I thought they had time to read it; and when I endeavoured to check this unreasonable ardour, I was charged with entertaining sentiments inimical to the continental system. When I tried to refute this charge, by declaring that I had not fully considered the subject, nor made up my own mind upon it, I was charged with concealing my real sentiments. When I dissuaded men from signing a petition to the General Assembly in favour of the new Constitution,² I was charged with attempting to deprive my fellow citizens of the privilege of petitioning the Legislature, and of sowing discord amongst them, by exciting groundless suspicions of the rectitude of each others conduct and intentions.

And, now when I have duly studied the system of Government, proposed for the United States, and candidly declare my approbation of

it, I am charged with aiming at *popularity*, by professing an opinion which every one has taken up before.

In a word, I find myself misconstrued in every attempt to instruct my fellow citizens; but this consolation remains, that I only share the common fate of instructors, and this last counsel I give gratis to my readers, to consider “That none are in such real want of instruction as those who are unwilling to receive it.”

October 15, 1787.

1. “Caution” may have been written by Samuel Chase. See “Caution’s” previous address, *Maryland Journal*, 12 October, note 1 (above).

2. See “Caution,” *Maryland Journal*, 12 October, note 2 (above).

A Friend to the Constitution

Maryland Journal, 16 October 1787¹

To the INHABITANTS of BALTIMORE-TOWN.

You have been addressed in the last Friday’s Paper, by a writer under the signature of *Caution*, who would persuade you that you ought to withhold your approbation at this time, from the Federal Constitution recommended by the Convention.

This writer may have the best intentions in the world towards the *public welfare*, and the *prosperity of Baltimore*, but every one must perceive that he is an enemy to the proposed Constitution, and wishes to prevent you from expressing yourselves in its favour, not only *at this time*, but at any *future time*.

Mr. C—— is said to be the author of this admonition; but, that this is a malicious insinuation, aimed at his sincerity, will appear by considering his *recent promise* on this subject, signed and published by himself, in reference with the resolution of the Convention, upon which that promise is founded. I shall state both the resolution and promise, that you may judge for yourselves.

The resolve of the Convention declares, that the Constitution should be submitted to a Convention of Delegates, chosen in each State by the people, under the recommendation of its legislature, *for their assent and ratification*.²

Mr. C—— being called upon, before his election, to declare himself on this point, promises to the people, “that he will use his endeavours, if elected, to call a Convention.”³

I would just observe on this resolve and promise:—First—that the resolve makes it an *absolute condition* that the legislature recommend a Convention *to assent to and ratify the Constitution*.⁴—Secondly—that the

promise made by Mr. C—— is obligatory upon him, to use his endeavours to procure a Convention *for this purpose*.

Another remark, which occurs on this occasion, is, that Mr. C—— could not mean that a Convention ought to be called *for any other purpose* than to assent to and ratify the Constitution; for it is absurd to suppose he meant the Convention should be authorized by the legislature to *propose amendments or alterations*, that being *contrary* to the declared intention of the resolution, and the sense which his friends entertained of his engagement at the time he entered into it: Mr. C——, therefore, (without presuming him capable of doing the greatest violence to his promise) cannot be considered as the *author of Caution*, who argues strenuously, though indirectly, *against adopting the Constitution*.

From this brief view of the nature and intention of the resolve, I think it is evident that the people ought, *without delay*, to signify their approbation of the Constitution by a *petition to the legislature*, to the end that the legislature, which is called upon by the Convention, and Congress, to recommend to the people to choose Delegates to ratify it, may have the *authority of the largest and most promising commercial and manufacturing Town in the State* to countenance so *important a recommendation*.⁵ But *Caution* thinks a petition *improper* and *unnecessary*; because says he, “your Delegates will move for and exert themselves to procure the calling a Convention.” Admitting your Delegates to move to have a Convention called, does it follow that they will add to their motion these *essential words*, *to confirm and ratify the Constitution*? Does it not rather appear, from the tenor of this writer’s remarks, that your Delegates ought to leave these words out of their motion? But the *propriety* and *necessity* of a petition does not depend on what your Delegates may, or may not do. It is *proper* at this time, because the Constitution meets your approbation.—It is *necessary* at this time, because wanted as an inducement to the legislature to call upon the people to appoint a Convention to carry into effect the object of the resolution. In other words, as the recommendation for a Convention *involves the legislature in a complete approbation of the Constitution*, there is the greatest *propriety* and *necessity* for your telling the legislature *that it meets your approbation*.

I am sorry to find, by *Caution*’s publication and insinuations, which I am told are circulated with great industry, that an opposition is opened against the Constitution. I did not, I confess, expect to see it adopted without some opposition; but I could not bring myself to believe, that this opposition could have originated in Baltimore, which is *so peculiarly interested in its speedy adoption*. But what I intended to say on this point, is so well expressed in a late speech of Mr. Wilson, to the people of

Philadelphia, previous to their election for representatives, that I shall take the liberty of closing with it.

“After all, my fellow-citizens, (says this excellent politician) it is neither extraordinary nor unexpected, that the Constitution offered to your consideration should meet with opposition. It is the nature of man to pursue his own interest in preference to the *public good*; and I do not mean to make any personal reflection, when I add, that it is *the interest of a very numerous, powerful and respectable body to counteract and destroy the excellent work produced by the late Convention*. All the offices of government, and all the appointments for the administration of justice, and the collection of the public revenue, which are transferred from the individual to the aggregate sovereignty of the States, will necessarily turn the stream of influence and emolument into a new channel. *Every person, therefore, who either enjoys, or expects to enjoy, a place of profit under the present establishment, will object to the proposed innovation, not, in truth, because it is injurious to the liberties of his country; but because it affects his schemes of wealth and consequence*. I will confess, indeed, that I am not a blind admirer of this plan of government, and *that there are some parts of it, which, if my wish had prevailed, would certainly have been altered*. But, when I reflect how widely men differ in their opinions, and that every man (and the observation applies likewise to every state) has an equal pretension to assert his own, I am satisfied that any thing *nearer to perfection* could not have been accomplished. If there are errors, *it should be remembered*, that the seeds of reformation are sown in the work itself, and the concurrence of two thirds of the Congress may, at any time, introduce *alterations and amendments*. Regarding it then, in every point of view, with a candid and disinterested mind, I am bold to assert, that it is the *best form of government which has ever been offered to the world*.”⁶

Baltimore, October 13, 1787.

1. This piece is a response to “Caution,” *Maryland Journal*, 12 October (above).

2. The resolution stated that the Constitution be submitted to Congress “and that it is the Opinion of the Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof . . . for their Assent and Ratification” (Appendix III, RCS:Md., 818).

3. For Samuel Chase’s 26 September speech at the courthouse in Baltimore, see “Samuel Chase: On Calling a State Convention,” 28–30 September (RCS:Md., 10).

4. See note 2 (above).

5. See “Caution,” *Maryland Journal*, 12 October, note 2 (above).

6. For a discussion of the speech, its circulation, and its impact in Maryland, see “The Maryland Reprinting of James Wilson’s State House Speech,” 16–25 October (immediately below). The italics in the concluding paragraph to Wilson’s speech printed above were supplied by “A Friend to the Constitution.”

Editors' Note
The Maryland Reprinting of James Wilson's
State House Speech, 16–25 October 1787

On 6 October 1787 Pennsylvania Federalist James Wilson, one of the Constitutional Convention's most prolific and influential debaters and a signer of the Constitution, spoke before "a very great concourse of people" at a public meeting in the Pennsylvania state house yard called to nominate candidates to represent the city of Philadelphia in the Pennsylvania General Assembly. Wilson's speech, first printed in an extra issue of the *Pennsylvania Herald* on 9 October, advanced arguments explaining and defending the Constitution that were often reiterated by Federalist writers and speakers throughout America. The *Herald* also reprinted the speech the next day.

Wilson's concept of reserved powers was the most controversial part of his speech. He declared that "in delegating federal powers . . . the congressional authority is to be collected, not from tacit implication . . . from the positive grant expressed in the instrument of union. Hence it is evident, that . . . every thing which is not given, is reserved." The concept of reserved powers, according to Wilson, demonstrated that a bill of rights was unnecessary. As an example, he asserted that Congress could not violate the freedom of the press because it had not been given power over the press.

The day before Wilson's speech the Philadelphia *Independent Gazetteer* had published "Centinel" I (CC:133), the first in a series of eighteen Antifederalist essays by Samuel Bryan of Philadelphia that would be widely reprinted throughout America. In particular, "Centinel" criticized the lack of a bill of rights in the Constitution. Wilson did not explicitly refer to "Centinel," but there is no doubt that the speech was, in part, a reply to "Centinel." (For a discussion of the significance, circulation, and the defense and criticism of the "Centinel" essays, see CC:133. For the reprinting of "Centinel" I and II in Maryland and an extended criticism of them, see "Aratus: To the People of Maryland," post-2 November 1787 [below].)

The *Pennsylvania Herald* described Wilson's speech as "the first authoritative explanation of the principles" of the Constitution. By 29 December the speech was reprinted in thirty-four newspapers in twenty-seven towns, in the October issue of the nationally circulated monthly Philadelphia *American Museum*, in a broadside, and in a pamphlet anthology. Among the newspapers were five Philadelphia newspapers (including a German-language newspaper). The broadside was also printed

in Philadelphia. In Maryland, Wilson's speech was reprinted in the Baltimore *Maryland Gazette*, 16 and 19 October, and the Annapolis *Maryland Gazette*, 25 October.

On 16 October, the day the *Maryland Gazette* began to reprint Wilson's speech, "A Friend to the Constitution," (*Maryland Journal*, immediately above), used the speech to negate "Caution's" (Samuel Chase?) encouragement of the people to withhold their approbation for the Constitution. "A Friend to the Constitution," quoted the last paragraph of Wilson's speech in which Wilson encouraged the ratification of the Constitution because it was "*nearer to perfection*" than any other that could have been accomplished at this time. Any errors, stated Wilson, could be corrected by the process outlined in the Constitution. Two-thirds of the new Congress could introduce amendments to the Constitution. Wilson concluded that the Constitution was "*the best form of government which has ever been offered to the world.*" In early November, "Aratus" referred to Wilson's speech, without identifying him by name, to explain parts of Article I, section 8 of the Constitution (RCS:Md., 36).

On 26 October the Baltimore *Maryland Gazette*, which had reprinted Wilson's speech sequentially on 16 and 19 October, reprinted "A Democratic Federalist," *Pennsylvania Herald*, 17 October (CC:167)—the first major Antifederalist response to the speech. The *Gazette's* reprinting was at the request of "A Customer," who declared to the printer: "As you have expressed a desire to keep an Impartial press, and have obliged your readers with the publication of Mr. WILSON's speech, on the new Federal Constitution, you are now solicited to insert in your useful paper, the following answer thereto.—The subject now before the people of America, is of the most important nature, the happiness of millions depends on their present determination.—Let them, therefore, enjoy every light a free press can afford, that they may judge for themselves, like rational creatures and freemen—Truth will shine the brighter when brought to the test."

On 30 October the Baltimore *Maryland Gazette* published "A Friend to Order" (below)—a Federalist critique of "A Democratic Federalist" and an attack on "A Customer" for uncritically accepting the author's arguments and for "re-ushering this piece to the world." According to "A Friend to Order," "A Democratic Federalist" had not understood the powers of the Confederation Congress and he had misrepresented the powers that the Constitution gave to Congress.

In a pamphlet published on 31 January 1788, "Aristides" (Alexander Contee Hanson) praised Wilson's concept of reserved powers. (See the pamphlet at footnote 11 [RCS:Md., 245].) According to Daniel Carroll, during the Maryland Convention in April 1788, a letter "intimated" to

be from Thomas Jefferson was circulated in Annapolis. Carroll informed James Madison that the letter criticized “Mr Willsons reasoning about a Bill of rights & tryall by Jury.” Carroll supposed the letter referred to Wilson’s speech (to Madison, 28 May 1788 [RCS:Md., 826–27]). The letter was possibly one that Jefferson had written to Madison on 20 December 1787, an edited and abbreviated copy of which he enclosed in a letter sent to Uriah Forrest on 31 December. (For the letter to Madison, and for the copy to Forrest, see CC: Vol. II, 482–85, 488–92.) Forrest had been in Europe on business but left for Maryland in January 1788.

On 29 July 1788, the Baltimore *Maryland Gazette* published an article by “A Marylander” that criticized Wilson for an argument he used to encourage Pennsylvania to ratify the Constitution. Pennsylvania had assumed a huge amount of the national debt once held by Pennsylvanians, and if the Constitution was ratified the new central government would fund the debt, which would “throw upon the continent their enormous funded debt.” “A Marylander” thought “the fate of the Constitution ought to rest entirely on it’s own merits, and not depend on the interests of any particular State, or individuals.”

For the text of James Wilson’s speech, its impact, its circulation, and the defenses and criticisms of it throughout America, see CC:134.

Pennsylvania Gazette, 17 October 1787¹

Our accounts from Maryland leave us no room to doubt of the Fœderal Government being adopted almost unanimously by that state. A few men *of words*—or men *on paper*—and men *for paper*—only object to it.²

1. Reprinted in the Baltimore *Maryland Gazette*, 23 October, the *Maryland Chronicle*, 31 October, and in nineteen other newspapers by 13 November: N.H. (3), Mass. (5), R.I. (1), Conn. (5), N.Y. (2), Pa. (3).

2. Probably an attack on Samuel Chase and his followers, who advocated paper money.

Maryland Journal, 19 October 1787

A correspondent observes, that he has read with pleasure a remarkable circumstance in regard to the person of the president in the new Federal Constitution, which is thus expressed by a writer in a late paper—“His person is not so much protected as that of a member of the house of representatives; for he may be proceeded against like any other man in the ordinary course of law.”¹ This circumstance has escaped the observation of all our correspondent has conversed with, and

shews how many imperceptible (as well as striking) checks are imposed, by the plan of the Convention, on the servants of the people.

1. Quoted from the “An American Citizen” I (Tench Coxe), Philadelphia *Independent Gazetteer*, 26 September (CC:100–A, p. 251). In the original article, this sentence appeared in italic type. “An American Citizen” I was reprinted in broadsides and pamphlets and in the Baltimore *Maryland Gazette*, 5 October, and in twenty-three other newspapers by 6 December. The *Maryland Gazette* prefaced its reprint with this statement: “*We are requested by a Correspondent and Customer, to publish a series of Pieces from Mr. Oswald’s Independent Gazetteer, &c. on the Federal Government. As we think they may be useful at this important juncture, we shall comply with this request, beginning with No. 1, and inserting them as they come to hand.*”

Richard Curson to Horatio Gates
Baltimore, 23 October 1787 (excerpt)¹

. . . We have no remarkable News amongst us,—the Chief Conversation of all parties is of the New Fœderal Government, and I flatter myself there is a Majority for its Adoption. . . .

1. RC, Gates Papers, NHi. A Baltimore merchant, Curson (1726–1805) emigrated to New York City from England in 1747. In 1776, at which time Curson supported the patriot cause, he left the city to escape the British Army. He arrived in Baltimore in 1777, established his mercantile firm, and fitted out several privateers during the Revolution. Gates (c. 1727–1806), a native of England who emigrated to America in 1772, was a planter. During the Revolution, he was a major general in the Continental Army, 1776–83, and second in command to Washington. He commanded the American forces that defeated the British at Saratoga in 1777, but was soundly defeated at Camden, S.C., in 1780. Gates was elected president of the Virginia Society of the Cincinnati in 1783 and vice president of the national society the next year.

Tench Coxe to William Tilghman
Philadelphia, 23 October 1787 (excerpts)¹

I send you a couple of hand bills prepared here by the friends of the new constitution for circulation thro Penns[ylvani]a, which I hope may be of use in Maryland. If you have a press at Chester Town, it may be useful to reprint them in your news paper. I shall thank you for your Opinion of the four Numbers of the American Citizen, which are my own.² Politicks and the principles of law, which are involved in so important a Constitution have not been much my study tho I have always attended to them as far as my professional pursuits admitted. Whether I have not laid myself open to the remarks of the learned on those points I do not know, but I flatter myself that as popular addresses the pieces must have use, as they were republished by particular desire. Give me your free opinion on them.

I shall be obliged to you to send a copy of each kind to Col. Hemsley³ with my respects. I always remember the good cheer & hearty welcome at his house. . . .

[P.S.] . . . Tell me in your next your Opinion of the Adoption of the federal Constitution in Maryland. It will certainly be recd. by more than nine States.

1. RC, William Tilghman Collection, PHI. The letter, addressed to Tilghman in Chestertown, Md., was docketed “ans[were]d.” The remainder of the letter deals with family matters. Coxe and Tilghman were cousins. Tilghman responded on 25 November (below). Coxe (1755–1824), a Philadelphia merchant and former Loyalist, represented Pennsylvania in the Annapolis Convention in 1786. He was one of the most prolific writers supporting the ratification of the Constitution. (See CC:Vol. 1, p. 247n, for a list of many of Coxe’s published writings.) Coxe was assistant secretary of the U.S. Treasury, 1789–92, and commissioner of revenue, 1792–97.

Tilghman (1756–1827), a lawyer and planter, was a native of Talbot County, Md., and the son of James Tilghman (1716–1793). He was a 1772 graduate of the College of Philadelphia (University of Pennsylvania). A Loyalist, he left Philadelphia to avoid confrontation with the patriot government and from 1777 to 1783 he lived in Chestertown, Md. In 1783 Tilghman was admitted to the Maryland Bar. In April 1788 he represented Kent County in the state ratifying convention, where he voted to ratify the Constitution. Tilghman represented the county in the House of Delegates, 1788–90, and the Eastern Shore in the Senate, 1791–94. In the latter year, Tilghman moved to Philadelphia. He was one of President John Adams’s “midnight judges,” 1801–2, and chief justice of the Pennsylvania Supreme Court, 1806 until his death.

2. The “hand bills” were copies of a four-page broadside which included all four numbers of Coxe’s “An American Citizen.” The broadside was printed in Philadelphia by Hall and Sellers of the *Pennsylvania Gazette* on or before 21 October (Evans 20180. See CC:Vol. 1, pp. 430–31.). The first three numbers of “An American Citizen” had appeared in the Philadelphia *Independent Gazetteer* on 26, 28, and 29 September, respectively. The fourth number appeared for the first time in the handbill. All four numbers circulated widely. For the texts and circulation of the four numbers, see CC:100–A, 109, 112, and 183–A. In Maryland, the four numbers were reprinted in the Baltimore *Maryland Gazette* on 5, 9, and 12 October, and 2 November, respectively. For the *Maryland Gazette*’s preface to the first number, see *Maryland Journal*, 19 October, note 1 (above).

3. Probably William Hemsley, a Queen Anne’s County planter, who was the husband of Tilghman’s sister, Anna Maria. He was a delegate to the state Convention, where he voted to ratify the Constitution in April 1788.

Daniel Carroll to James Madison

Near Georgetown, 28 October 1787 (excerpt)¹

. . . If the information I have receivd relating to this State can be depended on, every thing I hope will be right—Mr Carroll who waited for me, soon after saw Mr. Johnson, & sends me word that he is a warm friend—That Gentleman Mess Lee & Potts² were chosen the following week representatives with a view principally of preventing Mischief and forwarding this great object. Mr. Chace has I hear published a p[ie]c[e] under the signature of *Caution*³ which indicates an adverse disposn. He has bound himself to propose a Convention;⁴ & if chosen of that Body

will be bound to ratifye the proposd foederal Govert. the impression in Baltimore being strong & general in favor of it.—

The General informed me that Mr. Houston had call'd on him in his way to Georgia, & told him that Mr Yates (of the Co[n]vention) had declar'd himself a warm friend—Is this so?⁵

Col. Mason had not sett off for the Assembly when I heard last: I overtook him & the Majr. on the road: By the time they had reachd within 9 Miles of Baltimore, they had exhausted all the Stories of their youth &ca. and had enterd into a discussn. of the rights to the Western World⁶—You know they are champions on opposite sides of this question—The Majr. having pushd the Col. hard on the Charters of Virginia⁷ the latter had just wax'd warm, when his Char[i]oteer put an end to the dispute, by jumblng their Honors together by an oversett—I came up soon after—they were both hurt—the Col. most so—he lost blood at Baltimore—& is well—

Present my Co[m]ps to Col. Hamilton & his Lady.

1. RC, Madison Papers, DLC. Printed: Rutland, *Madison*, X, 226–27.

2. Thomas Johnson, Thomas Sim Lee, a planter, and Richard Potts, a planter and lawyer, were elected to represent Frederick County in the state House of Delegates. All three were also delegates to the state Convention, where they voted to ratify the Constitution in April 1788.

3. See “Caution,” *Maryland Journal*, 12 October, and Baltimore *Maryland Gazette*, 16 October (both above).

4. See “Samuel Chase: On Calling a State Convention,” 28–30 September (RCS:Md., 10).

5. The General was probably George Washington, whom William Houston had visited at Mount Vernon on 18 and 19 October (Washington, *Diaries*, V, 204). Robert Yates, a New York delegate, had left the Constitutional Convention early. He opposed ratification of the Constitution. (See CC:447.)

6. Colonel George Mason (1725–1792), a Virginia planter and a member of the Virginia House of Delegates, and Major James McHenry of Maryland, both delegates to the Constitutional Convention, were returning to their homes after attending the Convention. McHenry signed the Constitution, but Mason was one of three delegates who refused to sign. Mason, a strong supporter of amendments to the Constitution, especially a bill of rights, voted against ratification in the Virginia Convention in June 1788, while McHenry voted for ratification in the Maryland Convention in April 1788. Mason was the author of the Virginia declaration of rights in 1776. For Mason's widely circulated manuscript and printed objections to the Constitution, see CC:138 A–B, 276 A–D. See also Mason's failed attempt in the House of Delegates in late October 1787 to include a provision allowing the Virginia Convention to recommend amendments to the Constitution (RCS:Va., 110–20).

7. The reference is to the three charters that the commercial Virginia Company received giving the company the right to govern the colony of Virginia. The first charter was issued in 1606, the second in 1609, and the third in 1612. In 1624 the colony was in turmoil and the company went bankrupt, whereupon, James I revoked the charter. The next year Charles I issued a proclamation declaring Virginia to be a royal colony.

A Friend to Order

Baltimore Maryland Gazette, 30 October 1787¹

MR. HAYES, A Piece, signed A *Democratic Federalist*, has been formally introduced to public notice in the last Gazette, by A *Customer*, as a thing well calculated to *enlighten* the understanding of your readers. We shall just examine a few of the *Federalist's* favorite topics, to ascertain what degree of respect we ought to pay this *recommendation*, and what idea we ought to entertain of *Customer's own understanding*.

The *Federalist* thinks the new Constitution will destroy our national rights. It will not be denied that the thirteen States make but one nation. In this point of view, then our *national rights*, which comprehend the *defence* and *protection* of the whole; the management of the *common concerns*, and *promoting the general welfare of the whole*, can only be lodged with, or exercised by the sovereignty of the nation; for it is absurd to suppose that these rights can be lodged with *thirteen sovereignties*, or that a nation, or the sovereignty of a nation will *destroy its own rights*, and yet *Customer* believes in these absurdities.

This writer next asserts, that under the present Confederation Congress are merely an *Executive body*. What a pity that men should go about to define a government before they have studied it. Under the *present Confederation*, Congress have the sole right to ascertain the sums of money to be raised for the service of the United States. To declare how this money shall be expended. To fix the alloy and value of the national coin. To fix the standard of weights and measures. To establish and regulate Post-Offices, and the postage of letters. To make rules for the government and regulations of the land and naval forces. To declare the number of ships and troops to be raised for the United States. Not one of which rights can be exercised but by a *legislative act of Congress*, and yet *Customer* believes that Congress are merely an *Executive body*.

The *Federalist* asserts also, that the present Congress have no *judicial jurisdiction*, notwithstanding the 9th art. of the Confederation declares “that the United States in Congress assembled, shall be the *last resort on appeal* in all disputes and differences now subsisting, or that hereafter may arise between two or more States, concerning boundary jurisdiction, or any other cause whatever,” with power also to constitute a court for those purposes in case they *admit the appeal*; and notwithstanding hardly a day passes in which Congress do not sit as a *Court of Equity*, to decide on claims of the respective States, or individuals, for expences incurred for the common defence, but not provided for by any *Congressional act*, and yet *Customer* believes that Congress have no *judicial jurisdiction*.

From the *rights of a nation*, the *Federalist* proceeds to consider the *rights of persons*. He affirms under this head, the liberty of the press, and trial by jury, in civil causes, to be done away, and abolished by the new Constitution. With respect to the first, the liberty of the press instead of being endangered, is guarded by a particular clause. By the 8th sect. of art. 1st, Congress have power “*to promote the progress of science and useful arts, by securing for limited times to authors and inventors, the exclusive right to their respective writings and discoveries.*” It is impossible for Congress to *promote science*, and at the same time *destroy the liberty of the press*. The *science of government*, which is acknowledged to be one of the most important, as well as every other science, is best promoted by *free discussions*; all men therefore, under this clause, may not only *write what they please about government*, but may have the profits of such writings secured to them. On the other hand, it is evident, that the new Congress cannot exercise a power not given to them by the Constitution. Now the Constitution gives no power to Congress either *direct* or *implied*, to *abridge* or *abolish the liberty of the press*, and yet *Customer* believes the liberty of the press will be destroyed by the new Constitution.

The *Federalist* further affirms, that the new Constitution effectually abolishes the trial by jury in civil cases, and upon no better ground than because the *supreme Continental court* can never ride the circuit through the different counties of America, as is done by the supreme courts of the different States through their respective counties. Is there a professional man who does not know other modes as effectual to obtain the trial of facts by a *jury of the vicinage*? But besides the want of legal resource, or of candour which this argument discovers, *Customer* ought to have known the practice of the courts in Maryland better than to countenance the assertion *that the general court of Maryland rides circuit once every year through the different counties to obtain a trial of facts by juries of the vicinage.*² This, however, seems to be thrown out to divert the minds of the people from attending to a provision in the Constitution, plainly designed to guard the trial by jury in civil causes. The 2d sect. 3d art. expressly stipulates “*that the appellate jurisdiction of the supreme court, both as to law and fact, shall be exercised with such exceptions and under such regulations as the Congress shall make.*” If Congress enact no exceptions and regulations, the supreme court can exercise no appellate jurisdiction; and if Congress enact exceptions and regulations, these, to be valid, must accord with the Constitution. But further, it must occur to every unprejudiced person, that exceptions and regulations respecting the trial by jury in cases of appeals, could not make a part of the Constitution without rendering it ridiculous by a detail

proper only to appear in an act or statute. Such regulations, therefore, have been wisely left to be framed by the representatives of the people, who, it cannot be presumed, will dare to *abolish* what they are *thus enjoined to preserve*.—They will, no doubt, accommodate the appeals to the legal habits and circumstances of their respective Constituents, and yet *Customer* believes the Constitution abolishes the trial by jury in civil cases.

I hope these few remarks are sufficient to show that this writer does not understand the power of the *present Confederation*, and that his merit, if it can be called merit, lays in ingenious misrepresentation of the *powers of the proposed Constitution*. I shall now leave *Customer* to his own reflections upon re-ushering this piece to the world, and to reconcile his approbation of it with its palpable errors and misrepresentations.

Baltimore, October 28, 1787.

1. This article is a Federalist critique of “A Democratic Federalist,” *Pennsylvania Herald*, 17 October (CC:167), the first major Antifederalist reply to James Wilson’s 6 October speech before a Philadelphia public meeting (CC:134). “A Democratic Federalist” had been reprinted in the Baltimore *Maryland Gazette* on 26 October. On 16 and 19 October the Baltimore *Maryland Gazette* had also reprinted Wilson’s speech. For the speech, its circulation, and its impact in Maryland, see “The Maryland Reprinting of James Wilson’s State House Speech,” 16–25 October 1787 (RCS:Md., 20–22). “A Friend to Order” also criticized “A Customer,” who had requested the reprinting of “A Democratic Federalist” (RCS:Md., 21).

2. “A Democratic Federalist” actually stated: “It is well known that the supreme courts of the different states, at stated times in every year, go round the different counties of their respective states to try issues of facts, which is called *riding the circuits*” (CC:167, p. 389). In Maryland the General Court met in Annapolis in May and October to hear cases for the Western Shore and in Easton (Talbot County) in April and September for the Eastern Shore (*Laws of Maryland Made Since M,DCC,LXIII . . .* [Annapolis, 1787] [Evans 20483], 1777, chapter XV, section 9).

A Watchman

Baltimore Maryland Gazette, 30 October 1787

The PLOT!

FELLOW CITIZENS!

☞ Printed instructions¹ are handing about addressed to your representatives to the General Assembly, importing that the Convention to which the new Fœderal Constitution is to be submitted, should be *left at liberty to approve or reject it as they may think proper*.

The signing of this paper will be attended with the following inconveniences:

If persons should be chosen for members to the Convention, whose opinion would be *to reject the Constitution*, by signing the proposed instructions, which are framed with great art, you thereby *relinquish your right to instruct your delegates to vote for it*.

It is the people who are to determine whether they *dislike* or *approve* of the Fœderal Constitution. The Convention are not to *think for the people*, but merely *to declare the will of the people*. By signing the instructions to your representatives, you relinquish the invaluable privilege of *thinking for yourselves*.

These instructions have been framed by persons *who have refused to sign the petition*, and who will use their utmost endeavours to obtain subscribers to them, thereby to afford your representatives in the General Assembly *a pretext to act in opposition to your petition*.²

Be on your guard therefore my fellow citizens, and reject the *instructions*, which are calculated to defeat the adoption of the Fœderal Constitution, and answer the *designs of a party*.

1. For more on the printed instructions mentioned in this article, see the *Baltimore Maryland Gazette*, 6 November; "An Instructor," *ibid.*, 16 November; and "An Old Man," *ibid.*, 20 November (all below). For a printed instruction, see *ibid.*, 16 November (below).
2. For the Baltimore petition, see Senate Proceedings, 1 December (RCS:Md., 97–98n).

Skyaugusta

Maryland Journal, 30 October 1787

To the INHABITANTS of BALTIMORE.

In former pressing Exigencies of America, you behaved like Gentlemen. In consequence of your Discretion, your Affairs prospered.—It appears now, that the Devil is got in you or among you.—Exorcise him!—Expel him! Bribe him with the Carcase of the Demoniack who writes under the Signature of CAUTION.¹—The political Devil is possessed of too much *Caution* to receive him alive, lest he should sow the Seeds of Sedition among his less turbulent Subjects.—Good People! Be pleased to remember, that Antifederal or Tory Principles, plunged the Inhabitants of Norfolk into great Distress, and brought on the Destruction of that flourishing Place about the Beginning of the American Revolution.²

With great Esteem for many respectable Characters in Baltimore, I have the Honour to be yours, &c.

From the Watch-Tower, in the Wilderness, Oct. 16, 1787.

1. See "Caution," *Maryland Journal*, 12 October (above). "Caution" was reported to have been written by Samuel Chase.

2. By 1775 Norfolk was Virginia's largest town and most prosperous port. Its merchants had close economic ties with the ports of Great Britain and as such Loyalism was firmly established in the city. Royal Governor Lord Dunmore tried but failed to make the town his capital after he had been driven from Williamsburg. On 1 January 1776 his fleet bombarded the town and landing parties set fire to the waterfront warehouses, starting

a 50-hour fire that destroyed much of the town. For strategic reasons, the rest of the buildings were burned by patriots.

Aratus: To the People of Maryland Post-2 November 1787

“Aratus” is a three-page broadside probably issued by a Maryland printer in either late 1787 or early 1788. No newspaper reprints of the broadside have been located. The author of this piece was possibly George Lux (1753–1797), a well educated, wealthy Baltimore merchant, who had used the pseudonym as the author of a broadside published in 1782.

“Aratus” is a well-argued and partisan Federalist piece answering Antifederalist objections to the Constitution, especially “Centinel” I and II, Philadelphia *Independent Gazetteer*, 5 October (CC:133), and Philadelphia *Freeman’s Journal*, 24 October (CC:190). Written by Samuel Bryan of Philadelphia, the “Centinel” essays, which eventually ran to eighteen numbers, were widely circulated and much praised or criticized. In Maryland, the *Maryland Journal* reprinted “Centinel” I and II on 30 October and 2 November, respectively. These first two numbers of “Centinel” were sent to William Goddard, the publisher of the *Maryland Journal*, by “A Marylander” with this statement: “I now send you the two first numbers of the CENTINEL, which lately made their appearance at Philadelphia, and as their contents are interesting to every State in the Union, the insertion of them in your widely-circulating and valuable Paper, may render an essential service to this country . . . Head of the Elk, October 27, 1787.” After printing the text of the first essay, Goddard announced that, for want of space, “Centinel” II would appear in the next issue of his paper.

“Aratus” did not refer to “Centinel” by name but as some of the footnotes below indicate he was definitely answering “Centinel’s” objections to the Constitution. “Aratus” could have read these essays of “a writer in a neighbouring state” in the *Maryland Journal* or in the Philadelphia newspapers that circulated in Maryland, especially in the commercial port town of Baltimore. In the course of his discussion, “Aratus” referred to Pennsylvanian James Wilson, who criticized “Centinel” the day after it was printed, but “Aratus” did not use Wilson’s name. Instead, “Aratus” only described Wilson as “a member of the convention” (i.e., Constitutional Convention) who had made “a public explanation of the new system” (i.e., the Constitution). For a discussion of the speech, its circulation, and its impact in Maryland, see “The Maryland Reprinting of James Wilson’s State House Speech,” 16–25 October 1787 (above).

To the PEOPLE of MARYLAND.

FELLOW-CITIZENS, The object of this publication is to put you on your guard against the artifices and insidious addresses of those persons who, assuming the character of friends to, and advocates for, the liberty and welfare of this country, do openly attack, or indirectly oppose, the plan of federal government lately submitted to the consideration of the several states. The animated spirit of freedom is too apt to view restraint in any degree, as an encroachment on its privileges, and an abridgement of its rights. A mind, though upright, and well inclined in every

respect, yet unacquainted with the principles of society, and the dependencies necessarily created by social union, influenced by this spirit, is a fit subject for those, who, having private purposes to promote, recur to those means and topics which are most likely to prevail on a temper so disposed. The most considerable part of the individuals in every community, must have the general good at heart, though the means of obtaining or securing it, are seldom within the reach of ordinary comprehension. As freedom and security are their great objects, the person who inculcates the first of these in its greatest latitude, is too often supposed to be the most deeply concerned for the last. Clamour is frequently construed into attachment, and arrogates, and often gains credit in proportion to its ardency. The ambitious and the ill-designing in every age, have availed themselves of this easy faith, to carry into effect their selfish and pernicious schemes, and the people, with the best intentions, have often become dupes to demagogues, and have been made the instruments of their own ruin.

Aristocracy, that popular topic, has been commonly held up in terrorem on this occasion, that the minds of the populace being terrified by this illusion, they might the more easily be impelled to those extremities which are ever favourable to crafty ambitious men. The history of the Roman republic will furnish us with instances in abundance, where such characters, when inclined to disturb the quiet of the state to promote their own views, have always aimed at making an odious distinction between the citizens. The wealthy and the well-born, as they are styled, are opposed to the low-born and the poor, and if facts are wanting, a disposition at least to oppress is urged. Tumults and civil wars have flowed from this source, and the authors of them, if successful, have proved, that the consequences of success were most foreign from the purposes professed, and the sufferings of the people have convinced them, though late, of the error of their conduct.

The new federal government has been instanced by a writer in a neighbouring state,¹ whose performances have been circulated in this, as one of those alarming attempts upon the rights and liberties of the people of America, by those who are termed the wealthy and well-born. To lord it over their fellow-citizens, it seems, has been the object of those members of the convention who were favourers of that scheme. If this has really been their object, I think I may venture to say, that no set of men ever made a more bungling hand in projecting a plan for the accomplishment of their purposes.

Sect. 2, art. 1, of the federal government, says, “that the house of representatives shall be composed of members chosen every *second* year by the *people* of the several states, and the *electors* in each state shall have

the qualifications requisite for electors of the most *numerous* branch of the state legislature.” The plain import of this section is, that the *collective* body of the people, who are electors of the most numerous branch of every state legislature, shall have it in their power, at the period fixed, to send those persons to represent them in the federal assembly, whom they shall deem most worthy of the trust. The periods of service are short, for this obvious reason; because, by the quick return of the choice, they may be enabled to discharge those from their service who do not consult their interest, and appoint others in whom they can more safely confide. A provision that will ever enable the people to secure their common rights, and to ward off oppression. By the word *people*, in the section, we are to understand, that this choice is not to be made by any particular set of men, authorised in each state for this purpose. For instance, by electors, as in the case of our senate,² but it must be made by the people themselves; that is, by such of the people to whom each state, by its particular constitution, has given the privilege of a vote at the election of their immediate representatives in the state legislature. This provision is evidently made to guard against that aristocracy which some affect to dread in so high a degree. It is made to secure to the collective body of the people that right of interference in, of being present at by their representatives, and having a *decisive* voice in, every act of the governing power that can affect them in any of their concerns. It is the democratic palladium of the federal constitution, standing in opposition to the encroachments, if such may be feared, of aristocratic usurpation.

By sect. 3, art. 1, “the senate of the United States shall be composed of two senators from each state, chosen by the *legislature* thereof for six years, and each senator shall have one vote.” That the foregoing clause is not calculated to promote the establishment of an aristocracy, is surely out of the reach of sober suspicion; and the one now under consideration cannot, I think, be deemed so favourable to it as to create any uneasiness or distrust in the minds even of the *enlightened patriots* of this country.³ These senators are to be appointed by the *legislature* in each state, in which the immediate representatives of the people have an equal privilege in the appointment with the other branch; and if it be considered with respect to our constitution, that the house of delegates is more than four times as numerous as the senate, supposing that body aristocratically inclined, we need not, I imagine, have any apprehension as to ourselves on this head. I do not at present recollect the exact proportion between the different branches of the legislature in each state, where there is more than one branch, but I conceive none of them can fall much short of this proportion. And if to this it

be added, that the immediate representative body in every state is elected for a very short period, (but one in the union exceeding a single year)⁴ there cannot possibly be any collusion between the electors and the elected, for any purpose destructive of the general good. The composition of the house of state representatives, from the frequent returns of election, and the constant changes in that body, is very little different from the state of the people at large. The members must necessarily have the same views and the same interests, which will ever operate as a security to their constituents.

By a subsequent part of the foregoing section, it is provided, "that immediately after the senate shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class, shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year; and of the third class at the expiration of the sixth year; so that one third may be chosen every second year, and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall fill the vacancies."

What is the object of this provision? Does it tend to favour an aristocracy? Let it be examined. The term of six years might perhaps be deemed a period of too long continuance for any body, possessing the powers of the senate. To obviate this, and to free the states from any cause of alarm on that head, this provision is made to break any combinations that might possibly be formed amongst the senators against the public weal, by taking off one third every two years, and leaving to the respective states to whose share it might fall, the privilege of making a new appointment. A fluctuating body can never be esteemed a dangerous one. Where the members are frequently changed, or where the people, or as in this case, their representatives, possess a constitutional right of making frequent choices, if they are oppressed, if their rights are invaded, and their interests sacrificed, the fault must originate with themselves, and to them properly the mischief may be imputed. Had it been the view of the convention to establish an aristocratic body, this provision would never have made a part of their plan.

It cannot be forgotten, that the senate of this state was once charged with having views of becoming a body of this kind. This imputation, though foolish and groundless enough, Heaven knows, however, might, with more appearance of probability, be charged on that body, than on the senate of the United States, which we observe is not vested with a power of filling up vacancies, however occasioned.

By a clause of sect. 7, art. 1, we find, "That every bill which shall have passed the house of representatives, and the senate, shall, before it become a law, be presented to the president of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter their objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevent its return, in which case it shall not be a law." By a subsequent clause, every order, resolution or vote, to which the concurrence of the two houses is necessary, must undergo the same process.

In all bodies, however constituted, and whatever the purposes of their appointment may be, we are sensible, that there will be a difference of opinion amongst the members composing them, on almost every subject that can be proposed to their consideration. When affairs of moment are in agitation, this occasions contests, heats, and frequently animosities. In the conflict prudence is compelled to retire, and the result often shews, that she has had little to do in the matter. A judicious mediator, on such an occasion, if patiently attended to, may become an useful monitor to the parties, and a benefit to all concerned. He may obviate the ill effects of hasty or passionate determinations, by giving the parties time to cool and consider. New information may be supplied, and prejudices subdued. These advantages may arise from such an interposition, and no ill can be derived from it. To remove every chance of undue influence on the part of the president, a stated majority, and that a considerable one, is fixed in *both* branches. His power is limited to time, to prevent the inconveniences he might occasion by delay. And that the states may be furnished with information on this material point, concerning the conduct of their deputies, the yeas and nays are to be taken, and their names entered on the journals.

Thus is the legislature of the federal government constituted. Composed of a house of representatives, elected every two years by the collective body of the people in the different states. Of a senate, whose

members are chosen by the legislatures of the states. In which legislatures the collective body of the people, by each particular constitution, has the immediate choice, and that at short periods, of the most numerous branch. The people at large, mediately or immediately, having the choice of the component parts of this frame, it might be imagined, that a government thus constructed, would have escaped the censure of aristocracy. Should it ever tend to that form; should the wealthy and the well-born ever so far prevail, as to obtain the purpose they are charged with, it can never, I think, be ascribed to any thing in this scheme favourable to their views. It must arise from the negligence and supineness of the people themselves, and of the state legislatures. These must consent to give up their privileges, neglect the exercise of their rights, or join in the conspiracy to annihilate them, for without their assistance or connivance, I see no possibility of success to those who may attempt to usurp a power of domination independent of their will. From the language of those who have commented on this plan, one would be led to suppose, that the people were excluded from any share in the composition. The powers intrusted to it are held up as excessive and dangerous, and the members, it would seem, are without control or responsibility, but with what reason, I leave others to judge.

If a common government be necessary, powers adequate to the purposes of its appointment must be vested in it, otherwise it will be a mere mockery. It will become a burlesque amongst nations, and, sooner or later, will be a fatal deception on those who are so unfortunate, or so inconsiderate, as to confide in it. A power to lay taxes is necessary to its very existence, as well as to fulfil its duties, and comply with engagements. This power, without the concomitant one of collecting, we all know to be nugatory. The present establishment affords a thousand instances of the truth of this remark. Had they been united, we should not now, perhaps, have been contending about new forms.

Sect. 8, art. 1, is instanced as a clause in the federal plan, which confers on congress an unlimited power over the revenues of the states. It will be well to examine this clause, in order to discover whether it can have that dangerous tendency which has been ascribed to it. A power "to lay and collect taxes, duties, imposts and excises, to pay the debts, and to provide for the common defence, and general welfare of the United States," is by said clause granted to congress. By a clause in sect. 2, art. 1, we find, "that direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all

other persons." This provision exists in the present government. It must be remembered that it was adopted in the place of an article of the confederation, which, upon trial, could not be carried into execution upon the principle of general equality, viz. the adjustment of quotas by property. The objections at first raised against this mode, were given up on conviction of the impracticability of the former.⁵ So that being generally approved in the present form of government, the same reasons will give it a place in the new plan.

It will now be proper to take notice of the latter part of sect. 8, art. 1. After granting to congress a power to lay duties, imposts and excises, the clause provides, "that all duties, imposts and excises, shall be *uniform* throughout the United States." The obvious intent of this provision, particularly with respect to taxation, is to put every state upon an equal footing, and this must generally be the effect of it. It therefore creates an universal interest in the states to attend to the operation of this branch of taxation, and to the conduct of those intrusted with the power of imposing it. An abuse will be easily detected. This power, therefore, instead of being dangerous, will be the most safe, and probably the most beneficial and equal in its operation, of any that can be lodged in their hands. If these be judiciously imposed, and faithfully collected, of which we have as good security as can be had in affairs of government, they will be more advantageous to the generality of the people, than any mode of taxation that can be devised, and there are good grounds to believe, from the increase of our numbers and trade, and from other circumstances, that they will at least be nearly sufficient to defray every expence of the internal establishment, and pay the interest of our national debt.

But in order to increase our suspicions of the terrible effects that are made to flow from the possession and exercise of the power conferred by the forementioned clause, *a standing army in time of peace, that grand engine of oppression*, is ingeniously enough connected with it.⁶

"To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water," also "to raise and support armies, &c. to provide and maintain a navy; to make rules for the government and regulation of the land, and naval forces;" are the clauses in sect. 8, art. 1, upon which, I suppose, the dread of that grand engine of oppression is founded. These clauses, I confess, appeared to me to relate rather to a state of war, than to a peace-establishment. But it seems the latter idea is admitted by a member of the convention in a public explanation of the new system.⁷ It is suggested by the writer above alluded to, that the collection of the taxes, duties, imposts and excises, however grievous and improper they may be, will be enforced

by this standing army. Should there ever exist an occasion to enforce these collections by arms, a provision is made for that purpose in another clause of the same section, authorising congress “to call for the militia to execute the laws of the union, suppress insurrections, and repel invasions;” so that the great standing army of congress, at least for *domestic* purposes, appears to be nothing more than the militia of the several states, which may be called out for the uses enumerated in the clause.

But supposing it had been the intent of the convention to provide for the keeping of a standing army on foot in time of peace, and that they had vested in congress a power for that purpose, there is a clause in the 9th sect. art. 1, that will ever act as a restriction upon the number and use of that body, for by that [“]no money can be drawn from the treasury, but in consequence of appropriations by *law*, and a regular statement and account of the receipts and expenditures of the public money, is to be *published* from time to time.” If then a standing army can become dangerous to the liberties and interests of the states, the house of representatives must combine with the other powers of government to make it so, for no money can be appropriated by law without their consent, and an army kept up without pay, is not a common phænomenon. It is true, we have all seen one kept on foot without money, and frequently without common necessaries. We have seen them combating not only with our enemies, but with the seasons, in the cause of freedom and of their fellow-citizens. We have viewed them victorious in these contests, and retiring after their victories, with arms in their hands, to scenes of peace and quiet, in confident expectation of a compensation for their services at some future day, when their countrymen might have it in their power to do them justice; but this is a singular case, and the prize was liberty. An army employed to enslave, must not only be provided with pay, but fed with plunder. And if ever such an army be employed by congress to subjugate this country, or to enforce their despotic decrees, it must be when we are arrived at a state of stupidity and corruption; when all sense of liberty and rights is sunk in vice and luxury. And when this shall happen, we must expect the fate of all other nations, who have reduced themselves to the same circumstances.

That congress will be under a constant necessity of keeping up a body of troops to guard and defend the western frontiers of the states, is probable enough. But these can never be numerous in times of peace, nor can they become dangerous, as long as the democratic branch of the constitution exists. For this branch being *solely* in possession of the privilege of *originating* all bills for raising a revenue, it will ever be in

their power to increase, diminish, or regulate that body, nay to abolish it, whenever they find it becoming prejudicial to the interests or liberties of the United States.

The clause which provides, "that no appropriation of money for raising and supporting armies, shall be for a longer term than two years," has been considered as a provision of a suspicious nature, because in Great-Britain, ever since the revolution in 1668, funds to support the troops are only granted from year to year.⁸ But it should be considered, that the house of representatives, even should the senate be otherwise inclined, will always have it at their option, whether the appropriation shall be for one or two years, or for any period within the latter. The restriction is made to guard against the excess, not to prevent a diminution of the period mentioned, and in all probability the latter will be the effect.

An alarm is taken with respect to the state legislatures and judicatories. The operation, it is said, will be, nay the secret intent of this constitution is, to absorb these, and that the provision made by the convention respecting "the times, places and manner, of holding elections for senators and representatives, which is to be prescribed in each state by the legislature thereof: But that the congress may, at any time by law, make or alter such regulations, except as to the place of choosing senators," proves it to be intended, that congress shall provide for the election and appointment of representatives and senators, when the state legislatures shall drop out of sight.⁹

Whatever may be the fate of the state legislatures, it does not appear to me, that this was in the view of the convention when that clause was framed. Their great object appears to have been, to institute a government as *uniform* and equal in all its parts, as could be accomplished. It was foreseen that the states, by different regulations with regard to the above recited instances, might obstruct that *uniformity*, and occasion great inconveniences. That by wrong and different dispositions of the places and times of holding, and the manner of conducting the elections, the whole spirit of the constitution might be lost. The least reflection will suggest the ways in which this might happen. The exception with respect to the place of appointment of senators, is evidently made for this reason; because they being chosen by the legislatures of the states, the choice must necessarily be made at the seat of government of each state, and with this, the convention deemed it improper, as well as unnecessary, to meddle. Congress having the control in the former instance, it is said, that they may govern the choice, by ordering the *representatives* of a whole state to be elected in *one* place, and that too may be the most *inconvenient*. A more desperate case, I confess,

could not easily be suggested, but that very circumstance renders it the less to be feared. Such a practice must be the effect, and not the cause of despotism, for before it can take place, the citizens of this country must be reduced to a state of the most abject slavery, and every spark of that flame extinct, which lighted America to independence. The body which could venture on an act of this kind, would soon free itself from the necessity of committing it, by finding some mode of continuance without recurring to a periodical appointment by slaves.

The most striking feature in the new plan, it must be acknowledged, is that which presents itself to us on a view of the state governments, in the presence of the federal constitution. But it is a feature that will inspire every good citizen with a satisfaction that is not limited to present views and personal considerations, but which extends itself to distant ages, and to future generations. That the states should be tenacious of the power they now possess, and jealous of any plan that acts as an infringement on it, is not to be wondered at. Like individuals, they estimate their consequence and strength by their station, and as it often happens in this case, so in theirs their security may fall a victim to their vanity. The necessity of a common government must be admitted even by the devoted admirers of state independency; and this once admitted, all those powers that are necessary for its support, and to carry into effect the intent of its establishment, must follow as an absolute consequence. The present confederation is adequate to the purpose of enacting and ordaining, but that these are not sufficient, the experience of years has afforded us full conviction. We know it is idle to expect obedience, where the power of compulsion is wanting, and we are also sensible, that without a compliance with necessary ordinances and requisitions, we shall sink as a nation. The union must be dissolved, and if we should be so fortunate as to escape internal feuds and distractions, which is scarcely possible, our division will expose us to every external evil. To complete our distresses, nations before friendly, and who assisted us in the acquisition of independence, will, to recover their just dues, be compelled to turn that power against, which had been exerted in favour of this country.

The judicial power has also been censured as oppressive and extravagant. This power we find thus delineated in sect. 2, art. 3, "the judicial power shall extend to all cases in law and equity, arising under this constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty, or maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states, between a state

and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.”

It ought not to be overlooked in this frame of government, and it appears to me to be a most striking character in its composition, that the grand object is to preserve unanimity amongst the several states and the citizens thereof, by removing every probable cause of disagreement. For this, amongst other reasons, congress, I conceive, is generally empowered to regulate the commerce of the United States. To prevent dissensions that might arise amongst them on account of combinations, partial regulations or attempts, to over-reach and supplant each other in trade, (the imposing of duties and imposts was, in part, for this reason also, I apprehend, vested in congress.) If this object be a good one, a power to enforce it must be lodged with the body that issues the ordinance. All cases of maritime jurisdiction, will properly be subject to the cognizance of such a power. The authority conferred on the judicial department, with respect to external matters, where foreign states, or the citizens of foreign states, or where ambassadors, &c. are concerned, will appear proper when we reflect, that the law of nations is, in some cases, the rule of adjudication, and also that the intercourse between nations, and the citizens of different nations, at this period, is usually regulated by treaties. The government of the United States is, and must necessarily be, vested with the power of making and interpreting these, as far as they relate to the states. The rights arising under them, their extent, and the rules to be observed in their construction, ought indubitably to be lodged with that body, which is responsible for their observance. All controversies between different states, between a state and citizens of another state, between citizens of different states and citizens of the same state, in claiming lands under grants of different states, ought surely to be adjusted by those tribunals, which are not dependent on any particular state for their appointment or support. States interested in the immediate controversy, ought to be excluded upon the principle of their being parties in the contest. The same rule will hold good, not only where whole states are concerned, but where citizens of different states are. This latter part of the clause is calculated to maintain internal justice and amity; the former part, relative to foreigners, to preserve external peace. For congress, the only public body in the United States, in a national view, and therefore the only responsible one, can alone effectually adjust those differences in which foreign states, or foreign citizens, are parties.

The apprehension that a clause, in the sixth article of the new constitution, viz. "that this constitution, and the laws of the United States, which shall be made in pursuance thereof; and all treaties made, and which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution, or laws of any state, to the contrary notwithstanding." The apprehension, I say, that by this clause the state judicatories will be *wholly* superseded, seems to me to be without foundation. Most of the causes that will arise under the new constitution, will be such as are created by it. Cases of property and right within the state, and between citizens thereof, and criminal cases, wherein the United States are not concerned, will find sufficient employ for the state tribunals. Encroachments on these by the judicial power of the union, will not be so easy a matter as is by some imagined. For every state being equally concerned in keeping that power within its proper limits, (an excess in one state setting a precedent for all) the whole will unite in opposing any infringement on the privileges of either. But supposing this authority, to the extent specified, was not vested in the new constitution, what would be the consequence? Why each state would often have it in its power, as far as related to itself, to render abortive the laws and resolutions of the general governing body.

If the legislative and judicial departments of the states, be abridged in the extent of their authority and jurisdiction, the case is unavoidable, and I think not alarming, when we reflect that the surplus is intrusted in hands who have no opportunity, as far as human institution can provide, to violate the trust. That the state legislatures will *drop out of sight*, by the operation of the new government,¹⁰ and thereby make way for congress to mould their body to that shape which may best suit their secret purposes, is an event too improbable to excite the most distant concern. The constant variation occasioned by time, accident and other causes, in human policy and affairs, and the perpetual occasion for alterations in these, or new regulations, will ever continue a necessity in the states to keep up internal legislation. But admitting no such occasions, the states surely will never suffer that institution to drop, upon which their freedom, their every thing depends. Should they ever arrive to that state of insensibility for their welfare and interests, it matters not what form of government they have. They will be then ripe for a master, and the situation ever produces one.

That the new constitution should be free from faults and omissions, is not probable or possible. The executive department has been instanced, and appears to be the most exceptionable part of any. The

blending of the different orders of government, or any of them, is esteemed by the best political writers, as a thing to be avoided in government; and yet I do not apprehend so much from it in the present case. It may perhaps be unnecessary again to repeat, that from the construction of the senate, and the power the states have over it, it is by no means a permanent fixed body. The president is a popular and temporary officer. The probable chances of alteration in these departments, especially when they give cause of jealousy, will ever secure the states from any well concerted plan on this side, against their liberties and rights. And if to this we add, that the material executive powers, delegated to them conjointly, or to the president alone, depend for their energy upon the public purse, and that this, in its original state, is lodged in the hands of the representatives, who in the first instance are alone authorised to draw on it, and whose concurrence afterwards is necessary in the appropriation of the draughts; if these things, I say, be considered, the danger arising from this union of powers, will not be so considerable as it has been represented. It is a well known observation of several political writers, amongst which I think is Montesquieu, that Great-Britain can never be enslaved, but by a parliament; that unless such an ascendancy is gained over the house of commons, as to induce that body to favour schemes subversive of national freedom, the event can never happen. Accordingly, in every attempt of this kind, the great object has been either to influence elections, or to corrupt the members when elected; or, if these have failed, to get entirely rid of them, as in several cases before the revolution, by virtue of that branch of prerogative, which vested in the king's discretion the privilege of calling them together. If these attempts have failed in England, where, from the construction of the house of commons, particularly with respect to representation, and the prerogatives of the crown, the chance of success is infinitely more probable than it can be with us, if such attempts, I say, have failed in the above case, the constitution of the United States, in this branch of it, gives us every reason to think ourselves secure.

The provision made by art. 5, for the purpose of instituting a mode of alteration in those parts of the new plan that may, upon practice, be found defective, has been treated as idle and visionary. The article is this, "that the congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two thirds of the several states, *shall* call a *convention* for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the *legislatures* of three fourths of the several states, or by

conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by congress.” Before this can take effect, it is said, “that the fascination of power must first cease, and the nature of mankind undergo a revolution that is not to be expected on this side of eternity,” and then a question is asked, “does history abound with examples of a voluntary relinquishment of power, however injurious to the community?[]”¹¹

By the foregoing article, I conceive, that it does not altogether depend upon congress, whether this mode of correction shall be carried into execution or not; for if their fondness of power should render them averse from the exercise of it, upon application of the legislatures of two thirds of the several states, they are *bound* to call a convention for proposing amendments, which amendments are to be ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof.

Now I apprehend, it is not necessary that the nature of man should undergo a revolution, or that the fascination of power should cease, to make way for the adoption of this latter part of the provision. Whatever form of government may be established, some mode of correction must be instituted. In our state the mode is by act of assembly submitted to the consideration of the people.¹² If our provision be a good one, that of the federal government is a better; for by this amendments may originate with the body governed, as well as with the governing power.

Upon the whole matter, my fellow-citizens, I think, that the essentials of the federal constitution are good, and that the power intrusted to the different departments is not more than sufficient to render the government effective. Particular inconveniences and hardships may happen in this, as they must do under every government, but the establishment has a general tendency to preserve liberty, and to insure security. Whatever defect there may be in the form, or omissions in the plan, a remedy is provided for them, and placed in the hands of those who must experience the evil, and therefore will be ever ready to administer the cure. The scheme of calling another general convention to consider the objections made, and the alterations proposed by the different conventions, and to institute a form that will be more generally approved than the one now offered to the states, may appear plausible, but, I trust, it is fallacious. We are told by the convention, that the constitution presented to us, (is the result of a spirit of amity, and of mutual deference and concession.)¹³ If the matter be again left at large, each state will propose such amendments and alterations as suit its particular situation and convenience; and if tenacious of these, it is obvious that the materials will be too discordant for the erection

of any regular system. But the spirit, which the above writer attempts to diffuse, is the spirit of destruction, and not of amendment. The new constitution must entirely fall, to make way for his beloved *simple structure*.¹⁴ This spirit we have reason to dread, and the longer we deliberate, the more scope it will have for exertion. The present distracted state of Europe is instanced to induce us to believe, that our situation is not so critical as to force us on the adoption of the plan offered. It is not, my fellow-citizens, an eruption on the skin, but the canker at the heart, we have most to fear. And be assured, that in a country without a government, every moment is critical.

1. "Aratus" is referring to "Centinel" I and II (see headnote).
2. For the election of senators to the Maryland Senate, see "Introduction" (RCS:Md., xxxiv).
3. For "Centinel" I's use of the term "enlightened patriot," see CC:133, p. 330.
4. South Carolina's state representatives had a two-year term.
5. "Aratus" refers to an amendment proposed to the Articles of Confederation by the Confederation Congress on 18 April 1783. This amendment on the sharing of federal expenses according to population contains the three-fifths clause. Because the amendment was ratified by only eleven of the thirteen states (New Hampshire and Rhode Island not included), it was not formally adopted. Congress, however, used population in allocating the 1786 and 1787 requisitions. For the text of the amendment and a brief discussion of Congress' debate on its adoption, see CDR, 148–50.
6. For "Centinel's" criticism of standing armies as engines of oppression, see CC:133, pp. 332–33, and CC:190, p. 457.
7. The reference is to Pennsylvania Federalist James Wilson's speech at a public meeting in Philadelphia on 6 October (CC:134, p. 341). (See headnote to "Aratus," above.)
8. The reference is to Parliament's Mutiny Act of 1689, which was essentially a military budget. From that time forward, mutiny acts were passed annually by Parliament, thereby providing Parliament with leverage over the Crown.
9. In discussing Article I, section 4, of the Constitution (elections of representatives and senators), "Centinel" I stated that "The plain construction of which is, that when the state legislatures drop out of sight, from the necessary operation of this government, then Congress are to provide for the election and appointment of representatives and senators" (CC:133, p. 334).
10. See note 9, above.
11. For the passages quoted in this sentence, see "Centinel" II (CC:190, p. 467).
12. For the procedure to amend the Maryland constitution of 1776, see "Samuel Chase: On Calling a State Convention," 28–30 September, note 2 (RCS:Md., 13n).
13. The text in angle brackets is taken from the 17 September 1787 letter of George Washington, the president of the Constitutional Convention, to the president of the Confederation Congress. The letter accompanied the Constitution and resolutions of the Convention. See Appendix III (RCS:Md., 806).
14. In criticizing the complexity of the government created by the Constitution, "Centinel" I stated that "The highest responsibility is to be attained, in a simple struction of government, for the great body of the people never steadily attend to the operations of

government, and for want of due information are liable to be imposed on.—If you complicate the plan by various orders, the people will be perplexed and divided in their sentiments about the source of abuses or misconduct . . .” (CC:133, p. 332).

Baltimore Maryland Gazette, 6 November 1787

*To the Author of the Instruction to S—— C——, and
D—— McM——, Esquires.¹*

SIR, Having passed from the private to the public character, by taking upon yourself the patronage and authorship of an instruction to S—— C——, and D—— McM——, Esquires, you claim the pre-eminence of a news-paper examination. But that your rank may countenance so public a distinction, I shall forbear to consider you as a laborious and indefatigable drudge at elections, or the humble promulgator of the fictions of a party, but as a personage whose pretensions extend to a seat in our expected Convention, and whose qualifications for that station are to be sought for in the merits of your instruction.

Let us suppose a moment to have arrived in the affairs of this country, when the States can no longer be held together but by a change in their general government. Let us suppose the wisest and best men in the Union, to have framed a constitution capable to give happiness to America and new model the Universe. Let us suppose this constitution to be submitted to the consideration of the people, who are to signify their assent to it through a convention to be chosen for that purpose. At this important crisis let us further imagine a being like one of ourselves to say to the people—Do not put yourselves to the trouble to read this mysterious plan of government, or to form any opinion concerning it, but leave to a convention to adopt or reject it as they may think proper.

This awful moment is arrived, and this constitution is before the people of America, when you, Sir, step forward to cajole from them their high and precious prerogative of deciding upon it. Your paper, so artfully contrived, as to present to the cursory reader all that flatters its adoption, enables at the same time, the persons to whom it is addressed so to word the act of recommendation for a convention, as to constitute in that body, full and ample authority to *confirm* or *reject* it without reference or regard to the opinion of the people. Did you think that the boldness of this attempt would extinguish inquiry? or did you depend on the ever ready expedient to sooth[e] into signing your unsuspecting fellow citizens? But though you varied your tale to the temper of every passenger, and choose the night to sit round the [— — —] of Log-town, you could not escape detection. Your paper was dragged

into day by a faithful WATCHMAN,² and you stood arraigned before the people the unblushing enemy of the constitution.

To poison the fluid which is to cheer the genial feast, falls only on a part of the community; but to betray the people to sign a paper which recommends a convention to decide upon the constitution just as its members may think proper, is to hang the happiness or misery of millions upon the *interests and passions of a few individuals*. What freeman who has a sense of the value of liberty, or who is not dead to all dignity of the human character, would delegate to any body of men a right to reject what he approved of, or to fix upon him and his posterity what he dreaded as the worst of all tyrannies? You, Sir, have endeavoured to draw your fellow citizens into a snare of this nature; and yet, let me do justice to your performance, which stole upon the senses in so seductive a shape, that we no longer wonder why some people of capacity have been charmed into signing by its seeming attractions. But there is a something in cunning which forever defeats its own purpose. The object of your instruction is already understood, and in a little time must share the fate of those speeches, which were hissed at the *Point*,³ derided at the *Court-house*,⁴ and expired in a *dram-shop*. The people are not to be bound by a writing surreptitiously obtained, but will think for themselves, and instruct their delegates to the convention to ratify the constitution.

Before we separate Sir, I cannot but communicate a hope which flutters in my bosom, and whispers me in flattering accents, that this public lesson will restore you to society, and teach you and your coadjutors the baseness of intrigue, and the turpitude of duplicity.

October 31.

1. This item was addressed to Samuel Chase and David McMechen, who had both been elected Baltimore delegates to the state House of Delegates, soundly defeating James McHenry and Philip Rogers—612 and 593 to 206 and 168 (*Maryland Journal*, 5 October, Mfm:Md. 16). McMechan (c. 1754–1810), a Baltimore lawyer, represented Baltimore Town in the House of Delegates, 1779–88, 1790–93, 1795–1796, and the Western Shore in the Senate, 1796–1800.

For responses to or commentaries on this item, see “An Instructor,” Baltimore *Maryland Gazette*, 16 November, and “An Old Man,” Baltimore *Maryland Gazette*, 20 November (both below). For an example of a printed instruction, see Baltimore *Maryland Gazette*, 16 November (below).

2. See “Watchman,” Baltimore *Maryland Gazette*, 30 October (above).

3. For the Fell’s Point speech, see “Samuel Chase: On Calling a State Convention,” 28–30 September (RCS:Md., 11, 12).

4. For the courthouse speech, see “Samuel Chase: On Calling a State Convention,” 28–30 September (RCS:Md., 10–11).

**Richard Curson to Horatio Gates
Baltimore, 8 November 1787¹**

. . . We are glad to find you are so Unanimous for the New Government, and we are generally so here.—Tho' in some parts they are much divided, but hope when a Trial is Commenced, a Majority will be in favor of the Adoption, for let what will happen, we cannot be worse than we are now. . . .

1. RC, Gates Papers, NHi. This letter was addressed to “The Honble. Major Genl Gates,/at Travellers Rest Berkly County,/Virginia.” Travellers Rest was Gates’s plantation. On 5 November, George Washington had informed James Madison that “So far as the sentiments of Maryland, with respect to the proposed Constitution, have come to my knowledge, they are strongly in favor of it; but as this is the day on which the Assembly of that State *ought* to meet, I will say nothing in anticipation of the opinion of it. Mr. Carroll of Cañolton, and Mr. Thos. Johnson, are declared friends to it” (RCS:Va., 146).

**A Federalist
Annapolis Maryland Gazette, 8 November 1787**

Messieurs GREEN, The new federal government, recommended by the grand convention at Philadelphia, will probably be discussed by the assembly, soon after they meet, and it is generally supposed, a *state convention* will be called by unanimous consent.—As the legislature are empowered to point out the time and manner of the election, many persons of a liberal turn of mind are anxious, that the delegates to the convention should be appointed like the senate, by electors deputed for that especial purpose, one from each hundred, and that they should act on oath¹—By this mode, every man in the state might leave home in the morning, give his vote and return in the evening; party and faction would be annihilated, and none but men of ability be intrusted to ratify or reject a plan of government, upon which depend the happiness or misery of future generations—It is well known, that near half of the members of convention, which formed our present constitution, were by no means pre-eminent for talents or knowledge of the principles of government, and that more than a dozen of the members of the convention in Philadelphia, were *marksmen*, unable to write their own names, which would not have been the case, had they been chosen by electors on oath—In legislation all mistakes may be rectified, as soon as discovered, therefore a deficiency of ability is not so derogatory to the public good, as in a convention, where integrity alone, unless assisted by a portion of constitutional information and historical knowledge, will be useless—When the convention in Pennsylvania was chosen, an artful set of men prevailed on the different batalions of militia

to establish corresponding committees of privates, who too successfully diffused among the people at large a resolution to choose no men of fortune or book learning, lest they should not form a government favourable to poor people,² the consequence of which was the formation of a constitution defective in the supplemental checks, necessary to secure liberty upon a firm and permanent basis; in short, as there is but one branch of legislation,³ all their laws are to be considered as the result of party prejudice, rather than of cool, deliberate discussion and reflection.—The same levelling spirit in 1776, pervaded all our counties, contiguous to Pennsylvania. Frederick only excepted, in choosing convention men, particularly in Baltimore county, which excluded a gentleman, now no more, because he was a man of education, from an erroneous idea that education hardens the human heart, and renders a man insensible to the distresses of the poor—had not the other counties happily corrected this baneful spirit, our present form of government, which is generally deemed one of the best on the continent,⁴ would probably have been as defective and ridiculous as that of Pennsylvania—Now the appointment of delegates to the convention by electors, will effectually prevent the exclusion of men of ability and information, and perhaps it would be proper to allow the electors the privilege of choosing even nonresidents, provided they possessed real property in the counties for which they may be chosen, to the amount of £.500, for an intimate knowledge of the local situation of the different counties, though necessary in an assembly-man, is not requisite in a delegate to the convention.

I have suggested the above hints merely to prompt abler persons than myself to take up the pen, and by elucidating the subject in a masterly manner, enable our legislature to call a convention and to adopt some mode, by which the elections of men, most eminent for ability and integrity, may be secured, and ignorance, faction and prejudice, excluded from the convention.

I ardently wish the proceedings of our convention may reflect honour on the members of it, and shall feel happy in being even an inconsiderable instrument in effecting so desirable an event.

Annapolis, October 29, 1787.

1. For the election of the Maryland Senate, see the "Introduction" (RCS:Md., xxxiv).

2. The patriotic Provincial Conference (18–25 June 1776), which controlled the politics of Pennsylvania, strongly supported the movement for independence from Great Britain and it called for a constitutional convention to draw up a constitution for Pennsylvania. The Conference eliminated most property qualifications for voting, significantly enlarging the number of eligible voters. But election judges and inspectors for each county could disenfranchise prospective voters if they failed to take an oath forswearing allegiance to George III and promising to support the new government to be created by

the constitutional convention. The Conference also drew up an address to the numerous battalions of militia or Associators seeking to ignite their already ardent patriotism. The Conference set the date for the election of convention delegates on 8 July, the same day that the Declaration of Independence was read in the Philadelphia State House Yard and proclaimed to the city's five battalions. Whether disenfranchised or intimidated by the well-organized and increasingly politically astute militia men throughout the state, large numbers of people, particularly the rich and educated, did not take part in the election which was a triumph for the patriots. (See Richard Alan Ryerson, *The Revolution is Now Begun: The Radical Committees of Philadelphia, 1765–1776* [Philadelphia, 1978], 230–35, and J. Paul Selsam, *The Pennsylvania Constitution of 1776: A Study in Revolutionary Democracy* [1936; New York, 1971], 142–47.)

3. The Pennsylvania constitution of 1776 provided for a unicameral legislature.

4. See the "Introduction," RCS:Md., xxxiii–xxxv, for a discussion of Maryland's state constitution.

Uncus

Maryland Journal, 9 November 1787

"Uncus" is an answer to the widely circulated Antifederalist "Centinel" (Samuel Bryan) essays, the first two numbers of which were printed in the Philadelphia *Independent Gazetteer*, 5 October, and the Philadelphia *Freeman's Journal*, 24 October, respectively (CC:133, 190). "Centinel" I and II were reprinted in the *Maryland Journal*, on 30 October and 2 November, respectively. (The *Maryland Journal*, 16 October, reprinted most of one paragraph from "Centinel" I [CC:133, p. 332].) "Uncus" point-by-point criticism, directed at these two essays, was one of the two major critiques of "Centinel" to originate outside of Pennsylvania. ("Aratus," post-2 November, above, was the other.) On 10 November, "Uncus" was reprinted in the Antifederalist Boston *American Herald*, and on 10 January 1788 it appeared in the Providence *United States Chronicle*, an essentially neutral newspaper that published much Antifederalist and Federalist material.

"Uncus" published another criticism of "Centinel" in the *Maryland Journal* on 30 November (below).

Mr. GODDARD, When you began publishing the *Centinel* in numbers, I expected we should have had one in each of your papers for some weeks,¹ hoping, that after he had done finding fault with the doings of the late convention, the members of which were either too designing,—of too aristocratic principles,—too old,—or too ignorant, "in-experienced and fallible," for business of such magnitude; *he* would, by the *perfect rule* existing in his own mind, by which he has tried and condemned the proposed constitution, exhibit to the world a perfect model; which these States would have only to read, and invite "those who are competent to the task of developing the principles of government," to come forward, approve and adopt.

If *Centinel* has not done writing, I wish you would not cease publishing his numbers. Do let him enjoy *full liberty of the press*. A man who

can so easily pervade the breasts of men, reducing to mere machines, characters, who have been as much revered in Europe, for their wisdom, as idolized in America for the rectitude of their conduct; and can prove them *wholly* disqualified for what they have ever been thought, and it seems nature herself had designed them; must certainly be *competent to the task of not only developing the principles of government, but the radical and secondary causes, by which every man is actuated; and can inform the United States, when they have made a proper, or an improper choice of men, to the highest posts in office.*

Doctor FRANKLIN's character, both as politician and legislator, is too securely established in the mind of every American, to be reached by the pen, or sullied by the ink of *Centinel*. And to say that the "unsuspecting goodness" of General WASHINGTON should cause him tamely to see a people, for whom he had with his sword, for ten years exposed his life and fortune, enslaved by a few designing men, is as great an insult to his vigilance, as to say, that he was an inexperienced legislator was false.² For many years before the war, he was a member of the assembly in Virginia. He was a member of the first AMERICAN CONGRESS; and of his superior abilities as a legislator, his CIRCULAR-LETTER and other writings abundantly prove.³

It is a vulgar saying, that a *Bear* with a *sore head* will growl in the *serenest weather*, tho' at liberty to range unmolested through the most *luxuriant fields, orchards and vineyards, loaded with the most delicious fruits.* What has been the cause of *Centinel's sore head*, in what his great disappointment consists, or what are his *terrible fears*, is to me unknown; but, that it would have been impossible for the late Convention to have pleased him, I think is sufficiently evident, by his declaring *two characters* incapable of holding seats there, for which, not only America, but perhaps all Europe, would have thought of all others the most suitable. Of other characters he complains and of none does he speak favourably.

It would be useless to *refill* a news-paper with repetition of the *Centinel's* objections—*Nothing done by the Convention pleases him!* In No. 1, he says, "if it were not for the stability and attachment which time and habit give to government, it would be in the power of the enlightened and aspiring, if they should combine, at any time, to destroy the best establishments"—If this be true, the forming a bill of rights would have been as needless as its existence would have been useless;—for, in the *first instance, it would be no kind of security to the people*—and in the *last, the people do not want such a security, having already every "stability and attachment which time and habit"* can render necessary to fix in their minds, the greatest horror of tyranny, and the most sacred and exalted ideas of *that liberty*, which they have *ever* enjoyed, and to which

they know they are entitled. Speaking of the constitution of Great-Britain he says, “the only operative and efficient check upon the conduct of administration, is *the sense of the people at large*,” and are not *the sentiments of “the people at large” of these States, as tenacious of their liberties as those of England?*

To proceed with the contradictions and inconsistencies of Centinel, would perhaps be thought an insult to the understanding of an enlightened community; but would not much ink have been saved, and the little expended to better purpose, had he declared, in *a few words*, that man is *an imperfect creature*, and, that owing to a difference of constitution, climate and education, he did not believe they would ever all think *exactly* alike; and, as it was not *certain* that, *even* should a law, dictated by *that wisdom* which cannot err, be offered *them*, they would all agree to it, it would be the *best* to have *none*?

The *Centinel* seems almost *expiring with fear*, for “*the liberty of the press*”—By his idea of the subject, one would think he had just made his escape from a *Turkish Haram*, or had been buoyed from the gloomy regions of a *Spanish mine*. It is almost impossible that a man, who was educated in any of the Christian nations of Europe, and really so, that any one, who is an inhabitant of any of the United States of America, should be ignorant that “the liberty of the press” is what the people, for whom the late Convention were acting, look upon as a privilege, with which every inhabitant is born;—a right which Nature, and Nature’s God, has given, and too sacred to require being mentioned in the national transactions of these states. Had *it* been reserved by a particular article, posterity might imagine *we* thought *it wanted* written laws for security; an idea we would not choose should disgrace the legislature of the United States. If in England, “the only operative and efficient check upon the conduct of administration is *the sense of the people at large*,” what *greater* security for the “liberty of the press” would the *Centinel* wish for, than “*the sense of the people at large*” of these states.

The “*sense of the people at large*” obliges the august Emperor of China, once a year, to hold the plough⁴—the “*sense of the people at large*” obliged David, absolute monarch of Israel, to “go forth and speak comfortably to the people.”⁵—*It*, in a great degree, influences the Monarch of France, and *it* has ever had great influence on the court of Great-Britain;—and when we reflect how well acquainted each member of the Convention were with “*the sense of the people at large*” of these states, is it not surprising, with what minuteness they have barred against *every encroachment* upon the liberties of the people, which would not have disgraced “*the sense of the people at large*,” whom *they* represented? *No man* can possibly be admitted into Congress, unless born, or having

resided within these states for a term of years sufficient for him to inform himself of “*the sense of the people at large*,” for whom he is to make laws.

In art. 1, sect. 5, it is ordained, that “each house shall keep a journal of its proceedings, and, from time to time, publish the same,” &c.—In the same article, sect. 7, it is ordained, “that the names of the persons voting for, and against a bill, shall be entered on the journals of each house respectively;” that those, who vote contrary to the minds [of] their constituents, may be exposed. Should Congress, *for once*, unfortunately be composed of the *Centinel’s* “*aristocratical junto*,” they will have but two years to abuse the confidence, which the people have placed in them, before part of “that *aristocratic junto* [”] must leave the house, to make room for others, who will be a restraint upon the remainder, by retarding their iniquitous proceedings, and punctually informing their constituents of their *breach of trust*.

I believe, there is not a single article, wherein the *new plan* has proposed any amendment to the *old*, but what would be objected to by *Centinel*. To some he has objected, where they have made no amendment; as the power of Congress to try causes without a jury, which they have ever possessed.

For want of facts to allege, how sophistically does *Centinel* strive to pervert the meaning of the 6th article—when, it expressly says, that all treaties made, or which shall be made, under the authority of the United States, “shall be the supreme law of the land;”—meanly endeavouring to convey an idea to his readers, that, by granting to Congress the power of forming a constitution for making treaties, and transacting the business of the Union, which shall be “the supreme law of the land,” the power of Congress must, “necessarily, absorb the state legislatures and judicatories; and that such was the contemplation of the framers of it.”—An assertion as abusive to the characters who composed that truly respectable body, as impossible to be drawn from the *letter*, and evident meaning of that article.

So decided have the Convention been in not infringing upon the internal police of the states, that they ordain in art. 4, sect. 4, that Congress shall not only allow, but “shall guarantee to every state in the Union, a republican form of government,” and shall support them in the same, against either external or internal opposition. But, says *Centinel*, “Congress are to have power to lay and collect taxes, duties, imposts and excises,” &c.—A *great absurdity indeed*, that a body, who are under an absolute necessity of contracting debts, should be in possession of *any means* by which they can discharge them! The *Centinel* is *far* more unreasonable than were the *Egyptian* task-masters;—they demanded brick

without straw; but the Israelites could, possibly, collect stubble for a substitute.⁶ *He grows* that “Congress have power to lay and collect taxes, duties, imposts and excises,” without providing *even stubble* for a substitute. A news-paper could not contain observations on *each* of the objections made by the *Centinel*. He says “*the sense of the people at large*,” secures the liberty enjoyed by the subjects of Great Britain.—We know *it* has gained America her freedom—of which spirit he appears sensible, by quoting “the attempt of Governor Colden, of New-York, before the revolution, to re-examine the facts, and re-consider the damages in the case of *Forsey* and *Cunningham*,⁷ produced about the year 1764, a flame of patriotic and successful opposition that will not be easily forgotten:—The cause of which opposition was, “*the patriotic flame*” which arose from among the people; since which, *that patriotic spirit* has been gaining strength by exertion, and stability by establishment:—And yet, *he* asserts that *this spirit of patriotism* will, without the least opposition, resign its liberties to Congress whenever they shall be demanded.—It would be, perhaps, the only instance in nature, wherein the effect, increasing regularly with the cause, at last, while the cause is still acting with full vigor, the effect entirely gets the better of the cause, and acts directly against it.

The *Centinel’s* long and laboured harangue respecting courts of justice being appointed by Congress in each State, to try common actions of debt, &c. must be a creature of his own designing, or deluded imagination. To fix that matter beyond the reach of dispute, the new proposed plan has expressly limited the jurisdiction of Congress, as to such authority; “to exercise exclusive legislation in all cases whatever, over such districts, (not exceeding ten miles square) as may, by cession of particular States and acceptance of Congress, become the seat of 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, &c.” The authority which the proposed plan gives to Congress, to form treaties, regulate trade, decide disputes between different States, and between individuals respecting lands &c. the *Centinel* seems either artfully, or ignorantly to suppose, they can and *will exercise*, respecting the internal police of each State.

Does the new proposed plan give Congress more power than is absolutely necessary they should possess, to enable them to act for the interest—secure the trade—protect and support the honour of the States? If not, is it not absurd to object by saying, when they are in possession of *this* they can soon gain *more*? By this rule they never must

have *any*. Most people no doubt, will agree with *Centinel*, in this particular, that the freedom of a nation does not so much depend on what a piece of parchment may contain,—as their virtue,—ideas of liberty—and “*the sense of the people at large*.” It was not *Magna Charta* written on parchment, which united the English Barons to oppose King John; but, the united opposition of the Barons that *forced* from King John *Magna Charta*. Is it a sufficient reason to debar a *virtuous people* from the benefit of any laws, because perfect ones would not constitute the happiness of a *vicious people*?²

When the Americans shall have lost their virtue—when those sentiments of liberty which pervade the breasts of freemen, shall cease to glow in their bosoms, *bills of right* will not secure their liberties. But whilst they practice *virtue*, and retain *those sentiments*,—from whence can a *Congress* be collected, who will *dare* infringe their liberties; or be ignorantly hardy enough to attempt “*the liberty of the press*.” Should it be thought best at any time hereafter to amend the plan; sufficient provision for it is made in Art. 5, Sect. 3, without placing ourselves in the situation of a conquered people; or being obliged, like the devoted Poles, when divided among three powers,³ to sue for such *conditions* as we could obtain.

Baltimore, November 8.

1. William Goddard did not reprint any more of the eighteen numbers of “*Centinel*” (CC:133), nor were any other numbers reprinted in Maryland.

2. For “*Centinel*” I’s criticism of Benjamin Franklin and George Washington, neither of whom was mentioned by name, see CC:133, p. 330, at note 3. No criticism made by “*Centinel*” aroused more hostile responses than this one.

3. George Washington (1732–1799) represented Frederick County, 1758–65, and Fairfax County, 1766–76, in the Virginia House of Burgesses, and was a delegate to the First and Second Continental congresses, 1774–75. For the text of his circular letter addressed to the state executives in June 1783, see CC:4. Washington wrote this lengthy letter as he was nearing the end of his tenure as commander-in-chief of the Continental Army. He asserted that, to ensure America’s well-being and survival, the Union had to be preserved, Congress had to be given greater powers, the public debt had to be paid, the militia had to be made uniform, and the states had to abandon “local prejudices and policies.” The reception that this letter received was overwhelmingly favorable. In 1783, it was printed as a pamphlet in at least six towns or cities, among them Annapolis, Md.

Interest in the letter was revived before the meeting of the Constitutional Convention of 1787 and references were made to the letter during the debate over the ratification of the Constitution. For Maryland commentaries on the letter during the ratification debate, see “A Federalist,” *Baltimore Maryland Gazette*, 11 January 1788; “A Marylander” (Otho Holland Williams), *ibid.*, 12 February; and George Lux to the Inhabitants of Baltimore County, *Maryland Journal*, 25 March (extra) (RCS:Md., 166–69, 297–301n, 560–69n).

4. Following the teachings of Confucius, it had been the custom of the Emperor of China to turn three furrows with a plow to honor the deities of agriculture.

5. 2 Samuel 19:7.

6. Exodus 5:7–19.

7. For the case of *Forsey v. Cunningham* and the issue of an appeal's court reviewing the facts from a preceding jury trial, see Milton M. Klein, "Prelude to Revolution in New York: Jury Trials and Judicial Tenure," *William and Mary Quarterly*, 3rd series, XVII (1960), 439–62.

8. In 1772, Poland was partitioned among Prussia, Russia, and Austria.

Mark Pringle to Samuel Myers

Baltimore, 16 November 1787 (excerpt)¹

. . . if any thing turns up in the way of Business, worth attention, tho' I do not, I confess, expect it. The State of Credit is at a low ebb indeed, when the best Bonds are going at 50 ~~9~~ Ct. discount, but I hope that alarming and disreputable Circumstances will inspire a Resolution to adopt the new Federal Government, without which, I am affraid, the Evil will become general. This Government, as far as I can learn, will meet with very great opposition in Virginia, with some in this State and New York, but I still hope it will be adopted—I am led into that wish more from the necessity of affairs, than an opinion that the Plan is unexceptionable.

1. RC, Chamberlain Collection, Col. Henry Jackson Papers, Boston Public Library. This letter was endorsed as received on 12 December and answered on 24 December. It was addressed to Samuel Myers, Esquire, of Norfolk, at Charleston, and was delivered by Captain Moffat. Pringle (d. 1819) was a Baltimore merchant. Myers was a Norfolk merchant. See also Pringle to Christopher Champlin, 27 November (Mfm:Md. 24).

An Instructor

Baltimore Maryland Gazette, 16 November 1787¹

TO THE PUBLIC.

Much has been said, and some things wrote in opposition to the instructions to our representatives, which have been lately signed in this town. A writer in the Maryland Gazette, &c. of the 6th inst. reprobrates *them*, and the *author* in the highest terms; he paints them as tending to deprive you of your most sacred rights, the right of thinking for yourselves, and instructing your representatives in the expected Convention, and drags forth the author to public view as a traitor to his country. It matters not who penned those instructions; they are plain and easily comprehended by the most moderate capacity; they were not intended to deceive; they were printed that every person might read, and the more readily see the meaning of them; they were calculated to conciliate and unite the different contending parties in this town;

the persons who offered them to the citizens for their signatures, feared nothing; they were persuaded, that every reasonable man would approve them, and they were gratified in finding they were not only approved, but signed by the most sensible and virtuous part of the community; a few, and a very few *factious, discontented, disappointed beings*, only objected to them, and withheld their names; among those few were the little despicable knot who have lately pestered the public with their ignorant and impudent comments on the instructions, through the channel of Mr. Hayes's paper,² whose names (if they were published to the world) would immediately defeat the feeble efforts of their rage and malice—As a proof that the patrons of the instructions (for patronized they have been by a very large majority of the citizens of Baltimore) are not afraid to have them scrutinised by even scepticism itself; they again submit them to the public eye,³ that every man may *read, think, and determine* for himself, and now let this shameless junto say, whether there is any thing in them that tends to deprive the subscribers of a single right, or privilege, which they now possess—The *writer*, or rather *writers* of those publications, calls on you to think for yourselves, and to give your sense to the Convention by instructions upon the proposed Constitution, when the whole of their publication is the grossest insult upon your understanding: they declare that you have been cajoled into signing the instructions (which were as plain as language could express them) because you were not competent to their meaning, and *yet* urge you to give your opinion upon the Constitution, the most important, intricate, and difficult subject that ever was laid before the public—They first insult you as most ignorant, and then endeavour to flatter you into a good opinion of your understandings; the fact is, *they* do not wish you to think at all; but want to be permitted to think for you. Nothing will satisfy them but being elevated to the supreme dignity of *dictators* to the good people of Baltimore; pray call on them to make themselves known, that your gratitude and honors may not be misplaced!

The intention of calling a Convention in this State is very evident; it is for no less a purpose than determining on the proposed Constitution, the happiness or misery not only of the present generation, but of millions yet unborn, perhaps, depend upon this determination—Then of how much consequence is it to us my fellow citizens, that it should be fully and fairly understood? The body of the people cannot possibly be collected to give their opinions, then how is it to be decided on? Why this judicious mode is pointed out, that a number from each county shall be elected, in whose wisdom and integrity the people can confide; those persons so elected are to meet in Convention as the

collected wisdom of the State, and there take the proposed plan of Government into their deliberate consideration, and if they think that it is calculated to promote the happiness of the people of this State, that our *rights, liberties and privileges* are not endangered, but are fully secured by it, they are to ratify it; but if, on the other hand, they view it as *dangerous* to our most *sacred rights*, and in its operation destructive to our *dear-bought liberties*, they will reject it as improper for the Government of the freemen of Maryland.—This is certainly the most rational way of bringing this important business to an issue, and I am satisfied, that every sensible and patriotic citizen, is desirous that the *wisest* and *best* men in our State may be elected to the Convention, and left uncontroled to exercise their judgments on this momentous occasion.—I ever was, and still am, an advocate for the right of instruction, and contend that the assembly can do no act that will deprive the people of that right. There is not a word in the instructions which tend to deprive the subscribers to it of that right—I also contend that it matters not how the Assembly word their recommendation; that the people are not obligated to comply with it. They are the supreme power of the State; they may elect a Convention, or not, if they please, and for what purpose they please, to ratify, to reject, or to consider, and this too, whether the assembly pass a resolution on the subject, or not. But that the business might be conducted peaceably and with regularity, the instructors direct their members to use their endeavours to procure a recommendation by the General Assembly to the people, to chuse Delegates for a State Convention.

1. On 13 November the editor of the Baltimore *Maryland Gazette* announced: “The Piece signed ‘An Instructor,’ came too late for this paper, but will be in our next.” “An Instructor” replies to an article that appeared in the Baltimore *Maryland Gazette* on 6 November (RCS:Md., 45–46). For a response to “An Instructor,” see “An Old Man,” Baltimore *Maryland Gazette*, 20 November (below). For an example of a printed instruction, see Baltimore *Maryland Gazette*, 16 November (immediately below).

2. John Hayes, the editor of the Baltimore *Maryland Gazette*.

3. Immediately below.

Baltimore Maryland Gazette, 16 November 1787¹

To SAMUEL CHASE, and DAVID McMECHEN, Esquires,
GENTLEMEN, We, your constituents, being fully convinced, by experience, that the present Federal Government is greatly defective and inadequate for the essential purposes of the union, and impressed with the necessity of the immediate establishment of competent and efficient powers in the supreme head of the United States, do instruct you, as *our representatives*, to use your endeavours to procure a recommendation by the General Assembly, to the people of this State, to choose,

with all convenience, Delegates for a State Convention, to take into their deliberate consideration, the Constitution and Form of Government proposed by the late Convention at Philadelphia; and, if approved of, to ratify the same on behalf of this State.

1. Samuel Chase and David McMechen had been elected in early October to represent Baltimore Town in the House of Delegates. The Maryland legislature was scheduled to meet on 5 November, but the House of Delegates did not attain a quorum until 14 November and the Senate until 22 November (II, below).

For a newspaper exchange on the matter of instructing Baltimore's delegates, see "A Watchman," Baltimore *Maryland Gazette*, 30 October; *ibid.*, 6 November; "An Instructor," *ibid.*, 16 November; and "An Old Man," *ibid.*, 20 November (RCS:Md., 28–29, 45–46, 55–57, 58–61).

Samuel & Johnson to M. & F. Gregory
Baltimore, 17 November 1787 (excerpt)¹

. . . We flatter ourselves that the new plan [of] Government for the united States will be adopted in which Case our Governr. will have such Efficiency as will we have no Doubt open to us the trade of the Medaterranean & unless a more generous plan for the W Indies should be Adopted by England such Duty will be laid on Rum as will make Advantageous the Import of Brandy—We shall be happy to promote a Commerce that May be mutually Advantageous—

1. FC, Smith Letter Books, 1774–1821 (MS 1152), MdHi. Samuel & Johnson was a Baltimore mercantile firm, while M. & F. Gregory was an English mercantile firm.

An Old Man
Baltimore Maryland Gazette, 20 November 1787¹

Mr. HAYES, You will be pleased to insert in your useful paper, the following observations on the piece signed *An INSTRUCTOR*, published in your last Friday's Gazette.

TO THE PUBLIC.

To expose the designs of a party who have invariably persisted in a premeditated system of enmity to the new Constitution, could not fail to call forth their resentment against the supposed detector of their measures. It was natural therefore to expect their abuse, and I was only surprised at its being so long delayed; not having reflected, that when materials are to be brought *from a distance*, time ought to be allowed for their transportation.

Perhaps it may be thought that a reply should be made to these calumnies; let it be remembered, however, by those at whom they were aimed, that a good cause cannot be injured by malevolence, and that

men of virtue stand in need of no apology for having opposed the enemies to the new Constitution; but if justice requires the infliction of punishment, it has already overtaken their propagator, who, in dealing out his abuse, has exhibited to the world a fresh proof of the *mild and milky nature of his mind*, which broods with extreme delight upon *indiscriminate slander*.

In a piece expressly written in defence of the *instructions*, the public had a right to expect *a clear and explicit disavowal of their object*, with a declaration *that their patrons intended them to promote the adoption of the new Constitution*; but, instead of this disavowal and declaration, the *Instructor* slides away into another path, contenting himself with saying as he goes off, that “they were *printed* that every person might *read* and *see* the meaning of them;” as if the “most virtuous and sensible part of the community,” were so *stupid* as to take this for reasoning, or so *illiterate*, that a thing must be in *print* to enable them to *read* and *understand* it.

Having delivered this excellent defence of the instructions, he proceeds to charge the authors of the piece in the Maryland Gazette of the 6th,² (for he is pleased to consider it as the joint efforts of many) with being persons who “do not wish the people to think at all; but want to be permitted to think for them; for nothing, he adds, will satisfy them but being elevated to the supreme dignity of dictators.” As this is a charge of a high and heinous nature, let us see how he supports it. It rests upon his simple assertion. What an evidence for such a charge! But let us read what this culprit has to say in his own defence. He contends that it would be the highest insult which could be offered to a free people to desire them *not to form any opinion or judgment concerning the new Constitution*; for, no “free man, he says, who has a sense of the value of liberty, or who is not dead to all dignity of the human character, would delegate to any body of men, a *right to reject* what he *approved of*, or to fix upon him and his posterity, what he dreaded as the worst of all tyrannies.” Is this like the language of a person *who does not wish the people to think at all*?

But *Instructor* stands guilty himself of the very crime he has accused another. Under the signature of *Caution*, this writer, addressing himself to the inhabitants of Baltimore, when about to sign a petition *approving of the new Constitution*, says, “In my opinion it is not *necessary or proper for you*, at this time, to express your approbation or disapprobation of the new Constitution.”³ How modest, to desire his fellow-citizens to *suspend the faculties of thought*! In the present instance, he carries this humor much further, and plainly tells the people, in *Instructor*, they are too ignorant to know what is *good* or *bad*, or what ought, or ought not

to be adopted, inasmuch as *the Convention should be left uncontroled, to exercise their judgments upon the new Constitution*. It is true, he says "he always was and is an advocate for the right of instruction, and that the Assembly can do no act to deprive the people of that right." But of what use is acknowledging the *right* when he strenuously contends *it ought not to be exercised?* Which now of these personages is it "*who does not wish the people to think at all; and that nothing will satisfy but being elevated to the supreme dignity of dictator?*" The writer in the Gazette, of the 6th, pleads with the people not to relinquish this sovereign attribute, while *Instructor* exclaims like *Stephano* in the Tempest. "I will kill this man: his daughter and I will be *King* and *Queen*, save our graces: and Trinculo and thyself shall be *Vice-Roys*.—Do'st thou like the *plot*, Trinculo?"⁴

But let us pursue the *Instructor's* opinions a little further. He constitutes the Convention as if their business was to *frame a Constitution*. He thinks they ought not to be influenced by the *opinion of the people*, but "*left uncontroled to exercise their judgments.*" I believe these ideas will be found to be of a very dangerous tendency. The intention of the Convention is not *to frame a Constitution*, but to *ratify* or *reject* one already framed, and laid before the people *for their consideration*. The reason for *laying it before the people*, is founded on the principle, *that all government ought to originate from the people*. The reason for chusing Delegates from each county is, that *the opinion of the whole people may be obtained with the greatest ease and certainty*. The reason why it will be proper to chuse the *wisest* and most *virtuous*, is, because such men will be the least likely to deceive the people, by giving a vote contrary to the opinion of their constituents. This is the mode adopted by our Constitution, all amendments to which, must be submitted to *the consideration of the people*.⁵ By this mode the people strictly speaking consent to the Constitution. By that proposed by *Instructor*, it may be forced upon them without their consent. The one is according to the principles of democracy; the other according to the practice of tyrants.

I shall make but one more observation respecting the subject of this address. It is well known the patrons of the instruction refused to sign the petition; and, by signing the instruction, it is acknowledged by its framer, *they have done nothing to approve of the Constitution*; it is reasonable, therefore, to conclude, that the party reserve themselves to oppose it in due time, with all possible rancour. It was in vain I promised myself that they had changed their system, when I saw them soliciting signers to the instruction. It was in vain I weighed every word of *Instructor* to find a proof of his conversion, that I might have embraced him

as a proselyte to the new Constitution, and proclaimed a holiday in Baltimore, for the conversion of so capital a sinner.

Baltimore, November 17, 1787.

1. This item is a response to "An Instructor," Baltimore *Maryland Gazette*, 16 November (above).

2. See the Baltimore *Maryland Gazette*, 6 November (RCS:Md., 45–46).

3. See "Caution," *Maryland Journal*, 12 October (above). "Caution" did not italicize the phrase italicized by "An Old Man," but he did italicize the words "at this time." Samuel Chase may have written "Caution."

4. William Shakespeare, *The Tempest*, Act III, scene II, lines 106–9.

5. See "Samuel Chase: On Calling a State Convention," 28–30 September, footnote 2 (RCS:Md., 13n).

Philadelphia Freeman's Journal, 21 November 1787¹

Extract of a letter from Queen Anne's county,
(Maryland) *November 12.*

"You tell me of the beauties of the new constitution, and that great part of your state are for adopting it,—but this is quite different with our people; nobody now supposes that it will go down in this state, without a bill of rights, and very material alterations. You say, that General Washington's name will force it down in all the states—but you are as much mistaken in that, as I was: I find that our southern states are clearer on this head than any other, that the greatest names ought not to prejudice any man in such an important business; but you will say to this, that the greatest prophet has no honor in his own country.² I am often told, when I am arguing with them, that the general would not wish people to adopt it because his name is prefixed to it, and some have told me that the General, Mr. Franklin, and some others, did only sign as witnesses, and that they had no hand in forming it; I have shewn these people Mr. Wilson's speech³ which you sent me, but I find it does not answer here—pray send me some good, sound, plain, argumentative pieces, for I am looked very slyly at frequently, and I am afraid that there must be some cause for it. Please inform me how I shall get over this sweeping clause, as they call it, *viz.*—'That the constitution and laws of Congress are to have the power of regulating every thing in the state, and to be the supreme law of the land, any thing in the constitutions or laws of any of the states to the contrary notwithstanding;⁴ for in their arguing for a bill of rights they always throw up this in the way, among other objections. Every body I see from Virginia, informs me, that all is going against us all over that state, and they tell me, that there has been a trial of the proposed plan in a court-house there; when the business of the court was over, the lawyers divided

themselves for and against, judges and jury were appointed, when, after several hours debating on both sides, before hundreds of people, the jury, without going out of court, gave their verdict against it unanimously.”

1. This item was reprinted in the *New York Packet*, 27 November; *Salem Mercury*, 4 December; Baltimore *Maryland Gazette*, 7 December, Boston *American Herald*, 10 December; and Poughkeepsie *Country Journal*, 12 December.

2. John 4:44. “For Jesus himself testified, that a prophet hath no honor in his own country.”

3. For James Wilson’s speech to a Philadelphia public meeting, see “The Maryland Reprinting of James Wilson’s State House Speech,” 16–25 October 1787 (above).

4. See Article VI of the U.S. Constitution.

**William Tilghman to Tench Coxe
Chestertown, 25 November 1787 (excerpt)¹**

I am much obliged to you for your last inclosing your publications²—The press was stopt here before your letter came to hand—but that was of no consequence, as the Philadelphia papers have a much more extensive circulation even in this neighbourhood than the Chester Town one ever had—The four numbers of the American Citizen, in my opinion, are very much to your credit, & that, as far as I can understand is the general opinion—With your professional engagements, I wonder how you find time to give so much of your thoughts to Politics—The only parts of your performance which have struck me as exceptionable, are two positions in No. 4—You say that by the new System the Trial by Jury in Pennsylv. will be *as heretofore*—& that under the present constitution of *all the States*, a public Officer may be condemned to Death by Impeachment *without a Jury*—I think you will find on consideration, that in Pennsylv. all facts are tryed by Jury in the courts of *common law*. And altho the Court of Appeals may not make use of Juries, the reason is, that they determine on the record which states all the facts which have been ascertained in the Courts below either by Jury or consent of parties—But under the new Government, the supreme Court will have an appellate Jurisdiction on fact as well as law—As to the Trial by Impeachment, I speak with certainty as to Maryland, that no Officer can receive Judgment of Death—It is here as in England, where the house of Lords cannot give Judgment of Death on an Impeachment by the Commons³—& I incline to think that in most of the States, the law is the same as in this—When I tell you that I think these assertions ill founded, & that I have no other fault to find, I shew you that I am candid, & that I think your piece very well written—

The fœderal Government will be opposed here by Chase & all his adherents, tho’ it is my opinion on the whole that there is a Majority

for it—For my own part, I am for taking it, altho' I think there are some points objectionable—What I dislike most, is the power given to each state to put a negative on the erection of any new State within its Lines—this matter had better have been referred to the fœderal Legislature entirely—for the State which thinks itself injured by a loss of territory, finding itself supported by the force of the whole Union, will be apt to indulge the passions of interest & resentment, & prefer a civil war to the common good—Another difficulty will be the *Judicial power*—I am afraid some confusion will arise from the fœderal Courts taking cognizance of all disputes even on Bonds, book debts &c between Citizens of different States—I cannot see any necessity for this innovation, & if exercised in its full extent, it may produce consequences destructive of many old established principles in the several States—I could say more on this head than time now permits—I am a friend to the new System, & therefore in conversation I avoid entering deep into the *Judicial* department. Were I its enemy, I think I could erect a battery on this ground which would shake it—The truth is, there are too many people who abhor all laws which will enforce the payment of Debts—And if the people were made to understand in Maryland, that under the fœderal System, there would be more vigor & dispatch than under the State laws, I am apprehensive they would be alarmed—

There are many very good things in the proposed plan of government—& I observe in general, that men of property & Integrity are for it—When the System gets in motion, the legislature will have it in their power to alter some of the exceptionable parts—& they should be particularly careful to make such arrangements as will put the laws of *property* in each state, as near their present situation as possible—for men will not bear quick changes in matters of this kind—

Our Assembly are sitting—the Senate had not made a house when I last heard—There will be no difference about calling a Convention—A motion has been made in the house of Delegates, to call the representatives to the late Convention before them—this I take to be a stroke of the antifœderalists⁴—They want the Attorney General to harrangue on the *mischievous intrigues & plots* of the Convention⁵—On this subject he is almost frantic & will talk for hours—I want to get Information on this important business, & shall thank you for any good publications on either side of the question. . . .

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi.

2. See Coxe to Tilghman, 23 October, note 2 (above).

3. Impeachment is not mentioned in the Maryland constitution of 1776, but officers could be removed from office, banished from the state, or disqualified from holding any other office (Articles XXXIX, LIV, *Thorpe*, III, 1697, 1700).

4. See House of Delegates Proceedings, 23 November (RCS:Md., 70).

5. See "Luther Martin Addresses the House of Delegates," 29 November (RCS:Md., 87–96n).

Richard Curson to Horatio Gates

Baltimore, 28 November 1787 (excerpt)¹

. . . Our Assembly are now sitting, the Delegates of the late Convention, are sommonsed to appear before the House Tomorrow; to render an Acct. of their Conduct, I suppose this is Done by the opposite Party, & draw every Embarrasement in the way of the intended new Government: at the Head of this here you are not ignorant of, but I fear it will be some time before these matters will be Conclusive, which our all depends on as a Nation &ca. . . .

1. RC, Gates Papers, NHi. This letter was sent "To the care of Mr. Hart,/Hagerstown."

Philadelphia Freeman's Journal, 28 November 1787¹

Extract of a letter from Annapolis, *November* 20th.

"Our assembly, I expect, will in a few days take up the constitution proposed by the late convention, and it is expected that they will call a convention to meet in May or June, for a free and full investigation of it, and to make and propose amendments and alterations, if found necessary."

1. This letter extract was reprinted in the *New York Journal*, 1 December; *Baltimore Maryland Gazette*, 7 December; *Salem Mercury*, 11 December; and *State Gazette of South Carolina*, 27 December.

Uncus

Maryland Journal, 30 November 1787¹

If any, through indifference or indolence, for want of examining the New Federal Plan, have condemned it, they certainly fail in duty to society, and are unjust to themselves.—The importance of the subject, requires we should examine it deliberately, and the exigency of the times, that we do it speedily.

That innate desire to be free, which discovers itself in every human breast, abundantly proves, that to comply with any human laws, constitute no part of our natures.—They are what we submit to from motives of convenience,—not choice. Sooner than risque the invasion and destruction of the whole of our liberty and property, we voluntarily resign part of each. Should each State expect the interest of the whole of the

other States must be sacrificed for their particular benefit,—to hope for a federal government is vain.

We are told by *Centinel*,² and others who oppose the plan, that there is no necessity of our immediately adopting a Federal Government.—Does that make it true? Congress, our own reason, and knowledge of our situation, inform us, that nothing short of a Federal Government, which may regain the confidence of our foreign and domestic creditors, can any longer support our federal credit, or enable us to exist as a NATION.

For want of an efficient government, to regulate trade, many of the States, instead of obtaining more liberty by the late contest, are deprived of many of their former advantages.—Will not necessity oblige them to adopt measures by which they can obtain relief?—Is not the situation of this country truly alarming?—Are not those who say we are in no danger, like the lying prophets, who persuaded *Ahab* to enter the battle, in which he was slain?³—Can they be friends to this country?—Their conduct justified suspicion,—and when our national safety is at stake, suspicion is a just ground of inquiry. To say we are not on the verge of national ruin, for want of an efficient government, is opposing a supposition which no one can prove, to a fact which proves itself.—Happy for us the malady is not yet incurable, and that it is not the obstinacy of the disease, but the inefficacy of the medicine applied, which causes its duration.—Yet, unless we change the remedy, we can expect no relief—but in death.

It is yet in the power of these States to be happy. A plan is offered which, it seems, need but be examined with candour, to be adopted with confidence. With full authority to govern the United States, Congress have no power to interfere with the internal police of any individual State,—with authority to protect the whole, limited from oppressing any.

The principal objection to the New Plan seems to be, that Congress can try causes without a jury.—Might not the same objection be made to every court of chancery, and to causes being tried by State Assemblies?—In every well regulated government there must somewhere be a supreme judicial authority.—For particular business which concerns the union, it is proper Congress should exercise this authority.—To what other power could it be referred? Constituting Congress the trustees of federal business, does not make them proprietors of the country; acknowledging them the supreme authority means they are relatively, not absolutely, so. Their proceeding will ever be limited by the general rules of justice, which in these States, has ever been practised, and which are too securely established, for one hundred men, commanding

a tract of land of ten miles square, ever to erase. The whole United States will be a jury to inspect the conduct of Congress, and a tribunal from whom they can have no appeal.

Were we a conquered people, and capitulating with a tyrant, who, with an army on our borders, could at any moment deprive us of property and life, we could not act with a more servile caution than some, who pretend to be our friends; they would have us stipulate with a Congress, whose very creation and existence, must forever depend on the will of the people!—In these states the mode of education must be changed, and the spirit of the people subdued, before their liberties can be invaded with impunity.

Though human nature is nearly the same in all countries, yet a difference of climate,—of education, and of the sense of the people at large, require laws should be local. To render a man eligible to sit in Congress, he is not required to be a man of family, fortune, or daubed with honorary titles; but, to gain him a seat there, he must possess the confidence of a free and independent people. No man of sense will pretend, but that the liberty of the press is sufficiently secure. Congress will have no direction of religion or the clergy,—with the universities, academies, schools, or any part of education. They will have no direction with the state judicial courts, or assemblies—with their pleadings, or manner of proceeding. Beyond the ten miles square,⁴ few are the civil officers which they can appoint. If the power of Congress will be sufficient to answer the purposes intended, no American who will view the plan with that candour it merits, can suppose they will possess too much.—If there are any who, out of interested motives, or who being still enemies to the liberties of these states, under a pretence of friendship, advise contrary to what they know would be for our best good,—let us hear them with caution. If there are any who, like the elect tribes, have been led from *high-lands* and poverty, to a country flowing with plenty; but who, like the chosen people, rebel against the source from whence they are supplied, let their clamours have the weight they merit.

It is in the power of an ignorant coxcomb to find fault with the Christian system, though it is beyond the abilities of the wisest philosopher to improve it.—Shall we have no government, till a Bill of Rights is formed, from which it shall be acknowledged by every disaffected person, and HIGH-PRIEST of discord, that no possible abuse or inconvenience can arise?—This question appears to carry an answer which is decisive.

Baltimore, November 29, 1787.

1. Reprinted in the *Massachusetts Gazette*, 21 December; the Middletown, Conn., *Middlesex Gazette*, 24 December; and the Providence *United States Chronicle*, 10 January 1788. For an earlier “Uncus” essay, see “Uncus,” *Maryland Journal*, 9 November 1787 (above).

2. For more on “Centinel,” see “Aratus,” post-2 November (RCS:Md., 30).

3. 1 Kings 22.

4. Article I, section 8 of the Constitution provides that Congress should have the “exclusive” power to legislate “in all Cases whatsoever” over a federal capital “not exceeding ten Miles square” (i.e., 100 square miles).

II.
THE MARYLAND GENERAL ASSEMBLY
CALLS A STATE CONVENTION
23 November–1 December 1787

Introduction

Scheduled to meet in Annapolis on 5 November 1787, the House of Delegates attained a quorum on 14 November and the Senate on 22 November. Both houses turned to consider the Constitution on 23 November. On that day the Senate read a 28 September letter from Confederation Congress Secretary Charles Thomson which enclosed the report of the Constitutional Convention consisting of (1) the 17 September letter of George Washington, president of the Convention, to the president of Congress, (2) the Constitution signed by the Convention delegates, and (3) the two resolutions of the Convention. (See Appendix III [RCS:Md., 806–19] for this report.) Another enclosure was the 28 September resolution of Congress recommending that the states call conventions to consider the Constitution. (For the text of the resolution, see CDR, 340, or CC:96, p. 241.) The Senate then sent Thomson’s letter and its enclosures to the House of Delegates which also read them on 23 November.

On the same day the House of Delegates adopted a resolution by a vote of 28 to 22, requesting that Maryland’s delegates to the Constitutional Convention—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer, and Luther Martin—attend the House on 29 November to report on the Convention’s proceedings. The Maryland act of 6 May 1787 appointing delegates to the Convention had required the delegates “to report the proceedings of the said convention, and any act agreed to therein, to the next session of the general assembly” (Appendix II, RCS:Md., 805). On 29 and 30 November four of the five Convention delegates reported to the House of Delegates. (Apparently only Mercer failed to report.) Earlier the delegates had sent a copy of the Convention’s report to Governor William Smallwood. On 24 November Governor Smallwood turned over this version of the report to the Maryland Senate. (For more on the possible printing of the Constitution sent to Governor Smallwood, see “The Publication and Circulation of the Constitution in Maryland,” 22 September–December [RCS:Md., 6].) (For commentaries on the House of Delegates’ resolution requesting that the state’s Convention delegates appear before the House, see William Tilghman to Tench Coxe, 25 November, and Richard Curson to Horatio Gates, 28 November

[RCS:Md., 63, 64]; and Daniel Carroll to Benjamin Franklin, 2 December [RCS:Md., 96–97].)

Between 23 and 27 November the House of Delegates considered and then adopted resolutions calling a state convention to consider the new Constitution. The Senate approved the House resolutions on 1 December. The resolutions called for the election of convention delegates on 7 April 1788, while the convention was to assemble in Annapolis on 21 April. Each county, as in the House of Delegates, was allowed four convention delegates while the city of Annapolis and the town of Baltimore each could elect two delegates.

On 1 December the Senate received a petition from the inhabitants of the town of Baltimore approving the Constitution and requesting that a convention be called to ratify it. The petition was read in the Senate and ordered to be sent to the House of Delegates for its consideration. The petition was delivered on the same day to the House, where it was read.

On 1 December the House of Delegates ordered that the state printer “immediately” print 2,000 copies of the proceedings of the Constitutional Convention and the General Assembly’s resolutions “to be distributed for the information of the citizens of this state.” The printer in Fredericktown was directed to translate the same documents into German and to print 300 copies “to be equally distributed in Frederick, Washington, and Baltimore counties.” (For more on these imprints, see “The Publication and Circulation of the Constitution in Maryland,” 22 September–December [RCS:Md., 7].)

On 17 December the Maryland legislature adjourned to meet again on the second Monday in May 1788.

Senate Proceedings, Friday, 23 November 1787 (excerpts)¹

. . . The president lays before the senate . . . and a letter from the secretary of congress, enclosing a report of the federal convention;² which were severally read, and sent to the house of delegates by John Smith, Esquire. . . .

1. *Votes and Proceedings of the Senate of the State of Maryland. November Session, 1787*. . . . (Annapolis, 1788) (Evans 21226), 4.

2. For Secretary of Congress Charles Thomson’s letter of 28 September 1787, see CDR, 340, or CC:95, p. 241. For the report of the Constitutional Convention, see Appendix III (RCS:Md., 806–19).

House of Delegates Proceedings, Friday, 23 November 1787 (excerpts)¹

. . . Mr. T. Johnson delivers to Mr. Speaker a letter from the governor of Virginia of the 14th instant, enclosing resolutions of the legislature of that state respecting the federal constitution;² which were read. . . .

John Smith, Esquire, from the senate, delivers to Mr. Speaker . . . three letters from the secretary of congress of the 3d and 28th of September, and the 2d of October, with the report of the federal convention. . . .

Which were read.

On motion, the question was put on the following, viz. RESOLVED, That the honourable James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll, John Francis Mercer and Luther Martin, Esquires, deputies from this state to the late convention, be requested to attend this house on Thursday the twenty-ninth instant, to give this house information of the proceedings of the said convention? The yeas and nays being called for by Mr. Oneale, appeared as follow:

AFFIRMATIVE.

Messieurs	Abell,	Lecompte,	Purnell,
	Thomas,	Bond,	Faw,
	Read,	S. Miller,	Scott,
	Harwood,	Craufurd,	Norris,
	Gantt,	F. Bowie,	Chase,
	Parnham,	Quynn,	McMechen,
	Chapman,	Duvall,	Cellars,
	Cockey,	John Seney,	Oneale,
	Sherwood,	Joshua Seney,	Griffith.
	Tilghman,		

28.

NEGATIVE.

Messieurs	Key,	McPherson,	Jackson,
	R. Miller,	Gough,	Mitchell,
	Nicholls,	Gale,	Johnson,
	N. Worthington,	Stewart,	Downes,
	B. Worthington,	Pattison,	Loockerman,
	Taney,	Matthews,	Walker,
	Grahame,	Digges,	Taylor.
	Dent,		

22.

So it was resolved in the affirmative.

ORDERED, That the clerk of this house transmit a copy of the above resolution to each of the gentlemen above mentioned.

On motion, RESOLVED, *nemine contradicente*, That it be recommended to the people of this state, to submit the proceedings of the federal convention, transmitted to the general assembly through the medium of congress, to a convention of the people, for their full and free investigation and decision.³

The house adjourns till to-morrow morning 9 o'clock.

1. *Votes and Proceedings of the House of Delegates of the State of Maryland. November Session, 1787*. . . (Annapolis, 1788) (Evans 21224), 9, 10. The two resolutions adopted on this day and the vote on the resolution concerning Maryland's delegates to the Constitutional Convention appeared in the *Maryland Journal* on 27 November and the *Maryland Chronicle* on 28 November. Outside Maryland both resolutions were reprinted in eight newspapers by 8 January 1788: N.H. (1), Mass. (3), N.Y. (3), and Pa. (1). The Baltimore *Maryland Gazette*, 27 November 1787, printed the first resolution and the roll-call vote. The Philadelphia *American Museum* reprinted the first resolution in its December issue. The resolution recommending the calling of a convention alone was reprinted in eleven newspapers by 22 December: N.H. (1), Mass. (4), R.I. (2), Conn. (1), N.J. (1), and Pa. (2). No newspaper outside Maryland printed the vote on the resolution concerning the Constitutional Convention delegates.

2. Virginia Governor Edmund Randolph's letter of 14 November included the Virginia General Assembly's resolutions of 31 October calling a state convention to consider the Constitution. For the letter and resolutions, see RCS:Va., 118–19. Randolph's letter is in State Papers, Box A, in the Maryland State Archives.

3. "Horatio," *Baltimore Maryland Gazette*, 22 April 1788, claimed that Samuel Chase made this motion (RCS:Md., 551).

Senate Proceedings, Saturday, 24 November 1787 (excerpt)¹

. . . The president lays before the senate a letter from his excellency the governor, enclosing an act of the late federal convention; which were read.

On motion, RESOLVED, That George Gale, Charles Carroll, of Carrollton, John Hall and Daniel Carroll, Esquires,² be a committee to take the same into consideration, and report thereon. . . .

1. *Votes and Proceedings of the Senate*, 4. Governor William Smallwood transmitted the "Act of the late Convention at Philadelphia" to the General Assembly in a letter dated 24 November. He stated that the act had been "omitted when the other Communications were sent" to the Senate (Mfm:Md. 23).

2. All members of the committee were Federalists. George Gale of Somerset County was elected to the Maryland Convention and voted to ratify the Constitution in April 1788. Charles Carroll and John Hall, both residents of Anne Arundel County, were defeated in their elections, while Daniel Carroll of Montgomery County does not appear to have been a candidate.

House of Delegates Proceedings, Saturday, 24 November 1787 (excerpt)¹

. . . Mr. Key delivers to Mr. Speaker the following resolutions, viz.

RESOLVED, That it be recommended to such of the inhabitants of this state as are entitled to vote for delegates in the general assembly, to meet in their respective counties, the city of Annapolis and Baltimore-town, on _____ at the several places fixed by law for holding the annual elections, to choose _____ persons (who shall have such qualifications as are requisite for members in the house of delegates within this state) to serve in the state convention, for the purpose of taking

under consideration the proposed plan of government for the United States, and that the said elections be conducted agreeably to the mode and conformably with the rules and regulations prescribed for electing members to serve in the house of delegates.

RESOLVED, That the persons so elected to serve in the state convention, do assemble on _____ at the city of Annapolis, there to take into consideration the aforesaid constitution, and if approved of by them, finally to ratify in behalf and on the part of this state, and to make report thereof to the United States in congress assembled.

RESOLVED, That the sheriffs in the respective counties, the mayor and aldermen in the city of Annapolis, the commissioners of Baltimore-town, shall and they are hereby required to give _____ days notice by advertisements to the people of the counties, city of Annapolis and Baltimore-town, of the time, place and purpose, of the elections aforesaid.

Which were read.

ORDERED, That the said resolutions be taken into consideration on Monday next.

The house adjourns till Monday morning 9 o'clock.

1. *Votes and Proceedings of the House of Delegates*, 11.

Senate Proceedings, Monday, 26 November 1787 (excerpt)¹

. . . George Gale, Esquire, from the committee appointed to take into consideration the act of the late federal convention, brings in and delivers to the president a report; which being read a first and second time by especial order, amended, and the blanks therein filled up, was unanimously assented to, as follows:

BY THE SENATE, NOVEMBER 26, 1787.

WHEREAS the deputies lately appointed by the several state legislatures to meet in convention at Philadelphia, for the purpose of revising the federal system, and considering of such alterations and provisions as might be necessary to render the federal constitution adequate to the exigencies of the union, have reported a constitution for the future government of the United States, which, by an unanimous resolve of congress, has been transmitted to the legislature of this state, in order to be submitted to a convention of delegates chosen by the people; and this legislature approving the opinion of the said convention, that the proposed constitution should be submitted to a convention of the people, chosen in each state by the people thereof, for their assent and ratification: Therefore,

RESOLVED, That it be recommended to the people of this state, to submit the constitution proposed by the late federal convention to a convention of delegates, for their assent and ratification.

RESOLVED, That it be recommended to each county, city and town, in this state, to elect the same number of delegates to serve in convention, that they are represented by in the most numerous branch of the legislature.

RESOLVED, That the qualifications of delegates to the convention, and their electors, as to age, residence and property, be respectively the same with those required by the law and constitution of this state for members of the house of delegates, and their electors.

RESOLVED, That the election of the delegates be holden the third Wednesday of January next, at the several places fixed by law for holding the elections for delegates in the general assembly, and that it be conducted by the same officers, in the same manner, and in the same time.

RESOLVED, That the sheriffs, and other returning officers in the different counties, give public notice by advertisement fifteen days before the election, of the time and purposes for which the election is to be held.

RESOLVED, That the delegates so chosen meet at the city of Annapolis on the first Monday in March next, and if they assent to and ratify the proposed constitution, that they give notice thereof to the United States in Congress assembled.

By order,

J. DORSEY, clk. . . .

1. *Votes and Proceedings of the Senate*, 5.

House of Delegates Proceedings, Monday, 26 November 1787 (excerpt)¹

. . . On motion, the question was put, That the house take under their immediate consideration the order of the day? The yeas and nays being called for by Mr. F. Bowie, appeared as follow:

AFFIRMATIVE.

Messieurs	Abell,	B. Worthington,	Cockey,
	Thomas,	Taney,	Sherwood,
	Key,	Grahame,	Tilghman,
	R. Miller,	Dent,	Gale,
	Nicholls,	Parnham,	Stewart,
	Read,	McPherson,	Shaw,
	Harwood,	Chapman,	Pattison,
	N. Worthington,	Gough,	Bond,

Messieurs	Matthews,	Joshua Seney,	Faw,	
	S. Miller,	Jackson,	Downes,	
	Digges,	Brown,	Loockerman,	
	Quynn,	Purnell,	Walker,	
	Duvall,	Mitchell,	Cellars,	
	John Seney,	T. Johnson,	Griffith.	42.
	NEGATIVE.			

Messieurs Lecompte, F. Bowie, Norris, Oneale. 4.
So it was resolved in the affirmative.

(The house proceeded to take into consideration the order of the day, and upon the second reading the resolutions respecting the federal constitution, the question was put, That the first Monday in April next be appointed for holding the elections for delegates to the proposed convention? The yeas and nays being called for by Mr. Oneale, appeared as follow:

AFFIRMATIVE.				
Messieurs	Abell,	Lecompte,	Joshua Seney,	
	R. Miller,	Bond,	Jackson,	
	Read,	Matthews,	Brown,	
	Harwood,	S. Miller,	Scott,	
	Parnham,	F. Bowie,	Norris,	
	McPherson,	Quynn,	Cellars,	
	Chapman,	Duvall,	Oneale,	
	Cockey,	John Seney,	Griffith.	24.
NEGATIVE.				

Messieurs	Thomas,	Gough,	Purnell,	
	Key,	Sherwood,	Mitchell,	
	Nicholls,	Tilghman,	T. Johnson,	
	N. Worthington,	Gale,	Faw,	
	B. Worthington,	Stewart,	Downes,	
	Taney,	Shaw,	Loockerman,	
	Grahame,	Pattison,	Walker.	
		Dent,	Digges,	
				23.

So it was resolved in the affirmative.

On motion, the question was put, That the delegates to be elected to serve in the proposed convention, shall, at the time of election, be citizens of the state, and actually residing therein for three years next preceding the election? Resolved in the affirmative.

On motion, the question was put, That the delegates to be elected to serve in the proposed convention be residents of the county where they shall be elected? Resolved in the affirmative.

On motion, the question was put, That the words “twelve months next preceding the election,” be added? The yeas and nays being called for by Mr. Lecompte, appeared as follow:

AFFIRMATIVE.

Messieurs	Abell,	Cockey,	Brown,	
	Key,	Sherwood,	Purnell,	
	R. Miller,	Gale,	Mitchell,	
	Nicholls,	Stewart,	Scott,	
	N. Worthington,	Shaw,	Norris,	
	Taney,	Lecompte,	Downes,	
	Grahame,	Bond,	Loockerman,	
	Dent,	F. Bowie,	Walker,	
	McPherson,	John Seney,	Cellars,	
	Chapman,	Jackson,	Griffith.	
	Gough,			31.

NEGATIVE.

Messieurs	Thomas,	Tilghman,	Quynn,	
	Read,	Pattison,	Duvall,	
	Harwood,	Matthews,	Joshua Seney,	
	B. Worthington,	S. Miller,	T. Johnson,	
	Carroll,	Craufurd,	Faw,	
	Parnham,	Digges,	Oneale.	18.

So it was resolved in the affirmative.

On motion, the question was put, That the delegates to be elected to serve in the proposed convention shall have real and personal property above the value of five hundred pounds current money? Determined in the negative.

On progression in reading the said resolutions, the question was put, That the delegates elected to serve in the proposed convention meet at Annapolis on Monday the twenty-first day of April next? Resolved in the affirmative.)²

The house having gone through the resolutions, the same were amended and agreed to read as follow:

⟨RESOLVED, That it be recommended to such of the inhabitants of this state as are entitled to vote for delegates in the general assembly, to meet in their respective counties, the city of Annapolis and Baltimore-town, on the first Monday in April next, at the several places fixed by law for holding the annual elections, to choose four persons for each county, two for the city of Annapolis, and two for Baltimore-town, to serve in the state convention, for the purpose of taking under consideration the proposed plan of government for the United States, and

that the said elections be conducted agreeably to the mode and conformably with the rules and regulations prescribed for electing members to serve in the house of delegates.

RESOLVED, That the delegates to be elected to serve in the state convention, shall, at the time of election, be citizens of the state, and actually residing therein for three years next preceding the election, residents of the county where they shall be elected twelve months next preceding the election, and be of twenty-one years of age.)

RESOLVED, That the persons so elected to serve in the said convention, do assemble on Monday the twenty-first day of April next, at the city of Annapolis, there to take into consideration the aforesaid constitution, and if approved of by them, finally to ratify in behalf and on the part of this state, and make report thereof to the United States in congress assembled.³

(RESOLVED, That the sheriffs in the respective counties, the mayor, recorder and aldermen, or any three of them, in the city of Annapolis, the commissioners of Baltimore-town, or any three of them, shall and they are hereby required to give immediate notice by advertisements to the people of the counties, city of Annapolis and Baltimore-town, of the time, place and purpose, of the elections as aforesaid.) . . .

1. *Votes and Proceedings of the House of Delegates*, 12–13. The *Baltimore Maryland Gazette*, 30 November, printed the text in angle brackets, along with some of the proceedings from the House of Delegates' journal for 27 November. The *Baltimore Maryland Gazette* version was reprinted in whole or in part in the *Maryland Chronicle*, 5 December; *Pennsylvania Packet*, 7 December; *Carlisle Gazette*, 12 December; *New York Journal*, 17 December; and *Charleston City Gazette*, 12 January 1788.

2. At this point the account in the *Baltimore Maryland Gazette*, 30 November, reads: "On motion, Resolved, nemine contradicente, That the proceedings of the *Federal Convention*, transmitted to the General Assembly, through the medium of Congress, be submitted to a Convention of the people of this State for their full and free investigation and decision."

3. The *Baltimore Maryland Gazette*, 30 November, did not print this version of the resolution, but it did print the revised version of the resolution and the roll-call vote adopting the resolution, which it took from the House of Delegates proceedings of 27 November (RCS:Md., 77, 78n).

House of Delegates Proceedings, Tuesday, 27 November 1787 (excerpts)¹

The house met. Present the same members as on yesterday. The proceedings of yesterday were read.

On motion, the question was put, That the third resolution agreed to on yesterday, and which follows in these words: RESOLVED, That the persons so elected to serve in the said convention, do assemble on

Monday the twenty-first day of April next at the city of Annapolis, there to take into consideration the aforesaid constitution, and if approved of by them, finally to ratify in behalf and on the part of this state, and make report thereof to the United States in congress assembled; be reconsidered? Resolved in the affirmative.

On motion, the question was put, That instead of the above resolution the following be substituted, viz. (RESOLVED, That the persons so elected to serve in the said convention, do assemble on Monday the twenty-first day of April next at the city of Annapolis, and may adjourn from day to day, as occasion may require, and that the same delegates so assembled, do then and there take into consideration the aforesaid constitution, and if approved of by them, or a majority of them, finally to ratify the same in behalf and on the part of this state, and make report thereof to the United States in congress assembled? The yeas and nays being called for by Mr. Joshua Seney, appeared as follow:

AFFIRMATIVE

Messieurs	Abell,	Shaw,	Joshua Seney,	
	Thomas,	Lecompte,	Jackson,	
	Key,	Bond,	Brown,	
	R. Miller,	S. Miller,	Faw,	
	Nicholls,	Craufurd,	Scott,	
	Read,	F. Bowie,	Norris,	
	Harwood,	Digges,	Cellars,	
	Parnham,	Quynn,	Oneale,	
	McPherson,	John Seney,	Griffith.	
	Cockey,			28.

NEGATIVE.

Messieurs	N. Worthington,	Gough,	Duvall,	
	B. Worthington,	Sherwood,	Purnell,	
	Carroll,	Tilghman,	Mitchell,	
	Taney,	Gale,	T. Johnson,	
	Grahame,	Stewart,	Downes,	
	Dent,	Pattison,	Loockerman,	
	Chapman,	Matthews,	Walker.	21.

So it was resolved in the affirmative.

On motion, RESOLVED, That the delegates to be elected for Baltimore-town be residents of the said town, and the delegates to be elected for Baltimore county be residents of the said county, out of the limits of Baltimore-town.) . . .

The resolutions respecting the state convention, for taking into consideration the federal constitution, sent to the senate by Mr. T. Johnson. . . .

1. *Votes and Proceedings of the House of Delegates*, 13, 14. On 30 November the Baltimore *Maryland Gazette* printed the text in angle brackets. The Baltimore *Maryland Gazette* version was reprinted in whole or in part in the *Maryland Chronicle*, 5 December; *Pennsylvania Packet*, 7 December; *New York Journal*, 17 December; and *Charleston City Gazette*, 12 January 1788.

Senate Proceedings, Tuesday, 27 November 1787 (excerpt)¹

... Mr. Thomas Johnson, from the house of delegates, delivers to the president the following resolutions:

BY THE HOUSE OF DELEGATES, NOVEMBER 27, 1787.

RESOLVED, *nemine contradicente*, That it be recommended to the people of this state, to submit the proceedings of the federal convention, transmitted to the general assembly through the medium of congress, to a convention of the people, for their full and free investigation and decision.

RESOLVED, That it be recommended to such of the inhabitants of this state as are entitled to vote for delegates in the general assembly, to meet in their respective counties, the city of Annapolis and Baltimore-town, on the first Monday in April next, at the several places fixed by law for holding the annual elections, to choose four persons for each county, two for the city of Annapolis, and two for Baltimore-town, to serve in the state convention, for the purpose of taking under consideration the proposed plan of government for the United States, and that the said elections be conducted agreeably to the mode and conformably with the rules and regulations prescribed for electing members to serve in the house of delegates.

RESOLVED, That the delegates to be elected to serve in the state convention, shall, at the time of election, be citizens of the state, and actually residing therein for three years next preceding the election, residents of the county where they shall be elected twelve months next preceding the election, and be of twenty-one years of age.

RESOLVED, That the sheriffs in the respective counties, the mayor, recorder and aldermen, or any three of them, in the city of Annapolis, the commissioners of Baltimore-town, or any three of them, shall and they are hereby, required to give immediate notice by advertisements to the people of the counties, city of Annapolis and Baltimore-town, of the time, place and purpose, of the elections as aforesaid.

RESOLVED, That the persons so elected to serve in the said convention, do assemble on Monday the twenty-first day of April next at the city of Annapolis, and may adjourn from day to day, as occasion may require, and that the same delegates so assembled, do then and there take into consideration the aforesaid constitution, and if approved of

by them, or a majority of them, finally to ratify the same in behalf and on the part of this state, and make report thereof to the United States in congress assembled.

RESOLVED, That the delegates to be elected for Baltimore-town be residents of the said town, and the delegates to be elected for Baltimore county be residents of the said county, out of the limits of Baltimore-town.

By order,

W. HARWOOD, clk.

Which were read the first time and ordered to lie on the table.

On motion, ORDERED, That the foregoing resolutions be taken into consideration on to-morrow. . . .

1. *Votes and Proceedings of the Senate*, 6.

Senate Proceedings, Wednesday, 28 November 1787 (excerpt)¹

. . . The senate having assumed the consideration of the order of the day, it was moved and seconded, that a committee be appointed to prepare a message to the house of delegates on the subject thereof.

RESOLVED, That George Gale, Charles Carroll, of Carrollton, and John Hall, Esquires, be a committee for the same. . . .

1. *Votes and Proceedings of the Senate*, 6.

House of Delegates Proceedings, Thursday, 29 November 1787 (excerpt)¹

. . . The house proceeded to take into consideration the order of the day,² and after some time spent therein, it is postponed for further consideration till to-morrow morning.

The house adjourns till to-morrow morning 9 o'clock.

1. *Votes and Proceedings of the House of Delegates*, 16.

2. On 23 November the House of Delegates passed a resolution requesting that Maryland's delegates to the Constitutional Convention of 1787 appear before the House on 29 November "to give this house information of the proceedings of the said convention" (RCS:Md., 70).

Maryland's Constitutional Convention Delegates

Address the State House of Delegates, 29 November 1787

When the Maryland legislature elected delegates to the Constitutional Convention, it required the delegates "to report the proceedings of the said convention, and any act agreed to therein, to the next session of the general assembly" (Appendix II, especially RCS:Md., 805). The delegates transmitted a copy of the Constitution to Governor William Smallwood, who sent it to the legislature on 24 November. The preceding day the House of Delegates had

voted 28 to 22 to request that the Convention delegates attend the House on 29 November to give information about the Convention. Antifederalists supported the proposal, while Federalists were divided.

Four of the state's five Convention delegates appeared on 29 November—Daniel Carroll, Daniel of St. Thomas Jenifer, James McHenry, and Luther Martin. The fifth delegate—John Francis Mercer—apparently did not attend. The delegates were dismissed by the House on 30 November. Copies of McHenry's and Martin's addresses have survived, while Carroll described the actions of the delegates in a 2 December letter to Benjamin Franklin. All three items follow in this grouping.

James McHenry Addresses the House of Delegates, 29 November 1787¹

MaryLand Novr. 29 1787—

The Delegates to the late Convention being call'd before the House of Representatives to explain the principles, upon which the proposed Constitution for the United States of America were formed

Mr. McHenry addressed the House in the followg terms

Mr. Speaker

Convention having deposited their proceedings with their Worthy President, and by a Resolve prohibited any copy to be taken, under the Idea that nothing but the Constitution thus framed and submitted to the Public could come under their consideration, I regret that at this distant period, I am unable from Memory to give this Honorable House so full and accurate information as might possibly be expected on so important and interesting a Subject. I Collated however from my Notes as soon as the Pleasure of this House was made known to me such of the proceedings as pass'd under my observation from an anxious desire I have to give this Honorable Body the information they require—

It must be within the Knowledge of this House Mr Speaker that the plan of a Convention originated in Virginia—accordingly when it met at Philadelphia the objects of the meeting were first brought forward in an address from an Honorable Member of that state.² He premised that our present Constitution had not and on further experiance would be found that it could not fulfill the objects of the Confederation.

1st It has no sufficient provision for internal defence nor against foreign invasion, if a State offends it cannot punish; nor if the rights of Embassadors or foreign Nations be invaded have the Judges of the respective States competent Jurisdiction to redress them. In short the Journals of Congress are nothing more than a History of expedients, without any regular or fixed system, and without power to give them efficacy or carry them into Execution—

2nd. It does not secure the seperate States from Sedition among themselves nor from encroachments against each other—

3rd. It is incapable of producing certain blessings the Objects of all good governments, Justice, Domestic Tranquillity, Common Defence Security to Liberty and general Welfare—Congress have no powers by imposts to discharge their internal engagements or to sustain their Credit with Foreigners they have no powers to restrain the Emission of Bills of Credit issued to the destruction of foreign Commerce—the perversion of National Justice and violation of private Contracts—they have no power to promote inland Navigation, encourage Agriculture or Manufactures

4th. They have no means to defend themselves against the most direct encroachments—in every Congress there is a party opposed to Federal Measures—In every state even there is a party opposed to efficient Government, the wisest regulations may therefore [be] thwarted and evaded: the Legislature be treated with insult and derision and there is no power, no force to carry their Laws into execution, or to punish the Offenders who oppose them.

5th. The Confederation is inferior to the State Constitutions and cannot therefore have that controul over them which it necessarily requires—the State Governments were first formed and the federal Government derived out of them wherefore the Laws of the respective States are paramount and cannot be controuled by the Acts of Congress—

He then descanted with Energy on our respective situations from New Hampshire to Georgia, on the Situation of our joint National Affairs at Home and abroad and drew the Conclusion that all were on the brink of ruin and desolation—That once dissolve the tie by which we are united and alone preserved and the prediction of our Enemies would be compleat in the blood shed in contending and opposite interests—That perhaps this was the last, the only opportunity we should ever have to avoid or remedy those impending evils—The Eyes of all actuated by hopes or fears were fixed upon the proceedings of this Convention and if the present meeting founded in a spirit of Benevolence and General Good, did not correct, or reform our present Situation, it would end most assuredly in the Shame and ruin of ourselves and the Tryumph of others—He therefore moved that it be “Resolved the Articles of the Confederation ought to be corrected and enlarged” and for that purpose submitted certain resolves to the further Consideration of the Convention—Convention being thus in possession of these propositions on the thirtieth of May Resolved to go into a consideration of them when the Honorable Gentleman who first brought them forward moved to withdraw the two first Resolutions, and to substitute the following in lieu of them—1st. That the Union of the States

ought to be founded on the basis of Common Defence, security to Liberty, and General Welfare³ 2d. That to this end the right of Suffrage ought to be in proportion to the value of the property contributing to the expence of General Government or to the free Inhabitants that compose such Government—3rd. That a National Government ought to be formed with Legislative and Judicial Powers.—At this period Mr. Speaker I was suddenly call'd from Philadelphia by an account that one of my nearest and Dearest relations was at the point of Death, and did not return 'till the 4th of August—Convention had formed a Committee of Detail in my absence, which on the sixth of August brought in their report,⁴ that had for its Basis the propositions handed from Virginia, and with some amendments is the Constitution now submitted to the People⁵—

[Article I]

S: 2 To this Section it was objected that if the qualifications of the Electors were the same as in the State Governments, it would involve in the Federal System all the Disorders of a Democracy: and it was therefore contended, that none but Freeholders, permanently interested in the Government ought to have a right of Suffrage—the Venerable Franklin opposed to this the natural rights of Man—their rights to an immediate voice in the general Assemblage of the whole Nation, or to a right of Suffrage & Representation and he instanced from general History and particular events the indifference of those, to the prosperity and Welfare of the State who were deprived of it⁶—

Residence was likewise thought essential to interest the Human heart sufficiently by those ties and affections it necessarily creates to the general prosperity—at first the report of the Committee had extended it to three Years only, but on better consideration it was altered to seven; And the Period of Twenty five Years deemed a necessary Age to mature the Judgement and form the mind by habits of reflection and experience—Little was said on this subject it passed without any considerable opposition and therefore I was not at the pains to note any other particulars respecting it—

That the Representatives should be appointed according to Numbers occasioned a very long, interesting and serious Debate the Larger States warmly contended for this Regulation and were seriously opposed by the lesser—by the latter it was contended it threw too much power into the hands of the former, and it was answered by the former that Representation ought to be according to property, or numbers, and in either case they had a right to such influence as their Situation gave them, on the contrary if each State had an equal voice, it would unreasonably throw the whole power in the lesser States—In the end a compromise took place by giving an equal Voice to each state in the

Senate which 'till then the larger States had contended ought to be formed like the other branch by a Representation according to numbers—

S 3d. The Classing the Senate so as to produce the proposed change was established by Convention on the principle that a Rotation of power is essential to Liberty No qualification of property was adopted, that merit alone might advance unclogged by such restriction. It did not pass however unattempted; but the proposed rate of property by the South, was thought much too high by the East, as that by the East on the Contrary was deemed too low by the South.—

The Committee of Detail by their report had at first given to the Senate the choice of their own President⁷ but to avoid Cabal and undue influence, it was thought better to alter it. And the power of trying impeachments was lodged with this Body as more likely to be governed by cool and candid investigation, than by those heats that too often inflame and influence more populous Assemblies

S 4. It was thought expedient to vest the Congress with the powers contained in this Section, which particular exigencies might require them to exercise, and which the immediate representatives of the People can never be supposed capable of wantonly abusing to the prejudice of their Constituents—Convention had in Contemplation the possible events of Insurrection, Invasion, and even to provide against any disposition that might occur hereafter in any particular State to thwart the measures of the General Government on the other hand by an Assembly once a Year Security is Annually given to the People against encroachments of the Governments on their Liberty.

S 5. Respects only the particular privileges and Regulations of each branch of the Legislature.

S 6. That the attendance of Members in the General Legislature at a great distance from their respective abodes might not be obstructed and in some instances prevented either by design or otherwise in withholding any Compensation for their Services, Convention thought it most adviseable to pay them out of the General Treasury, otherwise a representation might some times fail when the Public Exigence might require that attendance—Whether any Members of the Legislature should be Capable of holding any Office during the time for which he was Elected created much division in Sentiment in Convention; but to avoid as much as possible every motive for Corruption, was at length settled in the form it now bears by a very large Majority.

S: 7. Much was also said on the Priviledge that the immediate Representatives of the People had in originating all Bills to create a Revenue: It was opposed by others on the principle that, in a Government of this Nature flowing from the People without any Hereditary rights

existing in either Branch of the Legislature, the public Good might require, and the Senate ought to possess powers coexistent in this particular with the House of Representatives. The Larger States hoped for an advantage by confirming this privilege to that Branch where their numbers predominated, and it ended in a compromise by which the Lesser States obtained a power of amendment in the Senate—The Negative given to the President underwent an amendment, and was finally restored to its present form, in the hope that a Revision of the subject and the objections offered against it might contribute in some instances to perfect those regulations that inattention or other motives had at first rendered imperfect—

S 8. The power given to Congress to lay taxes contains nothing more than is comprehended in the spirit of the eighth article of the Confederation.⁸ To prevent any Combination of States, Duties, Imposts and Excises shall be equal in all, and if such a Duty is laid on foreign Tonnage as to give an advantage in the first instance to the Eastern States, it will operate as a bounty to our own Ship-builders. If an oppressive Act should be obtained to the prejudice of the Southern States, it will always be subject to be regulated by a Majority, and would be repealed as soon as felt. That at most it could prevail no longer than 'till that Jealousy should be awakened which must have slept when it passed, and which could never prevail but under a supposed Combination of the President and the two Houses of the Legislature.

S. 9. Convention were anxious to procure a perpetual decree against the Importation of Slaves; but the Southern States could not be brought to consent to it—All that could possibly be obtained was a temporary regulation which the Congress may vary hereafter.

Public safety may require a suspension of the Habeas Corpus in cases of necessity: when those cases do not exist, the virtuous Citizen will ever be protected in his opposition to power, 'till corruption shall have obliterated every sense of Honor & Virtue from a Brave and free People. Convention have also provided against any direct or Capitation Tax but according to an equal proportion among the respective States: This was thought a necessary precaution though it was the idea of every one that government would seldom have recourse to direct Taxation, and that the objects of Commerce would be more than sufficient to answer the common exigencies of State and should further supplies be necessary, the power of Congress would not be exercised while the respective States would raise those supplies in any other manner more suitable to their own inclinations—That no Duties shall be laid on Exports or Tonnage, on Vessels bound from one State to another is the effect of that attention to general Equality that governed the deliberations of

Convention. Hence unproductive States cannot draw a revenue from productive States into the Public Treasury, nor unproductive States be hampered in their Manufactures to the emolument of others. When the Public Money is lodged in its Treasury there can be no regulation more consistant with the Spirit of Economy and free Government that it shall only be drawn forth under appropriations by Law and this part of the proposed Constitution could meet with no opposition as the People who give their Money ought to know in what manner it is expended.

That no Titles of Nobility shall be granted by the United States will preserve it is hoped, the present Union from the Evils of Aristocracy.

S: 10. It was contended by many that the States ought to be permitted to Emit Bills of Credit where their local Circumstances might require it without prejudice to the obligations arising from private Contracts; but this was overruled by a vast Majority as the best security that could be given for the Public faith at home and the extension of Commerce with Foreigners.

Article the 2nd.

S: 1st. The Election of the President according to the Report of the Committee of Detail was intended to have been by ballot of both Houses; to hold his appointment for Seven Years, and not be Capable to be reelected; but this mode gave an undue influence to the large States, and paved the way to faction and Corruption—all are guarded against by the present method, as the most exalted Characters can only be Known throughout the whole Union—His power when elected is check'd by the Consent of the Senate to the appointment of Officers, and without endangering Liberty by the junction of the Executive and Legislative in this instance.

Article the 3rd.

S: 1st. The judicial power of the United States underwent a full investigation—it is impossible for me to Detail the observations that were delivered on that subject—The right of tryal by Jury was left open and undefined from the difficulty attending any limitation to so valuable a privilege, and from the persuasion that Congress might hereafter make provision more suitable to each respective State—To suppose that mode of Tryal intended to be abolished would be to suppose the Representatives in Convention to act contrary to the Will of their Constituents, and Contrary to their own Interest.—

Thus Mr. Speaker I have endeavour'd to give this Honorable House the best information in my power on this important Subject—Many parts of this proposed Constitution were warmly opposed, other parts it was found impossible to reconcile to the Clashing Interest of different

States—I myself could not approve of it throughout, but I saw no prospect of getting a better—the whole however is the result of that spirit of Amity which directed the wishes of all for the general good, and where those sentiments govern it will meet I trust, [with?] a Kind and Cordial reception.⁹—

1. MS, John Leeds Bozman Family Papers, DLC. The manuscript is in the handwriting of Archibald Golder, one of the clerks of the House of Delegates. Bozman (1757–1823), a native of Maryland’s Eastern Shore, was a lawyer, poet, and historian of Maryland, who served as a deputy attorney general of Maryland from 1789 to 1807 under Luther Martin. For praise of McHenry’s address to the House by an unidentified delegate, see *Maryland Journal*, 7 December (RCS:Md., 111).

McHenry attended the Constitutional Convention from 28 to 31 May and from 6 August, the day on which the Committee of Detail reported the first draft of the Constitution, until the Convention adjourned on 17 September. He was one of the three Maryland delegates to sign the Constitution on 17 September. McHenry was one of the Constitutional Convention delegates who took notes of the debates. Max Farrand, editor of the records of the Convention, states that for the second half of the Convention, McHenry’s notes are second only to the Convention *Journal* and delegate James Madison’s notes (Farrand, I, xx–xxi).

2. For McHenry’s notes of Virginia Governor Edmund Randolph’s speech to the Constitutional Convention on 29 May, see Farrand, I, 24–27. In this speech, Randolph presented fifteen resolutions designed to create “a strong *consolidated* union.” The resolutions had been drafted by Virginia’s Convention delegates before the Convention met. For the resolutions, see CDR, 243–45, and Farrand, I, 20–22, 27–28; and for other versions of Randolph’s speech besides that of McHenry, see Farrand, I, 18–19, 23–24.

3. In McHenry’s notes the resolution reads: “That a union of the States merely federal will not accomplish the object proposed by the articles of confederation, namely ‘common defence, security of liberty, and general welfare’” (Farrand, I, 40). For other versions of the resolutions presented by Randolph on 30 May, see Farrand, I, 30, 31, 33, 35, 40, 41.

4. For the report of the Committee of Detail, see CDR, 260–69, and Farrand, II, 177–89.

5. The third page of McHenry’s manuscript ends abruptly at this point. The next page begins with a discussion of Article I, section 2 of the Constitution.

6. For the text of Benjamin Franklin’s speech of 11 June, see Farrand, I, 197–200. McHenry, who had left the Constitutional Convention by 1 June, had obtained a copy of Franklin’s speech from fellow Maryland delegate Daniel Carroll. (See Daniel Carroll to Benjamin Franklin, 2 December [RCS:Md., 97].)

7. See Article V, section 4 of the Committee of Detail’s report (CDR, 262, and Farrand, II, 179).

8. Article VIII of the Articles of Confederation provided that Congress requisition the states for money to pay for “All charges of war, and all other expences that shall be incurred for the common defence or general welfare. . . .” Taxes were to be “laid and levied by the authority and direction of the legislatures of the several states . . .” (CDR, 89). For two other Constitutional Convention delegates who made similar points, see “The Report of Connecticut’s Delegates to the Constitutional Convention,” *New Haven Gazette*, 25 October (CC:192; and RCS:Conn. 351–53); and “A Citizen of New Haven” (Roger Sherman), *Connecticut Courant*, 7 January 1788 (RCS:Conn., 525, 526).

9. McHenry draws on George Washington's sentiments in Washington's 17 September 1787 letter as president of the Constitutional Convention to the president of the Confederation Congress (Appendix III, RCS:Md., 806–7).

Luther Martin Addresses the House of Delegates, 29 November 1787¹

MaryLand Novr. 29th. 1787.—

Mr. Speaker.

When I join'd the Convention I found that Mr. Randolph had laid before that Body certain propositions for their consideration, and that Convention had entered into many Resolutions, respecting their manner of conducting the Business one of which was that seven States might proceed to Business, and therefore four States composing a Majority of seven, might eventually give the Law to the whole Union. Different instructions were given to Members of different States²—the Delegates from Delaware were instructed not to infringe their Local Constitution—others were prohibited their assent to any duty in Commerce: Convention enjoined all to secrecy; so that we had no opportunity of gaining information by a Correspondence with others; and what was still more inconvenient extracts from their Journals were prohibited even for our own information—It must be remembered that in forming the Confederacy the State of Virginia proposed, and obstinately contended ('tho unsupported by any other) for representation according to Numbers: and the second resolve now brought forward by an Honourable Member from that state was formed in the same spirit that characteriz'd its representatives in their endeavours to increase its powers and influence in the Federal Government. These Views in the larger States, did not escape the observation of the lesser and meetings in private were formed to counteract them: the subject however was discuss'd with coolness in Convention, and hopes were formed that interest might in some points be brought to Yield to reason, or if not, that at all events the lesser states were not precluded from introducing a different System; and particular Gentlemen were industriously employed in forming such a System at those periods in which Convention were not sitting.

At length the Committee of Detail brought forward their Resolutions³ which gave to the larger States the same inequality in the Senate that they now are proposed to have in the House of Representatives—Virginia, Pennsylvania and Massachusetts would have one half—all the Officers and even the President were to be chosen by the Legislature: so that these three States might have usurped the whole power. The President would always have been from one of the larger States and so chosen to have an absolute negative, not only on the Laws of Congress,

but also on the Laws of each respective State in the Union. Should the representation from the other States be compleat, and by a Miracle ten States be so united as upon any occasion to procure a Majority; yet the President by his Negative might defeat the best intentions for the public good. Such a Government would be a Government by a Junto and bind hand and foot all the other States in the Union On this occasion the House will please to remember that Mr. Bo was in the Chair, and General Washington and the Venerable Franklin on the floor, and led by State influence, neither of them objected to this System, but on the Contrary it seemed to meet their warm and cordial approbation⁴—I revere those worthy Personages as much as any man can do, but I could not compliment them by a sacrifice of the trust reposed in me by this State by acquiescing in their opinion. Then it was Mr. Speaker that those persons who were labouring for the general good, brought forward a different System—The absence of Mr. McHenry unhappily left Maryland with only two representatives, and they differed: New Hampshire Delegates were also absent. Mr. Patterson from Jersey introduced this new System,⁵ by which it was proposed, that the Laws of the Confederacy should be the Laws of each State—and therefore the State Judiciaries to have Cognizance in the first instance and the Federal Courts to have an Apellant Jurisdiction only—

The first measure that took place on the Jersey System was to pass a vote not to receive it—Three parties now appeared in Convention; one were for abolishing all the State Governments; another for such a Government as would give an influence to particular States—and a third party were truly Federal, and acting for general Equality—They were for considering, reforming and amending the Federal Government, from time to time as experience might point out its imperfections, 'till it could be made competent to every exigence of State, and afford at the same time ample security to Liberty and general Welfare But this scheme was so opposite to the views of the other two, that the Monarchical Party⁶ finding little chance of succeeding in their wishes joined the others and by that measure plainly shewed they were endeavouring to form such a Government as from its inequality must bring in time their System forward, or at least much nearer in practice than it could otherwise be obtained—

When the principles of opposition were thus formed and brought forward by the 2d. S: respecting the manner of representation, it was urged by a Member of Pennsylvania, that nothing but necessity had induced the larger States to give up in forming the Confederacy, the Equality of Representation according to numbers—That all governments flowed from the people, and that their happiness being the end

of governments they ought to have an equal Representation.⁷ On the contrary it was urged by the unhappy Advocates of the Jersey System that all people were equally Free, and had an equal Voice if they could meet in a general Assembly of the whole. But because one Man was stronger it afforded no reason why he might injure another, nor because ten leagued together, they should have the power to injure five; this would destroy all equality. That each State when formed, was in a State of Nature as to others, and had the same rights as Individuals in a State of Nature—If the State Government had equal Authority, it was the same as if Individuals were present, because the State Governments originated and flowed from the Individuals that compose the State—and the Liberty of each State was what each Citizen enjoyed in his own State and no inconvenience had yet been experienced from the inequality of representation in the present Federal Government. Taxation and representation go hand and hand, on the principle alone that, none should be taxed who are not represented; But as to the Quantum, those who possess the property pay only in proportion to the protection they receive—The History of all Nations and sense of Mankind shew, that in all former Confederacies every State had an equal voice. Moral History points out the necessity that each State should vote equally—In the Cantons of Switzerland those of Be[r]ne & Lucerne have more Territory than all the others, yet each State, has an equal voice in the General Assembly. The Congress in forming the Confederacy adopted this rule on the principle of Natural right—Virginia then objected. This Federal Government was submitted to the consideration of the Legislatures of the respective States and all of them proposed some amendments;⁸ but not one that this part should be altered. Hence we are in possession of the General Voice of America on this subject.—

When baffled by reason the larger States possibly refused to yield—the lesser refused to confederate, and called on their opponents to declare what security they could give to abide by any plan or form of Government that could now be devised—The same reasons that now exist to abolish the old, might be urged hereafter to overthrow the New Government, and as the methods of reform prescribed by the former were now utterly disregarded, as little ceremony might be used in discarding the latter—It was further objected that the large States would be continually increasing in numbers, and consequently their influence in the National Assembly would increase also: That their extensive Territories were guaranteed and we might be drawn out to defend the enormous extent of those States, and encrease and establish that power intended in time to enslave ourselves—Threats were thrown out to compel the lesser States to confederate—They were told this would be

the last opportunity that might offer to prevent a Dissolution of the Union, that once dissolve that Band which held us together and the lesser States had no security for their existence, even for a moment—The lesser States threatened in their turn that they would not lay under the imputation of refusing to confederate on equitable conditions; they threatened to publish their own offers and the demands of others, and to appeal to the World in Vindication of their Conduct.—

At this period there were eleven States represented in Convention on the question respecting the manner of appointing Delegates to the House of Representatives—Massachusetts, Pennsylvania, Virginia, North Carolina, South Carolina, and Georgia adopted it as now handed to the consideration of the People.—Georgia now insignificant, with an immense Territory, looked forward to future power and Aggrandizement, Connecticut, New York, Jersey, and Delaware were against the Measure and Maryland was unfortunately divided—On the same question respecting the Senate, perceiving the lesser States would break up Convention altogether, if the influence of that branch was likewise carried against them, the Delegates of Georgia differed in sentiment not on principle but on expediency, and fearing to lose every thing if they persisted, they did not therefore vote being divided, Massachusetts, Pennsylvania, Virginia, North Carolina, and South Carolina were in the affirmative, and New York, Connecticut, Jersey, Delaware & Maryland were in the Negative. Every thing was now at a stand and little hopes of agreement, the Delegates of New York had left us determined not to return,⁹ and to hazard every possible evil rather than to Yield in that particular; when it was proposed that a conciliating Committee should be formed of one member from each State—Some Members positively refused to lend their names to this measure others compromised, and agreed that if the point was relinquished by the larger States as to the Senate—they would sign the proposed Constitution and did so, not because they approved it but because they thought something ought to be done for the Public—Neither General Washington nor Franklin shewed any disposition to relinquish the superiority of influence in the Senate. I now proposed Convention should adjourn for consideration of the subject, and requested leave to take a Copy of their proceedings, but it was denied, and the Avenue thus shut to information and reflection¹⁰—

Article 1st.

S: 1st. A Government consisting of two Branches advocated by some was opposed by others—That a perfect Government necessarily requiring a Check *over them* did not require it over *States* and History could

furnish no instance of such a second branch in Federal Governmts. The seperate States are competent to the Government of Individuals and a Government of *States* ought to be *Federal*, and which the object of calling Convention, and not to establish a *National Government*. It begins We the People—And the powers are made to flow from them in the first instance. That in Federal Governments an equal voice in each State is essential, as being all in a *State of Nature* with respect to each other Whereas the only figure in this Constitution that has any resemblance to a federal one, is the equality of Senate—but the 4th Section gives the power to Congress to strike out, at least to render Nugatory this, the most valuable part of it. It cannot be supposed that any State would refuse to send Representatives, when they would be bound whether they sent Deputies or not, and if it was intended to relate to the cases of Insurrection or Invasion, why not by express words confine the power to these objects?

S: 6th. By this Article the Senators when elected are made independant of the State they represent. They are to serve six Years, to pay themselves out of the General Treasury, and are not paid by the State, nor can be recalled for any misconduct or sacrafice of the Interest of their State that they make before the expiration of that period. They are not only Legislative, but make a part of the Executive, which all wise Governments have thought it essential to keep seperated. They are the National Council; and none can leave their private concerns and their Homes for such a period and consent to such a service, but those who place their future views on the emoluments flowing from the General Government—Tho' a Senator cannot be appointed to an office created by himself, He may to any that has been antecedently established; and by removing Old Officers, to new Offices, their places may be occupied by themselves and thus the Door opened to evade and infringe the Constitution. When America was under the British Dominion every matter was conducted within a narrow Circle in the Provincial Government, greatly to the ease and convenience of the people. The Habits thus acquired are opposed to extensive Governments, and the extent of this, as a National one, cannot possibly be ever carried into effect—

S: 2: Slaves ought never to be considered in Representation, because, they are Property. They afford a rule as such in Taxation; but are Citizens intrusted in the General Government, no more than Cattle, Horses, Mules or Asses; and a Gentleman in Debate very pertinently observed that he would as soon enter into Compacts, with the Asses Mules, or Horses of the Ancient Dominion as with their Slaves—When there is

power to raise a revenue by direct Taxation, each State ought to pay an equal Ratio; Whereas by taxing Commerce some states would pay greatly more than others.

S: 7: It was contended that the Senate derived their powers from the People and therefore ought to have equal priviledges to the Representatives. That it would remove all ground for contest about originating Money Bills, what Bills were so or not, and how far amendments might be made, but nothing more could be obtained from the power of the larger States on that subject than what appears in the proposed Constitution. In Great Britain the King having Hereditary rights, and being one of the three Estates that compose the Legislature has obtained a Voice in the passage of all Acts that bear the title of Laws. But the Executive here have no distinct rights, nor is their President likely to have more understanding than the two Branches of the Legislature. Additional weight is thus unnecessarily given to the large States who voting by numbers will cohere to each other, or at least among themselves, and thus easily carry, or defeat any measure that requires a Majority of two thirds.

S: 8: By the word Duties in this Section is meant Stamp Duties. This power may be exercised to any extent; but it has likewise this dangerous tendency it may give the Congress power by establishing duties on all Contracts to decide on cases of that nature, and ultimately draw the decision of the Federal Courts, which will have sufficient occupation by the other powers given in this Section. They are extensive enough to open a sluice to draw the very blood from your Veins. They may lay direct Taxes by assessment, Poll Tax, Stamps, Duties on Commerce, and excise every thing else—all this to be collected under the direction of their own Officers, and not even provided that they shall be Inhabitants of the respective States where they are to act and for which many reasons will not be the case: and should any Individual dare to dispute the conduct of an Excise Man, ransacking his Cellars he may be hoisted into the Federal Court from Georgia to vindicate his just rights, or to be punished for his impertinence. In vain was it urged that the State Courts ought to be competent to the decision of such cases: The advocates of this System thought State Judges would be under State influence and therefore not sufficiently independant. But this is not all, they would either trust your Juries for altho matters of Fact are triable by Juries in the Inferior Courts the Judges of the Supreme Court on *appeal* are to decide on *Law* and *fact* both. In this Manner Mr. Speaker our rights are to be tried in all disputes between the Citizens of one State and another, between the Citizens and Foreigners, and between the Citizens and these Revenue Officers of the General Government as to

other cases the Constitution is silent, and it is very doubtful if we are to have the privilege of Tryal by Jury at all, where the cause originates in the supreme Court.—Should the power of these Judiciaries be incompetent to carry this extensive plan into execution, other, and more certain Engines of power are supplied by the standing Army unlimited as to number or its duration, in addition to this Government has the entire Command of the Militia, and may call the whole Militia of any State into Action, a power, which it was vainly urged ought never to exceed a certain proportion. By organizing the Militia Congress have taken the whole power from the State Governments; and by neglecting to do it and encreasing the Standing Army, their power will increase by those very means that will be adopted and urged as an ease to the People.—

Nothing could add to the mischeivous tendency of this system more than the power that is given to suspend the Act of Ha: Corpus—Those who could not approve of it urged that the power over the Ha: Corpus ought not to be under the influence of the General Government. It would give them a power over Citizens of particular States who should oppose their encroachments, and the inferior Jurisdictions of the respective States were fully competent to Judge on this important privilege; but the Almighty power of deciding by a call for the question, silenced all opposition to the measure as it too frequently did to many others.

S: 9: By this Article Congress will obtain unlimited power over all the Ports in the Union and consequently acquire an influence that may be prejudicial to general Liberty. It was sufficient for all the purposes of General Government that Congress might lay what Duties they thought proper, and those who did not approve the extended power here given, contended that the Establishment of the Particular ports ought to remain with the Government of the respective States; for if MaryLand for instance should have occasion to oppose the Encroachments of the General Government—Congress might direct that all Vessels coming into this Bay, to enter and clear at Norfolk, and thereby become as formidable to this State by an exercise of this power, as they could be by the Military Arrangments or Civil Judiciaries. That the same reason would not apply in prohibiting the respective States from laying a Duty on Exports, as applied to that regulation being exercised by Congress: in the latter case a revenue would be drawn from the productive States to the General Treasury, to the ease of the unproductive, but particular States might be desirous by this method to contribute to the support of their Local Government or for the Encouragement of their Manufactures.

Article 2nd.

S: 1st. A Variety of opinion prevailed on this Article—Mr. Hamilton of New York wanted the President to be appointed by the Senate, others by both Branches, others by the People at large—others that the States as States ought to have an equal voice—The larger States wanted the appointment according to numbers those who were for a one Genl. Government, and no State Governments, were for a choice by the People at large, and the very persons who would not trust the Legislature to vote by States in the Choice, from a fear of Corruption, yet contended nevertheless for a Standing Army, and before this point was finally adjusted I had left the Convention—

As to the Vice President, the larger States have a manifest influence and will always have him of their choice. The power given to these persons over the Army, and Navy, is in truth formidable, but the power of Pardon is still more dangerous, as in all acts of Treason, the very offence on which the prosecution would possibly arise, would most likely be in favour of the Presidents own power.—

Some would gladly have given the appointment of Ambassadors and Judges to the Senate; some were for vesting this power in the Legislature by joint ballot, as being most likely to know the Merit of Individuals over this extended empire. But as the President is to nominate, the person chosen must be ultimately his choice and he will thus have an army of civil officers as well as Military—If he is guilty of misconduct and impeached for it by the first branch of the Legislature he must be tried in the second, and if he keeps an interest in the large States, he will always escape punishment—The impeachment can rarely come from the second branch, who are his Council and will be under his influence.

S: 3rd. It was highly reasonable that Treason against the United States should be defined; resistance in some cases is necessary and a Man might be a Traitor to the General Government in obeying the Laws of his own State, a Clause was therefore proposed that wherever any State entered into Contest with the General Governmt. that during such Civil War, the general Law of Nations, as between Independant States should be the governing rule between them; and that no Citizen in such case of the said State should be deemed guilty of Treason, for acting against the General Government, in Conformity to the Laws of the State of which he was a member: but this was rejected.—

Article 6th.

The ratification of this Constitution is so repugnant to the Terms on which we are all bound to amend and alter the former, that it became a matter of surprise to many that the proposition could meet with any countenance or support. Our present Constitution expressly directs that all the States must agree before it can be dissolved; but on the other

hand it was contended that a Majority ought to govern—That a dissolution of the Federal Government did not dissolve the State Constitutions which were paramount the Confederacy. That the Federal Government being formed out of the State Governments the People at large have no power to interfere in the *Federal Constitution* Nor has the *State* or *Federal* Government any power to confirm a new Institution. That this Government if ratified and Established will be *immediately* from the *People*, paramount the *Federal Constitution* and operate as a dissolution of it.—

Thus Mr. Speaker [I have given to this?] Honorable House such information, as my situation enabled me to do, on the Subject of this proposed Constitution. If I have spoke with freedom, I have done no more than I did in Convention. I have been under no influence from the expectation of ever enjoying any Office under it, and would gladly yield what little I have saved by Industry, and the Emoluments of my profession to have been able to present it to the Public in a different form. I freely [own that it did not?] meet my approbation, [and?] [— — —] [— — —] this House will [do?] [— — —] [— — —] believe that [I have conducted myself?] [— — —] [— — —] [— — —] [— — —] freeman and a faithful servant of the [— — —] [— — —] [— — —] [— — —] to the best of my Judgement for the Ge[— — —] [— — —] [— — —] [— — —]

1. MS, John Leeds Bozman Family Papers, DLC. Like McHenry's speech (immediately above), the manuscript is in the handwriting of Archibald Golder, one of the clerks of the House of Delegates. Martin first attended the Constitutional Convention on 9 June and left on 4 September. He was absent from 7 to 12 August. A vigorous opponent of the Constitution, Martin's address to the House of Delegates was expanded and reorganized in his "Genuine Information," a series of twelve installments printed in the Baltimore *Maryland Gazette* between 28 December 1787 and 8 February 1788. For a full discussion of the publication, circulation, and impact of "Genuine Information," see the headnote to "Genuine Information" I, Baltimore *Maryland Gazette*, 28 December 1787 (RCS:Md., 126n–28n).

2. For the appointments of and instructions to the delegates to the Constitutional Convention, see CDR, 192–225, and Appendix II (RCS:Md., 780–805).

3. On 13 June the Committee of the Whole of the Convention reported the amended Virginia resolutions, but consideration of them was postponed while the proposed amendments submitted by William Paterson of New Jersey were debated. (See note 5, below.) The Committee of Detail did not make its report until 6 August. Martin corrected this error in the first installment of his "Genuine Information" which appeared in the Baltimore *Maryland Gazette* on 28 December (III, below). This installment includes the text of the amended Virginia resolutions. For the resolutions, see CDR, 247–50, and Farrand, I, 224–32, 235–37.

4. Nathaniel Gorham of Massachusetts was chairman of the Committee of the Whole. Like Washington and Franklin, Gorham represented a large state that would gain from the adoption of the amended Virginia resolutions.

5. On 15 June William Paterson of New Jersey, a small state, presented an alternative to the amended Virginia resolutions consisting of several amendments to the Articles of Confederation, which were submitted to the Convention's Committee of the Whole. At the same time, the amended Virginia resolutions were recommitted so that the two plans

could be compared (CDR, 250–53, and Farrand, I, 241–47). On 19 June the Committee of the Whole rejected the New Jersey amendments and reported the amended Virginia resolutions (Farrand, I, 312–13). Martin and Daniel of St. Thomas Jenifer, the only two Maryland delegates present, were divided. New Hampshire was not represented in the Convention until 23 July.

See Baltimore *Maryland Gazette*, 15 February 1788, for what is probably Martin's version of the New Jersey amendments (RCS:Md., 303–6).

6. For a discussion of the reference to a kingly government favored by delegates to the Constitutional Convention, see Appendix IV (below). On the broader question of monarchical tendencies in America, see CC:51.

7. On 9 June James Wilson stated “that as all authority was derived from the people, equal numbers of people ought to have an equal no. of representatives, and different numbers of people different numbers of representatives. This principle had been improperly violated in the Confederation, owing to the urgent circumstances of the time.” William Paterson, speaking in defense of the New Jersey amendments, replied to Wilson on 16 June (Farrand, I, 179–80, 250–51, 258–59, 274, 275).

8. For the amendments to the Articles of Confederation proposed by the states, see CDR, 96–137.

9. Robert Yates and John Lansing, Jr., left the Convention on 10 July, and thereafter Alexander Hamilton attended sporadically. Even when Hamilton attended, New York did not have a vote because it was represented by only one delegate. Two delegates were needed to have an official delegation qualified to vote.

10. On 25 July a motion that the delegates might “take copies of the resolutions which have been agreed to” by the Convention was defeated 6 states to 5. Maryland voted no (Farrand, II, 107–8, 115). In his “Genuine Information” III, Martin said that he had made the motion (Baltimore *Maryland Gazette*, 4 January 1788 [RCS:Md., 150]).

Daniel Carroll to Benjamin Franklin
Annapolis, 2 December 1787¹

Some occurrences having taken place since the meeting of our Legislature, of such a nature that I wish you to be informd of them more clearly than I can do by letter, I hope Majr. McHenry who was in Convention with me for this State will have an opportunity of delivering this letter *himself*—This leads to a Subject which gives me considerable uneasiness. I am afraid you will think, that I have transgressd on your act of Kindness, when I inform you that I have been compelld to make use of y^r observations deliverd in the Co^mittee of Convention on the Subject of Representation, & those deliverd on the 17th. of Sepr.²—The House of Delegates having pass'd a Resolve requesting the attendance of their Deputies to give them information of the proceedings in Convention, Messrs. McHenry, Jenifer, Martin, & myself attended. I have reason to think the Motion for that purpose originated from an Antifederal disposn., but believe many concur'd in it from the purest motives—

We thought it necessary to attend to prevent as far as in our power the impressions which might be receivd from the picture we knew Mr. Martin wou'd draw, & it woud have afforded pleasure & a pretext for

their purposes to the Antifederalists, if we had refus'd to attend—It appeared in the Course of the business, that our presence was *indeed necessary*

Alltho' Mr McHenry distinguisd himself on this occasion, beyond the most sanguine hopes of his friends, and the expectations of the adverse party, Such motives were imputed to many of the Members, to Genl Washington and yřself by name, and such a misrepresentation made, that I found myself compelld to let Mr. McHenry *read* the 1st speech allready mentiond, and to *read* myself that deliverd on the 17th of Sepr. after having giving a *just* relation in what manner they were receivd by me, & that I did it at the risk of yř displeasure, for the public Good—

I had not coñmunicated these speeches to any but Messrs. Ths Johnson Mr Carroll of Carrollton & my Brother³ untill this occasion, nor have I sufferd any copy to be taken nor will not *without yř permission* to persons *I can depend On* to be usd occasionally for the same purpose I have done it, or will do any thing else with them you may require—

If you will honor me with a few lines they may releive me from the anxiety I now feel—

Mr Carroll of Carrollton to rememberd to you Kindedst manner—

1. RC, Franklin Papers, American Philosophical Society, Philadelphia, Pa. Franklin (1706–1790) was a signer of the Declaration of Independence, U.S. minister to France, 1776–85, and president of the Pennsylvania Supreme Executive Council, 1785–88. Franklin represented Pennsylvania in the Constitutional Convention, where he signed the Constitution.

2. For Franklin's speech of 11 June, see Farrand, I, 197–200, and for his speech on 17 September, the last day of the Convention, see Farrand, II, 641–43. For the publication, circulation, and impact of the latter speech, see "The Maryland Reprinting of Benjamin Franklin's Last Speech in the Constitutional Convention," 18 December (RCS:Md., 117–18).

3. John Carroll (1735–1815), Daniel's brother, was Superior of Catholic Missions (perfect apostolic) of the United States. In 1789 he was appointed the first American bishop.

House of Delegates Proceedings, Friday, 30 November 1787 (excerpt)¹

. . . The house resumed the consideration of the order of the day, and after receiving the information on the subject matter requested, the honourable James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll and Luther Martin, Esquires,² retired. . . .

1. *Votes and Proceedings of the House of Delegates*, 16.

2. The fifth delegate, John Francis Mercer, apparently did not attend.

Senate Proceedings, Saturday, 1 December 1787 (excerpts)¹

. . . An honourable member presents the president with a petition from the inhabitants of Baltimore-town, approving the plan of government proposed by the late convention, and praying that it might be

recommended to the people to appoint a convention to agree to and ratify the same;² which was read, and referred to the consideration of the house of delegates. . . .

On motion, ORDERED, That the resolutions of the house of delegates respecting the system of government proposed by the late convention,³ be read a second time; which were read accordingly, and agreed to.

The senate being of opinion, that, on consideration of all circumstances, it would be more prudent to adopt the said resolutions, than by adhering to their own,⁴ run the hazard of protracting the session, by engaging in a conference or a train of messaging with the other house on the subject. . . .

1. *Votes and Proceedings of the Senate*, 7.

2. The delay in presenting the petition to the General Assembly was explained by Robert Smith in a speech to the voters of Baltimore Town on or before 25 September 1788 (*Maryland Journal*, 30 September, Mfm:Md. 160). In the speech Smith was reported to have

called the attention of the people to the antifederal conduct of Mr. Chase and Mr. McMechen, after their election; but particularly to their total disregard of our petition to the General Assembly, praying the calling of a Convention, to agree to and ratify the federal government. This petition was signed by 800 persons. It was handed to Mr. McMechen, when in the House of Delegates, by Captain William Campbell, on the 22d of November, 1787; and it was not delivered to the General Assembly until the 1st of December following. To establish these facts, he produced the certificate of the President of the Senate—of the Speaker of the House of Delegates, and of Captain William Campbell.—He further shewed, that every resolution respecting the federal government was passed by our General Assembly between the 22d of November and the 1st of December; and, moreover, that the resolution which fixed the time for the meeting of the Convention, was carried by a majority of but one vote. From such conduct, he contended, that he had reason to apprehend, that Mr. Chase and Mr. McMechen would not ever obey the instructions of their constituents, unless they themselves approved of them; and further, that they would, at any time, attempt the destruction of the federal government, in direct opposition and contempt of the petition of their constituents. He spoke, with some warmth, upon the consequences of representatives holding the instructions of their constituents in contempt—

Chase and McMechen were absent from the House of Delegates for most of the time the legislature considered calling a state convention. On 23 November both men voted for the resolution requesting Maryland's Constitutional Convention delegates to appear before the House of Delegates to give information on the proceedings of the Convention. On the next day the House excused Chase and McMechen "for absenting themselves without leave of the house." McMechen returned to the House on 29 November, the day Maryland's Constitutional Convention delegates first appeared before the House, and Chase returned on 5 December (*Votes and Proceedings of the House of Delegates*, 10, 16, 21). Neither delegate was present on 27 November when the House adopted the resolutions calling a state convention.

3. For the text of the resolutions presented to the Senate by the House of Delegates, see Senate Proceedings, 27 November (RCS:Md., 78–79).

4. For the text of the resolutions drafted by the Senate but apparently never sent to the House of Delegates, see Senate Proceedings, 26 November (RCS:Md., 72–73).

House of Delegates Proceedings, Saturday, 1 December 1787
(excerpts)¹

. . . John Smith, Esquire, from the senate, delivers to Mr. Speaker. . . . And a petition from the inhabitants of Baltimore-town, in favour of the federal constitution recommended to the consideration of the people, endorsed; “By the senate, December 1, 1787: Read and referred to the consideration of the house of delegates.

“By order, J. DORSEY, clk.”

Which was read. . . .

Daniel Carroll, Esquire, from the senate, delivers to Mr. Speaker the resolutions respecting the state convention for taking into consideration the federal constitution, endorsed; “By the senate, December 1, 1787: Read and assented to.

“By order, J. DORSEY, clk.”²

On motion, ORDERED, That the printer to this state be directed to print immediately two thousand copies of the proceedings of the federal convention, transmitted to the general assembly through the medium of congress, and of the resolutions of the general assembly thereon, to be distributed for the information of the citizens of this state.

ORDERED, That the printer in Frederick-town be directed to translate into the German language the proceedings of the federal convention, transmitted to the general assembly through the medium of congress, and of the resolutions of the general assembly thereon, and to print three hundred copies in that language, and that the said copies be equally distributed in Frederick, Washington, and Baltimore counties. . . .

1. *Votes and Proceedings of the House of Delegates*, 17, 18.

2. The resolutions adopted by the House of Delegates on 27 November and finally agreed to by the Senate on 1 December are printed immediately below.

Resolutions Calling a State Convention, 1 December 1787¹

By the HOUSE of DELEGATES, November 27, 1787.

RESOLVED, NOMINE CONTRADICENTE, That it be recommended to the people of this state, to submit the proceedings of the federal convention, transmitted to the general assembly through the medium of congress, to a convention of the people, for their full and free investigation and decision.

RESOLVED, That it be recommended to such of the inhabitants of this state as are entitled to vote for delegates in the general assembly,² to meet in their respective counties, the city of Annapolis and Baltimore-town, on the first Monday in April next, at the several places fixed by

law for holding the annual elections, to choose four persons for each county, two for the city of Annapolis, and two for Baltimore-town, to serve in the state convention for the purpose of taking under consideration the proposed plan of government for the United States; and that the said elections be conducted agreeably to the mode, and conformably with the rules and regulations, prescribed for electing members to serve in the house of delegates.

RESOLVED, That the delegates to be elected to serve in the state convention shall, at the time of election, be citizens of the state, and actually residing therein for three years next preceding the election, residents of the county where they shall be elected twelve months next preceding the election, and be of twenty-one years of age.

RESOLVED, That the sheriffs of the respective counties, the mayor, recorder and aldermen, or any three of them, in the city of Annapolis, the commissioners of Baltimore-town, or any three of them, shall and they are hereby required to give immediate notice, by advertisements, to the people of the counties, city of Annapolis and Baltimore-town, of the time, place and purpose, of the elections as aforesaid.

RESOLVED, That the persons so elected to serve in the said convention, do assemble on Monday the twenty-first day of April next, at the city of Annapolis, and may adjourn from day to day, as occasion may require, and that the same delegates so assembled, do then and there take into consideration the aforesaid constitution, and if approved of by them, or a majority of them, finally to ratify the same in behalf and on the part of this state, and make report thereof to the United States in congress assembled.

RESOLVED, That the delegates to be elected for Baltimore-town, be residents of the said town, and the delegates to be elected for Baltimore county, be residents of the said county out of the limits of Baltimore-town.

By order,

W. HARWOOD, clk.

By the SENATE, December 1, 1787: Read and assented to.

By order,

J. DORSEY, clk.

1. The text of these resolutions is taken from a three-page broadside of state printer Frederick Green of Annapolis, who printed the resolutions on order of the House of Delegates (Evans 45092). Matthias Bartgis of Fredericktown, also on order of the House of Delegates, printed the resolutions as part of a German-language pamphlet (Evans 20814). The resolutions were also printed in the Annapolis *Maryland Gazette*, 6 December, and the *Maryland Journal*, 11 December. (See "The Publication and Circulation of the Constitution in Maryland," 22 September–December [RCS:Md., 7].)

2. According to Article II of the Maryland constitution of 1776, all freemen above twenty-one years of age could vote for members of the House of Delegates if they owned fifty acres of land or had a personal estate valued at £30 (Appendix I, RCS:Md., 776).

III.
THE DEBATE OVER THE
CONSTITUTION IN MARYLAND
4 December 1787–29 April 1788

Introduction

After 1 December 1787, when the Maryland legislature called a state convention for April 1788, the intensity and quality of the public debate over the Constitution increased significantly in both the major original items printed in Maryland newspapers and the major articles and squibs reprinted from out-of-state newspapers. Both Federalist and Antifederalist points of view were well represented.

Part III contains about seventy-five pseudonymous pieces that originated in Maryland newspapers. Around forty of these items are Antifederalist, while slightly over thirty are Federalist. With the exception of an essay from the Annapolis *Maryland Gazette*, these items were printed in Baltimore either in the *Maryland Gazette* or the *Maryland Journal*.

The overwhelming majority of the Antifederalist items were written by two men, the foremost being Luther Martin, one of Maryland's delegates to the Constitutional Convention. From 28 December 1787 to 8 February 1788, Martin published in the Baltimore *Maryland Gazette* twelve numbers of his *Genuine Information* about what had occurred in the Constitutional Convention, expanding greatly on his 29 November 1787 report to the Maryland House of Delegates (RCS:Md., 87–96n). On 12 April a pamphlet edition of *Genuine Information* went on sale in Philadelphia. It was printed by Eleazar Oswald of the Antifederalist Philadelphia *Independent Gazetteer*. The pamphlet included Martin's original address to the citizens of the United States. This pamphlet appeared nine days before the meeting of the Maryland Convention. Martin also published several pieces in the *Maryland Journal*: (1) a letter to the printer defending Massachusetts Antifederalist Elbridge Gerry against attacks from the Connecticut "Landholder," 18 January; (2) a reply to the Maryland "Landholder No. X," 7 March; and (3) four addresses to the citizens of Maryland, 18, 21, and 28 March, and 4 April.

The seven numbers of "A Farmer," perhaps written by John Francis Mercer, another of Maryland's delegates to the Constitutional Convention, appeared in fourteen parts in the Baltimore *Maryland Gazette* from 15 February to 25 April. Numbers III and V had two parts each and VII had six parts. The last two parts of VII appeared while the Maryland

Convention was in session. "A Farmer" was an extended and sometimes harsh critique of the Federalist pamphlet by "Aristides" (see below in this headnote). Luther Martin in his third address to Maryland's citizens, *Maryland Journal*, 28 March, also criticized "Aristides."

Another important Antifederalist item was Luther Martin's version of New Jersey's amendments to the Articles of Confederation that William Paterson, a New Jersey delegate, proposed in the Constitutional Convention on 15 June 1787 (Baltimore *Maryland Gazette*, 15 February 1788). The amendments, for which there are several manuscript versions, was the work of delegates from the small states and opponents of a national government represented by the Amended Virginia Resolutions, which eventually became the basis for the Constitution (see CDR, 247–53). The Convention rejected the New Jersey amendments on 19 June. For a commentary on the *Gazette's* publication of the amendments, see "A Jerseyan," Baltimore *Maryland Gazette*, 19 February.

The principal Federalist publication was a forty-two page pamphlet entitled *Remarks on the Proposed Plan of a Federal Government*. Written by "Aristides" (Alexander Contee Hanson) and dedicated to George Washington, the pamphlet was offered for sale on 31 January. "Aristides" defended himself against the criticisms of "A Farmer" and others in three pieces published in the *Maryland Journal* on 4 March and 1 and 22 April. "A Plebeian" and "A Real Federalist," *Maryland Journal*, 14 and 21 March, also defended "Aristides." (See also an anonymous critique of "A Farmer" in the Baltimore *Maryland Gazette*, 4 March.) Alexander Contee Hanson also wrote "An Annapolitan," *Annapolis Maryland Gazette*, 31 January.

In three installments (Baltimore *Maryland Gazette*, 25, 29 January, and 1 February), "Valerius" answered "The Dissent of the Minority of the Pennsylvania Convention," *Pennsylvania Packet*, 18 December 1787 (CC:353), a piece not found in any extant Maryland newspaper but which was probably known in Maryland through its appearance in several Philadelphia publications. Other important Federalist essayists who published more than two essays were "A Federalist," Baltimore *Maryland Gazette*, 1, 11, and 18 January 1788; and "A Marylander" (Otho Holland Williams?), Baltimore *Maryland Gazette*, 4 December 1787, 4 January 1788, and 12 February. Williams also wrote a lengthy piece signed "An Elector," *Maryland Journal*, 25 March. Lastly, two Federalist satires appeared in the *Maryland Journal*: "One of the People" (25 December 1787) and "Antifederal Discoveries" (18 March 1788). For the months covered in Part III there are more pseudonymous articles printed in Part IV on the election of delegates to the Maryland Convention.

Because of Maryland's proximity to Philadelphia and the close economic and family ties of some Marylanders and Philadelphians, the newspapers, broadsides, pamphlets, and magazines from that city circulated in Maryland, thereby providing Marylanders with material about the Constitution and its impact. (The nationally circulated *American Museum*, a Philadelphia monthly magazine, listed sixty-one Marylanders as subscribers.) Particularly important Philadelphia newspapers that circulated in Maryland were the daily Federalist *Pennsylvania Packet*, the weekly Federalist *Pennsylvania Gazette*, and the daily Antifederalist *Independent Gazetteer*. The semiweekly and neutral *Pennsylvania Herald* and the triweekly Federalist *Pennsylvania Mercury* also had an impact. Among the important items reprinted in Philadelphia that Marylanders could read were the eighteen numbers of *The Federalist* that appeared in the *Pennsylvania Gazette* between 14 November 1787 and 19 March 1788

From December 1787 through April 1788, Maryland newspapers, particularly the Baltimore *Maryland Gazette* and the *Maryland Journal*, reprinted many major pieces from out-of-state newspapers, with Federalist items significantly exceeding Antifederalist ones. Nevertheless, Maryland newspapers reprinted several important Antifederalist items—(1) George Mason's objections to the Constitution, *Massachusetts Centinel*, 21 November 1787 (CC:276–A); (2) Richard Henry Lee's 16 October letter to Virginia Governor Edmund Randolph, Petersburg *Virginia Gazette*, 6 December (CC:325); (3) Governor Edmund Randolph's 10 October letter to the speaker of the Virginia House of Delegates, pamphlet, c. 27 December (CC:385); (4) New York's Constitutional Convention delegates' 21 December letter to Governor George Clinton giving their objections to the Constitution, which appeared in the New York *Daily Advertiser* on 14 January 1788 (CC:447); (5) Massachusetts Governor John Hancock's proposed amendments presented to the Massachusetts Convention on 31 January that were printed in the *Massachusetts Centinel*, 2 February (RCS:Mass., 1381–82); and (6) the Massachusetts Convention's recommended amendments to the Constitution, 6 February, that were first printed in the *Massachusetts Gazette*, 8 February (CC:508 and RCS:Mass., 1468–71).

Major Federalist items reprinted from out-of-state newspapers included: (1) "Landholder" II, IV–VIII (Oliver Ellsworth), *Connecticut Courant* and *Hartford American Mercury*, 12, 26 November, and 3, 10, 17, 24 December 1787 (CC:254, 295, 316, 335, 351, 371); (2) "An American" (Tench Coxe) to Richard Henry Lee, Philadelphia *Independent Gazetteer*, 28 December (CC:392–A); (3) "The New Roof" (Francis Hopkinson), *Pennsylvania Packet*, 29 December (CC:395); (4) Oliver Ellsworth's speeches in the Connecticut Convention, 4 and 7 January

1788, *Connecticut Courant*, 7, 14 January (CC:413, 420); (5) “Civis” (David Ramsay), *Charleston Columbian Herald*, 4 February (CC:498); (6) “A.B.: The Raising,” (Francis Hopkinson), *Pennsylvania Gazette*, 6 February (CC:504); (7) “Spurious Centinel XV,” *Pennsylvania Mercury*, 16 February (CC:534); (8) John Adams to William Stephens Smith, 26 December 1787, from the third volume of Adams’s *Defence of the Constitutions*, reprinted in the *New York Journal*, 23 February 1788 (CC:557); (9) “K” (Benjamin Franklin), *Philadelphia Federal Gazette*, 8 April (CC:668); and (10) “Fabius” I (John Dickinson), *Pennsylvania Mercury*, 12 April (CC:677). “Fabius” I was reprinted in the *Baltimore Maryland Gazette*, 22 April, while the Maryland Convention was in session. After the Convention adjourned, the *Gazette* reprinted from 2 May to 24 June all of the other eight numbers of “Fabius.”

Maryland newspapers also contained numerous squibs and brief news items reprinted from out-of-state newspapers, which was a longstanding practice that seemed to become more common after the adjournment of the Constitutional Convention. These squibs and brief news items reported or commented on (1) the passage of resolutions and acts calling state conventions; (2) the prospects for ratification of the Constitution; (3) the reports of ratification of the Constitution; (4) the positions of prominent individuals on the Constitution, such as Benjamin Franklin, John Hancock, John Jay, and George Washington; (5) the acquiescence of the minority of the Connecticut and Massachusetts conventions; (6) the opinions of Europeans on the Constitution; (7) the delays in mail delivery that caused interruptions to the circulation of Antifederalist literature, especially Luther Martin’s *Genuine Information*; (8) the adjournment of the New Hampshire Convention without ratifying the Constitution; and (9) the Rhode Island referendum on the Constitution. For the proliferation of squibs and news reports, see the first appendix in each of the first five volumes of *Commentaries on the Constitution*.

Part III contains around fifty letters, mostly from Federalists. About four-fifths of the letters are manuscripts, while the remainder are extracts of letters printed in newspapers. About four-fifths of the letters were written in Maryland. Around a third came from Annapolis—the state capital, site of the state legislature, and the designated site of the state Convention. Approximately another third were written from Baltimore, Maryland’s busiest and most prosperous port. The remaining letters came from locations around Maryland, including Chestertown, Elkton, Frederick, and Georgetown. Letters came from the Pennsylvania towns of Philadelphia and York and from New York City and London, England. Nine of the twelve letter extracts appeared in Philadelphia newspapers: five were from the *Independent Gazetteer*, two from the

Pennsylvania Gazette, and one each from the *Pennsylvania Packet* and the *Pennsylvania Mercury*. Two letter extracts appeared in the *Maryland Journal*, and the last was from the New Haven *Connecticut Journal*. Maryland letter writers included such political leaders as Daniel Carroll, Charles Carroll of Carrollton, Alexander Contee Hanson, John Eager Howard, and Thomas Johnson. From outside Maryland, letter writers included James Madison, a Virginia congressman serving in New York City, and Coxe and Frazier and Levi Hollingsworth (Philadelphia), and Uriah Forrest (London). Among the letter writers were merchants, lawyers, planters, officeholders, a physician, a newspaper printer, and a French diplomat.

More letters and extracts of letters from newspapers covering the months found in Part III are also printed in Part IV on the election of delegates to the Maryland Convention.

A Marylander

Baltimore Maryland Gazette, 4 December 1787¹

Mr. HAYES, I observe in your paper of the 27th inst. that our Delegates to the Federal Convention are, on Thursday next [29 November], to be examined before the House of Delegates,² and that a Convention is to be called to confirm or reject the proposed Constitution; the *time* of calling it is expected to be fixed, after the Delegates have been examined, when every county and town in Maryland should discard all party jealousies, and unite in deputing men to consider the Federal Government, capable of accurately examining every part thereof, and upon a view of the whole, taken together either ratify or reject it.—The Convention is now sitting in Pennsylvania, and though that State unhappily is convulsed by the continual struggles of two great contending parties, yet *generally speaking*, they have shewn a disposition to chuse *disinterested men*, by excluding *salary officers* and *Assemblymen*, from an apprehension, that a desire to retain their personal consequence and prevent a diminution of their incomes might tempt them to oppose any alteration of our present Governments, however expedient or necessary; persons known to be deeply interested in public securities are there thought improper, because they might wish for any General Government, however contradictory to the principles of freedom, merely to appreciate the papers in their hands—Several registers of wills are chosen Convention men in that State, from an idea, that all testamentary cases will certainly remain entirely in the State Governments, therefore they are considered as impartial persons—The chief judge of the supreme court,³ is chosen for the city of Philadelphia, because being a decided friend to the new Constitution, he is supposed to be actuated

by patriotic motives, as he acts diametrically contrary to his own *immediate* interest—No Assemblyman, in Pennsylvania, who is a friend to the Federal Constitution, would consent to serve in the Convention because it was agreed upon before the late general election, therefore they considered it *extremely indelicate and improper* (though not *criminally* so) to assist personally, in a responsible situation, to abridge the powers of the State Government, after having recently sworn to support, maintain and defend it to the utmost of their power—Three or four Assemblymen only, of that State, are deputed to the Convention, but every one of them is vehemently opposed to the Federal Government,⁴ or to any alteration of their own Constitution, though the worst in the union, except that of Georgia⁵—Pennsylvania now acts with more propriety than in 1776, when a majority of the counties laid down a rule and strictly adhered to it, to chuse no man of fortune or book learning in the Convention, from a fear, of their framing a Government unfavourable to the liberties of the poor people, as if some knowledge of ancient and modern Governments, and the causes of their prosperity and decline ought to keep any man out of a public station.⁶

As the happiness or misery of future generations will sensibly depend upon the conduct of the different State Conventions, I hope they will generally be composed of men, capable of digesting the proposed Federal Constitution, and whose temper and situation in life may enable them to do it with coolness, candor and impartiality, not stimulate them blindly and passionately to adopt or reject it, as may happen to accord with their private interest—The people of Maryland in particular, it is to be hoped, will concur with Pennsylvania in endeavouring to procure an *impartial Convention* by the exclusion of salary officers, Senators, Assemblymen, and considerable holders of certificates from seats in it, in order that a majority of the members may not hereafter be reproached with having consulted their pecuniary interest, or the preservation of personal influence in their respective counties, more than the public good—Many liberal patriots regret, that Senators and Delegates are not expressly precluded from being electors of the Senate, because, in consequence of recent prejudices, and the frailty of human nature, old stagers in politicks are rather apt to chuse those most likely to accomplish some favourite party purposes, than men whose ability and integrity would best enable them, for the term of five years, to promote the general good of the State.⁷—It is admitted by dispassionate persons, that we have now a good Senate, yet it is evident, the strenuous advocates for paper-money frequently declaim against Senators being electors, and declare that our present Senate, through the influence of two or three of that description with a majority of the electors, was picked

to prevent an emission, whereas the opponents to it, on the other hand, exclaim with equal bitterness, that those electors, generally speaking, who had been in the preceding House of Delegates, were predetermined to vote against all but paper-money men—Neither side would have ventured to use such harsh language, had the members of both branches of Legislation been equally and peremptorily precluded from assisting to chuse the Senate.

Too many of those red-hot Whigs, who are opposed to the Federal Constitution, insist that the Tories (among whom they ungenerously include the whole body of Nonjurors,⁸ without reflecting there were many real good Whigs among them, and great numbers were restrained from taking the test by conscientious scruples) have combined together in carrying it through from an inveterate aversion to a republican Government, therefore to guard against the effects of any future jealousies and suspicions (however erroneous they may be) of the preponderancy of a disaffected influence among us, though every man of a liberal turn of mind must wish the obliteration of all past political distinctions, and a cordial union of every description of men to promote the general welfare, which may ultimately be effected by the late restoration of the nonjurors to the privileges of citizenship, as no man ought to be taxed without being represented, *policy requires, that no nonjuror should offer himself as a candidate, to the Convention, unless generally admitted by all ranks of people to be uncommonly well versed in the principles of Governments*—For my own part, from principles of conciliation, I am glad, that there are several respectable nonjurors in the present House of Delegates, and only for the reason, above stated, could wish to send some of them to the Convention.

If the people in the different counties will but make a point of delegating sensible, honest and dispassionate men to the Convention, and excluding alike from it both the *outrageous* opponents to, or advocates for, the new Constitution, against whom, from circumstances, there are reasonable grounds of suspecting their being more actuated by motives of avarice, ambition or faction, than a desire to render real services to their country, the final decision of that body will probably meet with general approbation, therefore they should be at liberty to exercise their own judgments, unrestricted by instructions, for though the people are right in instructing their members of Assembly upon any particular act, every material part of which may be comprehended in one view, yet it cannot be deemed offensive to observe, that a decided majority of the people at large are always too much enveloped in their professional and domestic occupations, to afford them either leisure or

inclination coolly and seriously to analyze a complicated Form of Government, and what parts of it, compared with those of ancient and modern countries are best calculated to promote or retard their national prosperity.

That my native State, in the selection of Convention men, may steer clear of party and violence, and that they, when chosen, may be found adequate to the important trust, discharge it with scrupulous fidelity, and thereby give satisfaction to the union in general, and their Constituents in particular, is the ardent wish of A MARYLANDER.

November 27, 1787.

1. On 30 November the printer of the semiweekly Baltimore *Maryland Gazette* announced that "The MARYLANDER is received and will be in our next." "A Marylander" was probably Otho Holland Williams (1749–1794), a former brigadier general in the Continental Army, who was commissioner of the Port of Baltimore. This identification of Williams as "A Marylander" is based upon a lengthy manuscript in his handwriting found in his papers at the Maryland Historical Society. Williams signed the manuscript "A Marylander," but when it was printed in the *Maryland Journal* on 25 March 1788 it was signed "An Elector" (below). Other essays signed "A Marylander" appeared on 4 January and 12 February 1788 (both below).

2. On 27 November 1787 the Baltimore *Maryland Gazette* printed both the 23 November resolution and the vote (28 to 22) from the House of Delegates requesting that the Maryland delegates to the Constitutional Convention of 1787 appear before the House on 29 November to be examined on the work of the Convention.

3. Pennsylvania's chief justice was Thomas McKean.

4. No Federalist assemblymen or councilors were elected to the Pennsylvania Convention.

5. The state constitutions of Pennsylvania (1776) and Georgia (1777), both of which provided for unicameral legislatures, were the most democratic in the Union.

6. See "A Federalist," Annapolis *Maryland Gazette*, 8 November 1787, note 2 (RCS:Md., 48n–49n).

7. According to the Maryland constitution of 1776, on 1 September 1781—and at five-year intervals thereafter—each county would elect two electors of state senators. (Annapolis and Baltimore would each elect one elector.) The electors, "the most wise, sensible, and discreet of the people," needed to have real or personal property of above £500. The electors would assemble in Annapolis on the third Monday in September and, voting by ballot, would elect fifteen senators (nine for the Western Shore and six for the Eastern Shore) (Thorpe, III, 1693).

8. Non-jurors or non-associators had refused to sign the July 1775 *Association of the Freemen of Maryland* (drawn up by the fourth provincial convention) that called for people to support the revolutionary movement against British rule. Those who refused to sign were either neutral or overt opponents of independence. Committees of observation took harsh measures against many of the non-associators. (See Hoffman, *Spirit of Dissension*, 190–93; and Land, *Colonial Maryland*, 306–7).

Maryland Journal, 4 December 1787¹

The first Monday in April next is appointed by the Hon. House of Delegates, of this State, to hold the Election of Delegates to the pro-

posed Convention for taking into Consideration the Federal Constitution. It hath been also resolved, by the same Branch of the Legislature, that the Persons elected to serve in Convention, do assemble on Monday the 21st of April next, at the City of Annapolis, and may adjourn from Day to Day, as Occasion may require; and that the said Delegates, do then and there take into Consideration the aforesaid Constitution, and if approved of by them, or a Majority of them, finally to ratify the same in behalf and on the Part of this State, and make Report thereof to the United States in Congress assembled.

1. Reprinted thirteen times in whole or in part by 4 February 1788: Vt. (1), Mass. (6), R.I. (2), Conn. (2), N.Y. (1), N.J. (1).

Joseph Gilpin to Levi Hollingsworth
Elkton, 5 December 1787¹

I have Just Received your favr of the 2d of this Instant. By which I find your Marketts Continue Dull for flour and flax Seed &c But it is But What we Must Exspect from the affect of our Bad Policy and the Innorchy of our Goverment—I send you 12 bbs of flour & they went with the flxseed [which?] Perhaps may be all for this Season as I have Not Been Rash Nor Sangin in ye Milling Besness for Sum time Past which Plase Sell at the Markett Price I am Glad to here that your Convention have Confirmed the federal Government² and am In hopes it will urge other States to Cuplee also as I have Been of an oppinion that unless that Sistom Should take Place we Shall have No Government at all untill the Sowrd Gives one which Numbers wish for from thier having Nothing to Loose in a Scramble—our assembly have Put of[f] the Meeting of our Convention untill april Next for what Caus I Dont No with out it is to here what other States will Determan on for I Blive there is a Very Grate Megorrey of the People of this State in faver of the Sistom³ or at Least Dont wish to Run the Risk of having No federal Union—which by Braking that this [- - -] will Disolve all other Government for when People have on[c]e Layed one Burden of[f] thier Shoulders the[y] will Not hesitate to throw of[f] the Rest and thereby Git Rid of their Debts &c—

1. RC, Hollingsworth Family Papers, PHI. Gilpin (c. 1727–1790), a planter and miller, was a member of the Maryland House of Delegates, 1770, 1773–74, 1777, and of the provisional conventions, 1774, 1775–76. He was also a justice of the Cecil County Court, 1774–90, and of that county's Orphans' Court, 1777–90. Gilpin voted to ratify the Constitution in the Maryland Convention in April 1788.

2. Since the Pennsylvania Convention did not ratify the Constitution until 12 December, Gilpin finished writing this letter, dated 5 December, some time after the 12th.

3. On 4 December Levi Hollingsworth's brother, Henry, who like Gilpin wrote from Elkton, indicated that "we are all well, all Federal hear yesterday" (to Levi Hollingsworth, Hollingsworth Family Papers, PHI). Earlier in the 1780s Henry Hollingsworth and Gilpin were apparently in business together.

Matthew Ridley to John Jay

Baltimore, 6 December 1787 (excerpt)¹

. . . I would give a handsome something for an Hour or two of Conversation with you—What think you of the new Constitution? We have often Dilineated the Spirit of Republicanism—I cannot trace it in the new raised Structure & fear much it does not exist amongst us—Can it be possible that the Cold Climate of New-England, & Religious In-dependancy can so assimilate, as to make a Hot-Bed of Governmental Experiments? . . .

1. RC, John Jay Collection (Jay-Monaghan), Columbia University Library. This letter, docketed as answered on 4 January 1788, was delivered by Captain Simon White of Baltimore, who was delivering four half barrels of beer for Jay and his father-in-law, New Jersey Governor William Livingston of Elizabethtown. Ridley (1746–1789), a merchant and brewer, moved from England to Baltimore in 1770 as branch manager of a London mercantile firm. He returned to England in 1775, and three years later, as a result of his support for the American Revolution, he went to France. He was back in Maryland in 1779 but returned to Europe in 1781 as Maryland's agent to negotiate loans from several countries. Ridley's efforts in Europe acquainted him with Benjamin Franklin, John Adams, and John Jay. Ridley returned to America in 1786. The next year he married Catherine Livingston, a sister of Jay's wife Sarah. John Jay (1745–1829) was Confederation Secretary for Foreign Affairs, 1784–89. A New York City lawyer, Jay was a delegate to Congress, 1774–76, 1778–79 (president, 1779), and 1784. He was the principal draftsman of New York's constitution of 1777 and that state's chief justice, 1777–79. Jay was minister plenipotentiary to Spain, 1779–82, and joint commissioner for negotiating peace with Great Britain, 1782–83. He co-authored *The Federalist*, 1787–88, and wrote a very important pamphlet signed "A Citizen of New-York" in April 1788. Jay voted to ratify the Constitution in the New York Convention in July 1788. He became the first Chief Justice of the United States, 1789–95.

Maryland Journal, 7 December 1787¹

Extract of a Letter from a Member of the Honourable House of Delegates, now sitting at Annapolis, to his Friend in this Town, dated the 1st Instant.

"Men are generally pleased with others, who are under the same Impression, and take the same Side on momentous Questions, as themselves—so that you may be sure I was highly gratified To-day, by the Petition from Baltimore, and the Number of respectable Signers; from whence, I have a Confirmation of previous Reports of the Unanimity of your Town on the Federal Constitution.²—The House of Delegates

did not consider it within their Duty to endeavour to give any Impression either for or against; but had the Matter rested on our Decision, there would have been, I believe, but very few against it. Doctor McHenry acquitted himself to Admiration;³—he has shewn himself the Federalist, the Politician and the Gentleman, as well as the Citizen of this State.—He compared and measured many Parts objected to, with each other—other Parts of the same Instrument, and with other Propositions, as a graduated Scale, and ascertained their Differences as with Dividers. I do no Man Injury, nor shall I give Offence, I believe, in saying, his Knowledge of this Subject is the most comprehensive, his Ideas the most distinct, and his Explanations the shortest, clearest, and most satisfactory of any Gentleman's I have met with.—I am really charmed with him.—The People of Baltimore wish the Constitution to be adopted; how far the Members to Convention may be left at liberty by the People, I do not know; but I am clear that with Men at liberty, and disposed to judge, Doctor McHenry would have greater Power than any Man I know; for this Reason, and as a Mark of his Townsman's full Approbation of his Conduct in this Business, I wish him to be returned to the Convention.—You will pardon me, my dear Sir, for this Freedom—If all Baltimore could have been Spectators of the Scene, I am sure they would have needed no Hint to lead their Choice.—It really is more in his Power than any other Person's, to promote this good Cause and the Wishes of Baltimore; and thence, I am confident, he would be your Choice.”

1. Reprinted in seven newspapers by 25 December: Mass. (2), N.Y. (2), Pa. (3). Excerpts were also reprinted in three other newspapers by 21 January 1788: Mass. (2), S.C. (1).

2. See Senate Proceedings and House of Delegates Proceedings, both for 1 December 1787 (RCS:Md., 97–99). The Baltimore petition has not been located.

3. See “James McHenry Addresses the House of Delegates,” 29 November (RCS:Md., 80–87n).

Uriah Forrest to Thomas Jefferson
London, 11 December 1787 (excerpt)¹

... I am afraid the proposed constitution will serve to increase the disorders that it's framers wished to extinguish. It contains many good articles, but I am free to own there appears to me some so very bad, as to throw the weight in that scale. I cannot reconcile myself to the Idea of a chief magistrate being eligible a second time, much less continuable for Life. Were not the members too strongly impressed with the late commotion in Massachusetts?² We surely have suffer'd the people of this Country and those who are disaffected in our own, to influence our opinion respecting the true state & situation of our people

& Government—the most trifling events have been magnified into monstrous outrages.—Will the next generation credit us that, in the first twelve Years of the Independence of thirteen free powerful & separate States, only one Rebellion happen'd, and that that one terminated so speedily and honourably towards Govt.? The peoples judgments were no sooner inform'd than they return'd to allegiance, and were convinced that their grievances were imaginary, and that they were not oppressed in the manner a few desperate Characters had attempted to teach them.—

I am obliged to own myself one of those, who do not wish to see the people more obedient to their rulers in the next twelve, or any other twelve years, than they have been in the last.—a proper spirit of resistance is the best security for their liberties, and they shou'd now & then warn their rulers of it. As I am in the legislature and shall be in the convention for the consideration of this proposed Constitution,³ and it is surely a question of the utmost consequence, I wish to acquire every possible information—. If your Excellency will indulge me with such observations on it as hath occur'd to you, it will indeed oblige me—rest assured that no other use shall be made of them, than the correcting of my judgment and opinion on the subject.⁴

1. RC, Jefferson Papers, DLC. Printed: Boyd, XII, 416–17. Forrest (1746–1805), a Georgetown merchant, was briefly in London on business probably for the firm of Forrest, Stoddert & Murdock. Forrest had served in the Continental Army, 1776–81, rising in rank to lieutenant colonel. He represented St. Mary's County in the House of Delegates, 1781–83, 1786–87, 1787–88, and Montgomery County, 1789, 1790. Forrest was a delegate to the Confederation Congress, 1787, and a member of the U.S. House of Representatives, 1793–94. In December 1788 he was defeated for election to the U.S. Senate. Thomas Jefferson (1743–1826), author of the Declaration of Independence and future secretary of state, vice president, and president, was American minister to France, 1785–89.

2. Jefferson agreed with Forrest's sentiments on Shays's Rebellion. See Jefferson to William Stephens Smith, 13 November 1787 (CC:Vol. 2, pp. 464–65).

3. Forrest, whose Maryland residence was in Montgomery County, was elected in October 1787 to represent St. Mary's County in the House of Delegates. He was not a member of the state Convention.

4. Jefferson replied to Forrest on 31 December and sent him a lengthy extract of a letter that he had written to James Madison on 20 December (CC:Vol. 2, pp. 488–92n. For Jefferson's original letter to Madison, which is significantly different from the extract, see pp. 482–85.). For more on the significance of both letters, see "The Maryland Reprinting of James Wilson's State House Speech," 16–25 October (RCS:Md., 21–22).

Thomas Johnson to George Washington Annapolis, 11 December 1787 (excerpt)¹

. . . The Leven of your State is working in ours²—the Scale of power which I always suspected would be the most difficult to settle between

the great and small States, as such, was in my Opinion very properly adjusted any necessary Guards for personal Liberty is the common Interest of all the Citizens of America and if it is imagined that a defined power which does not comprehend the Interference with personal Rights needs negative Declarations I presume such may be added by the foederal Legislature with equal Efficacy & more propriety than might have been done by the Convention—Strongly and long impressed with an Idea that no Governmt. can make a people happy unless they very generally entertain an Opinion that it is good in Form and well administred I am much disposed to give up a good deal in the form the least essensial part But those who are clamorous seem to me to be really more afraid of being restrained from doing what they ought not to do and being compelled to do what they ought to do than of being obliged to do what there is no moral Obligation on them to do—I believe there is no American of Observation Reflection and Candour but will acknowledge Men unhappily need more Government than he imagined—I flatter myself that the plan recommended will be adopted in twelve of the thirteen States without Conditions sine qua non—but let the Event be as it may I shall think myself with America in general greatly indebted to the Convention and possibly we may confess it when it may be too late to avail ourselves of their Moderation & Wisdom—You will pardon me my good Sir the Effusions which I cannot restrain when on this Subject

1. RC, Washington Papers, DLC. Johnson and Washington worked together through the Potowmack Company for the improvement of the navigation of the Potomac River.

2. James Madison had written Thomas Jefferson on this matter on 9 December: “Virginia has set the example of opening the door for amendments, if the Convention there should chuse to propose them. Maryland has copied it” (CC:334, p. 395). The first resolution for both states contains a similar phrase that calls for a convention of the people to give the Constitution their full investigation and decision. For the Virginia resolutions of 31 October, see RCS:Va., 118, and for the Maryland resolutions, see “Resolutions Calling a State Convention,” 1 December (RCS:Md., 99–100).

In his letter of 9 December Madison also stated: “A more formidable opposition is likely to be made in Maryland than was at first conjectured. Mr. Mercer, it seems, who was a member of the Convention, though his attendance was but for a short time, is become an auxiliary to Chace. Johnson the Carrolls, Govr. [Thomas Sim] Lee, and most of the other characters of weight are on the other side. Mr. T[homas] Stone, died a little before the Governmt. was promulged” (CC:334, p. 396). Stone died on 5 October 1787. Both Lee and Stone had declined to serve in the Constitutional Convention of 1787.

**Antoine de la Forest to Comte de Montmorin
New York, 15 December 1787 (excerpt)¹**

... It is not yet known what the Special assemblies of Rhode island, Newyork, North Carolina, Maryland and virginia will decide.

In these last two States there is a powerful party against the adoption of the constitution in its present form. It desires that the questions of commerce and navigation be decided in the house of representatives by the Vote of at least two-thirds of the delegates. It fears that the interest of the five Southern States will always be Sacrificed on these two matters to that of the seven [i.e., eight] others. It observes that since the peace the seafaring states have made constant efforts to draw closer to England so that their Ships would be admitted into the English Antilles. It also observes that these States came close to compromising the rest of the Southern ones in the negotiation relative to the Mississippi in order to obtain some concessions from Spain.² It is persuaded that the States of new England, Newyork, and Pennsylvania, assisted by those of Newjersey and Delaware, whose Vote they often carry along, want to obtain an act of navigation which would give them, to the exclusion of foreigners, the transport of Southern goods; this would result in an increase in the price of freight very prejudicial to the South. On the other hand it does not doubt that the seafaring States are seeking to conclude a treaty of Commerce with England from which they would obtain all the advantages and from which the Southern States would have all the disadvantages; because people are convinced that great Britain will entirely change its Policy in regard to the United States, as soon as the latter have the power to prohibit its merchandise if it insists on an exclusive navigation. It knows that the seafaring states want to have a navy to protect their merchant marine; those of the South observe that [by supporting a navy] they would contribute to an expense from which they would receive no advantage since they are Solely farmers. These local views will have no effect at all on Georgia and South Carolina, which are too persuaded of their weakness and the disorder of their affairs not to move towards their principal object—to *secure the protection of the entire body of the union*. But these views operate in Maryland, Virginia and even North Carolina. It is hoped nevertheless that these views will have less force in the popular assemblies of these States than in the minds of the leading citizens who are at the head of the opposition there. The latter moreover have only to acknowledge that their objections are entirely founded on these Secret apprehensions; they have the same motives as all those who disparage the constitution and as these motives have seemed insufficient to the assemblies of eight other States, they will not be able to have much influence on those of these three States. . . .

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 909, New York, ff. 294–97, Archives Nationales, Paris, France. Printed: CC:349. Antoine René Charles Ma-

thurin de la Forest (b. 1756) was French vice consul for the United States stationed in New York City. Comte de Montmorin (1745–1792) was France’s Minister of Foreign Affairs.

2. For the sectional controversy from 1785 to 1787 between the Northern and Southern states relating to a commercial treaty between the United States and Spain and the right of Americans to navigate the Mississippi River, see CC:46.

A Countryman

Baltimore Maryland Gazette, 18 December 1787¹

TO THE COUNTRY PEOPLE OF MARYLAND.

I have often seen addresses in the newspapers, “To the citizens of Maryland,” and general speeches and exhortations, “To the people,” “To the inhabitants of Maryland,” &c. but none have addressed the country people in particular, though they need and deserve it equally with others. He who offers a few sentiments to you, at present, is one remote from public intercourse, and therefore, cannot be supposed to know so much of public affairs as the man residing in town: I have heard, however, the complaints of my brethren farmers, &c. concerning the times; I have listened to the talk of many around me against the new federal Constitution. Many seem apprehensive of evil from it; and that it is big with mischief to the continent; I have often heard such objections as these handed about, “That the President is to have absolute power,” “We are in danger of tyranny from him;” “That he is to be too long in commission;” “That a standing army in time of peace, is not to be admitted;” and some say the new Constitution has no bill of rights; and that hereby our State Constitutions would be dissolved and brought to nothing. But why should you object against the powers of the President of Congress; can there be any government without power? Let me ask you, have you ever objected against the authority given to our State Presidents? Are not the Governors of the different States equally absolute all along? Each of them have had the command of the fleet, the army and militia, and authority to execute laws? They have the power of life and death—Why should you find fault with an army in time of peace, since all nations keep up more or less to maintain important posts, to guard towns and fortresses? If we had no standing army, any bold invader might make a capital stroke before we could use any means to prevent him: In times past Congress had to maintain some for such important ends.

Can you say you have no bill of rights when the new Constitution guarantees to each State a republican form of government, that is to say, warrants and defends the Constitutions of the different States. As

little can any one say, that by the new form of government our State Constitutions would be abolished; for the new Constitution entirely depends on the Constitutions of our States for its existence; for were these dissolved, there could be no Congress. I would here remark that the new continental form of government seems to me to be entirely analogous to the forms of our State Constitutions as near as it could be brought; and what should be more eligible to an American than a federal government, just similar to the governments we have hitherto enjoyed? And is it not as near the British form of government as can be, which form, though I am no tory, I would have still chosen could we have been equally represented in their councils; I must except the perpetual kingly succession, which too often has been the foundation of arbitrary power and usurpation, which the short continuance of power in our head officer excludes. Shall any among you, my dear countrymen and fellow Americans, object against what we do not fully understand? Politics are the deepest of all studies; it requires an age of the brightest genius, assisted by the highest learning, to be master of the subject; such were the men we employed in the late Convention. If a farmer who had never studied divinity, should undertake to preach, or should he take it into his head to plead law as an attorney at the bar, without any knowledge of law, what a strange figure would he make—Can you or I then be critics and judges of such a profound work as our national government? Shall we have the arrogance to arraign it at the tribunal of our scanty knowledge, and condemn it as wrong? For my part, I will endeavour to choose good, honest, discerning men to places of office and trust; and if I fully believe them in some things to be in the wrong, I will petition for a redress of grievances, but shall confide in our rulers; I will endeavour to strengthen their hands, for I have often found them right when my opinion was wrong. I remember when our Commander in Chief fled before the British in the Jerseys, at the head of fifteen hundred worn out troops, I ignorantly wished to hear of him standing to fight Howe, at the head of twenty thousand veterans; and when his Excellency allowed the English to take possession of Philadelphia, I thought he was all in the wrong, when he was perfectly right—For this reason people should not judge and determine in things above them, or of which, from situation or calling, they know but little.

With real regard for America, believe me to be, as I really am, A COUNTRYMAN.

December 12, 1787.

1. On 14 December the editor of the Baltimore *Maryland Gazette* informed his readers that “The Piece signed a COUNTRYMAN, will be in our next.”

Editors' Note

The Maryland Reprinting of Benjamin Franklin's Last Speech in the Constitutional Convention, 18 December 1787

On 17 September, the final day of the Constitutional Convention, the engrossed Constitution was read and emended. James Wilson read a speech written by fellow Pennsylvania delegate Benjamin Franklin who gave his reasons for supporting the Constitution, even though he did not approve its every provision. Franklin did not list his objections, nor did he express them outside the Convention. He believed that a strong central government was needed and it was unlikely any other convention could produce a better constitution. Franklin was astonished the Constitution approached "so near to perfection." He expected "no better" and was "not sure that it is not the best." To give the people greater confidence in the document, Franklin asked each delegate to sign it. All but three delegates did.

On 14 November Franklin sent a copy of his speech to Nathaniel Gorham, a Convention delegate from Massachusetts and chairman of the Convention's committee of the whole. Gorham edited the speech, and the *Boston Gazette* printed it on 3 December. Franklin's speech was prefaced with a statement that it was "AUTHENTIC" and that it came from "a gentleman of respectability." The speech was reprinted twenty-six times by 21 December. (For the text, publication, circulation, and some Massachusetts commentaries on Franklin's address, see "The Massachusetts Printing of Benjamin Franklin's Last Speech in the Constitutional Convention," 3–18 December [RCS:Mass., 369–80n].)

Franklin also sent a copy of his speech to Daniel Carroll, a Maryland delegate to the Constitutional Convention, who acknowledged receipt of the speech in a letter on 2 December (RCS:Md., 96–97). Carroll informed Franklin that he had read the speech to the Maryland House of Delegates, which had requested that all the Maryland delegates appear before it on 29 November to give information on the Convention. (RCS:Md., 70, 79–97. James McHenry, another Convention delegate from Maryland, paraphrased Franklin's speech in his diary on 17 September [RCS:Md., 4].) An almost identical version of the speech sent to Carroll was printed in the Richmond *Virginia Independent Chronicle* on 5 December. The *Chronicle* printed the speech at the request of "A.B.," who declared that he did not want to displease Franklin but that "the risque of offending him is over-balanced by the service I may render my country in disseminating those principles it contains, of modest deference for the opinions of others." By 16 February 1788 the *Chronicle's* version was reprinted ten times. It also appeared in the December issue of the Philadelphia *American Museum* and in a Richmond pamphlet anthology (see CC:77 A–B).

In Maryland, the *Virginia Independent Chronicle* version was reprinted in the Baltimore *Maryland Gazette* on 18 December with the heading: “*The following Speech is said to be genuine./DOCTOR FRANKLIN’S last Speech in the late Federal Convention.*” (For the text of the speech actually sent to Carroll, see CC:77–A.) “One of the People,” *Maryland Journal*, 25 December, countered several Antifederalists’ arguments. In his first item, he denied the Antifederalist charge that Franklin was opposed to the Constitution by quoting a passage from Franklin’s last speech that demonstrated his support for the Constitution (below).

Editors’ Note

The Sale of Thomas Lloyd’s Debates of the Pennsylvania Convention As Advertised in the Baltimore Maryland Gazette, 18 December 1787

On 3 December 1787 the sale of a single volume of the *Debates of the Convention of the State of Pennsylvania . . .*, based upon Thomas Lloyd’s shorthand notes of the debates, was advertised in the Philadelphia *Independent Gazetteer* (Mfm:Pa. 252). The advertisement stated that subscriptions would be received by Lloyd or Joseph James, Lloyd’s printer. The Baltimore *Maryland Gazette* reprinted the *Gazetteer’s* advertisement on 18 December (Mfm:Md. 28), and from 1 January through 5 February 1788, the *Gazette* printed it seven more times.

On 7 February the *Pennsylvania Mercury* notified readers in an advertisement that the first volume of the *Debates* had been published and were available for purchase (CC:511). The *Mercury* stated that this volume of the Pennsylvania Convention’s debates contained “The Speeches of Thomas M’Kean and James Wilson, Esqrs. In which they have *unfolded* the principles of *Free Governments*; *demonstrated* the superior advantages of *this Constitution*, and *answered every Objection* hitherto suggested.” The *Mercury* also indicated where interested buyers outside Philadelphia might purchase the volume (Evans 21365). According to the *Mercury*, buyers in Baltimore could purchase the volume at “Mr. CLARKE.” On 11 February Federalist William Tilghman of Kent County asked Philadelphia merchant Tench Coxe to send him a copy of the *Debates*, and on 6 April he thanked Coxe for the pamphlet that Coxe had remitted to him (see below for both letters).

The Annapolis *Maryland Gazette*, 10 April, advertised the pamphlet for sale using essentially the same wording as the *Philadelphia Mercury*, 7 February. The *Gazette* altered the price of the pamphlet to five shillings and three pence and added that the pamphlet could be purchased in Annapolis from “Messrs. F. AND S. GREEN,” printers of the *Gazette*. The advertisement was reprinted on 15 and 29 May. The Annapolis

paper added a paragraph: “The critical reviewers at New-York, speak in the highest terms of this work, as the best treatise on government in general, and particularly on the federal constitution.” (For the complete text of this advertisement, see Annapolis *Maryland Gazette*, 10 April 1788, below.)

The sale of the pamphlet was also advertised in the Baltimore *Maryland Gazette* on 2, 9, and 16 May and 10 June. The Baltimore newspaper added the following statement to the *Mercury’s* text: “The monthly reviewers at New-York, speak thus of this work—The volume under consideration may be considered as a very useful publication, and calculated to diffuse a true knowledge of the principles of government in *general*, and *particularly* of the new Federal Constitution.” (This statement had originally appeared in the March issue of the New York *American Magazine* that was available on 1 April [Mfm:Pa. 592].)

For a full description of the planning, publication, sale, and the American public’s reaction to this pamphlet, see the headnote to CC:511, which also includes the 7 February advertisement of the *Pennsylvania Mercury*.

For a discussion of Thomas Lloyd and the debates of the Maryland Convention which were taken in shorthand by Lloyd but which were never printed, see Appendix VIII (RCS:Md., 900–908).

Richard Curson to Horatio Gates

Baltimore, 19 December 1787 (excerpt)¹

. . . Politicks run high respecting Feadreal manouvres, but the new Government seems to gain Ground here, & other parts.—Great rumors, of a War, but I do not believe it, and I apprehend will be the means of putting us to inconveniency, till things get on some permanent footing, once more among us. . . .

1. RC, Gates Papers, NHi. This letter was addressed to “Major General Gates/Berkly County/To care of Messrs. Hart & Rochester./Hagers Town.”

John Hamilton to Mordecai Gist

Annapolis, 23 December 1787¹

. . . Our Assembly have lately Adjourned without doing any business of consequence, except the recommending to the people of the state the Chusing a Convention to consider on the new Constitution as recommended by the foed’ral Convention[.] *Chase, Seney*[,] the *Bowie’s* & some other Characters of no great note are opposed to it,² but I hope the Good Sense of the State will counterballance such interested shallow Politicians. . . .

1. RC, Misc. Mss., John Hamilton Folder, DLC. Hamilton, perhaps a resident of Cecil County, was a lieutenant in the Continental Army during the Revolutionary War. Gist (1742–1792), a Baltimore merchant before the Revolutionary War, was a brigadier general in the Continental Army during the conflict. After the war, Gist moved to a plantation near Charleston, S.C. Both Hamilton and Gist were members of the Society of the Cincinnati. Gist was vice president of the Maryland chapter.

2. Probably Samuel Chase, John or Joshua Seney of Queen Anne's County, and Fielder and Walter Bowie of Prince George's County, all of whom were members of the House of Delegates that had adjourned on 17 December.

One of the People

Maryland Journal, 25 December 1787

For some time Federalists and Antifederalists had accused one another of deliberately misleading the public. This item is a Federalist rebuttal to a number of alleged Antifederalist misrepresentations. It was reprinted in the January 1788 issue of the nationally circulated Philadelphia *American Museum* and in eight newspapers by 10 March: N.H. (1), Mass. (1), Conn. (2), N.Y. (1), N.J. (1), Pa. (1), S.C. (1). The reprint in the *Massachusetts Gazette*, 15 January 1788, was unique. The *Gazette* inserted a bracketed comment after each Federalist answer. These comments have been placed in angle brackets.

ANTIFEDERAL ARGUMENTS.

ARGUMENT I.

It has been published to the people, that Doctor *Franklin* was opposed to the constitution, and consented to sign it merely as a witness.¹

ANSWER.

Doctor *Franklin*, in his speech, assigning his reasons for agreeing to the constitution, (printed in the *Maryland Gazette*, &c. of December 18th)² says, "I hope, therefore, that for our sakes, as a part of the people, and for the sake of our posterity, we shall act heartily and unanimously in recommending this constitution wherever our influence may extend." <It is sincerely hoped many of the members of the Massachusetts state convention may experience the same *witnessing* influence by which the doctor was actuated, when the all-important question respecting the federal constitution is to be decided.>

II.

It has been published, that Mr. *Jay* had changed his opinion, and affirmed the new constitution to be the most artful *trap* that had ever been laid to *catch* the liberties of mankind.³

ANSWER.

Mr. *Jay*, in his letter to Mr. *Vaughan*, of *Philadelphia*, (printed in the *Maryland Journal*, &c. of the 18th *December*) says, "You have my authority to deny the change of sentiment it imputes to me, and to declare that, in my opinion, it is advisable for the people of America to adopt the

constitution proposed by the late convention."⁴ (What think ye of this, gentlemen, is mr. Jay federal or anti-federal?—Is another better acquainted with his sentiments, than he himself is?)

III.

It is asserted, in the *Maryland Gazette*, &c. of the 11th *December*, under the *Baltimore* head, that [""]Mr. *Ellsworth*, of *Connecticut*, WITHDREW FROM THE CONVENTION."⁵

ANSWER.

Mr. *Ellsworth* and Mr. *Sherman*, in their joint letter, enclosing the constitution to their legislature, (published in the *Pennsylvania Herald*, of the 10th *November* ult.) say, "We wish it may meet the approbation of the several states, and be the means of securing their rights, and lengthening out their tranquility."⁶ (The sentiments contained in the letter just mentioned, are by no means congenial with the insinuation, that mr. *Ellsworth* withdrew from the convention from motives of dislike to its proceedings.)

IV.

Mr. *Richard Henry Lee*, in a letter to the Governor of *Virginia*, (published "by the request of several Gentlemen," in the *Maryland Journal*, &c. of last *Friday*) says, "It has hitherto been supposed a fundamental maxim, that in governments rightly balanced, the different branches of legislature should be unconnected, and that the legislative and executive powers, should be *separate*."⁷

ANSWER.

In the *British* constitution, which is thought to be the best balanced in the world, the legislative and executive powers are not separate. *Montesquieu*, speaking on this subject, says, the executive power ought to have a *share* in the legislature by the power of rejecting; otherwise it would soon be stripped of its prerogative.⁸ (Whose judgment, in regard to the affairs of government, ought to have most weight, *simple Dick's*, or the great MONTESQUIEU's?)

V.

Mr. *Richard Henry Lee* says, in the same publication, "the president is for four years duration, (and *Virginia* for example) has one vote of thirteen in the choice of him, and this *thirteenth vote* not of the people, but electors, *two removes from the people*."

ANSWER.

By the constitution, the president is to be chosen by *ninety-one electors*, each having one vote of this number, *Virginia* has *twelve*, so that instead of the *thirteenth vote* in the choice of president, (*Virginia* for example) has somewhat less than an *eighth*. (Such a sad mistake as mr. *Lee* has made, indicates either the most consummate weakness or wickedness,

and by which of these the anti-federal champion was guided, the publick will determine.)

The constitution also admits of the people choosing the electors, so that the electors may be only *one remove from the people*. (Mr. Lee, it seems by this, has only missed the fact by ONE HALF! ! this *trivial* mistake in an anti-federalist is, however, hardly worth noticing.)

VI.

It is also said by Mr. *Richard Henry Lee*, that the people of this country have thought a bill of rights necessary to regulate the exercise of the great power given to their rulers, as appears by the various bills or declaration of rights, whereon the government of the *greater number of the states* are founded.

ANSWER.

Only *four states*⁹ appear, by the book of constitutions,¹⁰ to have a bill of rights, which are the *lesser number of states*. (What think ye of (*Sir*) RICHARD, now?)

These, Mr. *Goddard*, are the arguments used to prejudice the minds of the people against the constitution, some of which, it seems, “*several Gentlemen*” requested you to *publish*. For this time, we will suppose these gentlemen to have been ignorant of the deceptions they have thus publicly countenanced, because no *gentleman* would knowingly propagate or countenance *untruths*.

December 22, 1787.

1. For a statement that Franklin had signed the Constitution only as a witness, see “Extract of a letter from Queen Anne’s county, (Maryland) November 12,” Philadelphia *Freeman’s Journal*, 21 November (RCS:Md., 61). This item had been reprinted in the Baltimore *Maryland Gazette* on 7 December.

2. For “The Maryland Reprinting of Benjamin Franklin’s Last Speech in the Constitutional Convention,” 18 December, see above.

3. For this report, see Philadelphia *Independent Gazetteer*, 24 November (CC:290–A). It was reprinted in the *Maryland Journal* on 30 November.

4. For Jay’s letter of 1 December which was first printed in the Philadelphia *Independent Gazetteer* and *Pennsylvania Packet* on 7 December, see CC:290–B. John Vaughan (1756–1841) was a Philadelphia merchant who had emigrated to America from England in 1782 with letters of introduction from Jay and Benjamin Franklin.

5. This report was first printed in the *Massachusetts Gazette* on 20 November (CC:Vol. 2, p. 455). This report was reprinted in the Baltimore *Maryland Gazette*, 11 December. The *Massachusetts Centinel*, 21 November (CC:Vol. 2, p. 455), corrected this report, stating that Oliver Ellsworth approved the Constitution “though obliged by domestick concerns to return home prior to its being signed.” This report, however, was not reprinted in Baltimore. Ellsworth was present in the Constitutional Convention on 23 August and by 27 August he was in New Haven, Conn. He left early to preside as a judge in Connecticut’s Superior Court, of which he was a member from 1785 to 1788.

Ellsworth (1745–1807), a lawyer, was a member of Congress, 1778–83. In support of the Constitution, he published thirteen essays signed “Landholder” from 5 November

1787 to 24 March 1788 (CC:230). Ellsworth voted to ratify the Constitution in the Connecticut Convention in January 1788. He was a U.S. Senator, 1789–96, and Chief Justice of the United States, 1796–1800.

6. The widely circulated Roger Sherman–Oliver Ellsworth letter to Governor Samuel Huntington of Connecticut, 26 September 1787, was first printed in the *New Haven Gazette* on 25 October (CC:192). A report on the Constitutional Convention’s adoption of the Constitution, the letter had been a requirement of the state act that had appointed Sherman and Ellsworth delegates to the Convention. Sherman (1721–1793), a New Haven lawyer, was a delegate to Congress, 1774–81, 1783–84, and a signer of the Declaration of Independence, the Articles of Confederation, and the Constitution. In November and December 1787 he published five essays signed “A Countryman” in support of the Constitution (CC:261), and in January 1788 he voted to ratify it in the Connecticut Convention. Sherman was a U.S. Representative, 1789–91, and a U.S. Senator, 1791 until his death.

7. Lee’s letter of 16 October 1787 to Virginia Governor Edmund Randolph was first published in the Petersburg *Virginia Gazette* on 6 December (CC:325) and was reprinted in the *Maryland Journal* on 21 December. Lee (1732–1794), a Virginia planter, was a leading advocate of American independence and a signer of the Declaration of Independence and the Articles of Confederation. He was a delegate to Congress, 1774–79, 1784–85 (president), and 1787. Lee proposed amendments to the Constitution while a delegate to Congress in September 1787 (CC:95, pp. 238–40), although they were rejected. Lee was a leading supporter of amendments during the debate over the ratification of the Constitution. He was a U.S. Senator, 1789–92.

8. Montesquieu, *Spirit of Laws*, I, Book XI, chapter VI, 228–31.

9. On 28 December an errata in the *Maryland Journal* stated that five states, not four, had bills of rights. Only one other newspaper and the Philadelphia *American Museum* printed this correction.

Seven states actually had “declarations of rights”—Virginia, Delaware, Pennsylvania, Maryland, North Carolina, Massachusetts, and New Hampshire—that were attached to their state constitutions adopted between 1776 and 1783. Two other states had equivalents of bills of rights. In 1650, an additional provision was added to the Fundamental Orders of Connecticut (1638) affirming certain “libberties, immunities, [and] priviledges.” (See also Mfm:Conn. 2, pp. 7–9, for “An Act containing an Abstract and Declaration of the Rights and Privileges of the People of this State, and securing the same” [1786]). For New York, see RCS:N.Y., 504–6, “An Act Concerning the Rights of the Citizens of this State,” adopted on 26 January 1787. The New York state constitution of 1777 did not have a bill or declaration of rights, but a number of rights were embedded in various provisions of the constitution.

10. Probably a reference to *The Constitutions of the Several Independent States of America . . .* (Philadelphia, 1781) (Evans 17390), or the new, complete, and corrected edition printed in New York in 1786 (Evans 20064).

Observer

Maryland Journal, 25 December 1787

For the *BENEFIT* of the *POOR*.
At the COURT-HOUSE, *BALTIMORE*,
Before the Worshipful BENCH of JUSTICES, for that County, will be held
A SPECIAL COURT,

FOR THE
TRIAL
OF THE
NEW FEDERAL GOVERNMENT,

AT THE REQUEST OF THE STATE'S ATTORNEY,

For a wilful Attempt to destroy our happy Constitution, bring us under a Military Government, deprive us of the Liberty of the Press, and sundry other Intentions, amounting, if not to TREASON, at least to MISPRISION of TREASON.

COUNCIL FOR THE DEFENDANT.

Messrs. *McH—y,*
R. S—th,
Z. H—th, Esqr's.¹

FOR THE STATE.

S. Ch—e,
D. McM—n, Esqr's.²

And on each Side, Numbers who shall be permitted to make their *first Appearance at the Bar.*

The JURYMEN to be chosen one Half out of the Body of MERCHANTS, NATIVES or FOREIGNERS; the other Half of COUNTRY GENTLEMEN.

☞ TICKETS, at *One Quarter of a Dollar*, to be had of any Justice of the Peace.

N. B. It is respectfully requested of the GENTLEMEN at the BAR, that they will appoint the Day, and dedicate it in that Manner to the Relief of a Multitude likely to suffer from the Severities of the approaching Season; and it is confidently hoped, that the GENTLEMEN and LADIES, who have generously contributed to the support of LEGERDEMAIN ENTERTAINMENT, will joyfully embrace the Opportunity of warming the cold Hand of Indigence, and gladdening the Hearts of their Fellow-Creatures.

Baltimore, December 24, 1787.

1. James McHenry, Robert Smith, and Zebulon Hollingsworth.

2. In the October 1787 elections for the state legislature Samuel Chase and David McMechen had defeated James McHenry and Philip Rogers for the Baltimore Town seats in the House of Delegates (RCS:Md., 10n).

Pennsylvania Packet, 25 December 1787¹

A correspondent informs us, that a gentleman who has just returned from a tour through the states of Maryland and Virginia says, that he was repeatedly assured, that there would not be a dissenting voice in the convention of Maryland against the new constitution; and that at least *nineteen-twentieths* of the yeomanry of Virginia are on the side of

General Washington, the *Man of the People*, in favour of the new government. He adds further, that the Nabobs, or great men (falsely so called) of Virginia are its only enemies.

1. Reprinted in whole or in part twenty-four times by 11 February 1788: Vt. (1), N.H. (2), Mass. (7), Conn. (3), N.Y. (4), N.J. (1), Pa. (5), Va. (1).

Connecticut Journal, 26 December 1787¹

Extract of a Letter from Baltimore, (Maryland) to a Gentleman in this City [New Haven], dated December 12.

“The mercantile Interest in this Town, and the Majority of the Inhabitants of the State, are in Favour of the new fœderal Plan; yet, like the State of New-York, it will be *strongly* opposed by some Men of great Influence and very leading Characters in the State. For which Opposition, ’tis said, they are actuated by a dread of the loss of their *own* Popularity—not the Liberties of their Country.—I think it will be adopted.”

1. Reprinted ten times by 18 January 1788: N.H. (4), Mass. (3), R.I. (1), Conn. (2).

John Hoskins Stone to Walter Stone Annapolis, 27 December 1787 (excerpt)¹

. . . It is a very disagreeable thing this about Houseburning, and I wish it may not spread but there is no necessity for your being *blood mad*—nor ought you to act in any other manner than with attention, Caution & prudence—with respect to myself, I assure you I do not in the least dread or fear an injury from any of the lower Class in Charles County, for very few there are indeed in that grade who are not more or less under obligations to me, but that there is a party forming or formed in Charles to do me an injury, I very well know, and also know as well, that it will not, nor cannot succeed—Some thoughtless expressions of Michaels² has made Some of them hold up their heads and to suppose that his sentiments are unfavorable to me, when in truth he had no intention of saying any thing that had that tendency, it arose from his saying that he shou’d oppose me if I stood a Candidate for the Convention, and that I ought not to be elected. . . .

1. RC, Stone Family Correspondence, Arents Tobacco Collection, New York Public Library. The place of writing does not appear in the letter, but John Hoskins Stone lived in Annapolis. The letter was addressed to “Mr Walter Stone/Port Tobacco/~~to~~ Basil.” John Hoskins Stone (1750–1804), a wealthy lawyer-merchant, rose to the rank of colonel in the Continental Army during the Revolutionary War. He represented Charles County in the House of Delegates, 1786, 1786–87, 1790, sat in the Governor’s Executive Council, 1779–85, 1791–92, was a major general in the state militia, 1794–95, and served as governor of Maryland, 1794–97. Stone was a charter member of the Society of the Cincinnati.

Walter Stone (d. 1791) was a Port Tobacco merchant and a member of the firms of John H. Stone & Co. and John Stone & Walter Stone. For a time, the brothers were clerks in the Confederation Department of Foreign Affairs.

2. Probably Stone's brother Michael Jenifer Stone, who voted to ratify the Constitution in the Maryland Convention in April 1788.

Luther Martin: Genuine Information I Baltimore Maryland Gazette, 28 December 1787¹

Luther Martin, attorney general of Maryland, attended the Constitutional Convention from 9 June until its recess on 26 July. He returned on 13 August, one week after the Convention had reconvened, at a time when it was in the midst of discussing the report of the Committee of Detail—the first draft of the Constitution. Martin was an active delegate who wanted to strengthen the central government without seriously undermining the states. He supported a federal government in which the states were sovereign and equally represented. The central government was supposed to protect all of the states against foreign invasion and the small states against incursions by the large states. Martin also opposed a powerful executive and a large standing army, and he wanted federal judges appointed by the Senate, which represented the states. Martin helped to win some concessions in favor of the states.

As the Constitutional Convention moved inexorably toward what Martin believed was the establishment of a national government, Martin decided to oppose the Constitution. On 31 August Martin and fellow Maryland delegate Daniel Carroll, who would eventually support the Constitution, moved that the unanimous consent of the states be required for ratification of the Constitution. Only Maryland, which was also represented by James McHenry and Daniel of St. Thomas Jenifer at this time, voted for this motion. When the Convention agreed to nine states for ratification, only Maryland voted against the motion (Farrand, II, 477). In an attempt to protect the people, Martin drafted a bill of rights but was dissuaded from presenting it because it had no chance for adoption. He was also dissuaded from presenting a motion calling for the appointment of a committee “to prepare and report a bill of rights, to be prefixed to the proposed Constitution” (“Luther Martin: Address No. II,” *Maryland Journal*, 21 March 1788 [RCS:Md., 418]). Martin left Philadelphia on 4 September and, although intending to, he never returned.

On 23 November the Maryland House of Delegates requested that the state's delegates to the Constitutional Convention attend the House on 29 November to give “information of the proceedings” of the Convention. Only John Francis Mercer of the five delegates appears not to have attended. Copies of the speeches of two delegates, Martin and James McHenry, have survived. (For these speeches, see under 29 November, RCS:Md., 79–97.) The House dismissed the delegates on 30 November, and the next day the legislature called a state convention to meet in April 1788 to consider the Constitution.

After Luther Martin left the House of Delegates, he enlarged and reorganized his speech. “A CUSTOMER” announced in the Baltimore *Maryland Gazette* on 28 December 1787 that he had collected at the behest “of many respectable characters both in the House of Assembly, and others . . . the substance of the information” that Martin had given to the House. This announcement was

followed by the first of twelve unnumbered installments that were printed in the Baltimore *Maryland Gazette* by 8 February 1788. Beginning with the second installment, Martin's speech was entitled "Mr. MARTIN'S *Information to the House of Assembly, continued.*" The term "Genuine Information," the most often used description of Martin's published speech, was not adopted until the twelve installments were advertised for sale as a pamphlet on 12 April in the Philadelphia *Independent Gazetteer* by Eleazer Oswald, the printer of both the newspaper and the pamphlet. The pamphlet also included a letter by Martin, an address to the citizens of the United States, and two anonymous essays—one on a standing army and the other on a bill of rights. (See Editors' Note on the pamphlet, 12 April, below.)

Newspaper installments of *Genuine Information* were reprinted in Massachusetts, New York, Pennsylvania, Virginia, and South Carolina by the end of May. The *New York Journal* and the Philadelphia *Independent Gazetteer*—both Antifederalist newspapers—reprinted all twelve installments. The *Pennsylvania Packet* reprinted eleven installments; Boston *American Herald* and *State Gazette of South Carolina*, parts or all of nine; *Pennsylvania Herald*, six; Philadelphia *Freeman's Journal* and Petersburg *Virginia Gazette*, two; and Charleston *City Gazette*, one. The *American Herald* and *Freeman's Journal* were Antifederalist newspapers.

Despite these reprintings in five states outside of Maryland, some newspapers, among them Antifederalist ones, complained that they had difficulties obtaining installments of *Genuine Information*. Antifederalists believed that *Genuine Information* would help their cause. On the other hand, Federalists saw little danger from *Genuine Information*. Throughout America newspaper commentaries by both Antifederalists and Federalists were voluminous. (For further details on the circulation of and reaction to *Genuine Information* outside of Maryland, see the headnote to CC:389. See also "Delays in the Circulation of Luther Martin's Genuine Information," 22 January–8 April [below].)

No Maryland newspaper appears to have printed a substantial defense of *Genuine Information*, but some Antifederalist commentaries by Marylanders appeared in out-of-state newspapers. See, for example, "Extract of a letter from the Eastern Shore of Maryland . . . Jan. 29, 1788," Philadelphia *Independent Gazetteer*, 8 February 1788 (below). (On 12 February the *Pennsylvania Mercury* printed an item stating that the letter was a fraud since the Eastern Shore was mostly Federalist [below].) See also "Extract of a letter from the Eastern Shore of Maryland. . . Feb. 10, 1788," Philadelphia *Independent Gazetteer*, 18 February (below), and "Extract of a letter from Queen Ann's county, Maryland, February 18, 1788," Philadelphia *Independent Gazetteer*, 26 February (below). Federalists, on the other hand, published substantial commentaries. For those in the Baltimore *Maryland Gazette*, which printed *Genuine Information*, see "A Federalist," 1, 11, 18 January 1788; "An American," 22 January; "A Marylander" (Otho Holland Williams?), 12 February; "Grateful," 15 February; and "Croaker," 8 April (all below). See also "Extract of a letter from a gentleman in Baltimore county. . .," Philadelphia *Independent Gazetteer*, 2 February (below); and "Extract of a letter from a gentleman in Baltimore. . .," *Pennsylvania Mercury*, 26 February (below).

By early April, before the meeting of the Maryland Convention on 21 April, it was plain to some Federalists that *Genuine Information* had not swayed many minds in Maryland. Francis Hopkinson, a Pennsylvania Federalist and polemist,

said that "Maryland is infected with a Mr. Martin, but I am told the Constitution will be adopted there" (to Thomas Jefferson, 6 April [CC:665]). Rufus King, a former Massachusetts delegate to Congress and a signer of the Constitution, asserted that "Our hopes are great that Maryland will be right Luther Martin notwithstanding; but we are not so confident of Maryland as we once were of New Hampshire" (to John Langdon, 16 April [CC:686]).

Mr. HAYES, It was the wish of many respectable characters both in the House of Assembly, and others, that the information received from the Delegates to the late Convention, should be made public.²—I have taken some pains, to collect together, the substance of the information, which was given on that occasion to the House of Delegates by Mr. Martin; by your inserting it in your paper, you will oblige

A CUSTOMER.

Mr. MARTIN, when called upon, addressed the House nearly as follows:

Mr. SPEAKER, Since I was notified of the resolve of this Honourable House, that we should attend this day, to give information with regard to the proceedings of the late convention, my time has necessarily been taken up with business, and I have also been obliged to make a journey to the Eastern-Shore: These circumstances have prevented me from being as well prepared as I could wish, to give the information required—However, the few leisure moments I could spare, I have devoted to refreshing my memory, by looking over the papers and notes in my possession; and shall with pleasure, to the best of my abilities, render an account of my conduct.

It was not in my power to attend the convention immediately on my appointment—I took my seat, I believe, about the eighth or ninth of June. I found that Governor Randolph, of Virginia, had laid before the convention certain propositions for their consideration, which have been read to this House by my Honourable colleague, and I believe, he has very faithfully detailed the substance of the speech with which the business of the convention was opened, for though I was not there at the time, I saw notes which had been taken of it.³—The members of the convention from the States, came there under different powers.

The greatest number, I believe under powers, nearly the same as those of the delegates of this State⁴—Some came to the convention under the former appointment, authorising the meeting of delegates merely to regulate trade.—Those of Delaware were *expressly instructed to agree to no system which should take away from the States, that equality of suffrage secured by the original articles of confederation.* Before I arrived, a number of rules had been adopted to regulate the proceedings of the convention, by one of which, seven States might proceed to business,

and consequently four States, the majority of that number, might eventually have agreed upon a system which was to effect the whole Union. By another, *the doors were to be shut*, and the *whole proceedings were to be kept secret*; and so far did this rule extend, that we were thereby prevented from corresponding with gentlemen in the different States upon the subjects under our discussion—a circumstance, Sir, which I confess, I greatly regretted—I had no idea that all the wisdom, integrity, and virtue of this State, or of the others, were centered in the convention—I wished to have corresponded freely, and confidentially, with eminent political characters in my own, and other States, not implicitly to be dictated to by them, but to give their sentiments due weight and consideration. So *extremely solicitous* were they, that their proceedings should not transpire, that *the members were prohibited even from taking copies of resolutions, on which the convention were deliberating, or extracts of any kind from the journals without formally moving for, and obtaining permission, by a vote of the convention for that purpose.*

You have heard, Sir, the resolutions which were brought forward by the honourable member from Virginia—let me call the attention of this House, to the conduct of Virginia, when our confederation was entered into—That State then proposed, and obstinately contended, *contrary to the sense of, and unsupported by the other States, for an inequality of suffrage founded on numbers, or some such scale*, which should give *her*, and certain other States, *influence in the Union over the rest*—pursuant to that spirit which then characterized her, and uniform in her conduct, the very second resolve, is calculated expressly for that purpose *to give her a representation proportioned to her numbers*, as if the *want of that* was the *principle defect* in our original system, and this alteration the great means of remedying the evils we had experienced under our present government.

The object of *Virginia and other large States, to increase their power and influence over the others*, did not escape observation—The subject, however, was discussed with great coolness in the committee of the whole House (for the convention had resolved itself into a committee of the whole to deliberate upon the propositions delivered in by the honourable member from Virginia). Hopes were formed, that the farther we proceeded in the examination of the resolutions, the better the House might be satisfied of the impropriety of adopting them, and that they would finally be rejected by a majority of the committee—If on the contrary, a majority should report in their favour, it was considered that it would not preclude the members from bringing forward and submitting any other system to the consideration of the convention; and accordingly, while those resolves were the subject of discussion in the

committee of the whole House, a number of the members who disapproved them, were preparing *another system*, such as *they thought more conducive to the happiness and welfare of the States*—The propositions originally submitted to the convention having been debated, and undergone a variety of alterations in the course of our proceedings, the committee of the whole House by a *small majority* agreed to a *report*, which I am happy, Sir, to have in my power to lay before you⁵—It was as follow:

1. *Resolved*, That it is the opinion of this committee, that a *national* government ought to be established, consisting of a supreme, legislative, judiciary and executive.

2. That the legislative ought to consist of *two branches*.

3. That the members of the first branch of the national legislature ought to be elected by the people of the several States, for the term of three years, to receive fixed stipends, by which they may be compensated for the devotion of their time to public service, to be paid out of the national treasury, to be ineligible to any office established by a particular State, or under the authority of the United States, except those particularly belonging to the functions of the first branch, during the term of service, and under the national government, for the space of one year after its expiration.

4. That the members of the second branch of the legislature ought to be chosen by the individual legislatures, to be of the age of thirty years at least, to hold their offices for a term sufficient to ensure their independency, namely, seven years, one third to go out biennially, to receive fixed stipends, by which they may be compensated for the devotion of their time to public service, to be paid out of the national treasury, to be ineligible to any office by a particular State, or under the authority of the United States, except those peculiarly belonging to the functions of the second branch, during the term of service, and under the national government, for the space of one year after its expiration.

5. That each branch ought to possess the right of originating acts.

6. That the national legislature ought to be empowered to enjoy the legislative rights vested in Congress by the confederation, and *moreover*, to legislate in all cases to which the separate States are incompetent, or in which the *harmony of the United States may be interrupted*, by the exercise of individual legislation; to negative all laws passed by the several States, contravening, in the opinion of the legislature of the United States, the articles of union, or any treaties subsisting under the authority of the Union.

7. That the *right of suffrage* in the first branch of the national legislature, ought not to be according to the rule established in the articles of confederation, but according to some equitable rate of representation, namely,

in proportion to the whole number of white, and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons, not comprehended in the foregoing description, except Indians not paying taxes in each State.

8. That the *right of suffrage* in the *second branch* of the national legislature, *ought to be according to the rule established in the first.*

9. That a national executive be instituted to consist of a single person, *to be chosen by the national legislature* for the term of seven years, with power to carry into execution the national laws, *to appoint to offices* in cases not otherwise provided for, to be ineligible a second time, and to be removable on impeachment and conviction of malpractice or neglect of duty, to receive a fixed stipend, by which he may be compensated for the devotion of his time to public service—to be paid out of the national treasury.

10. That the national executive shall have a right to *negative any legislative act which shall not afterwards be passed, unless by two third parts of each branch of the national legislature.*

11. That a national judiciary be established, to consist of one supreme tribunal, the judges of which, to be appointed *by the second branch* of the national legislature, to hold their offices during good behaviour, and to receive punctually, at stated times, a fixed compensation for their services, in which no increase or diminution shall be made, so as to affect the persons actually in office at the time of such increase or diminution.

12. That the *national legislature* be empowered to *appoint inferior tribunals.*

13. That the jurisdiction of the *national judiciary* shall extend to cases which respect the collection of the national revenue; cases arising under the laws of the United States—impeachments of any national officer, *and questions which involve the national peace and harmony.*

14. *Resolved,* That provision ought to be made for the admission of States lawfully arising within the limits of the United States whether from a voluntary junction of government, territory, or otherwise, with the consent of a number of voices in the national legislature less than the whole.

15. *Resolved,* That provision ought to be made for the continuance of Congress, and their authority and privileges, until a given day after the reform of the articles of union shall be adopted, and for the completion of all their engagements.

16. That a republican constitution and its existing laws ought to be guaranteed to each State by the United States.

17. That provision ought to be made for the amendment of the articles of union, whensoever it shall seem necessary.

18. That the legislative, executive and judiciary powers, within the several States, ought to be bound by oath to support the articles of the union.

19. That the amendments which shall be offered to the confederation by this convention, ought, at a proper time or times, after the approbation of Congress, to be submitted to an assembly or assemblies, recommended by the legislatures, to be expressly chosen by the people to consider and decide thereon.

These propositions, Sir, were acceded to by a majority of the members of the committee—a system by which the large States were to have not only an inequality of suffrage in the first branch, but also the same inequality in the second branch, or senate; however, it was not designed the second branch should consist of the same number as the first. It was proposed that the senate should consist of twenty-eight members, formed on the following scale—Virginia to send five, Pennsylvania and Massachusetts each four, South-Carolina, North-Carolina, Maryland, New-York, and Connecticut two each, and the States of New-Hampshire, Rhode-Island, Jersey, Delaware, and Georgia each of them one,⁶ upon this plan, the three large States, Virginia, Pennsylvania, and Massachusetts, would have thirteen senators out of twenty-eight, almost one half of the whole number—Fifteen senators were to be a quorum to proceed to business; those three States would, therefore, have thirteen out of that quorum. Having this inequality in each branch of the legislature, it must be evident, Sir, that they would make what laws they pleased, however disagreeable or injurious to the other States, and that they would always prevent the other States from making any laws, however necessary and proper, if not agreeable to the views of those three States—They were not only, Sir, by this system, to have such an undue superiority in making laws and regulations for the Union, but to have the same superiority in the appointment of the president, the judges, and all other officers of government. Hence, those three States would in reality have the appointment of the president, judges, and all the other officers. This president, and these judges, so appointed, we may be morally certain would be citizens of one of those three States; and the president, as appointed by them, and a citizen of one of them, would espouse their interests and their views, when they came in competition with the views and interests of the other States. This president, so appointed by the three large States, and so unduly under their influence, was to have a negative upon every law that should be passed, which, if negatived by him, was not to take effect, unless assented to by two thirds of each branch of the legislatures, a provision which deprived ten States of even the faintest shadow of liberty; for if they, by a miraculous unanimity, having all their members present, should outvote the

other three, and pass a law contrary to their wishes, those three large States need only procure the president to negative it, and thereby prevent a possibility of its ever taking effect, because the representatives of those three States would amount to much more than one third (almost one half) of the representatives in each branch. And, Sir, this government, so organized with all this undue superiority in those three large States, was as you see to have a power of negating the laws passed by every State legislature in the Union. Whether, therefore, laws passed by the legislature of Maryland, New-York, Connecticut, Georgia, or of any other of the ten States, for the regulation of their internal police, should take effect, and be carried into execution, was to depend on the good pleasure of the representatives of Virginia, Pennsylvania and Massachusetts.

This system of slavery, which bound hand and foot ten States in the Union, and placed them at the mercy of the other three, and under the most abject and servile subjection to them, was approved by a majority of the members of the convention, and reported by the committee.

On this occasion, the House will recollect, that the convention was resolved into a committee of the whole—of this committee Mr. Gorham was chairman—The honorable Mr. Washington was then on the floor, in the same situation with any other member of the convention at large, to oppose any system he thought injurious, or to propose any alterations or amendments he thought beneficial, to these propositions so reported by the committee, no opposition was given by that illustrious personage, or by the president of the State of Pennsylvania.⁷ They both appeared cordially to approve them, and to give them their hearty concurrence; yet this system, I am confident, Mr. Speaker, there is not a member in this house would advocate, or who would hesitate one moment in saying it ought to be rejected. I mention this circumstance in compliance with the duty I owe this honorable body, not with a view to lessen those exalted characters, but to shew how far the greatest and best of men may be led to adopt very improper measures, through error in judgment, State influence, or by other causes, and to shew that it is our duty not to suffer our eyes to be so far dazzled by the splendor of names, as to run blindfolded into what may be our destruction.

Mr. Speaker, I revere those illustrious personages as much as any man here. No man has a higher sense of the important services they have rendered this country. No member of the convention went there more disposed to pay a deference to their opinions; but I should little have deserved the trust this State reposed in me, if I could have sacrificed its dearest interests to my complaisance for their sentiments.

(To be continued.)

1. Reprinted: *Pennsylvania Packet*, 5 January 1788; *New York Journal*, 15–16 January; *Pennsylvania Herald*, 16 January; *Philadelphia Independent Gazetteer*, 17 January; *Boston American Herald*, 4 February; and *State Gazette of South Carolina*, 10 April. Lengthy excerpts were reprinted in “A Republican Federalist,” *Philadelphia Freeman’s Journal*, 16 January (Mfm:Pa. 339).

The Antifederalist *New York Journal* prefaced its reprint with this statement: “As every Species of information, received immediately from Delegates in the late General Convention, may be supposed universally interesting, the subsequent Communication, at the Request of many respectable Characters in this City [New York], is here inserted.” This statement was reprinted in the Antifederalist *American Herald* on 4 February.

The Antifederalist *Freeman’s Journal*, 30 January, was more complimentary about *Genuine Information* when it reprinted the sixth installment. It prefaced the reprinting with this statement by “Democratic”: “Mr. BAILEY, The conduct of the Legislature of Maryland in opening up the *dark proceedings* of the Continental Convention, will do them great honor, and be of infinite service to the people of America, in the glorious struggle for their liberties, against the Aristocrats. . . .”

2. An extract of a letter from the Eastern Shore, dated 29 January, said that Martin, “at the instance of a great number of his constituents, was called upon to declare his objections in the public prints, to the new federal government, in order to enable them to form some opinion of the merits or demerits, ascribed to it, as well by its numerous advocates, as opposers” (*Philadelphia Independent Gazetteer*, 8 February [below]). This letter was declared a fraud in the *Pennsylvania Mercury* on 12 February [below].).

3. For the Virginia Resolutions of 29 May which were read to the Maryland House of Delegates by James McHenry on 29 November (RCS:Md., 80–81), see CDR, 243–45, and Farrand, I, 20–22, 27–28. For McHenry’s notes on Edmund Randolph’s speech introducing the resolutions, see Farrand, I, 24–27.

4. For the appointment of and instructions to the Maryland delegates to the Constitutional Convention, see Appendix II (below), and for those of other states, see CDR, 192–225.

5. For “The Amended Virginia Resolutions,” 13–19 June 1787, see CDR, 247–50.

6. This proposal has not been located. However, on 14 July 1787 Charles Pinckney of South Carolina moved that the Senate should consist of thirty-six members which were to be allotted in the following manner: New Hampshire, two; Massachusetts, four; Rhode Island, one; Connecticut, three; New York, three; New Jersey, two; Pennsylvania, four; Delaware, one; Maryland, three; Virginia, five; North Carolina, three; South Carolina, three; and Georgia, two. Four states, including Maryland, voted for the motion, six against (Farrand, II, 1–2, 5, 11, 12). On 23 July the Convention agreed unanimously that each state should have two senators (*ibid.*, 85, 94).

7. Benjamin Franklin had been president of the Supreme Executive Council of Pennsylvania since October 1785.

Charles Pettit to William Irvine

Philadelphia, 29 December 1787 (excerpt)¹

. . . Since the Rising of our State Convention [i.e., legislature] we have had little to excite public Attention. In Baltimore, tho’ People are much divided about the new Constitution, they generally converse about it with Moderation. The Balance in that Town is supposed to be decidedly in its Favour, but in the Country the Sentiments of the People are

yet less decided. The Election of Delegates is to be the first Week in April. Mr. Chace, it is said, means to decline serving for Baltimore lest he should be fettered by Instructions, but intends to offer himself for some County which will leave him free from Embarrassment on that score. . . .

1. RC, Irvine Papers, Phi. Pettit (1736–1806), a Philadelphia merchant and insurance broker, was an assistant quarter-master general in the Continental Army, 1778–81. He was a member of the Pennsylvania Assembly, 1784–85, and the Confederation Congress, 1785–87. An Antifederalist, Pettit was defeated for election to the Pennsylvania Convention in November 1787. He was also defeated for election to the U.S. House of Representatives in 1788. Irvine (1741–1804), a native of Ulster, Ireland, and a resident of Carlisle, Pa., was a physician before the Revolutionary War and a former brigadier general in the Continental Army. He was a Pennsylvania delegate to the Confederation Congress in 1787 and 1788, but he was defeated for election to the U.S. Senate and U.S. House of Representatives in 1788.

Luther Martin: Genuine Information II **Baltimore Maryland Gazette, 1 January 1788¹**

Mr. MARTIN'S Information to the House of Assembly, continued.

When contrary to our hopes it was found, that a majority of the members of the convention had in the committee agreed to the system, I have laid before you, we then thought it necessary to bring forward the propositions, which such of us who disapproved the plan before had prepared—The members who had prepared these resolutions were principally of the Connecticut, New-York, Jersey, Delaware and Maryland delegations.—The honorable Mr. Patterson, of the Jerseys, laid them before the convention—of these propositions^(a) I am in possession of a copy, which I shall beg leave to read to you.²

These propositions were referred to a committee of the whole house.—Unfortunately the New-Hampshire delegation had not yet arrived, and the sickness of a relation of the honorable Mr. McHenry, obliged him still to be absent, a circumstance, Sir, which I considered much to be regretted, as Maryland thereby was represented by only two delegates, and they unhappily differed very widely in their sentiments.³

The result of the reference of these last propositions to a committee, was a speedy and hasty determination to reject them⁴—I doubt not, Sir, to those who consider them with attention, so sudden a rejection will appear surprising; but it may be proper to inform you, that on our meeting in convention, it was soon found there were among us three parties of very different sentiments and views.

One party, whose object and wish it was to abolish and annihilate all State governments, and to bring forward one general government over

this extensive continent of a monarchical nature, under certain restrictions and limitations:—Those who openly avowed this sentiment were, it is true, but few, yet it is equally true, Sir, that there was a considerable number who did not openly avow it, who were by myself, and many others of the convention, considered as being in reality favourers of that sentiment, and acting upon those principles, covertly endeavouring to carry into effect what they well knew openly and avowedly could not be accomplished.⁵

The second party was not for the abolition of the State governments, nor for the introduction of a monarchical government under any form; but they wished to establish such a system as would give their own States undue power and influence in the government over the other States.—A third party was what I considered truly federal and republican—This party was nearly equal in number with the other two, and were composed of the delegations from Connecticut, New-York, New-Jersey, Delaware, and in part from Maryland; also of some individuals from other representations.—This party, Sir, were for proceeding upon terms of *federal equality*; they were for taking our present *federal system* as the basis of their proceedings, and as far as experience had shewn us that there were defects, to remedy those defects, as far as experience had shewn that other powers were necessary to the federal government, to give those powers—They considered this, the object for which they were sent by their State, and what their States expected from them—They urged, that if after doing this, experience should shew that there still were defects in the system (as no doubt there would be) the same good sense that induced this convention to be called, would cause the States when they found it necessary to call another; and if that convention should act with the same moderation, the members of it would proceed to correct such errors and defects as experience should have brought to light—That by proceeding in this train, we should have a prospect at length of obtaining as perfect a system of federal government, as the nature of things would admit. On the other hand, if we, contrary to the purpose for which we were intrusted, considering ourselves as master-builders, too proud to amend our original government, should demolish it entirely, and erect a new system of our own, a short time might shew the new system as defective as the old, perhaps more so—Should a convention be found necessary again, if the members thereof acting upon the same principles, instead of amending and correcting its defects, should demolish that entirely, and bring forward a third system, that also might soon be found no better than either of the former, and thus we might always remain young in government, and always suffering the inconveniences of an incorrect, imperfect system.

But, Sir, the favourers of monarchy, and those who wished the total abolition of State governments, well knowing that a government founded on *truly federal principles*, the basis of which were the *Thirteen State governments, preserved in full force and energy*, would be destructive of their views; and knowing they were too weak in numbers, openly to bring forward their system, conscious also that the people of America would reject it if proposed to them, joined their interest with that party, who wished a system, giving *particular States the power and influence over the others*, procuring in return mutual sacrifices from them, in giving the government *great and undefined powers* as to its *legislative and executive*, well knowing that by *departing from a federal system*, they paved the way for their favourite object, the *destruction of the State governments*, and the *introduction of monarchy*—And hence, Mr. Speaker, I apprehend, in a great measure, arose the objections of those honorable members Mr. Mason and Mr. Gerry.⁶ In every thing that tended to give the *large States power* over the *smaller*, the *first* of those gentlemen could not forget he belonged to the *ancient dominion*, nor could the *latter* forget that he represented Old Massachusetts; that part of the system which tended to give those States power over the others, met with their *perfect approbation*; but when they viewed it charged with *such powers* as would *destroy all State governments*, their *own* as well as the *rest*—when they saw a president so constituted as to differ from a monarch, scarcely but in name, and having it in his power to become such in reality when he pleased; they being *republicans* and *federalists* as far as an attachment to their own States would permit them, they warmly and zealously opposed those parts of the system. From these different sentiments, and from this combination of interest, *I apprehend*, Sir, proceeded the fate of what was called the Jersey resolutions, and the report made by the committee of the whole house.

The Jersey propositions being thus rejected, the convention took up those reported by the committee, and proceeded to debate them by paragraphs⁷—It was now that they who disapproved the report found it necessary to make a *warm and decided opposition*, which took place upon the discussion of the seventh resolution, which related to the *inequality* of representation in the *first* branch.—Those who advocated this inequality, urged, that when the articles of confederation were formed, it was *only* from *necessity* and *expediency* that the States were admitted *each* to have an *equal vote*; but that our situation was *now altered*, and therefore those States who considered it contrary to their interest, would *no longer abide* by it. They said no State ought to wish to have influence in government, except in proportion to what it contributes to it; that if it contributes but little, it ought to have but a small vote; that taxation and representation ought always to go together; that if

one State had *sixteen times as many inhabitants* as another, or was *sixteen times as wealthy*, it ought to have *sixteen times as many votes*; that an inhabitant of Pennsylvania ought to have as much weight and consequence as an inhabitant of Jersey or Delaware; that it was contrary to the feelings of the human mind—what the *large States* would *never* submit to; that the *large States* would have *great objects* in view, in which they would never permit the *smaller States* to thwart them; that *equality of suffrage* was the rotten part of the constitution, and that this was a happy time to get clear of it. In fine, that it was the poison which contaminated our whole system, and the source of all the evils we experienced.⁸

This, Sir, is the substance of the arguments, if arguments they can be called, which were used in favour of *inequality of suffrage*.—Those, who advocated the *equality of suffrage*, took the matter up on the original principles of government—They urged that all men considered in a state of nature, before any government formed, are equally free and independent, no one having any right or authority to exercise power over another, and this *without any regard to difference in personal strength, understanding, or wealth*—That when such individuals enter into government, they have *each* a right to an *equal voice* in its first formation, and afterwards have *each* a right to an *equal vote* in every matter which relates to their government—That if it could be done conveniently, they have a right to exercise it in person—Where it cannot be done in person but for convenience, representatives are appointed to act for them, *every person* has a *right* to an *equal vote* in choosing that representative who is entrusted to do for the whole, that which the whole, if they could assemble, might do in person, and in the transacting of which each would have an equal voice—That if we were to admit, because a man was *more wise, more strong, or more wealthy*, he should be entitled to *more votes* than another, it would be *inconsistent with the freedom and liberty of that other*, and would reduce him to *slavery*—Suppose, for instance, ten individuals in a state of nature, about to enter into government, *nine* of whom are *equally wise, equally strong, and equally wealthy*, the *tenth* is *ten times as wise, ten times as strong or ten times as rich*; if for this reason he is to have *ten votes for each vote of either of the others*, the *nine* might as well have *no vote at all*, since though the *whole nine* might assent to a measure, yet the *vote of the tenth* would *countervail, and set aside all their votes*—If this *tenth* approved of what *they* wished to adopt, it would be well, but if he disapproved, he could prevent it, and in the same manner he could carry into execution *any measure he wished contrary to the opinion of all the others, he having ten votes, and the other all together but nine*—It is evident, that on these principles, *the nine* would have *no will nor discretion of their own*, but must be *totally dependent on the will*

and *discretion* of the *tenth*, to *him* they would be as *absolutely slaves* as any *negro* is to his *master*.—If *he* did not attempt to carry into execution any measures injurious to the *other nine*, it could only be said that *they* had a *good master*, they would not be the *less slaves*, because *they* would be *totally dependent* on the *will* of *another*, and not on *their own will*—They might not *feel their chains*, but they would notwithstanding *wear them*, and whenever their *master* pleased he might draw them so tight as to gall them to the bone. Hence it was urged the *inequality of representation*, or giving to one man more votes than another on account of his wealth, &c. was *altogether inconsistent with the principles of liberty*, and in the *same proportion as it should be adopted*, in favour of *one* or *more*, in *that proportion are the others enslaved*—It was urged that though every individual should have an equal voice in the government, yet, even then superiour wealth, strength or understanding, would give great and undue advantages to those who possessed them. That wealth attracts respect and attention; superior strength would cause the weaker and more feeble to be cautious how they offended, and to put up with small injuries rather than to engage in an unequal contest—In like manner superior understanding would give its possessor many opportunities of profiting at the expense of the more ignorant.—Having thus established these principles with respect to the *rights* of *individuals* in a *state of nature*, and what is due to *each* on entering into government, principles established by every writer on liberty, they proceeded to shew that *States*, when *once formed*, are considered *with respect* to *each other* as *individuals* in a state of nature—That, like individuals, each *State* is considered *equally free* and *equally independent*, the *one* having no right to exercise authority over the *other*, though more *strong*, more *wealthy*, or *abounding with more inhabitants*—That when a number of *States* unite themselves under a *federal government*, the *same principles apply* to *them* as when a *number of individual men* unite themselves under a *State government*—That every argument which shews *one man* ought not to have *more votes* than *another*, because he is *wiser*, *stronger* or *wealthier*, proves that *one State* ought not to have *more votes* than *another*, because it is *stronger*, *richer*, or *more populous*—And that by *giving one State*, or *one or two States* more votes than the *others*, the *others* thereby are *enslaved to such State or States*, having the *greater number of votes*, in the *same manner* as in the case before put of *individuals* where *one* has *more votes than the others*—That the reason why each individual man in forming a State government should have an equal vote is, because each individual before he enters into government is *equally free* and *independent*—So *each State*, when *States enter* into a *federal government*, are entitled to an *equal vote*, because before they entered into such federal government, *each State* was *equally free* and

equally independent—That *adequate* representation of *men formed into a State government*, consists in *each man* having an *equal voice* either personally, or if by representatives, that he should have an equal voice in choosing the representative—So adequate representation of *States in a federal government*, consists in *each State* having an *equal voice* either in person or by its representative in every thing which relates to the federal government—That this *adequacy of representation* is *more important* in a *federal*, than in a *State* government, because the members of a State government, the *district* of which is *not very large*, have generally such a *common interest*, that laws can scarcely be made by *one part oppressive* to the *others*, without *their suffering in common*; but the *different States* composing an *extensive federal empire*, widely distant, *one* from the *other*, may have *interests so totally distinct*, that the *one* part might be greatly *benefited* by what would be *destructive* to the *other*.

They were not satisfied by resting it on principles; they also appealed to history—They shewed that in the amphycyonic confederation of the Grecian cities, *each city* however *different in wealth, strength, and other circumstances*, sent the same *number* of deputies, and had *each an equal voice* in every thing that related to the common concerns of Greece. It was shewn that in the seven provinces of the United Netherlands, and the confederated Cantons of Switzerland, *each Canton* and *each province* have an *equal vote*, although there are as great distinctions of wealth, strength, population, and extent of territory among those provinces and *those Cantons*, as among *these States*. It was said, that the maxim that taxation and representation ought to go together, was true so far, that no person ought to be *taxed* who is not *represented*, but not in the extent insisted upon, to wit, that the *quantum* of *taxation* and *representation* ought to be the *same*; on the contrary, (the *quantum* of *representation* depends upon the quantum of *freedom*, and therefore *all*, whether *individual States*, or *individual men*, who are *equally free*, have a right to *equal representation*)⁹—That to those who insist that he who pays the greatest share of taxes, ought to have the greatest number of votes; it is a sufficient answer to say, that *this rule* would be *destructive* of the *liberty* of the *others*, and would render *them slaves* to the *more rich* and *wealthy*—That if one man pays *more taxes* than another, it is because he has *more wealth* to be protected by government, and he receives greater benefits from the government—So if one State pays more to the federal government, it is because as a State, she enjoys greater blessings from it; she has more wealth protected by it, or a greater number of inhabitants, whose rights are secured, and who share its advantages.

(*To be continued.*)

(a) These will be inserted in some future number, with some remarks on them.¹⁰

1. Reprinted: *Pennsylvania Packet*, 12 January; *New York Journal*, 18 January; *Pennsylvania Herald*, 19 January; *Philadelphia Independent Gazetteer*, 21 January; *Boston American Herald*, 11 February; and *State Gazette of South Carolina*, 14, 17, 21 April. Lengthy excerpts appeared in the Antifederalist essay by “A Republican Federalist,” *Philadelphia Freeman’s Journal*, 16 January (Mfm:Pa. 339).

For a general discussion of *Genuine Information*, see Luther Martin: *Genuine Information* I, Baltimore *Maryland Gazette*, 28 December 1787 (above).

2. For these nine resolutions which insisted that the central government had to retain some of the federal character of the Articles of Confederation, see “The New Jersey Amendments to the Articles of Confederation,” 15 June (CDR, 250–53, and Farrand, I, 242–47). Luther Martin never included the New Jersey Amendments presented by William Paterson on 15 June in any number of *Genuine Information*.

But on 12 February 1788, four days after Martin published his last number, the Baltimore *Maryland Gazette* announced that “The propositions, laid before the Convention, by the Hon. Mr. Patterson, of the Jerseys, as mentioned in Mr. Martin’s Information of the 1st of January, with some remarks thereon, will be inserted in our next.” On 15 February the Baltimore *Maryland Gazette* printed, without attribution, sixteen resolutions that Paterson had presented to the Constitutional Convention. This version of Paterson’s resolutions might have been the copy that Martin claimed to possess. These resolutions were reprinted in the *Philadelphia Independent Gazetteer* on 23 February and in the April issue of the *Philadelphia American Museum*. The *Museum* printed them without mention of Martin’s *Genuine Information*.

On 19 February, the Baltimore *Maryland Gazette* printed an article by “A Jerseyan” who criticized the *Gazette*’s publication of the resolutions because it had not first obtained Paterson’s permission to do so. Moreover, “A Jerseyan” also revealed that Paterson had become an advocate of the Constitution (below).

3. New Hampshire’s delegates, John Langdon and Nicholas Gilman, first attended the Constitutional Convention on 23 July, at which time Maryland’s delegates were Luther Martin and Daniel of St. Thomas Jenifer.

4. On 19 June 1787 the Constitutional Convention, in a single vote (7 states to 3, 1 divided), rejected the New Jersey Amendments and adopted the Amended Virginia Resolutions, which created a national government. The Amended Virginia Resolutions, which had been presented to the Convention on 13 June, were a revision of the Virginia Resolutions that Edmund Randolph had presented to the Convention on 29 May. For both sets of resolutions, see CDR, 243–45, 247–50.

5. For a fuller discussion of the charge that a monarchical party existed in the Constitutional Convention, see Appendix IV (RCS:Md., 820–30).

6. Elbridge Gerry of Massachusetts and George Mason of Virginia refused to sign the Constitution on 17 September 1787. For Mason’s objections to the Constitution, see CC:75, 138, 276. For Gerry’s objections, see CC:75, 227.

7. For the Amended Virginia Resolutions, see note 4 (above).

8. On 9 June James Wilson of Pennsylvania stated “that as all authority was derived from the people, equal numbers of people ought to have an equal no. of representatives, and different numbers of people different numbers of representatives. This principle has been improperly violated in the Confederation, owing to the urgent circumstances of the time.” William Paterson, speaking in defense of the New Jersey Amendments, replied to Wilson on 16 June (Farrand, I, 179–80, 250–52, 258–60, 274–76).

9. The text in angle brackets was quoted and commented upon by "An American," Baltimore *Maryland Gazette*, 22 January 1788 (below).

10. See note 2 (above).

A Federalist

Baltimore Maryland Gazette, 1 January 1788¹

Mr. HAYES, A *Kind* Customer has taken much pains to *gather* the Speech Mr. M—— *strewed* before the House of Delegates, when that *indefatigable* speaker gave their honors information, touching the proposed federal government, which is an object of the first importance to every free independent American. Most people think the author and collector the same person; but this must be an aspersion.—There is no more than a *part*, and perhaps only a *small* part of Mr. A——y's *eloquent* oration in your last Friday's Gazette; but we are comforted with a promise, that it is to be continued, and it is the hope and expectation of your federal readers, that the continuation may be *long*, and the conclusion *very distant*. He has made it clear, that a most wicked and dangerous conspiracy has been formed between General WASHINGTON and Doctor FRANKLIN, to subvert the liberties of the United States, which, we thought, they would exert their uncommon ability to defend and preserve: How secrets will be discovered, and by what wonderful unexpected means! There is nothing now more certain, than that these *once* great men were employed, during the late war, in prosecuting the same design! For this, the one led our armies through innumerable and unparalleled difficulties to compleat success—for this, the other successfully negotiated at the Court of France, in our behalf, under the utmost disadvantages—while fate reserved it for the A——y-G——l of *Maryland*, to *detect* and *expose* both. Happy was it for himself, and happy too, thrice happy for *Maryland*, and indeed for all the States except two, that he was in Convention, where his *acute* penetration enabled him to *make* a discovery, which the *immaculate* purity of his conduct will not permit us to *question*. Had they not been *unfortunately* contrasted with Mr. M——, they might have continued the admiration of the present time, and of all future time, till the world shall be no more; but their end is come, their patriotic glory is departed like a dream, blown away by our A——y's breath. He deeply regrets the *cruel* necessity which thus obliges *him* to consign *them* over to *perpetual infamy*—his bowels of compassion are moved—his heart bleeds—and he has been observed of late to take an *unusual* quantity of *mild mixtures* to furnish a proper supply for the *sorrowful* tears, *he* has shed on the *melancholy* occasion—still is he forced to execute the *painful* task. The duty he owes his *dear* country, the *strict* regard he has for *justice* and

truth, exemplified in a *uniform* tenor of action, a desire to *retain* what he has been always known to *enjoy*, the *cordial esteem* of all ranks and conditions, especially the *wise* and *virtuous*, compel him to *unmask*, not only the *venerable* Franklin, but also the *immortal* General, whom he *politely* and *respectfully* calls the *Honorable Mr. Washington*, who has established a reputation, greater than ever was before attained by any man.—In this proceeding we are not to suppose what is supposed, that Mr. M—— should be compared to *your retailers of scandal and detraction*, who, when they *contrive* or *propagate injurious* calumny, affect to be *deplorably* concerned at what has happened, and hope it may not be as *bad* as it appears, yet at the same time try their *utmost* skill to give it *strength* and *wings* to fly. The malevolence of *some* have *neither*, and therefore *it* perisheth the instant of its *birth*.—The substance of the further information requisite, may be learnt from the following Fable.

Some persons walking together, on a fine serene day, saw a *dirty* fellow, busily discharging into the air, the contents of a *stinking* gutter, with his squirt. Upon asking his intention, he said, the beauty and splendor of the sun gave him intolerable pain, whenever he looked up—he was therefore resolved to reduce them. And they said unto him, cease thou fool, thy *senseless* toil, the sun is infinitely beyond *thy* reach, and will shine with undiminished rays, in spite of all *thy impotent* malice.

December 31, 1787.

1. Reprinted: *Pennsylvania Packet*, 12 January. “A Federalist” satirically replies to Luther Martin’s *Genuine Information* I, Baltimore *Maryland Gazette*, 28 December 1787 (above). For additional commentaries by “A Federalist,” see Baltimore *Maryland Gazette*, 11 and 18 January (both below).

Pennsylvania Gazette, 2 January 1788¹

A letter from Baltimore, dated Dec. 27, says,—“Our Assembly were tried, while sitting, for a duty of one penny per lb. on imported nails, similar to your state; but though it passed the Lower House, it unexpectedly was rejected by the Senate, who are warm foederalists, and thought it wrong to meddle in a matter that would so soon be out of THEIR PROVINCE.”²

1. Reprinted: *Pennsylvania Mercury*, 3 January; Philadelphia *American Museum*, January 1788.

2. On 15 December 1787 the Maryland Senate forwarded to the House of Delegates a petition from the inhabitants of Baltimore Town requesting that duties be laid on imported nails. Later in the day the House of Delegates passed by a vote of 29 to 20 a bill to encourage the manufacture of nails. On 16 December the Senate read the bill and ordered it to be laid on the table. (See *Votes and Proceedings of the Senate of the State of*

Maryland. November Session, 1787. . . [Annapolis, 1788] [Evans 21226], 19, 21; and *Votes and Proceedings of the House of Delegates of the State of Maryland. November Session, 1787. . .* [Annapolis, 1788] [Evans 21224], 50, 52, 54.)

Luther Martin: Genuine Information III
Baltimore Maryland Gazette, 4 January 1788¹

Mr. MARTIN'S Information to the House of Assembly, continued.

It was urged, that upon this system, the Pennsylvanian or inhabitant of a large State, was of as much consequence as the inhabitant of Jersey, Delaware, Maryland, or any other State—That *his consequence* was to be decided by *his situation* in his *own State*; that if he was *there* as *free*, if he had as great share in the forming of his own government, and in the making and executing its laws, as the inhabitants of those other States, then was he equally important and of equal consequence—Suppose a confederation of States had never been adopted, but every State had remained absolutely in its independent situation, no person could, with propriety, say that the citizen of the large State was not as important as the citizen of the smaller, the confederation of the States cannot alter the case. It was said that in all transactions *between State and State*, the freedom, independence, importance and consequence, even the individuality of each citizen of the different States, might with propriety be said to be swallowed up, or concentrated in the independence, the freedom and the individuality *of the State* of which they are citizens—That the *Thirteen States* are *thirteen distinct political individual existences* as to each other; that the *federal government* is or *ought to be* a government *over these thirteen political individual existences*, which form the members of that government—and that as the *largest State* is only a *single individual* of this government, it ought to have only *one vote*—the *smallest State* also being *one individual member* of this government, ought also to have *one vote*—To those who urged that the States having equal suffrage, was contrary to the feelings of the human heart, it was answered, that it was admitted to be contrary to the feelings of *pride* and *ambition*; but those were feelings which ought not to be gratified at the expence of *freedom*.

It was urged, that the position that great States would have great objects in view, in which they would not suffer the less States to thwart them, was one of the strongest reasons why inequality of representation ought not to be admitted—If those great objects were not *inconsistent* with the *interest* of the *less States*, they would readily concur in them, but if they were *inconsistent* with the *interest* of a *majority of the States* composing the government, in that case *two* or *three States* ought not to have it in their power to *aggrandize themselves* at the *expence of all the*

rest—To those who alledged that equality of suffrage in our federal government, was the poisonous source from which all our misfortunes flowed, it was answered, that the allegation was not founded in fact—That *equality of suffrage* had *never been complained of by the States* as a defect in our federal system—That among the eminent writers, foreigners and others, who had treated of the defects of our confederation, and proposed alterations, *none had proposed an alteration in this part of the system*: And members of the convention both in and out of Congress, who advocated the equality of suffrage, called upon their opponents both in and out of Congress, and challenged them to produce *one single instance* where a *bad measure* had been adopted, or a *good measure* had failed of adoption in consequence of the States having an *equal vote*; on the contrary, they urged, that all our evils flowed from the *want of power* in the federal head, and that let the *right of suffrage* in the States be *altered in any manner* whatever, if no *greater powers* were given to the government, the *same inconveniences would continue*.

It was denied that the *equality of suffrage* was *originally* agreed to on principles of *necessity* or *expediency*, on the contrary, that it was adopted on the principles of the *rights of men* and the *rights of States* which were *then* well known, and which *then* influenced our conduct although *now* they seem to be *forgotten*—For this the journals of Congress were appealed to; it was from them shewn, that when the committee of Congress reported to that body the articles of confederation, the very first article which became the subject of discussion, was that respecting the equality of suffrage—That Virginia proposed divers modes of suffrage, all on the principle of inequality, which were *almost unanimously* rejected²—That on the question for adopting the article, it passed, Virginia being the *only* State which voted in the *negative*—That after the articles of confederation were submitted to the States by them to be ratified, almost every State proposed certain amendments, which they instructed their delegates to endeavour to obtain before ratification,³ and that among all the amendments proposed, *not one State*, not even Virginia, proposed an amendment of that *article*, *securing the equality of suffrage*—the most convincing proof it was agreed to and adopted, *not from necessity*, but *upon a full conviction*, that according to the *principles of free governments*, the States had a *right to that equality of suffrage*.

But, Sir, it was to no purpose that the futility of their objections were shewn—when driven from the *pretence* that the *equality of suffrage* had been originally agreed to on principles of *expediency* and *necessity*, the representatives of the *large States* persisted in a declaration, that they would never agree to admit the *smaller States* to an *equality* of suffrage—In answer to this, they were informed, and informed in terms the *most*

strong and energetic that could possibly be used, that we never would agree to a system giving them the undue influence and superiority they proposed—That we would risque every possible consequence—That from anarchy and confusion order might arise—That slavery was the worst that could ensue, and we considered the system proposed to be the most complete, most abject system of slavery that the wit of man ever devised, under the pretence of forming a government for free States—That we never would submit tamely and servilely to a present certain evil in dread of a future, which might be imaginary—That we were sensible the eyes of our country and of the world were upon us—That we would not labour under the imputation of being unwilling to form a strong and energetic federal government; but we would publish the system which we approved, and also that which we opposed, and leave it to our country and the world at large to judge between us, who best understood the rights of free men and free States, and who best advocated them—and to the same tribunal we would submit who ought to be answerable for all the consequences which might arise to the union from the convention breaking up without proposing any system to their constituents.—During this debate we were threatened, that if we did not agree to the system proposed, we never should have an opportunity of meeting in convention to deliberate on another, and this was frequently urged—In answer, we called upon them to shew what was to prevent it, and from what quarter was our danger to proceed—was it from a foreign enemy? Our distance from Europe, and the political situation of that country, left us but little to fear—Was there any ambitious State or States, who in violation of every sacred obligation was preparing to inslave the other States, and raise itself to consequence on the ruin of the others? Or was there any such ambitious individual? We did not apprehend it to be the case—But suppose it to be true, it rendered it the more necessary that we should sacredly guard against a system which might enable all those ambitious views to be carried into effect, even under the sanction of the constitution and government—in fine, Sir, all these threats were treated with contempt, and they were told that we apprehended but one reason to prevent the States meeting again in convention—that when they discovered the part this convention had acted, and how much its members were abusing the trust reposed in them, the States would never trust another convention.—At length, Sir, after every argument had been exhausted by the advocates of equality of representation, the question was called, when a majority decided in favour of the inequality—Massachusetts, Pennsylvania, Virginia, North-Carolina, South-Carolina and Georgia voting for it—Connecticut, New-York, Jersey, Delaware against it—Maryland divided.⁴—It may be thought surprising, Sir, that Georgia, a State now small and comparatively trifling in

the union, should advocate this system of *unequal representation*, giving up her *present* equality in the federal government, and sinking herself almost to total insignificance in the scale; but, Sir, it must be considered that Georgia has the *most extensive* territory in the union, being *larger* than the *whole island of Great-Britain*, and *thirty* times as large as *Connecticut*. This system being designed to *preserve to the States their whole territory unbroken*, and to prevent the erection of new States within the territory of any of them—Georgia looked forward *when her population*, being increased in some measure *proportioned* to her *territory*, she should *rise* in the scale and *give law* to the *other* States, and hence we found the delegation of Georgia warmly advocating the proposition of giving the States unequal representation. Next day the question came on with respect to the *inequality* of representation in the *second* branch, but little debate took place; the subject had been exhausted on the former question. On the votes being taken, Massachusetts, Pennsylvania, Virginia, North-Carolina and South-Carolina voted for the inequality. Connecticut, New-York, Jersey, Delaware and Maryland^(a) were in the negative. Georgia had only *two* representatives on the floor, *one* of whom (not I believe because he was against the measure, but from a conviction that we would go home, and thereby dissolve the convention before we would give up the question) voted also in the negative, by which that State was divided.⁵ Thus, Sir, on this *great* and *important* part of the system, the convention being equally divided, five States for the measure, five against, and one divided, there was a total stand, and we did not seem very likely to proceed any further. At length it was proposed, that a select committee should be ballotted for, composed of a member from each State, which committee should endeavour to devise some mode of *conciliation* or *compromise*; I had the honor to be on that committee; we met and discussed the subject of difference; the *one side* insisted on the *inequality* of suffrage in *both branches*, the *other* insisted on the *equality* in both; each party was tenacious of their sentiments, when it was found that nothing could induce us to yield the inequality in both branches; they at length proposed by way of compromise, if *we* would *accede* to their wishes as to the *first* branch, *they* would *agree* to the equal representation in the *second* branch. To this it was answered, that there was no merit in the proposal; it was only consenting, after they had struggled, to put *both their feet on our necks*, to take *one of them off*, provided we would consent to let them *keep the other on*, when they knew at the same time, that they could not put *one foot on our necks*, unless *we would consent to it*, and that by being permitted to keep on that one foot, they should *afterwards be able to place the other foot on whenever they pleased*.

They were also called on to inform us what *security* they could give us should we agree to this compromise, that they would *abide* by the plan of government formed upon it, *any longer* than it *suit*ed their interest, or they found it *expedient*.—"The States have a *right* to an equality of representation. This *is secured* to us by our *present* articles of confederation, *we* are in *possession* of this privilege—*It is now* to be *torn from us*.—What security can you give us, that, when you get the *power* the *proposed system* will give you, when you have *men* and *money*, that you will not *force from* the States that *equality* of suffrage in the *second branch*, which you *now deny* to be their right, and *only give up* from *absolute necessity*? Will you tell us we ought to trust you because you *now enter into a solemn compact with us*? This you have done *before*, and *now* treat it with the *utmost contempt*.—Will you *now* make an appeal to the Supreme Being, and call on him to guarantee your observance of the compact? The *same* you have *formerly done* for your observance of the articles of confederation, which you are *now violating* in the most *wanton* manner!

[“]The same reasons which you *now* urge for destroying our *present* federal government, may be urged for *abolishing the system* which you now propose to adopt; and as the *method prescribed* by the *articles* of confederation is *now totally disregarded* by you, as *little regard* may be shewn by you to the *rules prescribed* for the amendment of the *new system*,⁶ whenever having obtained power by the government, you shall *hereafter* be pleased either to *discard it entirely*, or so to *alter it* as to give *yourselves* all that *superiority* which *you* have *now contended* for, and to *obtain which* you have shewn yourselves disposed to *hazard* the union.”—Such, Sir, was the language used on that occasion, and they were told that as we could not *possibly* have a *greater tie* on them for their observance of the new system than we had for their observance of the articles of confederation, which had proved *totally insufficient*, it would be *wrong* and *imprudent* to *confide in them*.—It was further observed, that the inequality of the representation would be *daily increasing*—That many of the States whose territory was confined and whose population was at this time large in proportion to their territory would probably twenty, thirty, or forty years hence, have no more representatives than at the introduction of the government, whereas the States having extensive territory, where lands are to be procured cheap, would be daily increasing in the number of their inhabitants not only from propagation but from the *emigration* of the inhabitants of the *other States*, and would have soon double, or perhaps treble the number of representatives that they are to have at first, and thereby enormously *encrease* their *influence* in the national councils. However, the *majority* of the select committee at length agreed to a series of propositions by way of compromise, part

of which related to the representation in the first branch nearly as the system is now published: And part of them to the second branch securing in that equal representation, and reported them as a compromise upon the *express terms* that they were *wholly* to be *adopted* or *wholly* to be *rejected*; upon this compromise, a great number of the members so far engaged themselves, that if the system was progressed upon agreeable to the terms of the compromise, they would lend it their names, by signing it, and would not actively oppose it, if their States should appear inclined to adopt it—Some, however, in which number was myself, who joined in the report and agreed to proceed upon those principles and see *what kind of a system* would *ultimately* be formed upon it, yet reserved to themselves in the most *explicit manner* the right of *finally* giving a *solemn dissent* to the system, if it was thought by them *inconsistent* with the *freedom* and *happiness* of their country—This, Sir, will account why the members of the convention so *generally* signed their names to the system; not because they thought it a *proper one*—not because they *thoroughly approved*, or were *unanimous* for it; but because they thought it *better* than the system attempted to be forced upon them—This, report of the select committee was after long dissension adopted by a majority of the convention, and the system was proceeded in accordingly—I believe near a fortnight, perhaps more, was spent in the discussion of this business,⁷ during which, we were on the verge of dissolution, scarce held together by the strength of an hair, though the public papers were announcing our extreme unanimity.⁸

Mr. Speaker, I think it my duty to observe, that during this *struggle* to prevent the *large States* from having *all power* in their hands, which had nearly terminated in a dissolution of the convention, it did not appear to me that either of those illustrious characters the Honorable Mr. *Washington*, or the President of the State of Pennsylvania,⁹ were disposed to favour the claims of the *smaller States* against the *undue superiority* attempted by the *large States*; on the contrary, the Honourable President of Pennsylvania was a *member* of the *committee of compromise*, and there *advocated* the *right* of the *large States* to an *inequality* in *both branches* and only *ultimately conceded* it in the *second branch* on the *principle of conciliation*, when it was found that no other terms would be accepted—This, Sir, I think it my duty to mention, for the *consideration of those* who endeavour to *prop up* a *dangerous* and *defective* system by *great names*; soon after this period, the Honorable Mr. *Yates* and Mr. *Lansing* of New-York left us—They had uniformly opposed the system, and I *believe*, despairing of getting a *proper one* brought forward, or of *rendering any real service*, they returned no more¹⁰—The *propositions* reported by the committee of the *whole house*, having been fully discussed by the

convention, and with many alterations having been agreed to by a *majority*, a committee of five, were appointed to *detail* the system according to the principles contained in what had been agreed to by that majority—This was likely to require some time, and the convention adjourned for eight or ten days.¹¹—Before the adjournment, I moved for liberty to be given to the different members to take *correct copies* of the *propositions*, to which the convention had then agreed, in order that during the recess of the convention, we might have an opportunity of *considering* them, and if it should be thought that any *alterations* or *amendments* were *necessary*, that we might be *prepared* against the convention met to bring them forward for discussion. But, Sir, the *same spirit* which caused *our doors to be shut*—our *proceedings to be kept secret*—our *journals to be locked up*—and *every avenue, as far as possible, to be shut to public information*, prevailed also in this case, and the proposal so *reasonable* and *necessary* was *rejected* by a *majority* of the convention, thereby *precluding even the members themselves, from the necessary means of information and deliberation on the important business in which they were engaged*.¹²

(To be continued.)

(a) On *this question*, Mr. Martin was the *only* delegate for Maryland *present*, which circumstance *secured* the State a *negative*. Immediately after the question had been taken, and the president had declared the votes, Mr. Jenifer came into the Convention, when Mr. King, from Massachusetts, valuing himself on Mr. Jenifer to divide the State of Maryland on this question, as he had on the former, requested of the president that the question might be put again—however the motion was *too extraordinary* in its nature to meet with success!

1. Reprinted: *Pennsylvania Packet*, 14 January; *Philadelphia Independent Gazetteer*, 22 January; *Pennsylvania Herald*, 23 January; *New York Journal*, 18, 19, 20 February; and *State Gazette of South Carolina*, 21, 24, 28 April. For a general discussion of *Genuine Information*, see *Genuine Information I*, *Baltimore Maryland Gazette*, 28 December 1787 (above).

2. Martin refers to the debates in the Second Continental Congress over representation in that body. In July 1776 John Dickinson's draft of the Articles of Confederation (agreed to by a committee) provided that each state have one vote in determining questions in Congress (CDR, 82, Article XVII). This amendment had been a practice followed since the First Continental Congress. The large states preferred that voting be by the number of inhabitants. The small states won the debate and Dickinson's amendment was embodied in Article V of the Articles of Confederation, which were finally adopted in November 1777 (CDR, 87). (For a discussion of the debate on representation in the Second Continental Congress, see Merrill Jensen, *The Articles of Confederation . . .* [Madison, Wis., 1940], 140–45.)

3. For the amendments to the Articles of Confederation proposed by the states before they were finally ratified in March 1781, see CDR, 96–137n.

4. The vote was taken on 29 June 1787 (Farrand, I, 468). Disagreement between Maryland's delegates at the time, Daniel of St. Thomas Jenifer and Luther Martin, led to a divided outcome.

5. The Georgia delegate who voted “no” was William Houstoun. The vote was taken on 2 July (Farrand, I, 510).

6. The Articles of Confederation required that all states approve any amendments (CDR, 93). The new Constitution provided that amendments be proposed by either two-thirds of both houses of Congress or by a convention called by two-thirds of the state legislatures. Ratifying the proposed amendments would require three-fourths of the state legislatures (Appendix III, RCS:Md., 816).

7. The committee of compromise, consisting of one delegate from each of the eleven states represented in the Convention, was appointed on 2 July and it reported three days later. The compromise was adopted on 16 July (Farrand, I, 509, 524–25; II, 13–14, 15). The House of Representatives was to have 65 members. Maryland was to be represented by 6 members. Only Massachusetts, Pennsylvania, and Virginia had more. New York also had 6. Maryland had voted “ay.”

8. See Philadelphia *Independent Gazetteer*, 16 June, and *Pennsylvania Gazette*, 18 July (CC:30 E–F). The *Gazetteer* item was reprinted twenty-seven times, twice in Maryland: *Maryland Journal*, 22 June, and *Maryland Chronicle*, 4 July. The *Gazette* piece was reprinted twenty-four times, once in Maryland (*Maryland Chronicle*, 1 August).

9. Benjamin Franklin was president of the Pennsylvania Supreme Executive Council from October 1785 to October 1788.

10. Robert Yates and John Lansing, Jr., left the Constitutional Convention on 10 July, never to return. In Martin's 29 November 1787 report on the Convention to the Maryland House of Delegates (RCS:Md., 90), his reference to the departure of Yates and Lansing precipitated an interruption by fellow Convention delegate Daniel of St. Thomas Jenifer, who charged that Martin was not being candid. Martin declared that Yates and Lansing had left the Convention in disgust and that they had no intention of returning. Jenifer informed the House of Delegates that Martin “had told him repeatedly” that the two men would return. According to Jenifer, Martin never contradicted Jenifer's assertion. (For a description of the episode, see an extract from an Annapolis letter of 3 February 1788 in the *Pennsylvania Packet*, 14 February [below].)

On 22 January the *Maryland Journal* reprinted, from the New York *Daily Advertiser* of 14 January, Yates and Lansing's letter to New York Governor George Clinton giving their reasons for opposing the Constitution and for leaving the Constitutional Convention (CC:447). Martin used their letter to prove the accuracy of his statement. (See Martin to the Speaker of the House of Delegates, Thomas Cockey Deye, 27 January, Baltimore *Maryland Gazette*, 29 January [below].)

11. On 24 and 26 July 1787 the committee of the whole of the Constitutional Convention submitted to the Committee of Detail (appointed on 24 July) the revised Virginia resolutions. The Convention adjourned on 26 July. The Committee of Detail, which went beyond the revised Virginia resolutions, presented the first draft of the Constitution to the Convention on 6 August, the day the Convention reconvened. (See CDR, 255–69.)

12. On 25 July a motion that the delegates might “take copies of the resolutions which have been agreed to” by the Convention, was defeated six states to five. Maryland, represented by four delegates (McHenry was absent), voted against the motion (Farrand, II, 107, 108, 115).

A Marylander

Baltimore Maryland Gazette, 4 January 1788¹

Mr. HAYES, I have just seen the reasons of the minority of the Pennsylvania convention for dissenting to the federal constitution,² the *preface* to which is inflammatory to the last degree, as might naturally be expected in a State, divided into two great parties,³ regularly and invariably opposed to each other—an attempt is made to inflame the *country people* against the *city* of Philadelphia, the inhabitants of which and the majority of the convention are termed aristocratic and *tools of despotism*, for presuming to differ from them in sentiment upon an important public question; but it has been *their* practice, for a number of years past, to ascribe to their opponents high aristocratic prejudices for desiring to amend their defective constitution, by leaving the appointment of justices of the peace and militia officers to the executive, instead of chusing them by a popular election, and representing them as wishing to introduce an “HOUSE OF LORDS,” because they wanted a senate, constituted like ours, to give stability to their laws, and check the ebullitions of popular caprice.

The conduct of the majority in the convention, in refusing permission to the minority to enter their protest, and to have the question separately put on each article, was injudicious, reprehensible, imperious, contrary to parliamentary usage, and can only be excused by a recollection of the conduct of their opponents in the council of censors, three or four years ago, who peremptorily refused their assent to a convention to reconsider their constitution, amend it, if defective, and if not, confirm it⁴—they *then* would not hear of appealing to the people, though they *now* seem fond of it.

I remember hearing Mr. *Chambers*⁵ observe in debate, at that time, that the constitution of Pennsylvania could not in fact, on republican principles, be considered equally sacred with that of Maryland, where more than two-thirds of the people voted for delegates to form the government, because no political test was exacted from the electors,⁶ whereas not one-tenth of the inhabitants of Pennsylvania voted for theirs, the non-associators being expressly precluded, and a number of the whigs having marched into the Jerseys, as militia-men.—He therefore proposed a convention, to be elected by all the freemen without distinction, now that peace was restored, to amend a government framed in the time of war, and lamented, that the non-jurors were not permitted to vote for the council of censors, because as freemen they were entitled to a share of representation in pointing out the defects

of the constitution, under which they lived, although in times of exigency and danger (and *only then*) policy required their exclusion from a share in legislation; in short he pathetically pointed out the advantages resulting from the abolition of party, and reforming their government by a convention, chosen by a clear majority of the people, but his opponents, several of whom are among the minority in the late convention, would not agree to a revision of their darling constitution, and though they now complain, that only about 13,000 out of 70,000 freemen voted for the members of convention, yet when it was remarked, that the convention for forming their government was chose by less than 10,000, they strenuously insisted, others might have voted, if they pleased, but as they rather preferred passively acquiescing in what a few should do, their neglect of duty could not reasonably operate as an objection against the constitution.

This shews, that *mere party men* blush not at using one argument several years ago, and now entirely shifting their ground, and it is really laughable for *them* to lament the powers, contained in the federal constitution, of forcing into the militia persons conscientiously scrupulous of bearing arms, when it is remembered, that a leading member of the minority publicly, in the council of censors, declared himself against restoring the non-jurors to the rights of citizenship, or even their posterity, unless on adducing unequivocal proofs of whiggism—The same party continually harrassed the Quakers, Menonists, Dunkards, and Methodists, with exorbitant militia fines, which were rigorously collected, and at one time pretended to reinstate them in the rights of citizenship, but clogged their boon with exacting an oath, that they had not “directly or indirectly aided or abetted the King of Great-Britain, his fleets or armies,” which no conscientious man could take, who had been reluctantly compelled, at the point of the bayonet, to furnish General Howe’s army with provisions, or serve him as guides; they broke up the assembly in the fall of 1784, solely to prevent the non-jurors from being permitted to vote at elections, and the measure was not carried until their opponents had obtained a majority in the assembly, therefore the non-jurors will not be apt to coalesce with them on account of their *new-born* zeal for relieving them from the hardships of militia duty.

I have been thus minute in the statement of facts, more properly belonging to the meridian of Pennsylvania, merely to shew the propriety and policy of deputing to a convention *disinterested persons*, capable of dispassionately judging for themselves and determining, whether the new constitution would promote or obstruct the happiness of the United States, and not men, hackneyed in party intrigues, or interested

in retaining their incomes, or local consequence by the rejection, or appreciating the public securities in their hands by the adoption of the federal government.

Many of the arguments, offered by the minority, are forcible, some of them specious, and addressed to the passions rather than the reasoning faculties of the people at large, and others unanswerable, and must make an impression on impartial persons, but will make very little in Pennsylvania, because not offered by disinterested persons but those who have hitherto shewn an extravagant desire to retain the power and consequence, of their party, and uniformly objected, for ten or twelve years, to take the sense of the people about amending the glaring defects of their constitution; they have endeavoured to keep the non-jurors in a state of vassalage, thereby shewing themselves inimical to the principles of equal liberty, and made no scruple of infringing charters, solemnly and particularly guaranteed by the constitution itself—*Every assemblyman, who served in convention, was in the minority.*

As the people of Maryland do not chuse their convention until April next, they have an opportunity of selecting men, who have made government the study of their leisure hours, and will carefully and impartially peruse the explanations of the different parts of the federal constitution, which will probably appear in the papers throughout the continent on this momentous occasion, as well as the histories of ancient and modern nations, so as to form some opinion of the causes of their prosperity and decline; every delegate should conscientiously vote his own sentiments, not blindly those of a party, or any other person, and no one should be elected, who has ever *officially* given an opinion, either for or against the new constitution, but above all it would be as improper to send *any assemblyman, who had an hand in calling the convention, as to put a sheriff on a jury, who summoned it, or a grand jury-man, who has presented and found a bill, on a petty jury to try the fact.*

Baltimore, December 28, 1787.

1. On 21 December 1787 the Baltimore *Maryland Gazette* announced that “The piece signed a MARYLANDER is received, and will appear in due time.” “A Marylander” was a pseudonym sometimes used by Otho Holland Williams. See also “A Marylander,” *Baltimore Maryland Gazette*, 4 December (above) and 12 February (below).

2. The “Dissent of the Minority of the Pennsylvania Convention,” signed by twenty-one of the twenty-three delegates in the Pennsylvania Convention who voted against ratifying the Constitution, was printed in the *Pennsylvania Packet* and as a three-page broadside by Eleazar Oswald of the Philadelphia *Independent Gazetteer* on 18 December 1787. It was reprinted in thirteen newspapers, one magazine, one broadside, and three pamphlets. Not one of these publications was by a Maryland printer, although substantial criticisms to the “Dissent” appeared in the Baltimore *Maryland Gazette*, the first by “A Marylander”

on 4 January and secondly by “Valerius” on 25, 29 January and 1 February. Copies of the “Dissent” were readily available to Marylanders as a broadside by Oswald, in the monthly Philadelphia *American Museum*, and in three Philadelphia newspapers, one of which was a German-language publication.

The “Dissent”—written by non-delegate Samuel Bryan, author of the widely circulated “Centinel” essays—summarized the arguments against the Constitution used in the state ratifying convention and in the public debate. It attacked the secrecy of the Constitutional Convention and questioned its authority to write a new constitution. The minority denounced the force used to secure a quorum of the Pennsylvania Assembly, which permitted it to call the state ratifying Convention, and the high-handed procedures utilized by that Convention’s majority. Most importantly, the “Dissent,” a formal statement of the Convention’s minority, included Robert Whitehill’s amendments to the Constitution, which were not placed on the Convention’s journal. These amendments undoubtedly influenced Antifederalists in some of the other states. For a full discussion of the “Dissent,” see CC:353.

3. The two parties were the Constitutionals, or radicals, who supported the democratic state constitution of 1776 that created a one-house legislature, and the Republicans, or conservatives, who wanted a new constitution that provided for a bicameral legislature. The Constitutionals had their greatest strength among the country people, while the Republicans were strongest in Philadelphia and its environs.

4. The Pennsylvania constitution of 1776 provided for a Council of Censors to be called every seven years, and, if it thought it necessary, it could propose amendments to the constitution and could call a convention to consider those amendments. In 1783 and 1784 the Council of Censors, elected by the people, met in two sessions. In the first session, Republicans were in the majority, while in the second session, the Constitutionals were in the majority. The Council proposed amendments but the Constitutionals prevented a convention from being called. The Pennsylvania constitution of 1776 was never amended, but Pennsylvania adopted a new constitution for the state in 1790.

5. Stephen Chambers, a native of northern Ireland and a Lancaster lawyer, represented Lancaster County in the Council of Censors (1783–84) and the Pennsylvania Convention, where he voted to ratify the Constitution in December 1787. He was defeated for election to the U.S. House of Representatives in 1788.

6. For the election of delegates to the Maryland constitutional convention of 1776, see “Introduction” (RCS:Md., xxxii–xxxiii).

John Bisset to Benjamin Rush **Georgetown, 7 January 1788 (excerpt)¹**

. . . There is the highest probability of the New constitution’s meeting with the approbation of this State. As the day of election is at some distance, we hear little about it at present, except the grumblings of some worthless & interested men, whose very opposition will incline many to befriend it. . . .

1. RC, Rush Papers, Library Company of Philadelphia. On the address page: “Hon[ore]d by Mr. Rumsey.” Bisset (c. 1762–c. 1810), a native of Scotland, a 1779 graduate of the University of Aberdeen, and an Anglican clergyman, was ordained by Bishop Samuel Seabury in 1786. In 1789 he was rector of Shrewsbury parish, Kent County, Md. He was assistant rector of Trinity Church, New York City, 1792–1800, and professor of rhetoric and belles-lettres at Columbia University, 1795–99. Rush (1745–1813), a Philadelphia

physician and signer of the Declaration of Independence, wrote extensively on medical subjects, social reforms, and state and national politics. He wrote many newspaper articles both during and after the ratification debate in Pennsylvania. In December 1787 Rush voted to ratify the Constitution in the Pennsylvania Convention.

Andrew Ellicott to John Nicholson
Baltimore, 7 January 1788¹

I arrived at Home the Sunday morning after I left Philadelphia and found my Family in good health—I yet continue in the mind of moving into your City, and am now beginning to make the necessary preparations—Money is scarce in this Place beyond any thing I have ever experienced before, and the Idea of collecting begins to be esteemed as absurd as that of the perpetual-motion or Longitude—this state of our affairs will account for my drawing on you both sooner, and more frequently than I expected when I left Philadelphia—Our Politics continue the same as when I was with you—The great and Rich are generally in favour of the Federal-Government; but many in the middle rank of life, who are the more Industrious part of the Community, are opposed to it.—do not fail to give my compliments to Mrs. Nicholson and believe me to be Your Real Friend and Hbe. Servt.

1. RC, Nicholson Papers, Pennsylvania State Archives. Ellicott (1754–1820), a surveyor and mathematician, was a native of Pennsylvania whose family moved to Maryland, where his father and uncles founded a milling business in 1772 in Baltimore County. During the Revolutionary War, Ellicott served in the Maryland militia, rising to the rank of major. From 1786 to 1791 he published a series of almanacs, and he took on important surveying assignments. In 1789 Ellicott returned to Pennsylvania, where for the remainder of his life he took on important surveying jobs. Nicholson (1757–1800), a native of Wales and a sergeant in the Pennsylvania militia during the Revolutionary War, was a clerk in the Continental Board of Treasury, 1778–81. From 1781 to 1794, he held several important Pennsylvania financial offices. In 1787 Nicholson published a pamphlet opposing the Constitution (CC:172 and Mfm:Pa. 141). After Pennsylvania ratified the Constitution in December 1787, Nicholson organized a petition campaign to overturn Pennsylvania's ratification of the Constitution. He died in debtors' prison.

Luther Martin: Genuine Information IV
Baltimore Maryland Gazette, 8 January 1788¹

Mr. MARTIN'S Information to the House of Assembly, continued.

It has been observed, Mr. Speaker, by my honorable colleagues, that the debate respecting the mode of representation, was productive of considerable warmth; this observation is true; but, Sir, it is equally true, that if we could have *tame*ly and *servile*ly consented to be *bound in chains*, and *meanly condescended* to assist in *rivetting them fast*, we might have avoided all that warmth, and have proceeded with as much calmness

and coolness as any stoick could have wished.—Having thus, Sir, given the honorable members of this house, a short history of some interesting parts of our proceedings, I shall beg leave to take up the *system published* by the convention, and shall request your indulgence, while I make some observations on different parts of it, and give you such further information as may be in my power. (Here Mr. Martin read the *first section of the first article*, and then proceeded.) With respect to this part of the system, Mr. Speaker, there was a diversity of sentiment; those who were for *two* branches in the legislature, a house of representatives and a senate, urged the necessity of a *second* branch to serve as a *check* upon the *first*, and used all those trite and common place arguments which are proper and just, when applied to the formation of a *State government* over *individuals* variously distinguished in their habits and manners, fortune and rank; where a body chosen in a select manner, respectable for their wealth and dignity, may be necessary, frequently to prevent the hasty and rash measures of a representation more popular; but on the other side it was urged, that none of these arguments could with propriety be *applied* to the formation of a *federal government* over a number of *independent States*—That it is the *State governments* which are to watch over and protect the *rights* of the *individual*, whether *rich* or *poor*, or of *moderate circumstances*, and in which the *democratic* and *aristocratic* influence or principles are to be so *blended*, *modified*, and *checked* as to prevent *oppression* and *injury*—That the *federal government* is to guard and protect the *States* and *their rights*, and to regulate *their common concerns*—That a *federal government* is formed by the *States*, as *States* that is in their *sovereign* capacities, in the same manner as *treaties* and *alliances* are formed—That *sovereignties* considered as such, cannot be said to have jarring interests or principles, the one aristocratic, and the other democratic; but that the principles of a *sovereignty* considered as a sovereignty, are the *same*, whether that sovereignty is monarchical, aristocratical, democratical, or mixed—That the *history of mankind* doth not furnish *an instance* from its *earliest* period to the *present* time, of a *federal government* constituted of *two distinct branches*—That the *members* of the *federal government*, if appointed by the *States* in their *State capacities*, that is by their *legislatures*, as they *ought*, would be *select in their choice*, and coming from *different States*, having different *interests* and *views*; this *difference* of interests and views, would always be a *sufficient check* over the *whole*; and it was shewn, that even Adams, who, the reviewers have justly observed, appears to be as fond of *checks* and *balances* as Lord Chesterfield of the *graces*, even *he* declares that a council consisting of *one* branch has always been found *sufficient* in a *federal government*.²

It was urged, that the government we were forming was not in reality a *federal* but a *national* government, not founded on the principles of the *preservation*, but the *abolition* or *consolidation* of all *State governments*—That we appeared *totally to have forgot* the business for which we were sent, and the situation of the country for which we were preparing our system—That we had not been sent to form a government over the *inhabitants* of America, considered as *individuals*, that as individuals they were all subject to their respective State governments, which governments would still remain, though the federal government was dissolved—That the *system of government* we were *entrusted* to prepare, was a government over *these thirteen States*; but that in our proceedings, we adopted principles which would be right and proper, *only* on the supposition that there were *no State governments at all*, but that *all the inhabitants* of this *extensive continent* were in their *individual capacity*, *without government* and in a *state of nature*—That accordingly the system proposes the legislature to consist of *two branches*, the *one* to be drawn from the *people at large*, immediately in their *individual capacity*—the *other* to be chose in a *more select manner*, as a *check* upon the *first*—It is in its very *introduction* declared to be a compact between the *people* of the United States *as individuals*—and it is to be *ratified* by the *people* at large in their *capacity as individuals*; all which it was said, would be quite right and proper, if there were *no State governments*, if *all the people* of this continent were in a *state of nature*, and we were forming one *national government for them as individuals*, and is nearly the same as was done in most of the *States*, when they formed their governments *over the people* who compose them.

Whereas it was urged, that the principles on which a *federal* government over *States* ought to be *constructed* and *ratified* are the *reverse*—that instead of the legislature consisting of *two branches*, *one* branch was sufficient, whether examined by the *dictates* of *reason* or the *experience* of *ages*—That the representation instead of being drawn from the *people* at large, as *individuals*, ought to be drawn from the *States* as *States* in their *sovereign capacity*—That in a *federal* government, the *parties* to the compact are not the *people as individuals*, but the *States as States*, and that it is by the *States as States* in their *sovereign capacity*, that the system of government ought to be *ratified*, and not by the *people as individuals*.

It was further said, that in a *federal* government over *States* *equally* free, sovereign and independent, *every State* ought to have an equal share in *making the federal laws or regulations*—in *deciding* upon them, and in *carrying them into execution*, *neither* of which was the case in *this* system, but the *reverse*, the *States* not having an *equal voice* in the *legislature*, nor in the *appointment* of the *executive*, the *judges*, and the *other*

officers of government—It was insisted, that in the *whole* system there was but *one federal* feature—the appointment of the senators by the States in their sovereign capacity, that is by their legislatures, and the equality of suffrage in that branch; but it was said that *this feature* was only *federal* in *appearance*.

To prove *this*, and that the Senate *as constituted* could not be a *security* for the *protection* and *preservation* of the *State governments*, and that the *senators* could not be justly considered the *representatives* of the *States as States*, it was observed, that upon *just principles* of *representation*, the *representative* ought to *speak* the sentiments of his *constituents*, and ought to *vote* in the *same manner* that his *constituents* would do (as far as he can judge) provided his constituents were acting in *person*, and had the same knowledge and information with himself; and therefore that the *representative* ought to be *dependant* on his *constituents*, and *answerable* to them—that the connection between the *representative* and the *represented*, ought to be as *near* and as *close* as *possible*; according to these principles, Mr. Speaker, in this State it is provided by *its constitution*, that the representatives in Congress, shall be chosen *annually*, shall be *paid* by the *State*, and shall be subject to *recall* even within the year;³ so *cautiously* has our *constitution* guarded against an *abuse* of the trust reposed in our representatives in the federal government; whereas by the *third* and *sixth* sections of the *first* article of this new system, the senators are to be chosen for *six* years instead of being chosen *annually*; instead of being paid by *their States* who send them, *they* in conjunction with the other branch, are to *pay themselves* out of the treasury of the United States; and are not liable to be *recalled* during the period for which they are chosen—Thus, Sir, for *six* years the *senators* are rendered totally and absolutely *independent* of *their States*, of *whom* they ought to be the *representatives*, without *any bond* or *tie* between them—During *that time* they may join in measures *ruinous* and *destructive* to *their States*, even such as should *totally annihilate* their *State governments*, and their States *cannot recall* them, *nor exercise any controul* over them. Another consideration, Mr. Speaker, it was thought ought to have *great weight* to prove that the *smaller States* cannot *depend* on the *senate* for the *preservation* of *their rights*, either against *large* and *ambitious States*, or against an *ambitious, aspiring President*.—The senate, Sir, is so constituted, that they are not only to compose one branch of the legislature, but by the second section of the second article, (they are to *compose a privy council* for the *President*; hence it will be necessary, that they should be, in a great measure, a *permanent* body, *constantly residing* at the seat of government.)⁴ *Seven[ty]* years is estimated for the life of a man; it can hardly be supposed, that a senator, especially from the States remote from the

seat of empire, will accept of an appointment which must *estrangle* him for *six years from his State*, without giving up to a great degree his prospects in his *own State*. If he has a family, he will take his family with him to the place where the government shall be fixed, *that* will become his *home*, and there is every reason to expect that his *future* views and prospects will *centre* in the *favours* and *emoluments* either of the *general government*, or of the government of *that State* where the seat of empire is established:—In *either* case, he is *lost* to his *own State*. If he places his future prospects in the favours and emoluments of the *general government*, he will become the *dependant* and *creature* of the *President*, as the system *enables* a senator to be *appointed to offices*, and without the *nomination* of the *President*, *no appointment can take place*; as *such*, he will favour the wishes of the *President*, and concur in his measures, who, if he has no *ambitious views of his own* to gratify, may be *too favourable* to the *ambitious views* of the *large States*, who will have an *undue share* in his *original appointment*, and *on whom* he will be *more dependant* afterwards than on the *States* which are smaller. If the senator places his future prospects in that *State* where the seat of empire is fixed; from that time he will be in every question wherein its particular interest may be concerned the *representative* of *that State*, not of *his own*.

But even this provision *apparently* for the *security* of the *State governments*, *inadequate* as it is, is *entirely left* at the *mercy* of the general government, for by the fourth section of the first article, it is *expressly provided*, that the *Congress* shall have a power to *make* and *alter* all regulations concerning the *time* and *manner of holding elections for senators*; a provision, *expressly looking forward to*, and *I have no doubt designed for the utter extinction and abolition of all State governments*; nor will this, I believe, be doubted by any person, when I inform you that some of the warm advocates and patrons of the system in convention, *strenuously opposed* the *choice* of the senators by the *State legislatures*, *insisting* that the *State governments ought not to be introduced in any manner* so as to be *component parts of*, or *instruments for carrying into execution*, the general government—Nay, so far were the friends of the system from pretending that they meant it or considered it as a *federal* system, that on the question being proposed, “that a union of the States, merely federal, ought to be the sole object of the exercise of the powers vested in the convention;” it was negatived by a majority of the members, and it was resolved, “that a *national* government ought to be formed”⁵—afterwards the word “*national*” was struck out by them, because they thought the word might tend to *alarm*⁶—and although *now*, they who *advocate* the system, pretend to call themselves *federalists*, in convention the distinction was just the reverse; those who *opposed* the system, were *there* considered and stiled the *federal party*, those who *advocated* it, the *antifederal*.

Viewing it as a *national*, not a *federal* government, as calculated and designed not to *protect* and *preserve*, but to *abolish* and *annihilate* the *State governments*, it was opposed for the following reasons—It was said that this continent was *much too extensive* for *one national* government, which should have sufficient *power* and *energy* to *persuade* and hold in *obedience* and subjection all its *parts*, consistent with the *enjoyment* and *preservation* of *liberty*—That the genius and habits of the people of America, were opposed to such a government—That during their connection with Great-Britain, they had been accustomed to have all their concerns transacted within a narrow circle, their *colonial districts*—they had been accustomed to have their seats of government near them, to which they might have access, without much inconvenience when their business should require it—That at *this time* we find if a *county* is *rather large*, the people complain of the inconvenience, and clamour for a division of their county, or for a removal of the place where their courts are held, so as to render it more central and convenient—That in those States, the territory of which is extensive, as soon as the population encreases remote from the seat of government, the inhabitants are urgent for a removal of the seat of their government, or to be erected into a new State—As a proof of this, the inhabitants of the western parts of Virginia and North-Carolina, of Vermont and the province of Main, were instances, even the inhabitants of the western parts of Pennsylvania, who it was said already seriously look forward to the time when they shall either be erected into a new State, or have their seat of government removed to the Susquehannah.⁷—If the inhabitants of the different States consider it as a grievance to attend a *county-court* or the *seat* of *their own government*, when a little inconvenient, can it be supposed they would ever *submit* to have a *national government* established, the *seat* of which would be *more than a thousand miles removed from some of them?*—It was insisted that governments of a *republican nature*, are those *best* calculated to *preserve* the *freedom* and *happiness* of the citizen—That governments of *this kind*, are *only* calculated for a territory but *small* in its extent—That the *only* method by which an extensive continent like America could be *connected* and *united* together consistent with the principles of freedom, must be by having a *number of strong and energetic State governments* for securing and protecting the rights of the *individuals* forming those governments, and for regulating all *their* concerns; and a strong energetic *federal* government *over those States* for the protection and preservation, and for regulating the *common* concerns of the States.—It was further insisted, that even if it was possible to effect a total abolition of the State governments at this time, and to establish one general government over the people of America, it *could not long*

subsist, but in a *little time* would again be broken into a *variety* of governments of a *smaller extent*, similar in some manner to the present situation of this continent; the principal difference in all probability would be that the governments, *so established*, being effected by some *violent convulsion*, might not be formed on principles so *favourable to liberty* as those of our *present* State governments—That *this* ought to be an *important consideration* to such of the States who had *excellent* governments, which was the case with Maryland and most others, whatever it might be to persons who *disapproving* of their particular State government would be willing to *hazard* every thing to *overturn* and *destroy* it.—These reasons, Sir, influenced *me* to *vote* against *two* branches in the legislature, and against *every part* of the system which was *repugnant* to the principles of a *federal* government—Nor was there a single argument urged, or reason assigned, which to my mind was satisfactory, to prove that a good government on *federal* principles was unattainable, the whole of their arguments only proving, what none of us controverted, that our federal government as *originally formed* was *defective* and *wanted amendment*—However, a *majority* of the convention hastily and inconsiderately, without condescending to make a fair trial, in their great wisdom, decided that a kind of government which a Montesquieu and a Price have declared the best calculated of any to preserve internal liberty, and to enjoy external strength and security, and the only one by which a large continent can be connected and united consistent with the principles of liberty was totally impracticable, and they acted accordingly.⁸

(*To be continued.*)

1. This installment was reprinted in the *Pennsylvania Packet*, 1 February; Philadelphia *Independent Gazetteer*, 9 February; *New York Journal*, 20, 22, 25 February; and *State Gazette of South Carolina*, 28 April, 1 May. The last two paragraphs of this installment were quoted in full in “Centinel” XIV, Philadelphia *Independent Gazetteer*, 5 February (CC:501, pp. 34–37).

On 22 January the printers of the *Pennsylvania Packet* had asked their readers for a “loan” of the Baltimore *Maryland Gazette* of 8 January so that this installment of *Genuine Information*, which had not been received “through the usual channel,” could be published. On 1 February the *Packet* reprinted this installment with a preface: “Not having, until yesterday, received the Maryland Gazette containing the following, we take the first opportunity of laying it before our readers.—This continuation should have been published between our papers of the 14th and 18th January.” The *Independent Gazetteer* reprint of this installment was prefaced: “The following continuation should have been inserted in our paper between the 22d and the 24th January. The Maryland Gazette not having come regularly to hand, we were prevented from laying it before our readers at an earlier period.”

For more on these delays, see also “Delays in the Circulation of Luther Martin’s *Genuine Information*,” 22 January–8 April (below). For a general discussion of *Genuine Information*, see *Genuine Information* I, Baltimore *Maryland Gazette*, 28 December 1787 (above).

2. A review in the *London Monthly Review* criticized John Adams's *Defence of the Constitutions*: "We are indeed repeatedly told, that no government can exist, but where a balance, consisting of three parts, is preserved. Upon this point, like Lord Chesterfield with the Graces, Dr. Adams dwells for ever" (LXXVI [May 1787], 395. For the *Defence*, see CC:16.).

3. See Maryland constitution of 1776, Article XXVII (RCS:Md., 779).

4. "A Federalist," Baltimore *Maryland Gazette*, 18 January 1788 (below), responds to the text in angle brackets.

5. On 29 May 1787 Edmund Randolph submitted the Virginia Resolutions for the consideration of the Constitutional Convention. The first resolution provided "that the articles of Confederation ought to be so corrected & enlarged as to accomplish the objects proposed by their institution . . ." (Farrand, I, 20; and CDR, 243). The following day Randolph offered three "propositions" as a substitute for the first resolution. The first proposition, "that a Union of the States merely federal will not accomplish the objects proposed by the articles of Confederation . . .," was objected to by some delegates. Pierce Butler of South Carolina moved and the Convention agreed to pass on to the third proposition "that a *national* Government ought to be established. . . ." After some discussion, George Read of Delaware moved to postpone consideration of the third proposition in order to consider a substitute: "Resolved that in order to carry into execution the Design of the States in forming this Convention, and to accomplish the objects proposed by the Confederation a more effective Government . . . ought to be established." Read's motion was defeated. The Convention then adopted Randolph's third proposition (Farrand, I, 33–35). On 29 and 30 May, Maryland was represented only by James McHenry. For the extensive notes he took on these two days, see *ibid.*, 24–27, 40–44.

6. For the debate over the nature of a federal or national government on 19–20 June, see Farrand, I, 313–52. On 20 June Oliver Ellsworth of Connecticut opened consideration of the Amended Virginia Resolutions, moving that the Convention "expunge the word *national*, in the first resolve, and to place in the room of it, *government of the United States*." Ellsworth's motion was unanimously adopted (*ibid.*, 344).

7. For the secession movements and the creation of new states, see Peter S. Onuf, *The Origins of the Federal Republic: Jurisdictional Controversies in the United States, 1775–1787* (Philadelphia, 1983).

8. See Montesquieu, *Spirit of Laws*, I, Book IX, chapter 1, pp. 185–87; and Richard Price, *Observations on the Nature of Civil Liberty . . .* (London and Philadelphia, 1776), section 2, pp. 6–12 (Evans 15030).

George Lux to George Washington

Chatsworth, 9 January 1788 (excerpt)¹

. . . I hope, e'er twelve months are elapsed, that every American may embrace a Citizen of another State more fervently than ever, as a Brother, that we shall be one People, & all local distinctions be obliterated. . . .

1. RC, Washington Papers, DLC. Printed: Abbot, *Washington, Confederation Series*, VI, 24–25n. Lux incorrectly dated the letter "9 Jany. 1787." The letter is docketed "George Lux Esq 9th Jan. 1788." Material in the letter also indicates that it was written in 1788.

From George Plater
Sotterley, 10 January 1788¹

A Friend of mine has lately communicated to me your Intention to offer yourself for the proposed Convention, to adopt the new Plan of federal Government—It is with much Pleasure I hear of Gentlemen of Steadiness & Experience steping forth on this important Occasion—important it truly is—for, in my Opinion, if this Plan [is?] not adopted, we shall be in a much worse Situation than if it had not been agitated—we shall be an Object of Ridicule at home, & of Contempt abroad—Our present Government is found, by sad Experience, to want Energy & Efficacy; & tho the proposed, formed by the wisest & best Men of the Continent, (who, we may readily see, & must agree, had many difficulties in reconciling the discordant Interests of the different States) may not please eviry Man or Set of Men, yet I believe it must be granted, by eviry dispassionate & disinterested Considerer, to be the wisest & best System under all Circumstances, that cou'd be proposed, & far better perhaps than cou'd now be formed by any Convention—Deeply impressed with these Sentiments, were I a Member of Convention, I shou'd not hesitate, (for the Good of the United States in general, & my native State in particular) to adopt it—trusting, as there is a proper Door open, that the Congress may in future make such Amendments as to render it unexceptionably good & effectual—for Perfection is not to be found in any Work of Men, especially at first—Shou'd the County [think?] proper to send me upon this Business, I shall not, as I never [– – –], refuse my Service, tho I foresee & well know, that it is a Subject of more Magnitude, than has been under our Consideration for some Time—A Service in public for upwards of thirty Years (in which Time I flatter myself no one can with truth say I ever [will?] fully, or thro' private Views, did any thing injurious to the true Interest of my Country) will, I hope & trust, at this Day, shield me against the Imputation of any thing sinister, which may be thrown out by the turbulent or malevolent—I take the Liberty to send herewith a few Copies of the Form of Government, & the Proceeding of the general Assembly thereon, which you may distribute among those of your Friends who may not have seen them.²

1. RC, Maryland Province Archives, Archives of the Society of Jesus, Baltimore. Plater (1735–1792), a St. Mary's County lawyer and planter, lived at "Sotterly," the family estate near Leonardtown, Md. He represented St. Mary's County in the Lower House, 1757–61, 1762–63, 1765–66, and the Upper House, 1771, 1773–74. Plater was a member of the convention of August 1776 and served as a member of the committee of seven appointed to prepare a new constitution and a bill of rights for Maryland. He represented

the Western Shore in the state Senate, 1777–90 (sometimes serving as its president) and was a member of the Second Continental Congress, 1778–80. In April 1788 Plater was president of the Maryland Convention in which he voted to ratify the Constitution. In 1789 he was a presidential elector and two years later he was elected governor, dying three months after he took office.

2. Probably the three-page broadside printed by order of the Maryland House of Delegates on 1 December 1787. (See “The Publication and Circulation of the Constitution in Maryland,” 22 September–December 1787 [RCS:Md., 7].)

Thomas Hartley to Tench Coxe
York, Pa., 11 January 1788¹

It must have been discovered by every intelligent Person who attended the Debates in the State Convention, that the Designs of the Leaders in the Minority were to inflame the Minds and imbarck the Passions of the People of the Country against the New Constitution. Certain Districts either from Design or Ignorance are under their Influence and there they have and will make their greatest Efforts.²

In this idle and inclement Season their Imps will be all in Motion; they will endeavour to overshadow Truth and carry the Community wide from their Interest and Happiness: however I think Truth will stem the Torrent and in due Time rise superior to all those Embarrassments.

The Friends of the Fœderal Plan ought not to be asleep when a Dr Ewing³ not content with exercising his Influence in his own State will go to Maryland to instill his Principles and extend the Influence of the antifœderalists we ought not to be sunk into a State of Security

Little need be said in Favour of Truth where the Mind is unprejudiced; but sometimes Silence may be construed into Concession

This is the critical Ground upon which our Winter Campaign stands; I leave it to you and abler Heads to determine how this Business should be managed

Since I had the Pleasure of seeing you I have been in Maryland: from the Eastern Shore (as was said in Philadelphia) we have every good to expect; on the Western Shore there may be some Division & in the last Quarter the[y] have caught the System of the Minority in Pennsylvania and the designing few are not idle: from my Observation there (and I conversed with Many) their Number is not great; yet no Opportunities should be lost in communicating Information to the Worthy Minds of that Country.⁴

I have seen some Gentlemen from Virginia The People are generally with us there: but the Nabobs and some intire Counties there are against us: I received this last Knowledge from a Distance it must not be so perfect.

As I found your Sentiments and my own so fully agree upon the important Question; I have used the Freedom to make this Communication

I live rather distant from the Center of Politicks: but should be very happy in a Correspondence with you and tho' I may want Matter as well as Stile (being rather old fashioned) yet I shall always be happy to shew you how much I am your Friend & most Obedt. humble Servt.

P.S. When at any Time you think proper to write send by the Lancaster Stage

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. This letter was addressed to Coxe in Philadelphia and sent to him by the Lancaster stage. Hartley (1748–1800), a York, Pa., lawyer and a lieutenant-colonel in the Continental Army during the Revolutionary War, was a member of the Council of Censors, 1783–84, where he supported a radical revision of the Pennsylvania constitution of 1776. In December 1787 he voted to ratify the U.S. Constitution in the Pennsylvania Convention. Hartley was a U.S. Representative from 1789 until his resignation in 1800 due to ill health.

2. Soon after the Pennsylvania Convention adjourned, the Convention's minority published its lengthy dissent in the *Pennsylvania Packet*, 18 December 1787 (CC:353), and in the western counties of Pennsylvania Antifederalists launched a petition campaign against the Constitution. (See RCS:Pa., 709–25.)

3. The Reverend John Ewing, a native of Maryland, a Presbyterian minister, and an Antifederalist leader from Philadelphia, was a trustee and provost of the College of Philadelphia (later the University of Pennsylvania) at this time.

4. Hartley wrote a longer and more comprehensive letter on politics on 3 March 1788 in which he informed Coxe, "The Demagogues of Part of Maryland are exerting themselves; I trust they will fail in their Opposition and that the Constitution will be adopted in that State" (CC:586).

A Federalist

Baltimore Maryland Gazette, 11 January 1788¹

Mr. HAYES, The continuance of Mr. M's speech almost reaches beyond my ardent wishes, and I cannot doubt of its affecting his readers in the same degree that it did his hearers, who listened with silent and profound attention, neither stirring, whispering, coughing, hawking, or shewing any similar marks of disgust and contempt. A cavil, that I shall not stop to examine, is raised against the performance, as printed, which is affirmed to be a recent work, very different from what was delivered by word of mouth. It never can be enough regretted, that this honourable member could not attend the general convention earlier, and prevent those resolutions to which we may ascribe some of their worst measures, such as concern the keeping their doors shut and their proceedings secret.² Most of us think these were wise; but he was on the spot and knows better. Perhaps also it was agreed, that no motion should be considered, unless it was seconded, and understood,

that no speech should be answered, which did not deserve it, in consequence whereof, some would be necessarily disappointed and provoked.

In ordinary cases, testimony in favour of self, and self praise, are totally disregarded—when a person tells what clever things *he* said and did, 'tis taken for granted, he has never said or done any thing worth repeating or relating, and will never be quoted by any body else. This is ordinary, yet as Mr. M. is universally acknowledged to be extraordinary, he is an exception from the remark, we must credit all he says, and believe in his infallibility of judgment and rectitude of will throughout the whole conventional business. Some were weak and others were designing—some used intriguing mean arts—many were actuated by pride, ambition, party resentment and statical importance, to turn aside from the straight road, while he, like the French lady mentioned in Doctor *Franklin's* story, was always right and never wrong.³ He further has a discernment above human, whereby he was enabled to dive into the hearts of the members, and lay bare their secret thoughts. Hence he could discover in one party the latent scheme of introducing monarchy, though he confesses they did not avow it, and though it was never so much as brought under the consideration of the convention.⁴ Hence also, he saw aristocracy in the Virginia propositions and sees it on the new government as it now stands, though other eyes are not strong enough to find it in either.

But the choicest portion of his speech, if a preference can be given, is where he recapitulates “the arguments used in favour of inequality of suffrage,”⁵ and warmly advocates the contrary doctrine. He does not openly take the whole merit of the last to himself, through an excessive modesty, but conveys the information with infinite delicacy to a nice observer. His reasoning on this most intricate and important part of the subject, rests on first principles and self evident truths of universal application. He considers men and the rights of mankind in a state of nature; next he gracefully hands them along into a civil state, and shews what their rights are, should and must be then—afterwards, he compares individual States with individual men, and finds the constitution perfectly [– – –] through the whole course. As every man therefore has, and every State also has, an equal right with another, in the first instance, to treat or not treat, to agree or not agree, on any plan of uniting together—as they have equal authority to debate, assent, dissent and vote concerning the matter before them, though widely different in wealth and strength, in contributing to the grand view of the union, and promoting the common good—to the plan or terms adopted finally, should neither make nor admit of any difference afterwards,

but continue them always exactly equal in all respects without exception. If they had an equal right to meet at first and propose uniting—if they had an equal right to examine each part of the scheme, and an equal right to determine concerning the adopting or rejecting the whole at last, this proves that the parties contracting were originally equal, that they must likewise continue forever equal—and that whatever agreement lessens this equality in the smallest degree, is an unjust and dangerous usurpation—As the argumentation becomes rather abstracted for general use, it shall be illustrated by a familiar example.

Suppose ten old women consult about a plan for making puddings together, either black or white—for I contend, Sir, that the colour is of no moment in this case, however high and sounding the authorities are, that may be quoted on the other side—and were this a proper place, I could moreover prove to your satisfaction, Sir, that neither are the ingredients used in the composition of any material consequence, though I know I am opposed by a number of celebrated characters—but I am not to be scared or misled by the whisling⁶ of names.—I return from the digression as Mr. M. did, from one into which the mention of Virginia drew him—but his was an elegant apostrophe! Suppose then, Sir, the ten old women aforesaid, contriving their plan of conducting the manufacture aforesaid, and one of them made her's ten times as large and savory as any of the rest, I contend, and my position is, that the fundamental articles of agreement should not give her more than an equal voice in sending them to market, and appointing a person to sell them, nor reserve for her use more than a tenth of the profits arising from the sale. For why, were it otherwise, their primitive equality would be destroyed, an aristocratic distinction in favour of superior skill and diligence would be introduced, and an unfair preference would be secured to the most deserving. On account of these, feelings of pride and ambition might arise in her breast, leading her to engross the direction of the manufactory to herself, and doom her partners to clean the guts, and execute the inferior concerns of the process.

This arduous point settled, nothing more would have required observation, had not “the honourable Mr. Washington and the honourable President of Pennsylvania,” unluckily attracted Mr. M's notice, towards the end of his third continuation.⁷ Some may ascribe this his renewed onset, to an implacable cruelty of heart, as it is reckoned unmanly to trample over a fallen vanquished foe. They are mistaken—he only intends to make sure work of it, in crushing these adversaries so compleatly that they shall rise no more, and as they are no mean adversaries, it requires no mean care to accomplish this.

I have now only to give yourself, Mr. Hayes, a piece of advice: General Washington's circular letter, called his legacy to the country he saved from ruin and raised to independence, *has* been uncommonly admired, as breathing the genuine language of a patriot citizen, and displaying the abilities of a consummate statesman.⁸ It is laid up in the house of every true hearted American as an inestimable treasure, but it must now yield to its superior, even the speech of the honourable Mr. M.—Prepare, therefore, without delay, and before any other Printer can get the start of you, to print this speech in a neat elegant type, on large paper, in quarto. It will pass through several editions, but let the first be numerous, for the immediate demand will be prodigious, at any price you may fix. Your compliance will enrich yourself, enlighten your countrymen, and oblige A FEDERALIST.

Baltimore, January 9, 1788.

1. For two other commentaries on Martin's *Genuine Information* by "A Federalist," see the Baltimore *Maryland Gazette*, 1 January (above) and 18 January (below).

2. Martin first attended on 9 June 1787. The rules of the Constitutional Convention had been established by 29 May.

3. Benjamin Franklin related this story in his last speech in the Constitutional Convention on 17 September 1787. (See "The Maryland Reprinting of Benjamin Franklin's Last Speech in the Constitutional Convention," 18 December [above].)

4. See *Genuine Information* II, Baltimore *Maryland Gazette*, 1 January 1788 (above).

5. See *Genuine Information* II and III, Baltimore *Maryland Gazette*, 1, 4 January (both above).

6. Alternative form of "whistling."

7. See *Genuine Information* III, Baltimore *Maryland Gazette*, 4 January (RCS:Md., 149).

8. George Washington's letter of June 1783 to the executives of the states argued for a strong, energetic central government. It was well received throughout the country at the time, and the letter would be used in the debate over the ratification of the Constitution to demonstrate that Washington had always favored such a government. A pamphlet edition of the letter was printed in Annapolis in 1783. (See CC:4 for the background, reception, circulation, and text of the letter. For additional praise for the letter in Maryland, see "A Marylander," Baltimore *Maryland Gazette*, 12 February [below].)

Luther Martin: Genuine Information V **Baltimore Maryland Gazette, 11 January 1788¹**

Mr. MARTIN'S Information to the House of Assembly, continued.

With respect to *that part of the second* section of the *first* article, which relates to the *apportionment of representation* and *direct taxation*, there were considerable objections made to it, besides the great objection of *inequality*—It was urged, that no principle could justify taking *slaves* into computation in *apportioning* the number of *representatives* a State should have in the government—that it involved the absurdity of *increasing* the power of a State in making laws for *free men* in *proportion* as that State

violated the *rights of freedom*—That it might be proper to take slaves into consideration, when *taxes* were to be apportioned, because it had a tendency to *discourage slavery*; but to take them into account in *giving representation* tended to *encourage the slave trade*, and to make it the *interest* of the States to *continue that infamous traffic*—That slaves could not be taken into account as *men*, or *citizens*, because they were not admitted to the *rights of citizens* in the States which adopted or continued slavery—If they were to be taken into account as *property*, it was asked, what peculiar circumstance should render this property (of *all others* the most *odious* in its nature) entitled to the *high privilege* of conferring *consequence* and *power* in the *government* to its possessors, rather than *any other* property—and why *slaves* should, as property, be taken into account rather than *horses, cattle, mules*, or *any other species*—and it was observed by an honorable member from Massachusetts, that he considered it as dishonorable and humiliating to enter into compact with the *slaves* of the *southern States*, as it would be with the *horses and mules* of the *eastern*.² It was also objected, that the *numbers* of representatives appointed by this section to be sent by the particular States to compose the *first legislature*, were not precisely *agreeable* to the *rule* of representation adopted by this system, and that the numbers in this section are *artfully lessened* for the *large* States, while the *smaller* States have their *full proportion* in order to prevent the *undue influence* which the *large* States will have in the government from being *too apparent*; and I think, Mr. Speaker, that this objection is *well founded*.—I have taken some pains to obtain information of the numbers of free men and slaves in the different States, and I have reason to believe, that if the estimate was *now* taken, which is directed, and one delegate to be sent for every thirty thousand inhabitants, that Virginia would have at least *twelve* delegates, Massachusetts *eleven*, and Pennsylvania *ten*, instead of the numbers stated in *this section*; whereas the *other* States, I believe, would not have more than the numbers there allowed them, nor would Georgia, most probably at present, send more than *two*—If I am right, Mr. Speaker, upon the enumeration being made, and the representation being apportioned according to the rule prescribed, the *whole number* of delegates would be *seventy-one*, *thirty-six* of which would be a *quorum* to do business; the delegates of Virginia, Massachusetts, and Pennsylvania, would amount to *thirty-three* of that quorum—Those three States will, therefore, have *much more* than *equal* power and influence in *making* the laws and regulations, which are to affect this continent, and will have a *moral certainty* of *preventing* any laws or regulations which *they disapprove*, although they might be thought ever so *necessary* by a *great majority* of the States—It was further objected, that even if the States

who had most inhabitants ought to have a greater number of delegates, yet the *number of delegates* ought not to be in *exact proportion* to the *number of inhabitants*, because the influence and power of those States whose delegates are numerous, will be *greater* when compared to the influence and power of the other States, than the *proportion* which the numbers of their delegates bear to each other; as for instance, though Delaware has *one* delegate, and Virginia but *ten*, yet Virginia has *more than ten times* as much *power* and *influence* in the government as Delaware; to prove this, it was observed, that *Virginia* would have a *much greater* chance to carry any measure than *any number of States*, whose delegates were altogether ten (suppose the States of Delaware, Connecticut, Rhode-Island, and New-Hampshire) since the *ten delegates* from Virginia in every thing that related to the interest of that State would *act in union* and *move one solid and compact body*, whereas the *delegates of these four States*, though collectively *equal* in number to those from Virginia, coming from *different States*, having different *interests*, will be *less likely* to harmonize and move in concert—As a further proof it was said, that Virginia, as the system is now reported, by uniting with her the delegates of *four* other States, can carry a question *against* the sense and interest of *eight* States by *sixty-four* different combinations, the *four States* voting with Virginia, being every time *so far different* as not to be composed of the *same four*; whereas the State of Delaware can only, by uniting four other States with her, carry a measure against the sense of eight States by *two* different combinations—a mathematical proof that the State of *Virginia* has *thirty-two* times greater chance of carrying a measure against the sense of eight States than *Delaware*, although Virginia has only *ten times* as many delegates—It was also shewn, that the idea was totally fallacious which was attempted to be maintained, that if a State had *one thirteenth* part of the *numbers composing the delegation in this system*, such State would have *as much influence* as under the articles of confederation; to prove the fallacy of this idea it was shewn, that under the articles of confederation the State of Maryland had but *one* vote in *thirteen*, yet no measure could be carried against her interests without *seven States*, a majority of the whole concurring in it; whereas in this system, though Maryland has *six* votes, which is *more than the proportion of one in thirteen*, yet *five* States may, in a *variety of combinations*, carry a question *against* her interest, though *seven* other States concur with her, and *six* States by a *much greater* number of combinations, may carry a measure against *Maryland*, *united with six other States*. I shall here, Sir, just observe, that as the committee of detail reported the system, the delegates from the different States were to be *one* for every *forty thousand* inhabitants; it was afterwards altered to one for every *thirty*

thousand; this alteration was made after I left the convention, at the instance of whom I know not,³ but it is evident that the alteration is in favour of *the States* which have large and *extensive* territory to increase their power and influence in the government, and to the injury of the *smaller States*—Since it is the States of *extensive* territory, who will *most speedily* increase the number of their *inhabitants* as before has been observed, and will, therefore, most speedily procure an increase to the number of their *delegates*—By this alteration Virginia, North-Carolina, or Georgia, by obtaining one hundred and twenty thousand additional inhabitants, will be entitled to *four* additional delegates, whereas such State would only have been entitled to *three*, if *forty thousand* had *remained* the number by which to apportion the delegation. As to that part of this section that relates to direct taxation, there was also an objection for the following reasons—It was said that as a *large sum* of money was to be brought into the national treasury by the *duties* on commerce, which would be almost *wholly* paid by the *commercial States*, it would be *unequal* and *unjust* that the sum which was necessary to be raised by *direct taxation* should be apportioned *equally* upon all the States, obliging the commercial States to pay as large a share of the revenue arising therefrom, as the States from whom no revenue had been drawn by imposts—Since the wealth and industry of the inhabitants of the commercial States will in the first place be severely taxed through their commerce, and afterwards be *equally taxed* with the industry and wealth of the inhabitants of the other States, *who have paid no part* of that *revenue*, so that by this provision, the inhabitants of the commercial States are in this system obliged to bear an unreasonable and disproportionate share in the expences of the union, and the payment of that foreign and domestic debt, which was incurred not more for the benefit of the commercial than of the other States. In the *sixth* section of the *first* article, it is provided, that senators and representatives may be appointed to any civil office under the authority of the United States, except such as shall have been created, or the emoluments of which have been increased during the time for which they were elected—Upon this subject, Sir, there was a great diversity of sentiment among the members of the convention—As the propositions were reported by the committee of the whole house, a senator or representative could not be appointed to *any office* under a *particular State*, or under the *United States*, during the time for which they were chosen, nor to any office under the United States until one year after the expiration of that time.⁴—It was said, and in my opinion justly, that no good reason could be assigned why a senator or representative should

be incapacitated to hold an office in *his own* government, since it can only bind him more closely to his State, and attach him the more to its interests, which, as its representative, he is bound to consult and sacredly guard as far as is consistent with the welfare of the union, and therefore, at most, would only add the additional motive of gratitude for discharging his duty; and according to this idea, the clause which prevented senators or delegates from holding offices in their own States, was rejected by a considerable majority; but, Sir, we sacredly endeavoured to preserve all that part of the resolution which prevented them from being *eligible* to *offices* under the *United States*, as we considered it *essentially necessary* to preserve the *integrity, independence, and dignity* of the legislature, and to secure its members from *corruption*.

I was in the number of those who was extremely solicitous to preserve this part of the report; but there was a powerful opposition made by such who wished the members of the legislature to be eligible to offices under the United States—*Three* different times did they attempt to procure an alteration, and *as often* failed, a majority firmly adhering to the resolution as reported by the committee—However, an alteration was at length, by dint of perseverance, obtained even within the last twelve days of the convention, for it happened after I left Philadelphia⁵—As to the exception that they cannot be appointed to offices created by themselves, or the emoluments of which are by themselves increased, it is certainly of little consequence, since they may easily evade it by creating new offices to which may be appointed the persons who fill the offices before created, and thereby vacancies will be made which may be filled by the members who for that purpose have created the new offices.

It is true, the acceptance of an office vacates their seat, nor can they be re-elected during their continuance in office; but it was said, that the evil would first take place, that the price for the office would be paid before it was obtained—that vacating the seat of the person who was appointed to office, made way for the admission of a new member, who would come there as desirous to obtain an office as him whom he succeeded, and as ready to pay the price necessary to obtain it; in fine, that it would be only driving away the flies who were *filled* to make room for those that were *hungry*—And as the system is now reported, the *president* having the power to *nominate* to *all offices*, it must be evident, that there is *no possible security* for the *integrity and independence* of the *legislature*, but that they are most *unduly* placed under the *influence* of the *president* and exposed to *bribery and corruption*.

(*To be continued.*)

1. This item was reprinted in the *Pennsylvania Packet*, 18 January; *Pennsylvania Herald*, 23 January; *Philadelphia Independent Gazetteer*, 24 January; *New York Journal*, 25, 26 January; and *State Gazette of South Carolina*, 28 April. On reprinting No. V, see also note 4 (below).

The editors of the *Pennsylvania Herald* and *Independent Gazetteer* noted that they were reprinting this installment out of sequence because they had not received the *Baltimore Maryland Gazette* of 8 January, which contained the previous installment (above). The *Gazetteer* eventually reprinted *Genuine Information* IV on 9 February. For more on the delays of the circulation of Martin's *Genuine Information*, see "Delays in the Circulation of Luther Martin's *Genuine Information*," 22 January–8 April (below). For a general discussion of Martin's series of essays, see *Genuine Information* I, *Baltimore Maryland Gazette*, 28 December 1787 (above).

2. On 11 June 1787 Elbridge Gerry of Massachusetts, who would refuse to sign the Constitution, had stated: "The idea of property ought not to be the rule of representation. Blacks are property, and are used to the southward as horses and cattle to the northward; and why should their representation be increased to the southward on account of the number of slaves, than horses or oxen to the north?" (Farrand, I, 205–6).

3. The ratio of representation was changed from no more than one representative to 40,000 persons to no more than one representative to 30,000. On 17 September 1787, the last day of the Convention, the alteration was made on the motion of Nathaniel Gorham of Massachusetts, chairman of the Committee of the Whole—almost two weeks after Martin had left on 4 September. George Washington, the Convention's president, seconded and spoke in behalf of Gorham's motion which encountered "no opposition" and which passed unanimously (Farrand, II, 643–44). For the *Pennsylvania Herald*'s widely circulated report of 7 November on Washington's remarks, his only recorded speech, see CC:233–B. This item was reprinted in the *Baltimore Maryland Gazette*, 16 November, and the *Maryland Journal*, 28 December.

For the 6 August report of the Committee of Detail, the first draft of the Constitution, see CDR, 260–69, and Farrand, II, 177–89.

4. The text from this point to the end was reprinted in the *Boston American Herald* on 24 March 1788.

5. For the evolution of Article I, section 6, clause 2, of the Constitution, see CDR, 243–44, 248, 256, 263, 273, 288; and Farrand, I, 20–21, 375–77, 386–91; II, 283–90, 483, 484, 486–87, 489–92. The last substantive change occurred on 3 September 1787, the day before Martin left Philadelphia.

"T."

Maryland Journal, 11 January 1788¹

To the PRINTER of the MARYLAND JOURNAL, and BALTIMORE ADVERTISER:

SIR, As your useful and agreeable Paper seems to circulate in as great extent as any Paper on this Continent, I beg leave, by that means, to communicate a few observations, which may concern most of the citizens of the United States of America, but more particularly those of Maryland.

I hear daily complaints of the distresses of my fellow-citizens, which has led me to make inquiry into the origin and progress of the cause. This I find to proceed from the want of industry, frugality, punctuality, and in many, too many instances, the want of common honesty.—Our

former connexion with, and dependence on Great-Britain, induced the merchants trading among us, to give extensive credit. This, to the frugal and industrious, was a very great convenience, by enabling those of small property to acquire more; while, on the other hand, it encouraged idleness, luxury and licentiousness. Unfortunately for us, many were too much inclined to the latter.—It was deemed the interest of the mercantile part of the community, to keep our people constantly indebted to them:—This created a dependence, and put us too much in the power of those men. The war gave us an opportunity of preparing for the payment of our old debts, had we been careful; but the same spirit of dissipation still prevailed, and, added to a spirit of speculation, involved many deeper in debt than ever they had been before.—Add to this our taxes, which of course must be high, in order to defray the heavy expences of war. Had we kept clear of getting further in debt during the war and since peace, I am certain that our old debts and public taxes would have been found, comparatively speaking, but a very light burthen to that we now labour under. We are at present in such a situation, that whoever trusts his property in the hands of another, can never be sure of commanding it when wanted, or perhaps not at all. This is a most disagreeable situation, and of course will put a stop to all credit among us, the proper use of which is very beneficial to a young country, while the abuse of it must be fatal to many, and if abused by the majority—fatal to all. We have found that legislative bodies, by their proceedings, have heretofore too often set the bad example. Not complying with their promises to, and contracts with, individuals; greatly to the injury of many of their best citizens, and to the almost utter ruin of several—Our federal constitution has been found inadequate to the purposes for which it was instituted. An attempt is making towards altering it. The wisdom of America has been convened in Convention, and the plan recommended, is now before the Public for consideration. It is not without its enemies; but, I trust, hath a large majority of friends. All those who reprobate the proposed plan, agree, that an alteration of the former is absolutely necessary, yet none of them hath hitherto attempted to propose a better. Quere—if the matter was left to any two of them, whether they could fully agree in opinion? It is certainly much easier to find fault with, than to amend most public proceedings, and it is an uncontroverted point, that all human institutions are in some degree frail. I think the plan of government proposed by the Federal Convention, as little exceptionable as any thing of the kind that ever came under my notice. With all its faults I am willing to adopt it, and hereafter confidently expect, that amendments will be made in such parts as may require amending. I will not, at this

time, enter into any altercation on the subject.—Another inconvenience we at present labour under is, the multiplicity of Lawyers among us. This is easily accounted for:—Under the former government, several geniuses made rapid and large fortunes by the practice of the law; this induced fathers, who had promising sons, to spend their money in educating those sons to a profession in which they were almost sure of acquiring wealth and independence. This spirit has prevailed rather too generally, and we have certainly among us more practitioners of the law than we, with all our litigious dispositions and poverty, can maintain. Litigiousness is a curse to us—The want of means to carry it on, in its full extent, is a great disappointment to those gentlemen. Until we learn to live within the compass of our incomes, and lay by one penny out of every shilling we annually receive, and, at the same time, have more pleasure in paying a just debt than in contracting it, we shall never be that happy people all good men would wish to see us; but must continue to be the scorn and derision of our enemies.

I shall conclude with a Political Dialogue, wrote by an acquaintance, which seems to be expressive of the sentiments of the different parties in these states, except the monarchical, which is omitted on a supposition that we have none such among us.

ARISTOCRACY, DEMOCRACY, OLIGARCHY and TRUE PATRIOTISM.

- A. In select numbers, we the States would rule,
 Knowing that wealth gives sense to ev'ry fool!
 Without estate, no worth can e'er pervade
 Among the many, who assume the trade
 Of legislating for their country's good,
 This among us, hath long been understood.
- D. We'll let you know, our blood's as good as yours,
 And for State-cankers, we've the best of cures.
 The *People's Majesty* shall cub *your* will,
 And all State matters, good and great, fulfil.
 This, our unerring guide, shall right produce,
 And all things competent to public use.
- O. *We, are the men*, you safely ought to trust,
 If you'd have things conducted fair and just.
 Witness old *Venice*, where our ancient sway
 Hath kept up rule and order to this day.
 Where, tho' we sometimes act, by desperate rules,
 We keep in awe, the knaves and clamorous fools.

T. P. Ye wretches—born the curse of human kind,
 In real patriotism you soon shall find
 A proper curb on all your selfish views,
 Our Rights and Liberties—dare not abuse.
 For these we risqu'd our *all*, life, health, estate,
 Having in view, to be but good and great.
 'Tis we, must poise the power among you all,
 Or therein failing—nobly dare to fall.

December 20, 1787.

1. This item was reprinted in the *Pennsylvania Packet*, 21 January 1788, and the *Pennsylvania Mercury*, 24 January.

Luther Martin: Genuine Information VI
Baltimore Maryland Gazette, 15 January 1788¹

Mr. MARTIN's Information to the House of Assembly, continued.

The *seventh* section of this article [i.e., Article I] was also the subject of contest.—It was thought by many members of the convention, that it was very wrong to confine the origination of all revenue bills to the house of representatives, since the members of the senate will be chosen by the people as well as the members of the house of delegates, if not *immediately*, yet *mediately*, being chosen by the members of the State legislature, which members are elected by the *people*, and that it makes no *real* difference whether a person doth a thing *in person*, or by a *deputy*, or agent, *appointed by him for that purpose*.

That no argument can be drawn from the house of Lords in the British constitution, since they are neither *mediately* or *immediately* the representatives of the people, but are one of the *three estates*, composing that kingdom, having *hereditary rights and privileges distinct* from, and *independent* of, the *people*.

That it may, and probably will be a fruitful source of dispute and controversy between the two branches, what are, or are not, revenue bills, and the more so, as they are not *defined* in the constitution; which controversies may be difficult to settle, and may become serious in their consequences, there being no power in the constitution to decide upon, or authorised in cases of absolute necessity to terminate them by a prorogation or dissolution of either of the branches; a remedy provided in the British constitution, where the King has that power, which has been found necessary at times to be exercised in case of violent dissensions between the Lords and Commons on the subject of money bills.

That every regulation of commerce—every law relative to excises—stamps—the post-office—the imposition of taxes, and their collection—the creation of courts and offices;—in fine, every law for the union, if enforced by any pecuniary sanctions, as they would tend to bring money into the continental treasury, might and probably would be considered a revenue act—That consequently the senate, the members of whom will probably be the most select in their choice, and consist of men the most enlightened and of the greatest abilities, who from the duration of their appointment, and the permanency of their body, will probably be best acquainted with the common concerns of the States, and with the means of providing for them, will be rendered almost useless as a part of the legislature; and that they will have but little to do in that capacity, except patiently to wait the proceedings of the house of representatives, and afterwards examine and approve, or propose amendments.

There were also objections to that part of this section which relates to the *negative* of the *president*. There were some who thought no good reason could be assigned for giving the president a negative of *any kind*—Upon the principle of a check to the proceedings of the legislature, it was said to be unnecessary—That the two branches having a controul over each others proceedings—and the senate being chosen by the State legislatures, and being composed of members from the *different* States, there would always be a sufficient guard against measures being *hastily* or *rashly* adopted.

That the *president* was not likely to have *more wisdom* or *integrity* than the *senators*, or *any of them*, or to *better know* or *consult* the interest of the States, than *any member* of the senate, so as to be entitled to a negative on that principle—And as to the precedent from the British constitution (for we were eternally troubled with arguments and precedents from the British government) it was said it would not apply. The King of Great-Britain there composed *one* of the *three estates* of the kingdom—he was possessed of *rights* and *privileges*, as such, *distinct from* the Lords and Commons; *rights* and *privileges* which *descended* to his *heirs*, and were inheritable by them; that for the *preservation* of these it was necessary *he* should have a negative, but that this was not the case with the president of the United States, who was no more than an *officer* of government, the *sovereignty* of which was not in *him*, but in the *legislature*—And it was further urged, even if he was allowed a negative, it ought not to be of so great extent as that given by the system, since *his single voice* is to countervail the *whole* of *either* branch, and any number *less* than *two-thirds* of the other; however, a majority of the convention was of a different opinion, and adopted as it now makes a part of the system.

{By the *eighth* section of this article, Congress is to have power to *lay* and *collect taxes, duties, imposts, and excises*.—When we met in convention after our adjournment, to receive the report of the committee of detail, the members of that committee were requested to inform us what powers were meant to be vested in Congress by the word *duties* in this section, since the word *imposts* extended to duties on goods *imported*, and by another part of the system no duties on *exports* were to be laid.—In answer to this inquiry we were informed, that it was meant to give the general government the power of laying *stamp* duties on paper, parchment and vellum. We then proposed to have the power inserted in *express words*, least disputes hereafter might arise on the subject, and that the meaning might be understood by *all* who were to be *affected* by it; but to this it was objected, because it was said that the word *stamp* would probably sound *odiously* in the ears of many of the inhabitants, and be a cause of objection. By the power of imposing *stamp duties* the Congress will have a *right* to declare that no *wills, deeds, or other instruments* of writing shall be *good and valid*, without being *stamped*—that without being reduced to *writing and being stamped*, no *bargain, sale, transfer of property, or contract* of any kind or nature whatsoever shall be *binding*; and also that no *exemplifications of records, depositions, or probates* of any kind shall be received in evidence, unless they have the same solemnity—They may likewise oblige all proceedings of a *judicial* nature to be *stamped* to give them effect—those *stamp duties* may be imposed to any amount they please, and under the pretence of *securing the collection* of these duties, and to prevent the laws which imposed them from being evaded, the Congress may bring the *decision* of all *questions* relating to the *conveyance, disposition and rights of property* and *every question* relating to *contracts* between man and man into the *courts* of the *general government*.—Their *inferior* courts in the *first* instance and the *superior* court by *appeal*. By the power to lay and collect imposts, they may impose duties on *any or every* article of *commerce* imported into these States to what amount they please. By the power to lay *excises*, a power very *odious* in its nature, since it authorises officers to go into your *houses, your kitchens, your cellars*, and to examine into your *private concerns*, the Congress may impose *duties* on every *article of use or consumption*, on the *food* that we *eat*—on the *liquors* we *drink*—on the *cloathes* that we *wear*—the *glass* which *enlighten* our *houses*—or the *hearths* necessary for our *warmth and comfort*. By the power to lay and collect taxes, they may proceed to *direct taxation* on every *individual* either by a *capitation* tax on their *heads*, or an *assessment* on their *property*. By this part of the section therefore, the government has a power to lay what duties they please on *goods imported*—to lay what duties they please

afterwards on whatever we *use* or *consume*—to impose *stamp duties* to what amount they please, and in whatever cases they please—afterwards to impose on the people *direct taxes*, by capitation tax, or by assessment, to what amount they choose, and thus to *slice* them at *every vein* as long as they have a *drop* of blood, without any controul, limitation or restraint—while *all the officers* for *collecting* these taxes, stamp duties, imposts and excises, are to be appointed by the *general government*, under its direction, not accountable to the *States*; nor is there *even* a security that they shall be *citizens* of the *respective States*, in which they are to exercise their offices; at the same time the construction of *every law imposing* any and all these taxes and duties, and *directing* the collection of them, and *every question* arising thereon, and on the *conduct* of the *officers* appointed to execute these laws, and to collect these taxes and duties so various in their kinds, are *taken away* from the courts of justice of the *different States*, and *confined* to the courts of the *general government*, there to be *heard* and *determined* by judges holding their offices under the appointment *not* of the *States*, but of the *general government*.)²

Many of the members, and myself in the number, thought that the *States* were much *better judges* of the circumstances of their citizens, and what sum of money could be collected from them by *direct taxation*, and of the manner in which it could be raised, with the *greatest ease* and *convenience* to their citizens, than the *general government* could be; and that the general government *ought* not in any case to have the power of laying direct taxes, but in that of the *delinquency* of a State. Agreeable to this sentiment, I brought in a proposition on which a vote of the convention was taken. The proposition was as follows: “And wherever the legislature of the United States shall find it necessary that *revenue* should be raised by *direct taxation*, having apportioned the same by the above rule, *requisitions* shall be made of the respective States to pay into the continental treasury their respective quotas *within a time* in the said requisition to be specified, and in case of any of the States *failing* to comply with such requisition, *then* and *then only*, to have power to devise and pass acts directing the mode and authorising the collection of the same.”³ Had this proposition been acceded to, the *dangerous* and *oppressive* power in the *general government* of imposing *direct taxes* on the inhabitants, which it now enjoys *in all cases*, would have been *only* vested in it in case of the non-compliance of a State, as a *punishment* for its *delinquency*, and would have *ceased* that moment that the State *complied with the requisition*—But the proposition was rejected by a majority, consistent with their *aim* and *desire* of *encreasing the power* of the *general government* as far as possible, and *destroying the powers and influence* of the *States*—And though there is a provision that all duties, imposts and

excises shall be uniform, that is, to be laid to the same amount on the same articles in each State, yet this will not prevent Congress from having it in their power to cause them to fall *very unequal* and *much heavier* on *some* States than on *others*, because these duties may be laid on articles but *little* or *not at all* used in some States, and of *absolute necessity* for the use and consumption of others, in which case the *first* would pay *little* or *no part* of the revenue arising therefrom, while the *whole* or nearly the whole of it would be paid by the *last*, to wit, the States which use and consume the articles on which the imposts and excises are laid.)

By our original articles of confederation, the Congress have a power to borrow money and emit bills of credit on the credit of the United States—Agreeable to which was the *report* on *this* system as *made* by the *committee of detail*. When we came to this part of the report a motion was made to strike out the words “to emit bills of credit;” against the motion we urged, that it would be improper to *deprive* the Congress of that *power*—that it would be a novelty unprecedented to establish a government which should not have such authority—That it was impossible to look forward into futurity so far as to decide that events might not happen that should render the *exercise* of such a power *absolutely* necessary—And that we doubted whether if a war should take place it would be *possible* for this country to *defend* itself without having recourse to *paper credit*, in which case there would be a *necessity* of becoming a *prey* to our *enemies*, or *violating* the *constitution* of our government; and that considering the administration of the government would be principally in the hands of the wealthy there could be little reason to fear an *abuse* of the *power* by an unnecessary or injurious exercise of it—But, Sir, a majority of the convention, being wise beyond every possible event, and being willing to risque any political evil rather than admit the *idea* of a paper emission, in any *possible* event, refused to *trust* this authority to a government, to which they were *lavishing* the most *unlimited* powers of *taxation*, and to the *mercy* of which they were willing *blindly* to *trust* the *liberty* and *property* of the *citizens* of *every State* in the union; and they *erased* that clause from the system.—(Among other powers given to this government in the eighth section it has that of appointing tribunals *inferior* to the *supreme court*; to this power there was an opposition. It was urged that there was no occasion for *inferior* courts of the *general government* to be appointed in the different States, and that such ought not to be admitted—That the different *State judiciaries* in the respective States would be *competent to*, and *sufficient for*, the cognizance in the *first instance* of all cases that should arise under the laws of the general government, which being by this system made

the supreme law of the States, would be binding on the different State judiciaries—That by giving an *appeal* to the *supreme* court of the United States, the *general government* would have a *sufficient* check over their decisions, and security for the enforcing of their laws—That to have *inferior* courts appointed under the authority of Congress in the different States, would eventually *absorb* and *swallow* up the *State judiciaries*, by drawing all business from them to the courts of the general government, which the *extensive* and *undefined* powers, legislative and judicial, of which it is possessed, would *easily enable* it to do—That it would *unduly* and *dangerously* encrease the *weight* and *influence* of Congress in the *several States*, be productive of a *prodigious number of officers*, and be attended with an *enormous* additional and unnecessary *expence*—That the judiciaries of the respective States not having power to decide upon the laws of the general government, but the determination on those laws being *confined* to the judiciaries appointed under the authority of Congress in the *first instance*, as well as on *appeal*, there would be a necessity for *judges* or magistrates of the general government, and those to a *considerable number*, in *each county* of *every State*—That there would be a necessity for courts to be holden by them in each county and that these courts would stand in need of all their proper officers such as *sheriffs*, *clerks* and others commissioned, under the authority of the general government—In fine, that the administration of justice, as it will relate to the laws of the general government would require in each State all the magistrates, courts, officers and expence, which is now found necessary in the respective States for the administration of justice as it relates to the laws of the State governments.—But here again we were overruled by a majority, who *assuming* it as a *principle* that the general government and the State governments (as long as they should exist) would be at *perpetual variance* and *enmity*, and that their *interests* would constantly be *opposed* to each other, insisted for that reason that the *State judges* being citizens of their respective States, and holding their commission under them, ought not though *acting on oath*, to be *entrusted* in the administration of the laws of the general government.)⁴

(*To be continued.*)

1. This installment of Martin's *Genuine Information* was reprinted in the *Pennsylvania Packet*, 22 January; *Philadelphia Independent Gazetteer*, 25 January; *Pennsylvania Herald*, 26 January; *New York Journal*, 26–27 February; Petersburg *Virginia Gazette*, 13 March; Boston *American Herald*, 24, 27 March; and *State Gazette of South Carolina*, 5, 8 May. The text within braces was reprinted in "Centinel" XIV, *Philadelphia Independent Gazetteer*, 5 February (CC:501).

On 30 January the *Philadelphia Freeman's Journal* reprinted excerpts (see notes 2 and 4, below) which were prefaced with a statement by "Democratic": "Mr. BAILEY, The

conduct of the Legislature of Maryland in opening up the *dark proceedings* of the Continental Convention, will do them great honor, and be of infinite service to the people of America, in the glorious struggle for the liberties, against the Aristocrats. Your publishing only once a-week, must prevent your reprinting the whole of the information given by the honorable Mr. Martin. And having observed in one of your papers, some part of his information, I have made some farther extracts from it, which is well worth the attention of your readers, as it shews very plainly, that all our property will lie at the command of a military government which will be quite independent of us, and that this government will be more expensive and burthensome than we can bear.”

For a general discussion of *Genuine Information*, see *Genuine Information I*, Baltimore *Maryland Gazette*, 28 December 1787 (above).

2. The text within angle brackets was reprinted in the Philadelphia *Freeman's Journal* on 30 January 1788 (see note 1, above).

3. Martin made this motion on 21 August 1787, stating that “The power of taxation is most likely to be criticised by the public. Direct taxation should not be used but in cases of absolute necessity; and then the States will be best Judges of the mode.” The motion was defeated 8 states to 1, with Maryland divided. McHenry seconded the motion and, along with Martin, voted “yes,” while Jenifer and Daniel Carroll voted “no” (Farrand, II, 353–54, 359).

The Maryland “Landholder” (probably Daniel of St. Thomas Jenifer) charged that during the Convention Martin had “espoused the tyrannic principle” that if a state did not pay its share of a congressional requisition “an army should be marched into its bowels, to fall indiscriminately upon the property of the innocent and the guilty” (“Landholder No. X,” *Maryland Journal*, 29 February 1788, below). Martin denied, “That I ever suggested the idea of letting loose an army indiscriminately on the innocent and guilty, in a state refusing to comply with the requisitions of Congress, or that such an idea ever had place in my mind, is a falsehood so groundless, so base and malignant, that it could only have originated or been devised by a heart which would dishonour the midnight assassin” (“Luther Martin: Address No. I,” *Maryland Journal*, 18 March, below).

4. See note 2, above.

Caveto

Baltimore Maryland Gazette, 15 January 1788

☞ The beginnings of arbitrary government are always light and easy, and its first steps are slow and leisurely; but if power be suffered to spread itself and take root, and if it be not betimes opposed, it grows at last irresistible; for a thousand circumstances concur to hinder the people from recovering any ground they have once lost; their friends are commonly divided among one another; corruption intervenes, or wealth makes them timorous. Their enemies agree in any mischief; the means of corrupting is in their hands; they are liable to few fears, as having much to get and little to lose; so that they who love their country, have been generally found to be but a disjointed and weak party, to withstand those whom ambition emboldens, and interested views influence and unite.

Editors' Note
The Maryland Reprinting of
"The New Roof," 15 January 1788

The widely circulated "The New Roof," which first appeared in the *Pennsylvania Packet* on 29 December 1787 (CC:395), was written by Francis Hopkinson (1737–1791), a Philadelphia lawyer, poet, musician, and composer, who was an active Federalist propagandist in 1787 and 1788. Hopkinson, a signer of the Declaration of Independence when he represented New Jersey in the Second Continental Congress in 1776, was judge of the Admiralty Court of Pennsylvania, 1779–89, and a judge of the U.S. District Court for the Eastern District of Pennsylvania, 1789–91.

John Hayes, the printer of the Baltimore *Maryland Gazette*, reprinted "The New Roof" on 15 January with this preface by "ANOTHER CUSTOMER": "Mr. HAYES, If it will be no inconvenience to Mr. M. [Luther Martin] to suspend for one day, his history of *imaginary* treasons and *unexecuted* plots, you will be pleased to insert in its place the enclosed original performance, entitled, The NEW ROOF.—As this is a work of real wit and humour, there can be no doubt but it will give general pleasure to the readers of your paper. Those who are fond of Convention news, will find in it their favourite subject, while it happily exposes the effect of politics on *certain minds*, and furnishes reason to be thankful that we have no such characters in Maryland as the poor crazy fellow it describes." (Hayes found space to publish Martin's *Genuine Information* VI in the same issue [above].)

For a Maryland Antifederalist criticism of "The New Roof," see "Extract of a letter from the Eastern Shore of Maryland . . .," *Philadelphia Independent Gazetteer*, 8 February (below), and for the positive reaction of people in Baltimore to "The New Roof," see "Extract of a letter from a gentleman in Baltimore county, to his friend in this city [Philadelphia]," see *Philadelphia Independent Gazetteer*, 2 February (below).

On 6 February, the *Pennsylvania Gazette* published Hopkinson's poetic extension of "The New Roof" that was entitled "THE RAISING: A NEW SONG for FEDERAL MECHANICS" (CC:504). In Maryland, this widely circulated poem was reprinted in the Baltimore *Maryland Gazette* on 19 February.

A Federalist

Baltimore Maryland Gazette, 18 January 1788¹

Mr. HAYES, When a dramatic author sits down to construct a play, he finds himself sovereign over the persons in the drama, whom he manages just as he pleases, creating beggars Monarchs, and reducing

Emperors to cobblers, by a single stroke of his pen. When a controversial writer chuses to discuss any subject by way of dialogue, he makes the speaker, who delivers his own sentiments, easily prevail over all the rest, and reduce them to silence. Your customers, who read Mr. M's "Information," suspect he has taken the same liberty in reporting the debates of the General Convention, for the party he espouses, are represented always good and just, upright in mind and powerful in reasoning; while the opposition, which happened to be a great majority, consisted of members the very reverse in all respects: And indeed, when I recollect who they were, I am surprized to find them oftentimes so wicked in thought and weak in argument, so little acquainted with the subjects canvassed, so poorly furnished with historical and political knowledge—But we should never forget the well known *reputation* of the *informant*, which will render it far more probable that *they* exactly answered *his* description, than that *he* could misconceive or misrepresent *their* proceedings.

I have already pointed out a more than human penetration, or peradventure a second sight in him, of which he exhibits another proof, when he says, speaking of the senate, "they are to *compose a privy council for the President*; hence it will be necessary, that they should be—*constantly residing* at the seat of government."² If the powers of the President be attentively considered, especially "the power to fill up *all* vacancies that may happen during the recess of the senate," no man of *bounded* sagacity can apprehend the probability of their meeting, unless as a branch of the legislature, in the course of thrice seven years. But Mr. M. aided by the aforesaid gift, unfolds the secrets of distant time, and sees that cases will happen, rendering it necessary for the senate to *sit always*, or that it will be *imprudently* fixed between the President and them, that he shall require their *constant* attendance without any necessity existing.

In ascertaining the number of delegates to Congress, at first there was to be one for every *forty thousand* inhabitants; it was afterwards altered by the Convention to one for every *thirty thousand*. At *whose* instance this alteration was made Mr. M. knows not; but he finds in it a latent contrivance to aggrandize some States already too powerful, and no doubt it must have been proposed with that wicked intention. Unfortunately he was not present or he would have opposed it with the same success that he did other obnoxious propositions, many of which met with a formidable enemy in him. But the cause of wonder here is, how he happens not to know, at *whose* instance the *pernicious* alteration was made. It being very remarkable and important might he not have asked some of his brethren, who *were* present? or does not he read the

news-papers? They have published the secret to the whole continent—they tell us it was *at the instance of the President* [George Washington] just as the members were going to sign,³ for which he is *mistakenly* thanked by a great majority in every State. This I freely confess has the appearance of another, and indeed a most rancorous attack on the *lately* greatest man, the world ever beheld! But now, alas! no longer great! However, I am confident Mr. M. designs no such thing, and only uses a *figurative* manner of speech common to orators of his *cast*.

The principles upon which the majority of the Convention proceeded, appear to have been fundamentally wrong. They were such as these, That it was obviously impracticable to secure all rights of independent sovereignty to each State, and yet provide for the interest and safety of all—That a spirit of amity should be cultivated, and of that mutual deference and concession, which peculiarity of situation rendered indispensable—That the older wise people grow, the more apt are they to doubt their own judgment, and to pay more respect to the judgment of others—That in the science of government especially, which so few understand, it will be prudent in every one to question a little his own infallibility⁴—The bare recital of these principles is enough to refute them, particularly, as they were contradicted and disregarded entirely by Mr. M. through the whole of his conventional operations. From these principles what could we expect but such a government, as was produced under their influence, in the late General Convention. Most clearly it will not be adopted—we must have another—one framed by some *chosen few*, who are without prejudices, passions, errors of opinion, local interests and selfish views. The very individuals are already named to whom I am intreated to assure the public, the arduous business will be entirely committed, and by whom it will be finally completed. They are Mr. G-r-y, Mr. M-s-n, Mr. R. H. L. our own Mr. M. and a member chosen by the minority in the Pennsylvania Convention out of their own body, whenever two-thirds of them can agree about the man. They are to be enlightened still more, by periodical pieces from the pen of Centinel, Philo-Centinel, and others, who have given similar specimens of great political talents. A review of their late publications, will both shew how perfectly the gentlemen I mention are agreed in sentiment, and how well qualified they are to execute the task assigned them. From their conjoint labour will proceed such a government as never was, nor now is, nor will be again.⁵—

“Then flattest contradictions shall agree,
And things discordant reconciled be.”

Here, therefore, endeth my addressing you, on the preceding topics.
January 17, 1788.

1. Reprinted: *Pennsylvania Packet*, 25 January; *Boston American Herald*, 28 February. This essay is the third and last article that “A Federalist” published criticizing Luther Martin’s *Genuine Information*. For the first two articles, see the Baltimore *Maryland Gazette*, 1 and 11 January (both above).

2. See *Genuine Information* IV, Baltimore *Maryland Gazette*, 8 January (RCS:Md., 159).

3. See *Genuine Information* V, Baltimore *Maryland Gazette*, 11 January, note 3 (above).

4. “A Federalist” is paraphrasing George Washington’s widely circulated 17 September 1787 letter as president of the Constitutional Convention to the president of the Confederation Congress. (For the text of the letter, which was usually published with the Constitution and the resolutions of the Constitutional Convention, see Appendix III, RCS:Md., 806–7.)

“A Federalist” is also paraphrasing Benjamin Franklin’s last speech in the Constitutional Convention on 17 September, which was widely reprinted throughout America, including Maryland. (See “The Maryland Reprinting of Benjamin Franklin’s Last Speech in the Constitutional Convention,” 18 December [above].)

5. Federalists often criticized Antifederalists for their inconsistent objections to the Constitution. Elbridge Gerry of Massachusetts and George Mason of Virginia had refused to sign the Constitution on 17 September 1787. For Gerry’s published objections to the Constitution, see his 18 October 1787 letter to the Massachusetts legislature that appeared in the *Massachusetts Centinel* on 3 November (CC:227–A). For Mason’s published objections, see the *Massachusetts Centinel*, 21 November, and the *Virginia Journal*, 22 November (CC:276 A–B). For Virginia congressman Richard Henry Lee’s published objections, including his proposed amendments to the Constitution, see his 16 October letter to Edmund Randolph (CC:325). Gerry’s letter was reprinted three times in Maryland, while Mason’s objections and Lee’s letter were reprinted once each. The *Maryland Journal* reprinted all three items, while the Baltimore *Maryland Gazette* and the *Maryland Chronicle* reprinted only Gerry’s letter.

For objections to the Constitution published by the minority of the Pennsylvania Convention, including its proposed amendments, see “The Dissent of the Minority of the Pennsylvania Convention,” *Pennsylvania Packet*, 18 December (CC:353). For more on the “Dissent,” see “A Marylander” (Otho Holland Williams?), Baltimore *Maryland Gazette*, 4 January 1788, note 2 (above). For a discussion of objections by “Centinel” (Samuel Bryan) that first appeared in Philadelphia’s *Independent Gazetteer* and *Freeman’s Journal*, see CC:133. For a response to “Centinel” I and II in Maryland, see “Aratus,” post-2 November 1787 (RCS:Md., 30–45n).

Luther Martin: Genuine Information VII **Baltimore Maryland Gazette, 18 January 1788¹**

Mr. MARTIN’S Information to the House of Assembly, continued.

By the eighth section, of the first article, the Congress have also a power given them to raise and support *armies* without *any limitation* as to *numbers*, and without *any restriction* in *time of peace*. Thus, Sir, *this plan of government, instead of guarding against a standing army, that engine of arbitrary power, which has so often and so successfully been used for the subversion of freedom, has, in its formation, given it an express and*

constitutional sanction, and hath *provided for its introduction*; nor could this be prevented: I took the sense of the convention on a proposition, by which the Congress should not have power, *in time of peace*, to keep embodied more than a certain number of regular troops—that number to be ascertained by what should be considered a *respectable peace establishment*.—This proposition was rejected by a majority,² it being their determination, that the *power* of Congress to keep up a *standing army*, even *in peace* should *only* be restrained by *their will* and *pleasure*.

This section proceeds further to give a power to the Congress to provide for calling forth the militia, to execute the laws of the union, suppress insurrections, and repel invasions.—As to *giving such a power* there was no objection; but it was thought by some, that this power *ought* to be given with certain *restrictions*—It was thought that not more than a certain *part* of the militia, of any one State, ought to be obliged to *march out* of the same, or be *employed out* of the same, at any *one time*, without the consent of the legislature of such State—This *amendment* I endeavoured to obtain;³ but it met with the same fate, which attended almost every attempt to *limit* the powers given to the general government, and *constitutionally* to guard against *their abuse*, it was not adopted.—As it now stands, the Congress will have the power, if they please, to march the *whole* militia of Maryland to the *remotest* part of the union, and keep them in service as long as they think proper, without being in any respect *dependant* upon the *Government of Maryland* for this *unlimited exercise of power over its citizens*.—*All of whom*, from the *lowest* to the *greatest*, may, during such service, be *subjected to military law*, and *tied up* and *whipped* at the *halbert* like the *meanest of slaves*.

By the *next* paragraph, Congress is to have the power 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.—

For this *extraordinary* provision, by which the *militia*, the *only defence* and *protection* which the *States* can have for the security of *their rights* against *arbitrary encroachments* of the *general government*, is taken entirely *out of the power* of their *respective States*, and placed under the *power of Congress*, it was speciously assigned as a reason, that the general government would cause the militia to be better regulated and better disciplined than the State governments, and that it would be proper for the whole militia of the union, to have a uniformity in their arms and exercise.—To this it was answered, that the reason, however *specious*, was *not just*;—that it would be absurd the militia of the western settlements, who were exposed to an Indian enemy, should either be confined to the *same arms* or *exercise*, as the militia of the eastern or middle States—that the same penalties which would be sufficient to enforce

an obedience to militia laws in some States, would be totally disregarded in others—That leaving the power to the several States, they would respectively best know the situation and circumstances of their citizens, and the regulations that would be necessary and sufficient to effect a well regulated militia in each—That we were satisfied the militia had heretofore been as well disciplined, as if they had been under the regulations of Congress; and that the States would now have an *additional* motive to keep their militia well disciplined, and fit for service, as it would be their *only chance* to preserve there [i.e., their] *existence* against a general government, armed with powers *sufficient* to destroy them.—These observations, Sir, procured from some of the members an open avowal of those reasons, by which we believed before that they were actuated—They said, that as the States would be opposed to the general government, and at enmity with it, which as I before observed, they *assumed* as a *principle*, if the militia was under the controul and the authority of the respective States, it would *enable them to thwart and oppose* the general government:—They said the States ought to be at the mercy of the general government, and, therefore, that the militia ought to be put under its power, and not suffered to remain under the power of the respective States.—In answer to these declarations, it was urged, that if after having obtained to the general government the great powers already granted, and among those, that of *raising and keeping up regular troops without limitation*, the *power* over the *militia* should be *taken away from the States*, and also given to the general government, it ought to be considered as the *last coup de grace* to the *State governments*; that it must be the most convincing proof, the advocates of this system design the *destruction* of the *State governments*, and that no *professions*, to the contrary, ought to be *trusted*; and that every State in the union, ought to reject such a system with indignation, since, if the general government should attempt to oppress and enslave them, they could not have any possible means of self defence; because the proposed system, taking away from the States the right of organizing, arming and disciplining the militia, the *first attempt* made by a *State* to put the militia in a situation to counteract the arbitrary measures of the general government, would be construed into an *act of rebellion*, or *treason*; and Congress would *instantly march* their *troops* into the State.—It was further observed, that when a government *wishes* to deprive their citizens of freedom, and reduce them to slavery, it *generally makes use of a standing army* for that purpose, and *leaves the militia in a situation as contemptible as possible, lest* [i.e., lest] *they might oppose its arbitrary designs*—That in *this* system, we give the general government every provision it could wish for, and even *invite* it to *subvert* the *liberties* of the *States* and *their*

citizens, since we give them the right to encrease and keep up a standing army as numerous as *it* would wish, and by placing the militia under *its* power, enable it to leave the militia *totally unorganized, undisciplined,* and *even to disarm them,*⁴ while the *citizens*, so far from complaining of this *neglect*, might even esteem it a favour in the general government, as thereby they would be freed from the burthen of militia duties, and left to their own private occupations or pleasures.—However, *all* arguments, and every reason that could be urged on *this* subject, as well as on many others, were obliged to yield to *one* that was *unanswerable*, a *majority* upon the division.

By the *ninth* section of this article, the importation of such persons as any of the States now existing, shall think proper to admit, shall not be prohibited prior to the year one thousand eight hundred and eight, but a duty may be imposed on such importation not exceeding ten dollars for each person.

The design of this clause is to prevent the general government from prohibiting the importation of slaves, but the same reasons which caused them to strike out the word “*national*,” and not admit the word “*stamps*,” influenced them here to guard against the word “*slaves*,” they anxiously sought to avoid the admission of expressions which might be odious in the ears of Americans, although they were very willing to admit into their system those *things* which the *expressions* signified: And hence it is, that the clause is so worded, as really to authorise the general government to impose a duty of ten dollars on every foreigner who comes into a State to become a citizen, whether he comes *absolutely free*, or *qualifiedly* so as a servant—although this is contrary to the design of the framers, and the duty was only meant to extend to the importation of *slaves*.

This clause was the subject of a great diversity of sentiment in the convention;—as the system was reported by the committee of detail, the provision was general, that such importation should not be prohibited, without confining it to any particular period.—This was rejected by eight States—Georgia, South-Carolina, and I think North-Carolina voting for it.⁵

We were then told by the delegates of the two first of those States, that their States would never agree to a system which put it in the power of the general government to prevent the importation of slaves, and that they, as delegates from those States, must withhold their assent from such a system.

A committee of one member from each State was chosen by ballot, to take this part of the system under their consideration, and to endeavour to agree upon some report which should reconcile those States;—to this committee also was referred the following proposition,

which had been reported by the committee of detail, to wit, “No *navigation* act shall be passed without the assent of *two-thirds* of the members present in each house;” a proposition which the *staple* and *commercial* States were solicitous to *retain*, lest their *commerce* should be placed too much under the power of the *eastern* States, but which these last States were as anxious to *reject*.—This committee, of which also I had the honour to be a member, met and took under their consideration the subjects committed to them; I found the *eastern* States, notwithstanding their *aversion* to *slavery*, were very willing to indulge the southern States, at least with a temporary liberty to prosecute the *slave trade*, provided the southern States would in their turn gratify them, by laying no *restriction on navigation acts*; and after a very little time, the committee, by a great majority, agreed on a report, by which the general government was to be prohibited from preventing the importation of slaves for a limited time, and the restrictive clause relative to navigation acts was to be omitted.⁵

This report was adopted by a majority of the convention, but not without considerable opposition.—It was said, that we had but just assumed a place among independent nations, in consequence of our opposition to the attempts of Great-Britain to *enslave us*—that this opposition was grounded upon the preservation of *those rights*, to which God and Nature had entitled *us*, not in *particular*, but in *common* with *all the rest of mankind*—That we had *appealed* to the *Supreme Being* for his *assistance*, as the *God of freedom*, who could not but *approve* our efforts to preserve the *rights* which he had thus *imparted to his creatures*—that now, when we scarcely had risen from our *knees*, from *supplicating* his *aid* and *protection*—in *forming our government* over a *free people*, a government formed pretendedly on the *principles of liberty* and for *its preservation*,—in *that government* to have a provision, not only putting it out of *its power* to *restrain* and *prevent* the *slave trade*, but *even encouraging* that *most infamous traffic*, by giving the *States power* and *influence* in the *union*, *in proportion* as they *cruelly and wantonly sport with the rights of their fellow creatures*, ought to be considered as a *solemn mockery of, and insult to, that God* whose protection we had then implored, and could not fail to hold us up in *detestation*, and render us *contemptible* to every *true friend* of liberty in the world.—It was said, it ought to be considered that *national crimes can only be, and frequently are, punished* in this world by *national punishments*, and that the *continuance* of the slave trade, and thus giving it a *national sanction* and *encouragement*, ought to be considered as *justly exposing us to the displeasure and vengeance of Him*, who is equal Lord of all, and who views with equal eye, the poor *African slave* and his *American master!*

(To be continued.)

1. Reprinted: *Pennsylvania Packet*, 25 January; *Pennsylvania Herald*, 26 January; Philadelphia *Independent Gazetteer*, 28 January; Philadelphia *Freeman's Journal*, 30 January (excerpt); *New York Journal*, 27 February, 1, 7 March; Boston *American Herald*, 31 March, 3 April; Charleston *City Gazette*, 14 April (excerpt); and *State Gazette of South Carolina*, 8, 15 May. For a general discussion of *Genuine Information*, see *Genuine Information I*, Baltimore *Maryland Gazette*, 28 December 1787 (above).

2. On 18 August 1787, Martin's motion, seconded by Elbridge Gerry of Massachusetts, "was disagreed to nem. con." (Farrand, II, 330).

3. Martin's amendment has not been located.

4. During the debate on 23 August 1787, Martin said he "was confident that the States would never give up the power over the Militia; and that, if they were [to do so,] the militia would be less attended to by the Genl than by the State Governments" (Farrand, II, 387). For a Federalist criticism of Martin's comments about the militia, see "Landholder No. X," *Maryland Journal*, 29 February (below); and for Martin's reply, see "Luther Martin: Address No. I," *Maryland Journal*, 18 March (below).

5. As reported by the Committee of Detail on 6 August this clause reads: "No tax or duty shall be laid by the Legislature on articles exported from any State; nor on the migration or importation of such persons as the several States shall think proper to admit; nor shall such migration or importation be prohibited" (CDR, 265). For the Convention debates on this clause, see Farrand, II, 364–65, 369–74, 400, 414–17.

6. This committee consisted of one member from each of the eleven states then represented in the Convention. Rhode Island, which never sent delegates to the Convention, and New York were not represented. For the membership of the committee and its report, see Farrand, II, 375, 400, 414–17.

Luther Martin to the Printer *Maryland Journal*, 18 January 1788

Luther Martin's letter answers "Landholder" VIII, an attack on Elbridge Gerry of Massachusetts, a delegate to the Constitutional Convention. The "Landholder" series was written by Oliver Ellsworth of Connecticut, another delegate to the Convention. "Landholder" VIII was printed in the *Connecticut Courant* on 24 December 1787 (CC:371) and reprinted in the *Maryland Journal* on 12 January 1788. Martin's letter, which appeared in the *Maryland Journal* on 18 January, was reprinted in the *Pennsylvania Packet*, 25 January; *Pennsylvania Herald*, 26 January; Philadelphia *Independent Gazetteer*, 28 January; Philadelphia *Freeman's Journal*, 30 January; *New York Journal*, 6 February; *New York Morning Post*, 11 February; Boston *American Herald*, 25 February; and Providence *United States Chronicle*, 28 February. With the exception of the *United States Chronicle* and *New York Morning Post*, these newspapers had regularly reprinted Martin's *Genuine Information*. With the exception of the *Pennsylvania Packet*, the *Pennsylvania Herald*, and the *United States Chronicle*, all of these newspapers were Antifederalist or Antifederalist-leaning.

An anonymous writer criticized the manner in which Martin defended Gerry, asserting that Martin was harmful, not helpful, to Gerry. He charged that "to torture a character under the mask of friendship, is a refinement upon jesuitism. . . . You have, Sir, grossly traduced my friend, by telling us that he called the federal convention *a set of jockies*, that they wished to get *a halter* round the necks of the people, that the proposed constitution was

like Pope's picture of *vice*, and that he should consider himself a traitor if he did not then and always oppose it" (Philadelphia *Independent Gazetteer*, 31 January, Mfm:Pa. 395).

In late February another writer, claiming to be the "Landholder" (but probably Marylander Daniel of St. Thomas Jenifer), defended himself against Martin's charges ("Landholder No. X," *Maryland Journal*, 29 February [below]). Martin answered him in three essays in March (*Maryland Journal*, 7, 18, and 21 March [all below]). In April "A Friend and Customer," almost certainly Gerry himself, defended Gerry and Martin against the attacks of the "Landholder" (Boston *American Herald*, 18 April [CC:691]).

Mr. WILLIAM GODDARD:

SIR, As the Publication under the Signature of the CONNECTICUT LANDHOLDER, is circulating remote from the place of Mr. Gerry's residence, and is calculated not only to injure that honourable gentleman in his private character, but also to weaken the effect of his opposition to the government proposed by the late convention, and thereby promote the adoption of a system, which I consider destructive of the rights and liberties of the respective states, and of their citizens; I beg leave, through the channel of your Paper, to declare to the Public, that from the time I took my seat in convention, which was early in June, until the fourth day of September, when I left *Philadelphia*, I am satisfied I was not ten minutes absent from convention while sitting (excepting only five days in the beginning of August, immediately after the committee of detail had reported, during which but little business was done.)¹ That during my attendance, I never heard Mr. Gerry, or any other member, introduce a proposition for the redemption of continental money according to its nominal, or any other value, nor did I ever hear that such a proposition had been offered to consideration, or had been thought of. I was intimate with Mr. Gerry, and never heard him express in private conversation, or otherwise, a wish for the redemption of continental money, or assign the want of such a provision as a defect—Nor did I ever hear in convention, or any where else, such a motive of conduct attributed to Mr. Gerry.²

I also declare to the Public, that a considerable time before I left the convention, Mr. Gerry's opposition to the system was warm and decided—that in a particular manner he strenuously opposed that provision by which the *power* and *authority* over the *militia* is *taken away* from the *states* and *given* to the *general government*—that in the debate he declared, if that measure was adopted, it would be the most convincing proof that the destruction of the *state governments*, and the *introduction* of a *King* was *designed*, and that no declarations to the contrary *ought* to be *credited*, since it was giving the states the last *coup de grace*, by taking from them the *only* means of *self-preservation*.³

The conduct of the advocates and framers of this system, towards the *thirteen states*, in pretending it was designed for their advantage, and gradually obtaining power after power to the general government, which could not but end in *their* slavery, he compared to the conduct of a number of *jockeys*, who had thirteen *young colts* to break—they begin with the appearance of kindness, giving them a lock of hay, or a handful of oats, and stroaking them while they eat, until being rendered sufficiently gentle, they suffer a halter to be put round their necks—obtaining a further degree of their confidence, the jockeys slip, a curb bridle on their heads, and the bit into their mouths, after which the saddle follows of course, and well booted and spurred, with good whips in their hands, they mount and ride them at their pleasure, and although they may kick and flounce a little at first, not being able to get clear of their *riders*, they soon become as *tame* and *passive* as their *masters* could wish them.

In the course of *public* debate in the convention, Mr. *Gerry* applied to the system of government, as then under discussion, the words of *Pope* with respect to *vice*, “that it was a monster of such horrid mien, as to be hated need but to be seen.”⁴ And some time before I left *Philadelphia*, he in the same public manner, declared in convention, that he should consider himself a traitor to his country, if he did not oppose the system *there*, and also when he left the convention.

These, Sir, *are facts* which I do not fear being contradicted by any *member* of the convention, and will, I apprehend, satisfactorily shew that Mr. *Gerry*’s opposition proceeded from a conviction in his own mind, that the government, if adopted, would *terminate* in the *destruction* of the *states*, and in the *introduction* of a *kingly* government.

I am, Sir, your very obedient servant,

Baltimore, January 13, 1788.

1. For Martin’s attendance in the Constitutional Convention, see the headnote to *Genuine Information* I, *Baltimore Maryland Gazette*, 28 December 1787 (RCS:Md., 126).

2. For a full discussion on the charge against Gerry and the defense of Gerry, see “Landholder” VIII, *Connecticut Courant*, 24 December 1787 (CC:371, note 3).

3. In opposing the central government’s power over the state militia, Gerry said: “Let us at once destroy the State Govts have an Executive for life or hereditary, and a proper Senate, and then there would be some consistency in giving full powers to the Genl Govt. but as the States are not to be abolished, he wondered at the attempts that were made to give powers inconsistent with their existence. He warned the Convention agst pushing the experiment too far. Some people will support a plan of vigorous Government at every risk. Others of a more democratic cast will oppose it with equal determination. And a Civil war may be produced by the conflict” (23 August 1787, Farrand, II, 388. Martin also took part in this debate. See *Genuine Information* VII, *Baltimore Maryland Gazette*, 18 January 1788, note 4 [above]).

4. See Alexander Pope, *An Essay on Man. In Epistles to a Friend* (London, 1733), Epistle II, p. 14, lines 201–2.

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

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

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

1. RC, Livingston Papers, Massachusetts Historical Society. Livingston's letter to Smallwood, written on 9 January 1788, has not been located. However, available letters to several other governors say essentially the same thing (RCS:N.J., 191).

Livingston (1723–1790) was a native of Albany, N.Y., a Yale College graduate (1741), and a lawyer. Before 1772, when he moved to New Jersey, he was prominent in New York politics. He was a New Jersey delegate to Congress, 1774–76, the first governor of that state, 1776–90, and a delegate to the Constitutional Convention, where he signed the Constitution.

**William H. Dorsey to Robert Ferguson
Georgetown, 20 January 1788 (excerpt)¹**

... I imagine you have established the Federal Government in your Town Notwithstanding the *Herculean* Labours which have been employed to trample it under foot. I think there is little doubt but a majority of the State will favour it—

1. RC, Misc. Box 9, 1782–1788, Massachusetts Historical Society. The letter was addressed to Ferguson in Port Tobacco. Dorsey (1764–c. 1819), a wealthy Georgetown, Md., ironmaster, represented Montgomery County in the House of Delegates in 1788, and the Western Shore in the Senate, 1796–1800. Ferguson (c. 1740–1812), a native of Scotland, was a merchant in Port Tobacco, Charles County. He had been chief judge of the Orphans' Court in Charles County for many years.

**Henry Hollingsworth to Levi Hollingsworth
Elkton, 21 January 1788 (excerpt)¹**

... we se[e] you are all Federelists or a[t] Least a Majority so time only will discover what we are but I sopose we are Federilists and hope we shall addopt and advantage by the Sistem

1. RC, Hollingsworth Family Papers, PHi. The letter was "Favrd by Mr S[amuel] Hewitt."

Luther Martin: Genuine Information VIII
Baltimore Maryland Gazette, 22 January 1788¹

Mr. MARTIN'S Information to the House of Assembly, continued.

It was urged that by this system, we were giving the general government full and absolute power to regulate commerce, under which general power it would have a right to *restrain*, or *totally prohibit* the *slave trade*—it must appear to the world absurd and disgraceful to the last degree, that we should *except* from the exercise of that power, the *only branch of commerce*, which is *unjustifiable in its nature*, and *contrary to the rights of mankind*—That on the contrary, we ought *rather to prohibit expressly* in our *constitution*, the *further importation of slaves*; and to *authorize* the general government from time to time, to make such regulations as should be thought most advantageous for the *gradual abolition of slavery*, and the *emancipation* of the *slaves* which are already in the States.

That *slavery is inconsistent with the genius of republicanism*, and has a tendency to *destroy* those *principles* on which it is *supported*, as it *lessens the sense* of the *equal rights of mankind*, and habituates us to *tyranny and oppression*.—It was further urged, that by this system of government, every State is to be protected both from *foreign invasion* and from *domestic insurrections*; that from this consideration, it was of the *utmost importance* it should have a power to restrain the importation of slaves, since in *proportion* as the number of slaves were increased in any State, in the *same proportion* the State is *weakened* and *exposed* to foreign invasion, or domestic insurrection, and *by so much the less* will it be able to protect itself against *either*; and therefore will by so much the more, want aid from, and be a burthen to, the union.—It was further said, that as in this system we were giving the general government a power under the idea of national character, or national interest, to regulate even our *weights and measures*, and have prohibited all possibility of *emitting paper money*, and *passing instalment laws*, &c.—It must appear still more extraordinary, that we should prohibit the government from interfering with the slave trade, than which *nothing* could so *materially affect* both our *national honour and interest*.—These reasons influenced me both on the committee and in convention, most decidedly to oppose and vote against the clause, as it now makes a part of the system.²

You will perceive, Sir, not only that the general government is prohibited from interfering in the slave trade *before* the year eighteen hundred and eight, but that there is no provision in the constitution that it shall *afterwards* be prohibited, nor any security that such prohibition will ever take place—and I think there is great reason to believe that if the importation of slaves is permitted until the year seventeen [i.e.,

eighteen] hundred and eight, it will not be prohibited afterwards—At *this time* we do not generally hold this commerce in so *great* abhorrence as we have done.—When our *own* liberties were at stake, we *warmly* felt for the *common rights of men*³—The danger being thought to be past, which threatened ourselves, we are daily growing *more insensible* to those rights—In those States who have restrained or prohibited the importation of slaves, it is only done by legislative acts which may be repealed—When those States find that they must in their *national character* and *connection* suffer in the *disgrace*, and share in the *inconveniences* attendant upon that detestable and iniquitous traffic, they may be desirous also to share in the *benefits* arising from it, and the odium attending it will be greatly effaced by the sanction which is given to it in the general government.

By the next paragraph, the general government is to have a *power* of *suspending* the *habeas corpus act*, in cases of *rebellion* or *invasion*.

As the State governments have a power of suspending the habeas corpus act, in those cases, it was said there could be no good reason for giving such a power to the general government, since whenever the *State* which is invaded or in which an insurrection takes place, finds its safety requires it, *it* will make use of that power—*And* it was urged, that if we gave this power to the general government, it would be an engine of oppression in its hands, since whenever a State should oppose its views, however arbitrary and unconstitutional, and refuse submission to them, the general government may declare it to be *an act of rebellion*, and suspending the habeas corpus act, may *seize* upon the persons of those *advocates of freedom*, who have had *virtue* and *resolution* enough to excite the opposition, and may *imprison* them during its pleasure in the *remotest* part of the union, so that a citizen of Georgia might be *bastiled* in the furthest part of New-Hampshire—or a citizen of New-Hampshire in the furthest extreme to the south, cut off from their family, their friends, and their every connection—These considerations induced me, Sir, to give my negative also to this clause.⁴

In this same section there is a provision that no preference shall be given to the ports of one State over another, and that vessels bound to or from one State shall not be obliged to enter, clear or pay duties in another.—This provision, as well as that which relates to the uniformity of impost duties and excises, was introduced, Sir, by the delegation of this State.⁵—Without such a provision it would have been in the power of the general government to have compelled all ships sailing into, or out of the Chesapeake, to clear and enter at Norfolk or some port in Virginia—a regulation which would be extremely injurious to our commerce, but which would if considered merely as to the interest of the

union, perhaps not be thought unreasonable, since it would render the collection of the revenue arising from commerce more certain and less expensive.

But, Sir, as the system is now reported, the general government have a *power to establish what ports they please in each State*, and to ascertain at what ports in every State ships shall clear and enter in such State, a power which *may* be so used as to *destroy* the *effect* of that provision, since by it may be established a port in such a place as shall be so *inconvenient* to the State as to render it *more eligible* for their shipping to clear and enter in *another* than in their *own State*; suppose, for instance the general government should determine that all ships which cleared or entered in Maryland, should clear and enter at George-Town, on Potowmack, it would oblige all the ships which sailed from, or was bound to, any other part of Maryland, to clear or enter in some port in *Virginia*. To prevent such a use of the power which the general government now has of *limiting the number of ports* in a State, and *fixing the place or places where they shall be*, we endeavoured to obtain a provision that the general government should only, in the first instance, have authority to ascertain the *number* of ports proper to be established in each State, and transmit information thereof to the several States, the legislatures of which, respectively, should have the power to fix the *places* where those ports should be, according to their idea of what would be most *advantageous* to the *commerce* of their State, and most for the *ease* and *convenience* of their *citizens*; and that the general government should not interfere in the establishment of the *places*, unless the legislature of the State should neglect or refuse so to do; but we could not obtain this alteration.⁶

By the tenth section, every State is *prohibited from emitting bills of credit*—As it was reported by the committee of detail, the States were *only* prohibited from emitting them *without the consent of Congress*;⁷ but the convention was so *smitten* with the *paper money dread*, that they insisted the prohibition should be *absolute*. It was my opinion, Sir, that the States ought not to be *totally deprived of the right to emit bills of credit*, and that as we had *not given an authority* to the *general government* for that purpose, it was the *more necessary* to *retain* it in the *States*—I considered that *this State*, and *some others*, have *formerly received great benefit* from paper emissions, and that if public and private credit should once more be restored, such emissions may *hereafter* be *equally advantageous*; and further, that it is impossible to foresee that events may not take place which shall render paper money of *absolute necessity*; and it was my opinion, if this power was not to be exercised by a State without the permission of the general government, it ought to be satisfactory

even to those who were the *most haunted* by the apprehensions of paper money; I, therefore, thought it my duty to vote against this part of the system.⁸

The same section also, puts it out of the power of the States, to make any thing but gold and silver coin a tender in payment of debts, or to pass any law impairing the obligation of contracts.

I considered, Sir, that there might be times of such *great public calamities* and *distress*, and of such *extreme scarcity* of *specie* as should render it the *duty* of a government for the *preservation* of even the *most valuable part* of its citizens in some measure to interfere in their favour, by passing laws *totally* or *partially stopping* the courts of justice—or authorising the debtor to pay by *instalments*, or by delivering up his property to his creditors at a *reasonable* and *honest* valuation.—The times have been such as to render regulations of this kind necessary in most, or all of the States, to prevent the *wealthy creditor* and the *monied man* from *totally* destroying the *poor* though even *industrious* debtor—*Such times* may *again* arrive.—I therefore, voted against depriving the States of this power,⁹ a power which I am decided they ought to possess, but which I admit ought only to be exercised on very important and urgent occasions.—I apprehend, Sir, the principal cause of complaint among the people at large is, the public and private debt with which they are oppressed, and which, in the present scarcity of cash, threatens them with destruction, unless they can obtain so much indulgence in point of time that by industry and frugality they may extricate themselves.

This *government proposed*, I apprehend so *far from removing* will greatly *encrease* those complaints, since grasping in its all powerful hand the citizens of the respective States, it will by the imposition of the variety of *taxes, imposts, stamps, excises* and *other duties*, *squeeze* from them the little money they may acquire, the hard earnings of their industry, as you would squeeze the juice from an orange, till not a drop more can be extracted, and then let *loose* upon them, their *private creditors*, to whose *mercy* it *consigns* them, by *whom* their property is to be *seized upon* and *sold* in this *scarcity of specie* at a *sheriffs sale*, where nothing but *ready cash* can be received for a *tenth part* of its *value*, and *themselves* and their *families* to be consigned to *indigence* and *distress*, without *their governments* having a *power* to *give them a moment's indulgence*, however *necessary* it might be, and however *desirous* to grant them aid.

By this same section, every State is also prohibited from laying any imposts, or duties on imports or exports, without the permission of the general government.—It was urged, that as almost all sources of taxation were given to Congress it would be but reasonable to leave the States the power of bringing revenue into their treasuries, by laying a

duty on exports if they should think proper, which might be so *light* as not to injure or discourage industry, and yet might be productive of considerable revenue—Also, that there might be cases in which it would be proper, for the purpose of encouraging manufactures, to lay duties to prohibit the exportation of raw materials, and even in addition to the duties laid by Congress on *imports* for the sake of *revenue*, to lay a duty to discourage the importation of particular articles into a State, or to enable the *manufacturer here* to supply us on as *good terms* as they could be obtained from a *foreign market*; however, the most we could obtain was, that this power might be exercised by the States with, and *only* with the consent of Congress, and subject to its controul—And so anxious were they to seize on *every shilling* of our money for the general government, that they insisted *even the little revenue* that might thus arise, should not be appropriated to the use of the respective States where it was collected, but should be paid into the treasury of the United States; and accordingly it is so determined.¹⁰

(*To be continued.*)

1. Reprinted: Philadelphia *Independent Gazetteer*, 11 February; *New York Journal*, 7, 12, 14 March; Boston *American Herald*, 3 April (excerpt); and *State Gazette of South Carolina*, 15, 19 May (excerpt). For a general discussion of *Genuine Information*, see Luther Martin, *Genuine Information* I, Baltimore *Maryland Gazette*, 28 December 1787 (above).

2. See Luther Martin, *Genuine Information* VII, Baltimore *Maryland Gazette*, 18 January, note 6 (above).

3. The second article of the Association of the First Continental Congress (20 October 1774) states: “We will neither import nor purchase, any slave imported after the first day of December next; after which time, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it” (JCC, I, 77). On 6 April 1776 the Second Continental Congress resolved that Americans could export virtually all goods to or from anywhere in the world except the British dominions. East India tea and slaves, however, could not be imported (JCC, IV, 257–59).

4. On 28 August 1787 this clause was adopted seven states to three. Even though Martin voted against this clause, Maryland voted “ay” (Farrand, II, 438).

5. The motion dealing with the ports was made on 25 August by Daniel Carroll and Martin. The motion dealing with the uniformity of impost duties and excises was made on the same day by James McHenry and Charles Cotesworth Pinckney of South Carolina (Farrand, II, 417–18, 418, 420).

6. This motion was made on 25 August by James McHenry and Charles Cotesworth Pinckney (Farrand, II, 418, 420).

7. See CDR, 268.

8. On 28 August the Constitutional Convention voted eight states to one to prohibit states from emitting bills of credit. Maryland’s vote was divided (Farrand, II, 439).

9. On 28 August the Convention voted eleven states to none to prohibit the states from making anything but gold and silver a tender in payment of debts (Farrand, II, 439). For the contract clause, see *ibid.*, 439–40, 448–49, 597.

10. Farrand, II, 441–43.

An American**Baltimore Maryland Gazette, 22 January 1788¹***Maryland, January, 1788.*

TO LUTHER MARTIN, ESQUIRE.

SIR, I shall attempt to prove the constitution perfect in one respect, upon your own principles. Americans are all equally free. This freedom is not local, but exists equally within the bounds of the United States: And, therefore, wheresoever we go, within these bounds, it attends us.

You say “the *quantum of representation* depends on the *quantum of freedom*, and therefore *all*, whether *individual States*, or *individual men*, who are *equally free*, have a right to *equal representation*.”²

Now, we are to stand as individual men to the Congress, in some respects, and to our State governments in others. In both, we must be represented by our numbers, or we cannot be equally represented. Were it otherwise, a man going from a small State to a larger, for land to his children, would lose the convenience he had before, of being heard in the legislature by the mouth of his neighbour. It is right therefore, upon your principles, that, as individual men, our representation should be according to our numbers. And the individual States, being equally represented in the Senate, which prevents any evil from unequal numbers; it is proved that the constitution, as to representation, fulfils your principles.

Before reasoning can apply to two cases equally, the cases must be equal. But our case is not like that of the ten savages put by you; for we can form a government, but they could not; as they could neither have a Senate, nor even the benefit of that supreme power in the majority, without which government cannot exist.

1. Reprinted: *Pennsylvania Packet*, 9 February.

2. See Luther Martin, *Genuine Information II*, *Baltimore Maryland Gazette*, 1 January, at note 9 (RCS:Md., 140).

Delays in the Circulation of Luther Martin’s**Genuine Information, 22 January–8 April 1788***Pennsylvania Packet, 22 January 1788*

** Any person having the Maryland Gazette and Baltimore Advertiser, of Tuesday, January 8, 1788, containing the 4th continuation of Mr. Martin’s Report to the House of Assembly of Maryland,—will much oblige the Printers of this paper by the loan of it, as they did not receive that publication through the usual channel.¹

*Pennsylvania Herald, 23 January 1788*²

The MARYLAND GAZETTE of the 8th inst. not having come to hand we are here obliged to omit the continuation of Mr. MARTIN'S SPEECH contained in that paper; but as soon as we receive it, shall take the earliest opportunity of presenting it to our readers.

*Pennsylvania Packet, 1 February 1788*³

Not having, until yesterday, received the Maryland Gazette containing the following, we take the first opportunity of laying it before our readers.—This continuation should have been published between our papers of the 14th and 18th January.

*Philadelphia Independent Gazetteer, 9 February 1788*⁴

The following continuation should have been inserted in our paper between the 22d and 24th January. The Maryland Gazette not having come regularly to hand, we were prevented from laying it before our readers at an earlier period.

*New York Journal, 16 February 1788*⁵

The Printer hereof has taken great pains, and has been at some expence, to obtain the continuation of the hon. Mr. Martin's information to the legislature of Maryland, from Philadelphia; and he is happy to inform his readers, that he is now able (with a little omission) to re-continue it, on Monday, from his Register of the 18th ult.

*Philadelphia Freeman's Journal, 27 February 1788 (excerpt)*⁶

Extract of a letter from Worcester, (Massachusetts) February 11, 1788.

“... I understand the deputies from the state of Maryland to the general Convention have been called before their Assembly, to give an account of the proceedings of that secret body; as the post office does not allow any newspapers to come this far, that contain any thing unfavourable to the New Constitution, I wish you would send me one of the papers in which Mr. Martin's information is.”

*New York Journal, 8 April 1788*⁷

☞ Yesterday the celebrated SPEECH of the Hon. LUTHER MARTIN, Esq. late a member of the gen. convention, from the state of Maryland, addressed to the house of assembly of that state, was completed in this paper. The several southern papers, which contained this speech, having been received very irregularly, and that chiefly by favor of correspondents, is the reason why this publication has been so long detained

from the public, and finally so irregularly published as to render it difficult to have one collective view of it. That our readers may, notwithstanding, attain this collective view, the editor refers them to the following papers, viz. of January 15, 16, and 18; of February 18, 19, 20, 22, 25, 26, and 27; of March 1, 7, 12, 14, 15, 17, 18, and 19; and of April 7, 3, and 7, 1788.⁸

1. The *Packet* reprinted *Genuine Information* IV (Baltimore *Maryland Gazette*, 8 January, note 1 [above]) on 1 February. The delay apparently occurred only with this number because installments I–III were reprinted between 5 and 14 January and V–VII between 18 and 25 January.

2. This item was printed as a preface to the *Herald's* and the Philadelphia *Independent Gazetteer's* (24 January) reprintings of the fifth installment of *Genuine Information*. The *Gazetteer* finally reprinted *Genuine Information* IV on 9 February. The *Herald* ceased to exist after 14 February and never printed the fourth installment.

3. This item was printed as a preface to the reprinting of *Genuine Information* IV (see note 1, above).

4. This item was printed as a preface to the reprinting of *Genuine Information* IV (see note 2, above). The *Gazetteer* had reprinted the third and fifth installments on 22 and 24 January, respectively.

5. This item was printed two days before the *Journal* began reprinting *Genuine Information* III (Baltimore *Maryland Gazette*, 4 January [above]). (See also *New York Journal*, 8 April, in this grouping.)

6. Three newspapers—the *Maryland Journal*, 4 March, and the Winchester *Virginia Gazette* and the *Carlisle Gazette*, 26 March—reprinted parts of this letter, but none reprinted the material on *Genuine Information*.

7. This item appeared the day after the *Journal* reprinted the last of the twelve installments (Baltimore *Maryland Gazette*, 8 February, below).

8. The *Journal* reprinted *Genuine Information* XI on 7 April (Baltimore *Maryland Gazette*, 5 February, below). *Genuine Information* XII was reprinted on 3 and 7 April.

Valerius

Baltimore Maryland Gazette, 25 January 1788¹

Mr. HAYES,

SIR, You have, no doubt, by this time, had an opportunity of reading a publication entitled, “The Address, and Reasons of Dissent, of the Minority, of the Convention of Pennsylvania, to their Constituents.”

Satisfied of the honest and virtuous indignation in which you must hold the compilers of this work, and urged by motives of candour, and love to the cause of freedom and truth, I now take the liberty of offering the following remarks to the public, thro’ the medium of your paper.

The minority dissent from the federal constitution, proposed by the late general convention,—“First, Because it is the opinion of the most celebrated writers on government, and confirmed by uniform experience, that an extensive territory cannot be governed on principles of freedom, otherwise than by a confederation of republics, possessing all

the powers of internal government; but united in the management of their general and foreign concerns.”²—

Now, let every impartial mind, weigh this principle in a scale of candour and truth—strip it of its art,—and unmask it to the world;—and what does it present to us? or what can it prove? But, that there “must be on principles of freedom,” two governing powers;—the one possessing all the powers of internal, that is the State governments; and the other, having the “management of our general or foreign concerns,”³—that is a federal government—That this is truly and precisely the nature of the new constitution, that plan of government is the best argument to prove. For no person will pretend to say, except it is that junto in Pennsylvania, who regards the sacred cause of truth as they do the tranquility of their State, that the State governments will not continue to possess all the requisite powers of internal government, while, at the same time, the federal government takes under its jurisdiction and care the objects of general concern.

The importance and absolute necessity of the full existence of the State governments, is demonstrated by the mode of electing the senate and president, those two important branches of the federal Congress—From whence it appears, that the very existence of the Congress depends on the State legislatures; and when the State governments cease to exist the Congress will be no more!—

The former is the creator, and the latter is the creature.—To endeavour to prove that the creature is superior, and will govern the creator, is an insult to common sense, and a disgrace even to the Pennsylvania junto, whose joint efforts were only capable of begetting and bringing into existence, this spurious, half formed, and ill featured birth, with all the advantages of their old political midwife to assist them to bring forth to the world, this monstrous infant of infamy.

If they conceived there is any difference between the foregoing principle, and the new constitution, they ought to have made it appear, by stating where the State governments terminated, and marked the point at which the new constitution began to operate; otherwise, their principle and the new constitution exactly coincide. Because, if their principle is admitted to the dignity of proving any thing, it is to establish two governing powers, one in each State; and the other to exist in the federal Congress.—And as it has been sufficiently proven, that these two powers will exist under the new constitution, it follows, that they have convicted themselves from their own arguments, and confirmed the new constitution upon the principle they pretend to establish their reasons of dissent from it on.—They have it now at choice, either to be branded as vile imposters, or be elevated to the dignity of absurdity.

In order to establish *their* idea of two powers, they adduce a part of Mr. Wilson's address to the general convention. Here let us pause for a moment and drop a tear for the infamy, the depravity, and want of candour in the compilers of this work, now the mortifying object of the world's attention.—When we contemplate their conduct, human intellects are at a loss to conceive the extent of their moral depravity; and even, if the mind did not thus feel her limits, our language is too poor to colour ideas sufficiently gross to characterize such men.

In this original scene, the mind feels a merciful difficulty to determine, whether ignorance or infamy has the greatest share in the present proceedings.—For the sake of dispatch and justice let us join with the world, and give them credit for an equal mixture of each; producing a *tertium quid* in politics, a character hitherto without a name; but alive to every art that will disturb the tranquility of the community;—silent to the calls of an almost ungoverned and ruined country;—and callous to every generous emotion that warms the bosom of friends to America, to patriotism and to virtue.

To prove that this character is justly applied, let us return to examine their uncandid and false statement of Mr. Wilson's address, which is as follows, viz.—“The extent of country for which the new constitution was required, produced another difficulty in the business of the convention. It is the opinion of the most celebrated writers, that to a small territory a democratical; to a middling territory a monarchical; and to an extensive territory a despotic form of government is best adapted. Regarding then the almost boundless jurisdiction of the United States, the hand of despotism seemed necessary to controul, connect and protect it: And hence the chief embarrassment arose. For we well knew that though our constituents would cheerfully submit to the restraints of a free government, they would spurn at every attempt to shackle them with despotic power.”⁴ This far the quotation is exact, and here they stop, because that part *only* suited their purpose. To have proceeded any farther would have brought forth truth, which is repugnant to their nature—But Mr. Wilson continues in the next breath—“In this dilemma a federal republic naturally presented itself to our observation as a species of government which secured all the internal advantages of a republic, at the same time that it maintained the external dignity and force of a monarchy. The definition of this form of government may be found in Montesquieu, who, I believe, says it consists in assembling distinct societies, which are consolidated into a new body, capable of being increased by the addition of new members; an expanding quality peculiarly fitted to the circumstances of America.”⁵

The public will readily perceive the different ideas which these two paragraphs afford, when read together, compared with those which can only be annexed to that part which those deceivers of the public have adduced to support their malicious designs against the happiness of America—What confidence can the citizens of Pennsylvania or those of any other State, place in men who have recourse to so pitiful and false a subterfuge as this? If their cause was just—if their exertions were founded in true patriotism and virtue, would this be their mode of conducting themselves? And if this their conduct, was bottomed by a real regard for the happiness of their constituents and mankind, it at most proves the weakness of their cause, when they are reduced to those momentary advantages of *twisting* off a small part of a member's address in convention, and making use of it as the corner-stone to the whole fabric of declamation, which much labour has built; when at the same time, it is in the power of the most domestic mind, to take from them this the only support to their tottering fabric, which must then tumble from its imaginary height, and crush them in its ruins.

They dissent “Secondly, Because the powers vested in Congress by the constitution must necessarily annihilate and absorb the legislative, executive and judicial powers of the several States, and produce from their ruins one consolidated government, which from the nature of things will be an iron handed despotism, as nothing short of supremacy of despotic sway could cement and govern these United States under one government.”⁶

In order to support this position, they urge as an argument, “that the Congress will have a compleat and unlimited power over the *purse* and *sword*”⁷—at first view this sentence seems to alarm, but this effect is only momentary. I will ask the authors of it one or two questions in answer to it.—First, is it right and necessary that this power should be lodged any where? Most certainly it must, otherwise we have no government at all, and be reduced to a state of nature.—Secondly, where ought that power to be lodged, which immediately concerns the whole continent as a nation? Most certainly it ought to be committed to that representative body who has the disposal and government of our general concerns.

This power ought to be placed in the federal Congress, because, is it not more reasonable to conclude, that the interest of each separate State would be pursued by that body which represents the whole, than that the interest of the whole would be pursued and attended to by a part, *in* the individual States?

That the affirmative of this question ought to be supported as the most probable means of securing our liberty, and most consistent with

the nature of the union, appears from the following reasons—First, because if the business which concern the union was left to the government of the individual States, we should have no federal government at all. The diversity of opinion, the jarring interest of the different States have demonstrated to us already the impossibility and impropriety of remaining longer under this mode of government—Secondly, because in the general or federal government, each State is represented, before whom comes all the various wants, difficulties and dangers which concern them as a nation for deliberation and determination; not according to the particular interest of an individual State, but agreeable to the general benefit of the whole.

States acting in this general or confederated capacity, are laid under similar obligations with the individuals who appoint the State legislatures. In the former, as well as the latter, each must give up a part of their natural liberty, as a reward for the protection which government affords to their civil liberty, to their property, and to their lives. There is, no person doubts, at this enlightened day of society, the importance and necessity of individuals giving way to measures, which are for the general good of the State in which he lives. So there ought to be no hesitation in an individual State to subscribe to a constitution which is clearly for the general advantage of the union.

As well might an individual endeavour to breed a civil commotion and domestic war against the government under which he lives—magnify the smallest imperfection into the most grievous oppression, to inflame the minds of the people into an idea that every possible stretch of power, however improbable, into unavoidable tyranny; nay, even “despotic sway,” and even set nature at variance with herself, as for one State to take the part with the Pennsylvania junto advises and rebel against the general good of America, to gratify the vile purposes of party, and vicious ambition.

(*To be continued.*)

1. On 15 January the *Maryland Gazette* announced that “The piece signed VALERIUS is received, and will be inserted in due time.” The *Gazette* skipped its issues of 18 and 22 January before printing “Valerius” on 25 January. The first part of “Valerius” was reprinted in the *Pennsylvania Herald* on 9 February with the closing, “To be continued.” The next issue for 12 February is not extant.

In this essay, “Valerius” criticized “The Dissent of the Minority of the Pennsylvania Convention” (Samuel Bryan) that was first printed in the *Pennsylvania Packet* on 18 December 1787. The continuation of the essay by “Valerius” appeared in the *Gazette* on 29 January and 1 February (both below). For a brief discussion of the “Dissent” in Maryland, where it was not reprinted, see “A Marylander” (Otho Holland Williams?), *Baltimore Maryland Gazette*, 4 January, note 2 (above), and for a full discussion of the history, writing, publication, and circulation of the “Dissent,” see CC:353.

2. Quoted from the "Dissent" (CC:353, p. 21).
3. Quoted from the "Dissent" (CC:353, p. 21).
4. As quoted in the "Dissent" (CC:353, p. 21). The passage is from James Wilson's 24 November 1787 speech in the Pennsylvania Convention (RCS:Pa., 341). For the circulation of and the commentaries upon this speech in 1787–1788, see CC:289.
5. This quoted passage is from James Wilson's 24 November 1787 speech in the Pennsylvania Convention (RCS:Pa., 341–42).
6. Quoted from the "Dissent" (CC:353, p. 21).
7. Quoted from the "Dissent" (CC:353, p. 22). The complete sentence from which this passage was quoted reads: "The powers of Congress under the new constitution, are complete and unlimited over the *purse* and the *sword*, and are perfectly independent of, and supreme over, the state governments; whose intervention in these great points is entirely destroyed."

**James Madison to Eliza House Trist
New York, 27 January 1788 (excerpt)¹**

. . . I have not yet seen L. M.—s publication of which you give so flattering an account. It is impossible I think that he can be a very formidable adversary to the Constitution; though he will certainly be a very noisy one. . . .

1. RC, Owned by Dr. Frederick M. Dearborn, New York (1959). Printed: Rutland, *Madison*, X, 434. At this time, Madison was in New York City representing Virginia in Congress. Trist was the daughter of Mary House, a widow who ran a boardinghouse at which Madison stayed when in Philadelphia.

**Valerius
Baltimore Maryland Gazette, 29 January 1788¹**

STRICTURES, on "The Address, and Reasons of Dissent, of the Minority, of the Convention of Pennsylvania, to their Constituents," continued from our last.

As for their other observations which they have made in support of the foregoing position, they scarce merit a serious confutation. These consist of a number of laboured tales and high coloured "possibilities and may bees." They go on triumphing in their imaginary establishment of a "consolidated government, and iron-handed despotism," and have the impudence to draw conclusions, and impose them on the patience of the public, as if true, when at the same time the very premises from whence they are drawn are grossly and obviously false. This is an insult to the understanding which admits of no compensation.

By what phenomenon, "may be" or "possibility" is this consolidation of power to take place? The most numerous branch of the Congress is to be appointed by the people themselves; and the other branches, the president and senate, are also to be appointed by the people,

through the medium of their representatives in the State legislatures. This being the case, what probability is there of Congress obtaining “all the power of government within themselves?” Their very existence as a Congress depends on the people: And if by a “possibility” they become a consolidated despotic body, it must be by the people, therefore the Congress are not to blame.

But this event is not probable and can never take place while the spirit of freedom, the love of liberty, and the good sense of the people of this country continues, and while this is our happy state, we are not to be troubled with all the *wild* “possibilities” that “may be” started from the *desarts* of Pennsylvania.

It is enough for the good sense of the people to know and be satisfied that fair, equal, and not too frequent elections, is the only true mode of obtaining a safe and wise representation; and that a representation thus formed, is the rich fountain from whence happiness and freedom flow to all the sons of liberty—and these great securities of freedom are sufficiently manifested in and pervade the whole federal government.

They dissent thirdly, and lastly, “Because if it were practicable to govern *so* extensive a territory as these United States include, on the plan of a consolidated government, consistent with principles of freedom and the people, yet the construction of this constitution is not calculated to attain the object, for independent of the nature of the case, it would of itself, necessarily produce a despotism, and that not by the usual gradations, but with the celerity that has hitherto only attended revolutions affected by the sword.”²

Having proved the falsehood of the foregoing premises, upon which the last position is formed, it is not worth my further attention, except to add, that if it possessed more truth it would merit more observation.—A great deal is said respecting the want of a federal bill of rights, and great evils are anticipated from this quarter, which affect the imagination for a moment, but have nothing to do with the understanding, because every person who reasons at all knows that the individual States have a bill of rights of their own; and all who can read the federal constitution may see, that these rights are not taken from them, therefore these rights are still in full existence.

It is not a question with these enemies to the new constitution, whether they retail truth or falsehood to the public. Their whole object and ambition is to inflame the minds of the people. Honor, justice, or truth operates not upon them. Perceiving the desired effect of their cobweb declamation, produced on the minds of the contemptible few, who form the circle of their associates—they have the vanity to suppose

the same want of discernment in others—So trifling was the idea of a federal bill of rights in the opinion of the members of the general convention, that it never came regularly before them. It was barely mentioned privately by a few members, but it was not thought worthy of being brought forward, or admitted to the dignity of a motion.—Mr. M——, of Virginia, has asserted the contrary; but the falsehood and duplicity of this man has been sufficiently explained to the world by abler pens than mine; but to bring his character to a short issue, I will only call the attention of the public to his late published reasons of dissent, wherein he has said he dissented from the new constitution “because it had not a bill of rights.”³ The public may be assured that this objection was never mentioned in convention⁴—This being the case, Mr. M—— must have either withheld this reason from the house, and benefitted by it only himself—or he has imposed on the public an infamous falsehood.—If we admit the former, he has conducted himself without principle; because, if the reason was a good one, he has betrayed the confidence and future happiness of his constituents, by not urging this argument in the convention. If the latter is believed by the world, the cause of truth will be supported by her decision; and his character will be little benefitted by the conclusion. In either case, the just limits of his reputation, are demonstrated to his constituents, by the unerring lines of truth—and the public character which was once dark and opaque, is now plain and transparent to the weakest eye. It now remains with the public to place a proper estimate upon this character, and as he has hitherto conducted himself without principle, his constituents, I hope, will look upon him in future, without confidence.

R. H. L. manifested the extent of his love to his country during the late war, when he exerted himself to displace General *Washington*, and give the command of our army to General [Charles] *Lee*. His motive in this business was to gratify his hatred of our illustrious General, even at the loss of his country. Can America now be so lost to reflection as to confide in such a man?⁵—The personage who was the object of R. H. L.’s hatred during the war, was the president (if I can be allowed the expression) of the army; and was also president of the late federal convention—And as he would have gloried in taking the command from him during the war, and thereby ruin his country, can the public hesitate to conclude, that he would now rather endanger anarchy in America, than stifle hereditary hatred of that glorious personage, under whose authority the new constitution is presented to the world? The cases are exactly parallel. The circumstances of America being equally dangerous in one case as in the other; and the cause which lies concealed in the dark researches of his heart operates with the same

malignant force against the man, and not the measure—But we owe it to the bounty of Heaven, that these two men are now unmasked to the world, and are discovered to be deceitful with art, and hypocrites without the power of betraying.

It is observed, by the minority, that “representation ought to be fair, equal and sufficiently numerous to possess the same interest and views, which the people themselves would possess were they all assembled, &c.”⁶ agreeable to the mode of election and representation pointed out in the new constitution, the representation will be “fair,” because the people themselves elect immediately the largest branch, and through their representatives they have the appointment of the two other branches of the Congress.—The representation will be “equal,” because the number of representatives are to be in proportion to the number of constituents, and that it will be “sufficiently numerous” appears reasonable; if not, upon trial, the number may be increased.

Much is said about the trial by jury being taken away, and all the powers of imagination healed to inflame the minds of the people from this cause. This attack upon the constitution is a counter part to their other objections. The trial of all criminal cases remains as formerly to be tried by jury.—The trial of all civil causes between citizens of the same State are to be tried as formerly. And it is only in general objects, “to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State and the citizens thereof, and foreign States, citizens and subjects.”

These are all the objects to which the jurisdiction of the federal court extends, which objects cannot come properly before any other court. They are causes of a public nature, and therefore ought to be tried by that court, which is the product, or servants of the collected representation and wisdom of the people.

As to the variety of objections with respect to the blending the legislative and judicial powers, and the “possible” dangers that may arise therefrom—Their objections to the preamble of the new constitution—“Our soldiers becoming Janisaries, and our officers of government Bahaws.”⁷ Their fears of a standing army by which Congress intend “to enforce all her laws,” and “wrest from the people their constitutional liberties;” when at the same time the very existence of this army is limited to two years only at one time; and if it should so happen, that even this term should be disagreeable to the people, the people themselves have a right and power to withdraw the revenue, without which the army cannot subsist—Therefore, the very existence of the army depends on the pleasure of the people—Notwithstanding this truth

expressed in pointed language, on the very face of the constitution, the junto has expressly said that “the constitution has made provision for a permanent standing army”—So that “the government may be executed by force—and used to wrest from the people their constitutional liberty:”⁸ I say, all these objections may be justly denominated groundless insinuations of events, without the least probability of their ever taking place, and false absurd assertions without even the appearance of argument.—As such I leave the authors of them to their inevitable fate—The contempt of the world—This is unavoidable—Their conduct is upon record—There is no possibility of lurking behind the scene—or to deny their proceedings—Infamous and contemptible while they live—they will be handed down to posterity in less deserving colours—who will have reason to rejoice that they lived not in such days,—or among such men!

(To be continued.)

1. This is the second of three installments of an essay by “Valerius” criticizing “The Dissent of the Minority of the Pennsylvania Convention” (CC:353). For the other two installments, see 25 January (above) and 1 February (below).

2. Quoted from the “Dissent” (CC:353, p. 25).

3. George Mason, a Virginia delegate to the Constitutional Convention, refused to sign the Constitution on 17 September 1787. For his published objections to the Constitution, see “A Federalist,” *Baltimore Maryland Gazette*, 18 January, note 5 (above).

4. On 12 September 1787 George Mason “wished the plan [Constitution] had been prefaced with a Bill of Rights, & would second a Motion if made for the purpose—It would give great quiet to the people; and with the aid of the State declarations, a bill might be prepared in a few hours.” Elbridge Gerry of Massachusetts agreed and moved that a committee be appointed “to prepare a Bill of Rights.” Mason seconded the motion. The motion was rejected unanimously (Farrand, II, 582, 587–88).

5. This charge was also made by “Landholder” VI, *Connecticut Courant*, 10 December 1787 (CC:335). The *Maryland Journal*, 1 January 1788, reprinted “Landholder” VI. “Valerius” does not want Americans to view favorably Richard Henry Lee’s objections to the Constitution. For Lee’s published objections and a Maryland criticism of them, see “One of the People,” *Maryland Journal*, 25 December 1787, and note 7, thereto (above).

6. Quoted from the “Dissent” (CC:353, p. 26).

7. Quoted from the “Dissent” (CC:353, p. 32).

8. Quoted from the “Dissent” (CC:353, p. 32).

Luther Martin: Genuine Information IX **Baltimore Maryland Gazette, 29 January 1788¹**

Mr. MARTIN’S Information to the House of Assembly, continued.

The *second article*, relates to the executive—his mode of election—his powers—and the length of time he should continue in office.

On these subjects, there was a great diversity of sentiment—Many of the members were desirous that the president should be elected for seven years, and not to be eligible a second time—others proposed

that he should not be absolutely ineligible, but that he should not be capable of being chosen a second time, until the expiration of a certain number of years—The supporter of the above propositions, went upon the idea that the best security for liberty was a limited duration and a rotation of office in the chief executive department.

There was a party who attempted to have the president appointed during good behaviour, without any limitation as to time, and not being able to succeed in that attempt, they then endeavoured to have him re-eligible without any restraint.—It was objected that the choice of a president to continue in office during good behaviour, would be at once rendering our system an elective monarchy—and, that if the president was to be re-eligible without any interval of disqualification, it would amount nearly to the same thing, since with the powers that the president is to enjoy, and the interest and influence with which they will be attended, he will be almost absolutely certain of being re-elected from time to time, as long as he lives—As the propositions were reported by the committee of the whole house, the president was to be chosen for seven years, and not to be eligible at any time after—In the same manner the proposition was agreed to in convention, and so was it reported by the committee of detail, although a variety of attempts were made to alter that part of the system by those who were of a contrary opinion, in which they repeatedly failed; but, Sir, by never losing sight of their object, and choosing a proper time for their purpose, they succeeded at length in obtaining the alteration, which was not made until within the last twelve days before the convention adjourned.²

As the propositions were agreed to by the committee of the whole house, the president was to be appointed by the national legislature, and as it was reported by the committee of detail, the choice was to be made by ballot in such a manner, that the States should have an equal voice in the appointment of this officer, as they, of right, ought to have; but those who wished as far as possible to establish a *national* instead of a *federal* government, made repeated attempts to have the president chosen by the people at large; on this the sense of the convention was taken, I think not less than three times while I was there, and as often rejected;³ but within the last fortnight of their session, they obtained the alteration in the manner it now stands, by which the large States have a very undue influence in the appointment of the president.—There is no case where the States will have an equal voice in the appointment of the president, except where two persons shall have each an equal number of votes, and those a majority of the whole number of electors, a case very unlikely to happen, or where no person has a

majority of the votes; in these instances the house of representatives are to choose by ballot, each State having an equal voice, but they are confined in the last instance to the five who have the greatest number of votes, which gives the largest States a very unequal chance of having the president chose under their nomination.

As to the vice-president, that great officer of government, who is in case of death, resignation, removal or inability of the president, to supply his place, and be vested with his powers, and who is officially to be the president of the senate, there is no provision by which a majority of the voices of the electors are necessary for his appointment, but after it is decided who is chosen president, that person who has the next greatest number of votes of the electors, is declared to be legally elected to the vice-presidency, so that by this system it is very possible, and not improbable, that he may be appointed by the electors of a *single large State*; and a very undue influence in the senate is given to that State of which the vice-president, is a citizen, since in every question where the senate is divided that State will have two votes, the president having on those occasions a casting voice.—Every part of the system which relates to the vice-president, as well as the present mode of electing the president, was introduced and agreed upon after I left Philadelphia.

Objections were made to that part of this article, by which the president is appointed commander in chief of the army and navy of the United States, and of the militia of the several States, and it was wished to be so far restrained, that he should not command in person; but this could not be obtained.⁴—The power given to the president of granting reprieves and pardons, was also thought extremely dangerous, and as such opposed—The president thereby has the power of pardoning those who are guilty of treason, as well as of other offences; it was said that no treason was so likely to take place as that in which the president himself might be engaged—the attempt to assume to himself powers not given by the constitution, and establish himself in regal authority—in which attempt a provision is made for him to secure from punishment the creatures of his ambition, the associates and abettors of his treasonable practices, by granting them pardons should they be defeated in their attempts to subvert the constitution.

To that part of this article also, which gives the president a right to *nominate*, and with the consent of the senate to appoint all the officers, civil and military, of the United States, there were considerable opposition—it was said that the person who *nominate*s, will always in reality *appoint*, and that this was giving the president a power and influence which together with the other powers, bestowed upon him, would place him above all restraint and controul. In fine, it was urged, that the

president as here constituted, was a king in every thing but the name—that though he was to be chosen but for a limited time, yet at the expiration of that time if he is not re-elected, it will depend entirely upon his own moderation whether he will resign that authority with which he has once been invested—that from his having the appointment of all the variety of officers in every part of the civil department for the union, who will be very numerous—in them and their connexions, relations, friends and dependants, he will have a formidable host devoted to his interest, and ready to support his ambitious views.—That the army and navy, which may be increased without restraint as to numbers, the officers of which from the highest to the lowest, are all to be appointed by him and dependant on his will and pleasure, and commanded by him in person, will, of course, be subservient to his wishes, and ready to execute his commands; in addition to which, the militia also are entirely subjected to his orders—That these circumstances, combined together, will enable him, when he pleases, to become a king in *name*, as well as in substance, and establish himself in office not only for his own life, but even if he chooses, to have that authority perpetuated to his family.

It was further observed, that the only appearance of responsibility in the president, which the system holds up to our view, is the provision for impeachment; but that when we reflect that he cannot be impeached but by the house of delegates, and that the members of this house are rendered dependant upon, and unduly under the influence of the president, by being appointable to offices of which he has the sole nomination, so that without his favour and approbation, they cannot obtain them, there is little reason to believe that a majority will ever concur in impeaching the president, let his conduct be ever so reprehensible, especially too, as the final event of that impeachment will depend upon a different body, and the members of the house of delegates will be certain, should the decision be ultimately in favour of the president, to become thereby the objects of his displeasure, and to bar to themselves every avenue to the emoluments of government.

Should he, contrary to probability, be impeached, he is afterwards to be tried and adjudged by the senate, and without the concurrence of two-thirds of the members who shall be present, he cannot be convicted—This senate being constituted a privy council to the president, it is probable many of its leading and influential members may have advised or concurred in the very measures for which he may be impeached; the members of the senate also are by the system, placed as unduly under the influence of, and dependent upon the president, as

the members of the other branch, since they also are appointable to offices, and cannot obtain them but through the favour of the president—There will be great, important and valuable offices under this government, should it take place, more than sufficient to enable him to hold out the expectation of one of them to *each* of the senators—Under these circumstances, will any person conceive it to be difficult for the president always to secure to himself more than one-third of that body? Or, can it reasonably be believed, that a criminal will be convicted who is constitutionally empowered to bribe his judges, at the head of whom is to preside on those occasions the chief justice, which officer in his original appointment, must be *nominated* by the president, and will therefore, probably, be appointed not so much for his eminence in legal knowledge and for his integrity, as from favouritism and influence, since the president knowing that in case of impeachment the chief justice is to preside at his trial, will naturally wish to fill that office with a person of whose voice and influence he shall consider himself secure.—These are reasons to induce a belief that there will be but little probability of the president ever being either impeached or convicted; but it was also urged, that vested with the powers which the system gives him and with the influence attendant upon those powers, to him it would be but of little consequence whether he was impeached or convicted, since he will be able to set both at defiance.—These considerations occasioned a part of the convention to give a negative to this part of the system establishing the executive as it is now offered for our acceptance.

(*To be continued.*)

1. Reprinted: *Pennsylvania Packet*, 8 February; *Philadelphia Independent Gazetteer*, 13 February; *New York Journal*, 14, 15, 17 March; *Boston American Herald*, 10 April (excerpt); and *State Gazette of South Carolina*, 19, 22 May (excerpt). On 25 January the editor of the Baltimore *Maryland Gazette* announced that “the continuation of Mr. *Martin’s* Information, is unavoidably postponed till next week.” For a general discussion of *Genuine Information*, see *Genuine Information* I, *Baltimore Maryland Gazette*, 28 December 1787 (above).

2. On 31 August a committee of eleven, one delegate from each state present, was appointed to consider those parts of the Constitution or parts of reports that had been postponed. (Daniel Carroll represented Maryland on the committee of eleven.) On 4 September, the day that Luther Martin left the Convention, the committee proposed a four-year term for the President with no restriction on reelection. This proposal was debated, amended, and adopted between 4 and 6 September (Farrand, II, 481, 497–502, 511–29).

3. The election of the President by the people was first considered on 1 June. It was later rejected on 17 July and 24 August (Farrand, I, 68, 69; II, 32, 402).

4. The New Jersey Amendments to the Articles of Confederation, proposed on 15 June, provided that the federal executive, as commander in chief, should not “on any occasion

take command of any troops, so as personally to conduct any enterprise as General, or in other capacity" (Farrand, I, 244, or CDR, 252).

Luther Martin to Thomas Cockey Deye
Baltimore Maryland Gazette, 29 January 1788¹

To the Honorable THOMAS COCKEY DEYE,
 Speaker of the House of Delegates.

SIR, I flatter myself the subject of this letter will be a sufficient apology for thus publicly addressing it to you, and through you to the other members of the House of Delegates. It cannot have yet escaped *your* or *their* recollection, that when called upon as the servant of a free State to render an account of those transactions in which I had had a share in consequence of the trust reposed in me by that State, among other things, I informed them "that sometime in July, the Honorable Mr. *Yates* and Mr. *Lansing* of New-York, *left the convention*—that they had *uniformly opposed the system*, and that I believed *despairing of getting a proper one brought forward*, or of *rendering any real service*, they *returned no more*."²—You cannot, Sir, have forgot, for the incident was too remarkable not to have made some impression, that upon my giving this information, the zeal of one of my honorable colleagues, in favour of a system which I thought it my duty to oppose, impelled him to interrupt me, and in a manner which I am confident his zeal alone prevented him from being convinced was not the most delicate, to insinuate pretty strongly that the statement which I had given of the conduct of those gentlemen and their motives for not returning was not candid.

Those honorable members have officially given information on this subject by a joint letter to his Excellency Governor *Clinton*—it is published.³—Indulge me, Sir, in giving an extract from it, that it may stand contrasted in the same page with the information I gave, and may convict me of the want of candour of which I was charged, if the charge was just; if it will not do that, then let it silence my accusers.

"Thus circumstanced, under these impressions, to have *hesitated* would have been to be *culpable*: We therefore gave the *principles of the constitution*, which has received the sanction of a majority of the convention, our *decided and unreserved dissent*. We were not present at the completion of the new constitution, but *before* we left the convention, its *principles* were so well *established* as to *convince us*, that *no alteration was to be expected to conform it to our ideas of expediency and safety*. A *persuasion* that our *further attendance* would be *fruitless and unavailing rendered us less solicitous to return*."⁴

These, Sir, are their words.—On these I shall make no comment.—I wish not to wound the feelings of any person, I only wish to *convince*.

I have the honor to remain, With the utmost respect,
Your very obedient servant, LUTHER MARTIN.

Baltimore, January 27, 1788.

1. Reprinted: *Pennsylvania Packet*, 8 February; *Pennsylvania Herald*, 9 February; and *New York Journal*, 15 February. The letter was also reprinted in the pamphlet edition of Martin's *Genuine Information*, which was published on 12 April by Eleazer Oswald of the Philadelphia *Independent Gazetteer*. Martin wrote this letter to Deye to defend what he had said in his 29 November 1787 report to the Maryland House of Delegates concerning the early departure of New York's Robert Yates and John Lansing, Jr., from the Constitutional Convention (RCS:Md., 90). Martin's letter included an extract from the 21 December letter that Yates and Lansing wrote to New York Governor George Clinton giving reasons for not returning to the Convention. The Yates-Lansing letter was first printed on 14 January 1788 in the New York *Daily Advertiser* and *New York Journal* and was circulated widely (CC:447). In Maryland, the letter was reprinted in the *Maryland Journal* on 22 January 1788. (For the pamphlet edition of Martin's *Genuine Information*, see below, under 12 April.) For a criticism of Martin's letter to Deye, see *Pennsylvania Packet*, 14 February (below).

Deye (c. 1728–1807), a wealthy Baltimore County planter, was speaker of the House of Delegates, 1781–88, having served often in the House since 1757. Under the new state constitution of 1776, Deye sat in every House from 1777 through 1788.

2. See *Genuine Information* III, Baltimore *Maryland Gazette*, 4 January 1788, at note 10 and note 10 (above).

3. See note 1, above.

4. Martin supplied the italics in this extract of the Yates-Lansing letter. For the text as written by Yates and Lansing, see "The Report of New York's Delegates to the Constitutional Convention," New York *Daily Advertiser*, 14 January (CC:447, pp. 368, 370).

An Annapolitan

Annapolis Maryland Gazette, 31 January 1788¹

TO THE CITIZENS of ANNAPOLIS.

You are requested by the general assembly of Maryland, to elect two persons, to represent you in the convention, which is to determine, whether this state shall accede to the proposed plan of a confederate government.

It is a pretty general idea, that a majority of the people are disposed to adopt it. But there are men in every county, exerting their whole powers, and putting every engine into motion to defeat, as they allege, the deep-concerted scheme of a few aspiring, wealthy and well born.

That the federal convention, availing themselves of the high trust and confidence of their countrymen, have, with matchless cunning, devised a system for preparing the way to their beloved aristocracy, is a topic of declamation, which is urged to the inhabitants of Annapolis, in common with their fellow-citizens of the union. There is another

argument directed only to *them*; and that is, that the proposed alteration will prove peculiarly detrimental to Annapolis.

It is my purpose to examine these two objections, or rather naked assertions. The first of them I consider as an insult to the understandings of a whole people.

An aristocracy is a government, where the sovereign power resides neither in the body of the people, nor in representatives, elected by the people at stated periods. It is enjoyed by a select body, distinct from the people. They claim it from the constitution, in their own right. It is confined to a few noble families: and is transmitted like a manor from father to son.

This, to *my* conception, is the true nature of an aristocracy; but I mean not to dispute about words; and if a thing be good I care little for the name. From any form of government however which I have known called, by good writers, an aristocracy, the proposed constitution differs almost as much as light from darkness. An aristocracy has been frequently confounded with a government by representation, when, in fact, there is between them a most solid distinction. The latter is a true democracy, and the only species of democracy that can exist with convenience.

To give an idea of each, it is sufficient to advert to the British constitution. The house of lords is an aristocratic assembly, distinct from, and independent of, the people. The house of commons is a democratic assembly, as truly as if the whole body of their electors was convened, in their stead. Men are too apt to take their ideas from ancient petty republics, in which that important discovery, a genuine representation, had not been made. The truth is, the term "*aristocracy*" is become hateful; as indeed the thing itself ought ever to be held. Hence is it, that some men wish to fix the name of aristocracy on the proposed constitution.

As a confederate commonwealth, consisting of many small democratic republics, the proposed constitution is as completely the government of the people, as is possible for a government of that kind, instituted, as it is, for the common defence and general welfare of the several component states, and leaving the protection of each individual, as far as may be, to his respective state government. It is indeed more so, than any other confederate government that has ever existed.

In its legislative department, there are two distinct branches. One of them is chosen immediately by the people; and the other by the people's immediate representatives. They are both appointed for a reasonable term; and there is no shadow of a preference given to the wealthy

and well-born. One of these branches possesses a great share of the executive authority, the residue of which is committed to a single man, the representative of the people, chosen once in four years, and enjoying no privilege, as an individual, more than his fellow-citizens.

If then this constitution, which cannot be changed, without the people's consent, be an aristocracy, either I am mistaken in the term, or an aristocratic form is the most eligible. And if the people of America amongst whom knowledge is diffused, real property divided, vassallage unknown, and personal influence therefore greatly circumscribed;—if the people of America shall be induced to alter this form, and surrender their liberties either to one man, or a few nobles of their own creation; then were not mankind intended to be free; all human wisdom is folly; and there is no sure principle on which may be formed the prediction of any future event.

That this constitution is, at least, calculated for the advantage of the rich, and will, of course, be oppressive to the poor, is a position, often advanced with an air of candour, benevolence and humility. An argument in its support has not been publicly attempted, that I know of, except by two honourable persons of a neighbouring state, not much *distinguished by the liberality of their conduct, or attention to the poor*. I challenge every enemy of the plan to shew, in what manner a citizen, from his riches, can derive an advantage, which he would not enjoy under any other government consulting equal liberty and equal rights.

The objection might be more plainly expressed by the following simple declaration. “By this detested scheme, estates are rendered too secure. When a man gets the property of another into his hands, and thereby incurs a debt, he must discharge it agreeably to his contract. What then shall become of those, who possess neither riches, nor industry? Assuredly, under such severe administration it will be impracticable for them to maintain their ground.”

Such is the general objection. I have too good an opinion of the Annapolitans, to imagine they will be duped, by the particular representations made to them, not as citizens of America, or even of Maryland, but as men, studious to promote the most trifling interest of their own, at the expence of a continent's, welfare; as men who vainly suppose, they can flourish and be happy, whilst the rest of this great community of North America is distrest and miserable.

The most inveterate opponent will not pretend, that the articles of confederation can establish our safety. Is he then capable of inventing a mode whereby congress shall possess efficient authority, unless each state shall surrender a portion of its sovereign rights, or at least suffer

Congress to impose and collect some kind of tax? Can we expect, hereafter, the states will comply with requisitions, better than they did, at the most trying stages of the war? Their legislatives, at present called on for contributions, may be considered on a footing with individuals, called on, by acts of assembly, providing no mode of coercion. Nay—less may be expected by congress, from a state legislature, than by a state legislature from the voluntary payments of its citizens. For although a strong sense of duty might impel a few to contribute, without compulsion, to the exigences of their state, we are not to imagine, the same tie will bind the majority of an assembly, consisting of individuals, who, if they compel others, must, at the same time bind themselves.

To explain, according to my own conjecture, the particular objection applied to Annapolitans, it amounts to this. “When congress shall exercise powers, sufficient to give life and energy to their government, our own legislature will be curtailed of its authority. Its members, dependents and *suitors* will therefore expend less money at the capital. Should the federal courts too ‘*absorb*’ the greater part of legal actions, our own general court will neither sit so long, nor attract so great a concourse of people.”

The general assembly, it is true, will not consume so much time in *debating* on the requisitions of congress. But is it supposable, that our own internal government will not require the same attention, as before? The uncertainty of the law in general, the inefficacy of the penal law, the disproportion between crimes and punishments, the delays of justice; all these, and many others, are evils which demand their deliberation. They demand too the utmost care and circumspection, with some insight into the laws and regulations of other nations. Some of these subjects have been postponed from session to session. The legislature may now apply to this important business, with their minds less occupied by the general concerns of the union, on which, it is not likely, that they can be competent to decide.

In a popular assembly, let the subject of debate be what it may, there will be dissension and party-work, so long as the human mind shall be liable to the influence of passion, or interest; and dissension and party-work must ever protract deliberation. Many of you remember, under the proprietary government, that an inspection bill, the regulation of fees, the forty per poll, the allowance to a clerk, and a variety of other subjects, produced violent agitation, and were almost capable of throwing the province into convulsions.² If, at the same time, you conversed coolly with any two sensible men of different sides, you found the real matter in dispute of very little importance. In a word, if long sessions

of assembly are what you desire; or, if to the real dignity and importance of the state legislature you are warmly attached, you have nothing to apprehend from the proposed constitution.

A moment's reflection likewise, I think, cannot fail to convince any man, that the projected change will be greatly in your favour, considered merely with respect to the numbers, which shall repair to the capital, and the time they shall attend, on account of legal proceedings.

The constitution will create and give rise to a variety of business; and whether the federal or the general court shall have jurisdiction, will make very little difference to *you*. In all human probability, the congress will make a point of instituting a tribunal at the metropolis of each state. You will, in that case, have two courts instead of one; and the federal tribunal may be of more importance than the general court; because only one court will, I apprehend, be appointed by congress for the whole state.

On these considerations, therefore, setting aside the advantages, which, as citizens of America, you will derive from the best mode of government, that human wisdom ever yet contrived, you will be benefited as sharers of the money expended by visitors and sojourners.—I will not flatter you, that this city will become the seat of congress.³ But should such be the event, who is there will contend, that Annapolis will not profit from the change?

I have been addressing you my fellow-citizens, in imitation of my opponents. I have spoken to you as men, who measure not on the large scale of public good; who applaud, or condemn every measure, as it may possibly affect their own interest; and who, even in their selfish attentions, prefer an immediate advantage to the greatest distant blessing. If by motives like these, you are to be influenced in the decision of the vast question before us, you are to consider barely, whether I have not refuted those positions, which you have listened to, in corners.—But, could I believe, that a majority of the freemen in Annapolis were persons of that despicable stamp, I would disdain to address them at all.

I shall, however, confine myself to the limits prescribed at my outset. To the writings of your own townsmen, and to many others, I refer you, for a full examination of other objections. Already has the general subject been discussed, far better than the bounds of a news-paper would admit, had I the inclination, the leisure, or the talents for a complete investigation.

With respect to the objects of your choice at the approaching election, it would be arrogance of an individual, in this way, to offer his

advice. I shall content myself with making a few general remarks which I trust, no man in his senses will deny, however he may determine to vote. Neither prejudice nor partiality, favour nor ill will, should direct you in your suffrages. You are sensible, that the appointment will confer no advantage on the possessor. Envy, hatred and detraction, are the rewards with which too many requite a conscientious and effectual discharge of duty; and these are by no means balanced by that scanty applause, which is yielded by the most honest and candid of his constituents.

But, waving all these considerations, if you are wise, you will honour with your suffrages those men, in whom you can best confide, and whom you shall deem most capable of consulting the welfare of present and future generations. The decision of this stupendous question, so interesting to this city, to the state, and to the union, involves in it likewise the fate of thousands, and hundreds of thousands, in every quarter of the habitable earth. Long have the inhabitants of Europe viewed the cause of America as the cause of human nature. When the contest with Great-Britain first began, and for eight years of arduous conflict, we looked forward to its successful termination as the accomplishment of our wishes. But that glorious termination, which at length we obtained, should have been considered only as an opening of the way to our permanent prosperity. An efficient system of government, which can bind together the several states, prevent the encroachments of one upon another, protect the whole from invasion, and secure good treatment and respect to our citizens abroad;—it is this form of government alone, which has been wanted, to realize those flattering prospects, which presented themselves, even before we took rank amongst nations.

Annapolis.
January 27, 1788.

1. Authorship of “An Annapolitan” was acknowledged by Alexander Contee Hanson in “Aristides,” Baltimore *Maryland Gazette*, 4 March 1788 (extra) (below).

2. In 1747, after several ineffectual laws and much squabbling between the two houses, the Maryland legislature passed an inspection act creating an inspection system similar to the one in Virginia, hoping that Maryland tobacco could now compete better with Virginia tobacco. (The act was entitled “An Act for Amending the Staple of Tobacco, for preventing frauds in his Majesty’s Customs, and for the Limitation of Officers’ Fees.”) The act was renewed in 1753 and again in 1763. Because of political turmoil, the act was not renewed in 1770. But in 1773 another act was adopted (Charles Albrow Barker, *The Background of the Revolution in Maryland* [New Haven, 1940], 72, 92–93, 100–103, 340–42, 356–57, 366).

The November and December 1773 legislative session that adopted the inspection law also resolved some other longtime issues. It reduced the income of the clergy who were

paid with tobacco by setting the tax at 30 pounds of tobacco per poll or as an alternative the payment of four shillings per poll. The legislature also settled the issues of the payment of the clerk of the Council and the payment of fees to tobacco inspectors. The latter issue became easier to resolve after it was separated from the inspection act (*ibid.*, 363–67).

3. For the efforts in the early 1780s to make Annapolis the seat of the Confederation Congress and for the town's temporary status as the seat of Congress (26 November 1783–19 August 1784), see Kenneth R. Bowling, *The Creation of Washington, D.C.: The Idea and Location of the American Capital* (Fairfax, Va., 1991), 45, 49, 51–59, 77. For the continued interest in Annapolis as a capital of the United States after Maryland ratified the Constitution in April 1788, see *ibid.*, 94, 103, 129. See also Appendix IX, RCS:Md., 909–13.

Aristides: Remarks on the Proposed Plan of a Federal Government, 31 January–27 March 1788

On 10 and 24 January, advertisements in the Annapolis *Maryland Gazette* announced that a pamphlet by “Aristides” was at the press and would soon be published. On 31 January, another advertisement announced the publication of *Remarks on the Proposed Plan of a Federal Government, Addressed to the Citizens of the United States of America, And Particularly to the People of Maryland, By Aristides*. *Remarks* was printed by Frederick Green, printer to the state and co-publisher of the Annapolis *Maryland Gazette*.

The author was immediately apparent. Alexander Contee Hanson had used the pen name “Aristides” for many years, so that it was “equal to a public avowal of the author” (“Aristides,” *Maryland Journal*, 4 March, extra [below]). In particular, Hanson used the pseudonym in his newspaper debate with “Publicicola” (William Paca), a debate that began in February 1787 and lasted through August. The two lawyers debated whether or not the people had the right to instruct their representatives and if they could demand that governments act responsibly. Hanson also acknowledged authorship in four private letters (three of them to Tench Coxe) that he wrote between 6 February and 27 March (printed in this grouping).

Hanson (1749–1806), a lawyer, was educated at the College of Philadelphia and was assistant private secretary to General George Washington in 1776. He was a judge of the Maryland General Court, 1778–89, and state chancellor, 1789–1806. Hanson, who never sat in either the state House of Delegates or the state Senate, represented the city of Annapolis in the Maryland Convention, where he voted to ratify the Constitution in April 1788.

Hanson's forty-two page pamphlet, dated “Annapolis, January 1, 1788,” was inscribed “To George Washington, Esquire, Not as a Tribute to the Worth, which no Acknowledgement, or Distinctions, can reward; but to do himself an Honour, which, by labouring in the same Common Cause, he flatters himself, in some Degree, he hath deserved; the Author begs Leave to inscribe the following imperfect Essay.”

The price charged was high for an unbound pamphlet. The advertisement offering the pamphlet for sale listed its price as “two shillings and nine-pence, or three-eighths of a dollar, for a single copy, and proportionably much less for 100, 50, or 25 copies.” The author apologized for the high cost, stating

“that he would be happy, could he, conveniently, distribute gratis, as heretofore, the production of his labour. But this cannot be done, without incurring a considerable expence, or imposing on a few generous subscribers. From a circumstance not necessary to be mentioned, the cost of the impression exceeds his and the Printer’s first expectation. The price therefore of a copy is higher than he wished to fix. It is no part of his plan to make money from the sale; and the most pressing demand will produce little more than an indemnification.” (This advertisement was reprinted in the Annapolis *Maryland Gazette*, 14 February, supplement; *Maryland Journal*, 5, 8 February; and *Pennsylvania Journal*, 13 February.) In mid-February, however, Hanson lowered the price to two shillings or one-quarter of a dollar in Maryland, and to one shilling, ten pence in Philadelphia (Hanson to Thomas Bradford, 8 February [below, in this grouping]). See also advertisements in the *Maryland Journal* between 12 February and 18 March, and in the *Pennsylvania Journal* between 27 February and 31 May.)

Remarks circulated in several states. Early in February Hanson sent fifty copies to Thomas Bradford, the printer of the Philadelphia *Pennsylvania Journal*. (For Bradford, see note 31 [below].) Although personally unacquainted with Bradford, Hanson asked for his help in selling the pamphlet. On 6 February Hanson forwarded another fifty pamphlets to Philadelphia merchant Tench Coxe. Coxe was told to keep a copy for himself and to give individual copies to Benjamin Franklin, William Hamilton, and James Wilson. The remaining copies were to be delivered to Bradford (Hanson to Coxe, 6 February [below, in this grouping]). Despite Hanson’s fears, the pamphlets were received and were first advertised for sale in Philadelphia on 13 February. Hanson also sent copies to Virginia and New York. Sales were brisk in the former and slow in the latter (Hanson to Coxe, 27 March [below, in this grouping]). Hanson gave a copy to George Washington. Horatio Gates and George Nicholas also received copies from correspondents. Hanson sent “a large packet of Pamphlets” to his uncle Benjamin Contee, then serving as a Maryland delegate to Congress in New York City (Coxe to James Madison, 15 February [CC:531]). William Irvine and Nicholas Gilman, also delegates to Congress, forwarded copies to correspondents in their respective home states—William Findley in Pennsylvania and President John Sullivan in New Hampshire. In London, John Brown Cutting had the pamphlet by July 1788 and wrote Thomas Jefferson in Paris that he would transmit it to him “If a good private opportunity occurs soon” (Boyd, XIII, 337).

Federalists, especially in Maryland, praised “Aristides.” Dr. Philip Thomas of Frederick, Hanson’s brother-in-law, wrote that he had read the pamphlet “several times over with much more pleasure than it has been, or will be, read, I suppose, by 99 in a 100. . . .” He praised the author, whom he identified as Hanson, for writing “without favor or partiality” (to Horatio Gates, 21 March [below]). “A Plebeian” asserted that Hanson’s “patriotic, sensible essay” eliminated “the necessity of further disquisition”; while “A Real Federalist” expected that no one would dare to oppose the new plan of government after reading the pamphlet and other Federalist pieces (*Maryland Journal*, 14, 21 March [both below]). An anonymous writer from Washington County described “Aristides” as “the supreme Arbiter, and final Appeal, in all Cases of

Controversy between Federalists and Antifederalists” (*Maryland Journal*, 4 April [below]). On 11 April the *Maryland Journal* printed an extract of a letter from “a Gentleman of Distinction” from Berkeley County, Va. (Horatio Gates), who praised the author of the pamphlet “for his masterly Defence of the proposed Constitution” (RCS:Va., 736). (For other praises of *Remarks* in Virginia, Pennsylvania, and England, see headnote to CC:490 A–E, p. 519.)

The most serious and sustained rebuttal to “Aristides” came from “A Farmer,” an Antifederalist essayist who published seven unnumbered essays spread over fourteen issues of the Baltimore *Maryland Gazette* between 15 February and 25 April (all below). “A Farmer,” perhaps John Francis Mercer, a former Maryland delegate to the Constitutional Convention who left that body before the Constitution was signed, chided Hanson for choosing a pseudonym that revealed his identity, thereby sacrificing “prudence to vanity” (Baltimore *Maryland Gazette*, 15 February, 1 April [both below]). For Hanson’s defense of his choice of pen names, see “Aristides,” *Maryland Journal*, 4 March, extra [below].). “A Farmer” attacked “Aristides” for having “generally erred and frequently mistated in his remarks.” “Many of his remarks betray a misrecollection of the A, B, C, of politics, and some of the historical questions discover a total absence of memory” (Baltimore *Maryland Gazette*, 15, 29 February [both below]). Pennsylvania Antifederalist leader William Findley concurred (CC:490, p. 519).

“A Farmer” singled out for particular criticism the interpretation of the judiciary advanced by “Aristides,” who argued that the state courts had concurrent jurisdiction with the federal courts, that federal officers could be sued in state courts, and that state judges had the power to rule null and void any federal law that they “may conceive repugnant to the constitution.” “A Farmer” considered these interpretations especially grievous because Hanson, as a judge of the Maryland General Court, “knows the *least* of what he ought to understand the *most*” (Baltimore *Maryland Gazette*, 1 April [below]). Luther Martin also criticized “Aristides,” stating that if a learned judge could not understand the language of the Constitution, how could the common people understand it (“Address No. III,” *Maryland Journal*, 28 March [below]).

On 26 March Hanson received letters from Tench Coxe detailing “Aristides’” “misconception of the judiciary.” The next day Hanson thanked Coxe for the “hint.” Hanson also wrote an apology to the people of Maryland, acknowledging his error with respect to the jurisdiction of federal courts in cases between a state and its own citizens (Hanson to Coxe, 27 March [below, in this grouping]), and “Aristides,” *Maryland Journal*, 1 April [below]). Hanson, however, would not concede any error in his interpretation of other aspects of the judiciary, asserting that “My opinion remains unaltered . . . that, which was only a *strong persuasion*, is converted into an absolute thorough conviction” (“Aristides,” *Maryland Journal*, 22 April [below]).

Three reviews of *Remarks* have been located. A reviewer in the May issue of the New York *American Magazine* wrote that “These remarks are not all original, but they are very judicious, calculated to remove objections to the proposed plan of government, and written with spirit and elegance.” A writer in the June issue of the London *Monthly Review* praised the Constitution but thought

excessive “Aristides’” assertion that he “would not change a single part.” Another London commentator believed that *Remarks* contained “very sensible arguments, and a species of eloquence that flows from sincerity of intention. . . . This treatise is written in a careless and somewhat slovenly manner, with regard to style and composition; but it contains a great deal of sound political observation” (*Analytical Review*, November 1788. This review was reprinted in the *New York Gazette of the United States*, 25 April 1789.).

The title page of Hanson’s copy of the pamphlet is endorsed “Written in December 1787.” Hanson bound this pamphlet and several others written by him in a single volume labeled “Hanson’s Pamphlets.” Shortly before his death he gave the compilation to his son Charles Wallace Hanson (1784–1853), who, in turn, gave the volume to the Maryland Historical Society in 1852.

The annotations in the text and margins of *Remarks* appear to have been made shortly after the pamphlet was published. The lengthy annotations introducing the bound compilation and those on the front and back pages of *Remarks* were apparently made in 1804 just before Hanson gave the volume to his son.

The beginning of the bound compilation contains the inscription:

“Presented by the Author to Charles Wallace Hanson—

“A careful perusal of these papers (altho’ it may not greatly contribute to improve his taste, or enlighten his understanding) may possibly inspire him with humanity and a disinterested love of his country—

“After the lapse of many years, the author has reviewed these papers and candidly confesses, that he can not determine, whether or not he was entitled to much credit for writing them. Had they however been the most excellent which the wit of man ever produced, it is certain, that, at this time, nobody will greatly regard them; because the occasions on which they were written have totally ceased—This is the fate of all pamphleteers. They cannot swim far down the tide of fame; notwithstanding that, at their outset, the eyes of all men are cast upon them, and their vigour seemed almost superhuman—But let us not be deceived. If elegies, idle sonnets, and even epic poems, be more admired in after ages, than at the time, when they were written; and if pamphlets, which have, as it were, electrified a whole nation, and produced the most astonishing, beneficial effects, are totally neglected, despised or unknown, in after times; I cannot believe, that the former are to be preferred—No! if a pamphlet could have seasonably exposed the conduct and views of Julius Cæsar, and by its influence on the public mind could have defeated his intents; ought not the author to have been preferred to Lucan with his *Pharsalia*. I say, yes! and one seasonable convincing pamphlet does more good than 40,000 poems. . . .”

The following passages appear on the verso of the title page of *Remarks* and are carried over to the dedication page and the verso of the dedication page:

“The author, in making this address, obeyed the strong impulse of his feelings. He was soon after in the public prints, reproached for mean designing adulation. He was said to be seeking promotion, inasmuch, as, if the government should be adopted, Genl. Washington assuredly must be president—Then it is that men, not conscious of virtue, or disinterested principle, falsely

judge of others. Now Aristides was one of the very few officers of a state government, who did not oppose the constitution, on the principle that its adoption would be fatal to their own interests; and the state office, which he held, was at that time, more lucrative, than any which he could possibly expect from the federal government. He had afterwards indeed the offer of a place under the federal government, a place of honour and profit. But he declined it. This is what I call the triumph of virtue over envy and malice—

“Of this treatise it is said by the Analytical Reviewers, that it is written in a careless and somewhat slovenly manner, with respect to stile and composition, but contains a great deal of sound political observation; & that the Author recommends the Constitution by very sensible arguments and a species of eloquence, that flows from sincerity of intention.

“The Monthly Reviewers assert that Aristides is a warm and very intelligent advocate of the government proposed; but they think, no man can pronounce that it is perfect, until it shall have been fully tried—

“N.B. The Author no where maintains, that it is perfect; but he recommends it to trial, on the very ground, that, should experience point out it’s defects, it prescribes a mode of obtaining amendments—”

Immediately following the last page of *Remarks* Hanson commented on *The Federalist*:

“It is probable that few persons, into whose hands this book may fall, will even peruse it. The occasions, on which it was written, having wholly ceased— They may however be tempted to read short manuscript notes—

“The last pamphlet in this volume is the only pamphlet on the subject, which was noticed by the English reviewers. It had great celebrity and effect in Maryland and Virginia. Further its influence did not extend. The fact was, that men of great fame in Philadelphia and New York had written or begun to write on the subject. Particularly Mr. Hamilton (as it is said) with the assistance of Mr. Jay, and Mr. Maddison wrote the federalist. Aristides against three such names could not succeed. However the Federalist was not completed until almost every state in the Union had decided on the constitution; and therefore, be its excellence what it may, it could have had little weight in recommending the constitution—

“May the author be permitted a few free remarks—

“The Federalist unquestionably is a treatise, which displays learning and deep penetration. It is an ingenious, elaborate, and in some places, sophistical defence of the constitution. It is minute to the last degree. It lays down first principles, some of which are so obvious, that it is even an affront to any reader, to suppose it necessary to mention them. Altho written in a correct, smooth stile it is from its prolixity, tiresome. I honestly confess, that I could not read it thro’—It is not in short, what is called a [wonder?] making pamphlet. It is not written as a pamphlet ought to be, which on a great interesting occasion, is intended to guide the public mind. It does not force the attention, rouze the passions, or thrill the nerves—

“It is easily to be seen, that Aristides assumes more merit as a pamphleteer, than he is willing to allow the Federalist—He does so! whilst he admits, with his whole heart, that as a treatise on government, the Federalist is as much superiour to the ‘remarks’ as the latter considered merely as an occasional

pamphlet, is superiour to the former. He will go further and acknowled[g]e the great superiority of the Federalist take them both for all in all: and yet he insists that the remarks were more serviceable.” (For the reaction to and the circulation of *The Federalist* in Maryland, see note 39 [below].)

The textual and marginal annotations in Hanson’s copy of *Remarks* are printed after the text of *Remarks* as internal notes “f” through “q.” Internal notes “a” through “e” are part of the pamphlet as originally published.

Aristides: Remarks on the Proposed Plan

Annapolis, 31 January 1788

[Title page epigram:]

“As a confederate government is composed of petty republics, it enjoys the internal happiness of each; and with regard to its external situation, by means of the association, it possesses all the advantages of extensive monarchies.”

MONT. SP. OF LAWS, [Vol. I.] B. 9, Ch. 1. [p. 187]

It is my intention, with all possible plainness, to examine the proposed plan of a federal government. Its enemies and its advocates have laid particular stress on the names, wherewith it is subscribed. As one side would obtain your implicit assent, by a reference to characters, and as the other would defeat measures, by exciting your jealousy of men, permit me, in the first place, to make some general observations on the persons who composed the late memorable convention.—

In general, they had been distinguished by their talents and services. They were not principally the men to whom the idea of a convention first suggested itself, and it is notorious, that, in general, they accepted their appointments with reluctance. It would seem, however, according to some vague insinuations, that, no sooner did they find themselves convened, than their natures became changed; and fatally have they combined for the destruction of your liberties. Now this altogether shocks my faith. I should sooner imagine that the sacredness of the trust, the unparalleled grandeur of the occasion, and the fellowship of the great and good, might have elevated the soul of the most abandoned wretch, had it been possible for such^(f) to obtain a seat in that illustrious assemblage.

If those, who would inspire suspicion and distrust, can suggest any precise idea, it must be this, that the members of the convention will be elected into the first federal congress, and there combining again will compose a body capable of bearing down all opposition to their own aggrandisement.

By their scheme, however, thus deeply concerted, the house of representatives is to be chosen by the people once in two years; and if they

have acted so as to warrant any reasonable apprehension of their designs, it will be easy, at any time, to prevent their election. The truth is, that very few of them either wish to be elected, or would consent to serve, either in that house, or in the senate. I have exercised my imagination to devise in what manner they, or any other men, supposing them to bear full sway in both houses, could erect this imaginary fabric of power. I request any person to point out any law, or system of laws, that could be possibly contrived for that purpose, obtain the final assent of each branch, and be carried into effect, contrary to the interests and wishes of a free, intelligent, prying people, accustomed to the most unbounded freedom of inquiry. To begin by an attempt to restrain the press, instead of promoting their designs, would be the most effectual thing to prevent them.—

I am apprized of the *almost* universal disposition for the increase and abuse of authority. But if we are to withhold power because there is a possibility of its perversion, we must abolish government, and submit to those evils, which it was intended to prevent. The perfection of political science consists chiefly in *providing mutual checks amongst the several departments of power, preserving, at the same,*^(g) *the dependence of the greatest on the people.* I speak this with reference to a single government. The necessity of another species of government, for the mutual defence and protection of these American states,^(h) no man of sense and honesty, that I know of, has ever yet denied.

The convention had the above principle constantly in their view. They have contrived, that it shall be extremely difficult, if not altogether impracticable, for any person to exceed or abuse his lawful authority. There is nothing in their plan like the cloathing of individuals with power, for their own gratification. Every delegation, and every advantage that may be derived to individuals, has a strict reference to the general good.—

To examine their constitution, by article and section, would be a painful and needless undertaking. I shall endeavour to answer such objections, as I have already heard, to anticipate others; to point out some advantages not generally known; and to correct certain errors, with respect to construction. When the convention was appointed, I much feared, that the numerous seeds, and principles of discord amongst the states, would, for ever, prevent them from agreeing to any efficient system whatever. I apprehended, in particular, that the dispute about representation would be the rock, on which the vessel containing all our hopes would be dashed. When, therefore, I discerned that equitable compromise between the larger and lesser states, my anxiety was instantly removed, and my soul enlightened by a sudden ray.

How then was I, some months after, disgusted at the repetition of the arguments, respecting the inequality of representatives in the first branch.¹ We were told, that the minority in convention reasoned upon first principles, that, as all men, in a state of nature, are equal with respect to rights, so also are equal all separate and distinct states;—that, when individuals form a free government, they must all have equal suffrage, either in framing laws by themselves, or in choosing representatives, although one man be ten times stronger, richer, or wiser, than another; so also, when several states unite, for common convenience, they must meet on terms of perfect equality, although one be ten times more wealthy, extensive and populous, than another;—that, under our present compact, the states are equal, and that no injury has resulted from the equality.—

To these arguments, we may imagine, was opposed something like the following: “You talk of first principles, and, at the same time, would let 180,000 free inhabitants of Maryland have no more to do in the choice of representatives than only 30,000 inhabitants of Delaware. Do you propose, that these 30,000 shall bear an equal part of burthens and impositions? As to no injury having resulted from the equality, as you call it, under the articles of confederation, we think the reverse; and that this pretended^(a) equality was a poison, which pervaded all our affairs.”

The anticipation of arguments like these had raised those apprehensions of an irreconcilable difference. It were needless to repeat more. Had an angel been the umpire, he could propose no expedient more equitable, and more politic, not only as a compromise, but to establish such a decided difference between the two branches of congress, as will make them indeed two distinct bodies, operating by way of mutual balance and check.—

By this expedient, is safety secured to the lesser states as completely as if the senate were the only legislative body. It is possible (*if such a thing can be devised*) that, from the inequality in the first branch, propositions will be made to give the larger states some advantage over the lesser; but the equality in the senate will, for ever, preclude its adoption. It is well worthy of remark, that not more than three of the thirteen are, at present, deemed larger states, in the peculiar sense of the word. There is no reason for supposing, in the federal, like a state, legislature, the senate will be intimidated or overawed, by the more numerous branch. A demagogue may declaim, rave, menace and foam, with as little impression as the roaring billows produce upon the solid beach. Were it not for this equality in one, and inequality in the other, a jealousy might be entertained of too perfect a coincidence of sentiment.—

The convention has been censured for an excess of its authority. But with no other power was it invested, than is possessed by every free citizen of the states. Its office was to advise, and no further has it proceeded. Had it⁽ⁱ⁾ been even invested with full powers to amend the present compact, their proposed plan would not have exceeded their trust. Amendment, in parliamentary language, means either addition, or diminution, or striking out the whole, and substituting something in its room. The convention were^(j) not limited. The states did not tell them,^(k) this article must stand, this must be struck out, and this may be altered. The avowed object of a convention was to consult on the additional powers necessary to be vested in congress. But the members of this convention perceiving, from the experience of these states, from the history of ancient and modern states, and, I may add, from the principles of human nature, that the same body of men ought not to make and execute laws; and that one body alone ought not to do the first, have separated the executive, so far as was proper, from the legislative; and this last they have divided into two branches, composed of different materials, distinct from, and totally independent of, each other. —

The house of representatives^(b) is to be the immediate choice of the people, and one man is to represent 30,000 souls. In an affair of so much importance, and in districts containing so many suffrages, it is not to be supposed, that a worthless character will succeed by those arts, which have, sometimes, prevailed in county elections. It is to be expected, that, in general, the people will choose men of talents and character. Were they even so inclined, they can choose none but men of ripe age, who have been, at least, seven years citizens of the United States, and, at the time of election, residents of the respective state. Whatever laws shall be proposed, or assented to, by these men, are to bind themselves, their children, and their connexions. If a single man, or a party, shall propose a measure, calculated to promote private interest, at the expence of public good, is it conceivable, that the whole house will be brought into the measure? Suppose it should. The measure cannot be adopted into a law, without the concurrence of another house, consisting of men still more select, possessing superior qualifications of residence and age, and equally bound by the laws. After gaining the assent of the senate, the bill must be submitted to the objections of the president. He is not in any manner dependent on the legislature, which can, in no manner, punish him, except for some crime known to the laws. He is elected by persons chosen for that special purpose. He receives a compensation, which cannot be diminished or increased, during his continuance in office. The term of his

commission is limited to four years, unless he shall have acted so as to merit the people's favour. From the mode of his election, it is impossible he can intrigue to advantage; and, from the nature of other things, he will never succeed by bribery and corruption. Like any other individual, he is liable to punishment. Finally, at the expiration of his office, he returns into the mass of the people.—

In spite of all these circumstances, an idea is gone forth amongst the enemies of the plan, and they labour to impress it on your minds, that whatever power may be exercised by these delegates of the people, will be used contrary to the interests of their constituents. This is a supposition, so repulsive to my mind, that I wonder any man of the least generosity, or reflection, can possibly adopt it. The assembly of Maryland, with respect to internal regulations, is almost omnipotent. And yet, is there a man who supposes the assembly would, intentionally, pass laws injurious to the people? Why then should we distrust the federal assembly, chosen for a short term, bound by the same ties, and selected on account of their talents and patriotism?—

But, say the objectors, although we might probably confide with safety in congress, it is not consistent with prudence, without a manifest necessity, to empower any men to do us an injury.

Whenever the proposed plan delegates authority, which you imagine might safely be denied, be assured, that a little reflection will suggest abundant reason for granting it. At the same time you may be convinced, that, as some powers were not intended to be exercised, so they never will be exercised, without absolute necessity.

I have been amused by the writings of an avowed friend to the plan. "Let no man," says he, "think of proposing amendments. Should each person object, and should his objections prevail, not a tittle of the system will be left. You are to accept the whole, or reject the whole." After speaking in this very sensible way, he advises the states to reject, with unanimity and firmness, the following provision.²

"Art. 1, 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 choosing senators.*"

Can this writer imagine, that congress will presume to use this power, without the occurrence of some one or more of the cases, the contemplation whereof induced the convention to create it. These are the cases of invasion by a foreign power; of neglect, or obstinate refusal, in a state legislature; of the prevalence of a party, prescribing so as to suit a sinister purpose, or injure the general government. Others might

perhaps occur to the convention. But these may suffice to evince the propriety of such a power in the federal head. It was never meant, that congress should at any time interfere, unless on the failure of a state legislature, or to alter such regulations as may be obviously improper. The exercise of this power must at all times be so very invidious, that congress will not venture upon it without some very cogent and substantial reason. Let congress, even officiously, exert every power given by this clause, the representatives must still be chosen by the people, and the senate by the state legislatures. The provision cannot by any possibility admit of a different construction.—

Should the bare appointment to congress have the magic to pervert the tempers and principles of men, I perceive not the temptation for abusing this, or any other of their powers. There are bad men to be found at times, in every numerous assembly. But, under all circumstances, I predict, that, in congress, their party will be small. Should there be thither sent the most prostituted character, that ever acted, like a pest, to his own state; should he possess talents superior to the rest, I should have little dread of his influence, unless I could suppose, that a majority of like characters may be chosen. Even then, I repeat it—they will be under no temptation sufficient to influence a sensible mind; and no man of ripe age was ever yet wicked for the sake of wickedness alone.—

You have heard, that, by the privilege of nominating persons to office, the president will find the congress obsequious enough to pass any laws, he shall think fit to propose. It is incumbent on the authors of this suggestion to shew some interest in the president, inducing him to propose prejudicial measures. I have remarked, that under the constitution, his salary can be neither augmented nor curtailed, during his commission; and, to change the constitution, is not in the power of congress. Should he, however, devise, and endeavour to procure, some dangerous act of that body, can we conceive, that this lure will be powerful enough to corrupt a majority in each house. No member can be appointed to an office, created, or of which the profits shall be increased, during the time for which he was elected. And the expectation of such, as may fall vacant, within four years, will hardly corrupt even the smallest number, that can, in any possible case, be a majority in the two houses. To make the members of each house ineligible to any other office whatever, would be even impolitic, on account of its precluding these states from the services perhaps of its best men. And it would be unjust to deny men the possibility of benefits, which might be attained by others less deserving.

In ascertaining and defining the powers of congress, the convention evidently pursued this obvious principle, that all things, which concern the union in general, should be regulated by the federal head; and that each state legislature should regulate those things, which concern only its own internal government, together with the separate interests of its citizens. The enemies of the proposed constitution have deemed it material to shew, that such a one never existed before. It does not indeed agree with definitions in books, taken from the Amphyctionic council, the United Netherlands, or the Helvetic body. They would therefore infer, that it is wrong. This mode of reasoning deserves not a serious refutation. The convention examined those several constitutions, if such they can be called. It found them either woefully defective, as to their own particular object, or inapplicable to ours. Peradventure, our own articles of confederation, in theory, appear more perfect than any of them. These articles were made according to rule; the legislative and executive authorities being vested in one assembly. The extreme caution of its framers to secure the independence of the several states, on account of its principle, was much to be commended. But experience having fully demonstrated this constitution to be inadequate to the purposes for which it was framed, and a general conviction of its defects having occasioned the convention, it is astonishing, that attempts are now made to prefer still a theory, not founded on the nature of things, but derived merely from a few deplorable examples. If two branches in a state legislature be proper, why, in the name of common sense, are they not so in a confederate legislature?—Many instances of hasty unadvised proceedings of congress, as a legislature, have by other writers been adduced; and so long as mankind shall remain under the influence of passion or interest, there will be such proceedings in every numerous assembly of men.

It is universally, by good writers, agreed, that where any one political body possesses *full* powers, legislative and executive, whether it be a single man, or a select few, or a numerous assembly, it matters not;—the government must, in a short time, become despotic.³ That in a free government, therefore, the legislative and executive ought to be ever distinct and separate, is a position in the Maryland declaration of rights.⁴ This hackneyed principle has been urged, with great confidence, against constituting the senate a council to the president. It has been urged too, even by the men who would have the whole powers of the federal government centered in a single assembly. I mean the men who insist that the convention ought to have done no more than advise in what manner the powers of the present congress should be

increased. Let us understand the principle in its proper extent. It does not follow, that a body, whose assent is required in making laws, but who cannot, by themselves, do any legislative act, may not be a fit council to the supreme executive magistrate, deriving his authority, like them, from the people, in no manner dependent on them, or the immediate representatives of the people, for any private advantage, and possessed of no share in legislation, except that of offering his advice.

The objection to this part of the constitution, I confess, at first, appeared formidable. The reasons which I now conjecture to have influenced the convention, did not then occur. But I have long adhered to a maxim, which I warmly recommend to others—never to condemn, absolutely, even within myself, any one kind, until I can hit upon some other kind which I *conceive* better. As no human institution can possess absolute perfection, it is an easy matter to espy some fault or defect in almost every thing, which the wit of man can contrive, or, at least, to reason plausibly against it. But this faculty of finding faults is by no means sufficient to constitute the politician or statesman. I deliberated, what kind of council might be preferable, under all circumstances, to the senate. The plainest thing in nature! Exclaims he, who solves all difficulties at once. Why not appoint a body to act as council and nothing else?

One reason, and that not very unpopular, is the great additional expence. However, this reason I deem the lightest of all; and the general proposition involves a great variety of other considerations.—

It is essential to a council, that the members be free, as possible, from all bias, or improper influence. This separate and distinct council must be elected by the people, or by special electors; by the legislature, or by one of its branches; or by some other department; or by the president.—

That the people should either make laws to bind themselves, or elect persons, without whose consent, no laws shall be made, is essential to their freedom. But universal experience forbids, that they should also immediately choose persons for the execution of the laws.⁽¹⁾ Shall the legislature then, or the senate, or the house of representatives, have this appointment? A council thus chosen would be dependent on its electors; and it would be the same thing, in many respects, as if the legislature should execute its own laws. Can you believe, that a council, chosen annually, or once in two or three years, would dare to pursue, in all cases, the dictates of its own judgment, contrary to the known will of those, who will soon have an opportunity of removing them? Would they not be emulous to please leading men; and would there not be opened, at every period of election, a fine field for intrigue and

cabal? There would be one way only of rendering a council, thus chosen, independent of their electors; and that is, the choosing them for life, with salaries, not to be augmented or diminished.

Against choosing an executive for life the reasons are weighty indeed. Should they then hold their commissions during good behaviour, there must be some tribunal to determine on that good behaviour; and what body it can be, except the congress, would be difficult to decide. Besides good behaviour in a member of council is not determinable, like that of a judge, which has relation to the laws, and things universally known. In the office of the former, there is so much left to discretion, that I cannot perceive with what propriety he can hold it on the condition of good behaviour. There can be no sure criterion, and the decision must therefore unavoidably depend on the discretion, or mere opinion, of his judges, founded on no established principles whatever.—

A council, chosen by the president himself, would probably consist of creatures devoted to his will. I can discern no reason, wherefore any other officers of the government should make the appointment. There remains then only the people's choosing electors, and placing the council of the president on the same footing with himself. Here occurs the objection of expence; and here again would arise the controversy respecting equality of representation.—

The senate will, in all human likelihood, consist of the most important characters, men of enlightened minds, mature in judgment, independent in their circumstances, and not deriving their principal subsistence from their pay, as probably would the members of a board, distinct and separate from all other public employments.—

I am not, therefore, barely reconciled to the article in question. It commands my warmest admiration, and entire applause.—

Is there any power improperly trusted to that select assembly, in which all the states have equal interest, and to which they will assuredly make a determined point of sending their best men? It is this equality, almost as much as any other circumstance, which recommends it as an executive council. The senate are to try impeachments. By their advice only, may the president make treaties, appoint ambassadors, ministers, consuls, judges of the supreme court, and officers, not otherwise provided for in the constitution. Let us reflect, whether these things could be better done, by any other body, and whether it be proper for any one man (suppose even the saviour of his country^s to be immortal) to have the appointment of all those important officers. It has always appeared to me, that neither one man, nor many men, should possess this transcendent authority, in a republic. A single man in high power,

if he always mean right, can with difficulty discern the true characters of men. Continual efforts are made to impose on his judgment. But, indeed, a single man *generally* confers offices by favour. In a large assembly there is perhaps equal partiality; and elections are conducted by intrigue and cabal. A select assembly is not so open to direct application; and although each may be supposed to entertain his partialities, he cannot recommend his favourites, without pointing out their essential qualifications, and becoming, in some measure, responsible for their conduct. It is here, that characters are most fairly investigated, and appointments most deliberately made. I appeal to universal experience, whether these remarks be not strictly founded on fact, and whether the most judicious appointments have not been made by small select assemblies. I confess, that the number of the senators for this purpose only is excessive. But I can confidently rely on the extraordinary selection to compensate for the excess.

* * * * *

The power of the president is alarming peculiarly to that class, who cannot bear to view others in possession of that fancied blessing, to which, alas! they must themselves aspire in vain. They tell you, this supreme magistrate, although he be called by the modest name of president, and elected for only four years, will, in every essential, be an emperor, king, or stadtholder at least; and that his dignity, in a few years, will become hereditary. Let us examine the foundation of this alarming prediction.—

Before this appointment can be *entailed*, and before even the term can be enlarged, the constitution must be changed, by consent of the people. By what method, then, shall the president effect this alteration? Every citizen in the union will be a censor on his conduct. Not even his person is particularly protected; and the means of oppression are little in his power. Let the jealousy of the people once take the alarm, and, at the expiration of his term, he is dismissed, as inevitably as light succeeds to darkness. The election of a president is not carried on in a single assembly, where the several arts of corruption may be essayed. He is elected by persons chosen by the people; and those electors give their suffrages on the same day, in thirteen different assemblies, in thirteen different states. An elective monarchy has long been severely reprobated. But had the countries, where it prevailed, enjoyed regulations like these, they would perhaps, at this time, be preferred to the rules of hereditary succession, which have so often placed fools and tyrants on the throne.

It seems, however, that the president may possibly be continued for life. He may so, provided he deserve it. If not, he retires to obscurity,

without even the consolation of having produced any of the convulsions, attendant usually on grand revolutions. Should he be wicked or frantic enough to make the attempt, he atones for it, with the certain loss of wealth, liberty or life.—

I return to the powers of congress. They are almost universally admitted to be proper for a federal head, except only the *sweeping clause*, and the power of raising fleets and armies, without any stint or limitation, in time of peace. The clause runs thus:

Art. 1, sect. 8, par. the last. “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.”

It is apprehended, that this *sweeping clause* will afford pretext, for freeing congress from all constitutional restraints.

I will not here again insist on the pledge we enjoy, in the common interest, and sure attachment of the representatives and senate; setting aside the little probability of a majority in each branch lying under the same temptation. Consider the import of the words.

I take the construction of these words to be precisely the same, as if the clause had proceeded further and said, “No act of congress shall be valid, unless it have relation to the foregoing powers, and be necessary and proper for carrying them into execution.” But say the objectors, “The congress, being itself to judge of the necessity and propriety, may pass any act, which it may deem *expedient*, for any other purpose.” This objection applies with equal force to each particular power, defined by the constitution; and, if there were a bill of rights, congress might be said to be the judge of that also. They may reflect however, that every judge in the union, whether of federal or state appointment, (and some persons would say every jury) will have a right to reject any act, handed to him as a law, which he may conceive repugnant to the constitution.

It may nevertheless strike you at first view, that a provision, so obviously apt to excite distrust, might have well been omitted. So indeed it might, were there a possibility of providing every thing, necessary and proper, for carrying into effect the various powers, intended to be conferred. Without this general clause, it were easy to suppose cases, wherein a particular clause might be incompetent to its own purpose.—

For want of some plain and obvious distinctions, there has been vented so much senseless clamour against standing armies, that they are become a political bugbear. A limited monarch, with the means of

maintaining, at all times, an army devoted to his will, might soon trample on the natural and civil rights of his subjects. Could the present congress find means of augmenting the force, which it now maintains, which of you, on that account, would experience the slightest anxiety? Which of all the European powers is destitute of an army? Which of them, if they were free, could be secure of remaining so, without a standing force? I might go further, and demand, whether any of them have lost their liberties, by means of a *standing* army?^(m) The troops, continually kept up in Great-Britain, are formidable to its neighbours, and yet no rational Englishman apprehends the destruction of his rights. It is true, that he knows, these troops cannot be maintained, without the consent of his representatives, annually obtained.⁶ But the necessity of an army he readily conceives; and the number he leaves to the discretion of parliament. Ought then an American to have greater fears of a president, than an Englishman has of his king? Or may he not trust his representatives and the senate, with as much confidence, as the Englishman reposes in the commons and lords?

Let the federal head be constituted as it may, there can be no perfect security, without both a land force, and naval armament. It is impossible to say how much will, at all times of peace, be sufficient. We have the same security against the abuse of this, as of any other authority. The expences of an army might indeed raise fears of a different kind,—that we shall not be able to maintain force enough for the most proper occasion.

Suppose a limitation in time of peace. What then is to be done on the prospect of a war? Should you make the distinction between profound peace, and a *threatened* war, who is there, but congress, to determine on the exigency? If you make no distinction, then will it be expedient to declare war, at the instant in which the danger shall be conceived, in order that it may be lawful to prepare for only a just defence. In fine, I consider this grand objection, as a mere pretext for terrifying you, like children, with spectres and hobgoblins. It may be material here to remark, that although a well regulated militia has ever been considered as the true defence of a free republic, there are always honest purposes, which are not to be answered by a militia. If they were, the burthen on the militia would be so great, that a free people would, by no means, be willing to sustain it. If indeed it be possible in the nature of things, that congress shall, at any future period, alarm us by an improper augmentation of troops, could we not, in that case, depend on the militia, which is ourselves. In such a case it would be ridiculous to urge, that the federal government is invested with a power over the whole militia of the union. Even when congress shall exercise

this power, on the most proper occasions, it is provided in the constitution, that each state shall officer, and train its own militia.—

The objections against the judiciary are probably more sincere. The article has been generally misconceived, or misrepresented; and after bestowing much attention, I am not certain, that I fully comprehend it. I am, however, at length satisfied, that no rational construction can be given to this part of the proposed plan, either to warrant a rejection of the whole, or to place matters on a worse footing, than they are at present.

The judiciary power is to be vested in one supreme court, fixed at the seat of government; and, for the advantage of government, with the ease and convenience of the people, the congress may hereafter appoint inferior courts in each of the states. The jurisdiction of this supreme court is to be partly original, and partly appellate. With respect to the extent of either, there can be no possible doubt, as there is neither ambiguity nor uncertainty in the relative expressions.

The original jurisdiction of the supreme court extends

1. To all cases, in which may be concerned an ambassador, any other public minister, or a consul.

2. To all cases whatever, in which a state may be a party.—This second division may be branched into 1. Cases between the United States, and one or more of the individual states. 2. Cases between two or more states. 3. Cases between a state, and its own citizens.^(m) 4. Cases between a state, and the citizens of another state. 5. Cases between a state, and a foreign state. 6. Cases between a state, and the citizens, or subjects, of a foreign state.

The appellate jurisdiction of the supreme court extends

1. To all cases whatever between parties of every kind, in law and equity, arising under this constitution, and the laws of congress, passed agreeably thereto, and to treaties already, or hereafter to be, made.

2. To all cases of admiralty or maritime jurisdiction.

3. To all cases, in which the United States shall be a party.

4. To all cases between citizens of different states.

5. To all cases between citizens of the same state, claiming lands under the grants of different states.

6. To all cases between citizens of a state, and foreign states, or their citizens or subjects.

One doubt arising on the judiciary article is, whether in these cases of appellate jurisdiction, the appeal lies both from the state courts, and the inferior federal courts, or only from the former, or only from the latter.

Another doubt is, whether the inferior federal courts are to be branches of the supreme court, constituted for convenience, and having equal jurisdiction, both original and appellate, with the supreme court; or whether the inferior courts are to be confined to an *original* jurisdiction in those cases, wherein the supreme court has *appellate* jurisdiction.

I shall not presume to decide absolutely on the genuine construction of an article, which is said to have caused much private debate and perplexity. I am however fully persuaded, that, as the article speaks of an original and appellate jurisdiction, of a supreme court, and inferior courts; and, as there is no intimation of appeals from the several state tribunals, the inferior federal courts are intended to have original jurisdiction in all cases, wherein the supreme court has appellate jurisdiction; and the appeal lies only from them. I can, almost, with confidence, maintain, that, as there is no express clause, or necessary implication, to oust the jurisdiction of state courts, an action, after the adoption of the plan, may be instituted in any court, having, at this time, a jurisdiction. And if an action be brought in a state court, I do not, at present, perceive, that it can, in any manner, be transferred to the supreme or inferior federal court.

According then to the best of my judgment the affair stands thus. The supreme federal court will have an exclusive original jurisdiction in all cases relative to the rights of ambassadors, other ministers, and consuls; because, as I humbly conceive, the several state governments have at this time nothing to do with these cases. With respect to the cases, in which a state may be party, the supreme federal court, and the several state courts, will have, I conceive, concurrent original jurisdiction, *provided a state may, at this time, institute an action in its own name, in the courts of another state.* The inferior federal courts, and the state courts, will, I conceive, have concurrent original jurisdiction in all the enumerated cases, wherein an appeal lies to the supreme court, *except only the cases created by or under the proposed constitution, in which, as they do not now exist, the inferior federal courts will have exclusive jurisdiction.* From the state inferior courts, I further apprehend, that an appeal will lie, in all cases, to their own high courts of appeal, as heretofore.

A choice of jurisdictions has been ever esteemed a valuable right, even where there are both of the same kind. The purpose of extending so far the jurisdiction of the federal judiciary, is to give every assurance to the general government, of a faithful execution of its laws, and to give citizens, states, and foreigners, an assurance of the impartial administration of justice. Without this salutary institution, the federal government might frequently be obstructed, and its servants want protection. It is calculated not as an engine of oppression, but to secure the

blessings of peace and good order. The provisions respecting different states, their citizens, and foreigners, if not absolutely necessary, are much to be applauded. The human mind is so framed, that the slightest circumstance may prevent the most upright and well known tribunal from giving complete satisfaction; and there may happen a variety of cases, where the distrust and suspicion may not be altogether destitute of a just foundation.—

On these principles, an appeal as to fact is no less proper, than the appeal from judges of law. A jury, whose legal qualifications are only property and ripe age, may more probably incur the imputation of weakness, partiality, or undue influence. But in regard to appeals, it is very material to remark, that congress is to make such regulations and exceptions, as upon mature deliberation, it shall think proper. And indeed, before such regulations and exceptions shall be made, the manner of appeal will not be ascertained. Is it then to be presumed, that, in making regulations and exceptions, this appellate jurisdiction shall be calculated as an engine of oppression, or to serve only the purposes of vexation and delay.—

As the rod of Aaron once swallowed up the rods of the Egyptian *magi*,⁷ so also is it feared, that these federal courts will, at length, swallow up the state tribunals. A miracle, in one case, is as necessary, as in the other.

But let not the officers of state courts be overmuch alarmed! The causes, which, by possibility, may be^(c) instituted in the federal courts bear no comparison to the rest. In the course of ten years, not one action, that I know of, in Maryland, has concerned either another state, or an ambassador, consul, or other minister. It is hoped, that actions by foreigners will, in a few years, become much rarer than at any time heretofore, and these may still be determined in the state courts.—

A gentleman, as it is conjectured, in the law department of a neighbouring state, has been pleased to infer, that fictions, similar to those in the king's bench and exchequer of England, will be contrived, to draw causes into the federal courts.⁸ He seems not aware, that, even in England, the established fictions of law are not of modern date. They were ingenious devices, to remedy defects in the common law, *without the aid of parliament*. The fundamental principle however, with respect to their adoption, was, that they *consist with equity, and be requisite for the advancement of justice*. Now every man, who would establish over his cause a jurisdiction in a federal court, must shew, that such cause comes under the description of the constitution. If he do not, there will be wanting that equity, which is the support of legal fiction. But can any man seriously imagine, that fiction will be permitted, to give the judges

a power of legislation, denied to congress itself? Wherefore should the judges, holding their commissions during good behaviour, be guilty of such gross falshood, perjury, and breach of trust? Would there not be a general revolt against such barefaced impudent innovations? Away then with your trumpery of fictions! Accuse not the illustrious members of the convention of having in their contemplation such sophistry, pettifogging and chicanery! But another fear is, that whatever actions may be instituted in the federal courts will there seek an admission, on account of a more speedy decision. That man alone, "on whose brow shame is ashamed to sit,"⁹ will avow his opposition to a more speedy administration of justice.

The institution of the trial by jury has been sanctified by the experience of ages. It has been recognised by the constitution of every state in the union. It is deemed the birthright of Americans; and it is imagined, that liberty cannot subsist without it. The proposed plan expressly adopts it, for the decision of all criminal accusations, except impeachment; and is silent with respect to the determination of facts in civil causes.

The inference, hence drawn by many, is not warranted by the premises. By recognising the jury trial in criminal cases, the constitution effectually provides, that it shall prevail, so long as the constitution itself shall remain unimpaired and unchanged. But, from the great variety of civil cases, arising under this plan of government, it would be unwise and impolitic to say ought about it, in regard to these. Is there not a great variety of cases, in which this trial is taken away in each of the states? Are there not many more cases, where it is denied in England? For the convention to ascertain in what cases it shall prevail, and in what others it may be expedient to prefer other modes, was impracticable. On this subject, a future congress is to decide; and I see no foundation under Heaven for the opinion, that congress will despise the known prejudices and inclination of their countrymen. A very ingenious writer of Philadelphia has mentioned the objections without deigning to refute that, which he conceives to have originated "in sheer malice."¹⁰—

I proceed to attack the whole body of anti-federalists in their strong hold. The proposed constitution contains no *bill of rights*.

Consider again the nature and intent of a federal republic. It consists of an assemblage of distinct states, each completely organized for the protection of its own citizens, and the whole consolidated, by express compact, under one head, for their general welfare and common defence.

Should the compact authorise the sovereign, or head, to do all things it may think necessary and proper, then is there no limitation to its authority; and the liberty of each citizen in the union has no other security, than the sound policy, good faith, virtue, and perhaps proper interests, of the head.

When the compact confers the aforesaid general power, making nevertheless some special reservations and exceptions, then is the citizen protected further, so far as these reservations and exceptions shall extend.

But, when the compact ascertains and defines the power delegated to the federal head, then cannot this government, without manifest usurpation, exert any power not expressly, or by *necessary* implication, conferred by the compact.

This doctrine is so obvious and plain, that I am amazed any good man should deplore the omission of a bill of rights. When we were told, that the celebrated Mr. Wilson had advanced this doctrine in effect, it was said, Mr. Wilson would not dare to speak thus to a CONSTITUTIONALIST.¹¹ With talents inferior to that gentleman's, I will maintain the doctrine against any CONSTITUTIONALIST who will condescend to enter the lists, and behave like a gentleman.—

It is, however, the idea of another most respectable character, that, as a bill of rights could do no harm, and might quiet the minds of many good people, the convention would have done well to indulge them.—With all due deference, I apprehend, that a bill of rights might not be this innocent quieting instrument. Had the convention entered on the work, they must have comprehended within it every thing, which the citizens of the United States claim as a natural or a civil right. An omission of a single article would have caused more discontent, than is either felt, or pretended, on the present occasion. A multitude of articles might be the source of infinite controversy, by clashing with the powers intended to be given. To be full and certain, a bill of rights might have cost the convention more time, than was expended on their other work. The very appearance of it might raise more clamour than its omission,—I mean from those, who study pretexts for condemning the whole fabric of the constitution.—“What! (might they say) did these exalted spirits imagine, that the natural rights of mankind depend on their gracious concessions. If indeed they possessed that tyrannic sway, which the kings of England had once usurped, we might humbly thank them for their *magna charta*, defective as it is. As that is not the case, we will not suffer it to be understood, that their *new-fangled* federal head shall domineer with the powers not excepted by their precious bill of rights. What! If the owner of 1000 acres of land thinks

proper to sell one half, is it necessary for him to take a release from the vendee of the other half? Just as necessary is it for the people to have a grant of their natural rights from a government, which derives every thing it has, from the grant of the people.”—

The restraints laid on the state legislatures will tend to secure domestic tranquillity, more than all the bills, or declarations, of rights, which human policy could devise. It is very justly asserted, that the plan contains an avowal of many rights. It provides, that no man shall suffer by *ex post facto* laws, or bills of attainder. It declares, that gold and silver only shall be a tender for specie debts; and that no law shall impair the obligation of a contract.

I have here perhaps touched a string, which secretly draws together many of the foes to the plan. Too long have we sustained evils, resulting from injudicious emissions of paper, and from the operation of tender laws. To bills of credit, as they are now falsely called, may we impute the entire loss of confidence between men. Hence is it, that specie has, in a great degree, ceased its proper office, and been confined to speculations, baneful to the public, and enriching a few enterprising sharp-sighted men, at the expence not only of the ignorant, slothful, and needy, but of their country's best benefactors. Hence chiefly are the bankruptcies throughout America, and the disreputable ruinous state of our commerce. Hence is it principally, that America hath lost its credit abroad, and American faith become a proverb. The convention plainly saw, that nothing short of a renunciation of the right to emit bills of credit could produce that grand consummation of policy, the RESTORATION of PUBLIC and PRIVATE FAITH.

Were it possible for the nations abroad to suppose Great-Britain would emit bills on the terms whereon they have issued in America, how soon would the wide arch of that mighty empire tumble into ruins? In no other country in the universe has prevailed the idea of supplying, by *promissory notes*, the want of coin, for commerce and taxes. In America, indeed, they have heretofore served many valuable purposes. It is this consideration, which has so powerfully attached to them many well meaning honest citizens; and they talk of gratitude to paper money, as if it were a sensible benefactor, entitled to the highest rank and distinction; and as if, to abandon it, would be a deadly sin. But when every thing demonstrates the season to be past; when the credit of America, in all places, depends on the security she shall give to contracts, it would be madness in the states to be tenacious of their right. So long as Europe shall believe we regard not justice, gratitude and honour, so long will America labour under the disadvantages of an individual, who

attempts to make good his way through the world with a blasted reputation. To the man, who shall say, “it is of no consequence to consult national honour,” I only answer thus,—“If thy soul be so narrow and depraved, as to believe this, it were a needless attempt to cure thee of thy error.”

On this subject, there is no necessity for enlarging, to the people of my native state; their conduct on a recent occasion having acquired them great and deserved applause.¹² Is it necessary to enlarge on the propriety of giving more efficient powers to a federal head? At this moment, congress is little more than a name, without power to effect a single thing, which is the object of a confederate republic. Reflect on the recent period, when, in a sister state, a numerous body of her frantic citizens appeared armed for the destruction of a government, framed by the people.¹³ When that unhappy state was devoted to the miseries of a civil war, did congress even dare to interpose? Conscious of its inability to protect, it could only await the result, in silence and in terror. It indeed ventured to *make application* to the states for a small body of troops, under the poor pretext of another, and a necessary, destination.¹⁴ But, notwithstanding the universal contagion of the alarm, did the states, on *that* occasion, comply with the *requisition*? Suppose even an invasion by a foreign power,—in what manner could congress provide for its own defence? In the contemptible light, in which America has lately stood, is it reasonable to expect she will be suffered to remain long in peace? The distance between the two continents is the only circumstance, on which we can rely. All Europe is now in suspense; and the result of your deliberations will instruct her in the part she shall act.

With amazement, her nations contemplate a scene, of which the world is too young to furnish a parallel. We assembled our sages, patriots, and statesmen, to consult what mode of government is capable of producing the greatest sum of general good, with the least mixture of general, and partial evil. Not that each individual in this august assembly was expected to offer a system; but that the product of their joint wisdom should be referred to the several states, to be adopted, or rejected, as the great body of the people shall determine on a free and full deliberation.

As the occasion was unparalleled, so also is the plan, which, after many months of painful investigation, is submitted, with an unanimity, also unparalleled.

If there be any man, who approves the great outlines of the plan, and, at the same time, would reject it, because he views some of the

minute parts as imperfect, he should reflect, that, if the states shall think as he does, an alteration may be hereafter effected, at leisure. When the convention determined, that the whole should be received, or the whole fail, they did it not on an arrogant conceit of their own infallibility, but on the soundest principles of policy and common sense. Were each state legislature, or convention, to take it up, article by article, and section by section, with the liberty of adopting some, and rejecting the rest, in all probability, so small a part would be approved by nine states, on the narrow view which each has of the subject, and attached as each is to its own supposed interest, that, in its mutilated condition, it would be worse than the present confederation. For thirteen different assemblies, in that way, to approve so much of any plan whatever, as might merit the name of system, the convention well knew to be impossible. Were there any one body of men, invested with full power, in behalf of the whole United States, to consider, and amend the plan, then would it be proper to debate it by sections, in the same manner as it was originally debated.

With a view to defeat totally the plan, another general convention is proposed; not with the power of giving a finishing hand to a constitution; but *again* to consider objections, to strike out, to add, and *again* to make their report to the several states.

In this way, there can never be an end. We must at last return to this,—that whatever is agreed on, by the assembly appointed to propose, must be either adopted in the whole, or in the whole rejected.

The idea of a new convention is started by some men, with the vain expectation of having amendments made to suit a particular state, or to advance their own selfish views.¹⁵ Were this fatal idea adopted, I should bid a last adieu to that elevated hope, which now inspires me, of living under the happiest form of government which the sun ever beheld. Recollect again and again, that almost every state in the union made a determined point of delegating its first characters to this grand convention. Reflect upon the time spent in the arduous work, and the sacrifices which those distinguished persons made to their country. Should the same men be deputed again, would they not, think you, with the same unanimity, subscribe and recommend the same plan? So far as I have been informed, those members, who, in the progression of the plan, had opposed certain parts, and yet afterwards subscribed cheerfully to the whole, have, with the candour which becomes them, acknowledged their errors in debate. Even an illustrious character, who was of the minority, consisting only of three, I have been told, has since regretted his refusal.¹⁶

Suppose then a second convention, with a different choice of delegates. These too would either speedily subscribe, or they might propose some other system, to be debated, paragraph by paragraph, in thirteen different assemblies; and then there would be the same probability of a mutilated plan; or they would propose something, to be adopted or rejected in the whole; and there would be the same necessity of another convention. Besides, as the second convention, if it consist of different men, must *inevitably* be inferior to the first, there is little probability that their work will be superior. Never again, in an assembly constituted as that was, will there be found the same liberality of sentiment, “the same spirit of amity, and the same mutual deference and concession.”¹⁷

If it be contended, that the second, being possessed of the various objections from the several states, must be better able to determine, I would ask, what conduct this second convention should adopt? Are they to take the proposed plan, and strike out every thing objected to by nine states, or by seven states, or by any one of the states? Or may they likewise adopt and recommend the entire plan? In short, to appoint a second convention, merely to consult and propose, would be the most absurd expedient, that ever, in a matter of this amazing magnitude, was proposed. Does any man then entertain the thought of another kind of convention, invested with full powers to consult, amend, adopt, and confirm? A scheme like this was never yet, I trust, in agitation. But, if it were, I would propose this single question. Whether is it better to amend, before it be tried, that plan, which may be termed the result of the wisdom of America, or leave it to be amended, at leisure, as mature experience shall direct?

Although a very great variety of sensible objections have been publicly offered, the real and sincere objections are hardly ever disclosed in private. There is a class, opposed to the union of *thirteen different states*, and the reason they assign, is the vast extent of our territory. Let us consider well their objection.

To consolidate the whole thirteen states into a single organization, was out of the convention’s contemplation,—for two unanswerable reasons. In the first place, they were satisfied, that not one of the states would renounce its sovereignty. In the next place, they considered, that, in a single government, with a great extent of territory, the advantages are most unequally diffused. As the extreme parts are scarcely sensible of its protection, so are they scarcely under its domination. It is generally agreed, that a great extended nation can long continue under no *single* form of government, except a despotism, into which, either a

republic, or a limited monarchy, will be certain to degenerate. And hence, if I understand the man who styles himself a *Centinel*, he insinuates, that, if these states will persist in remaining under one head, they must soon fall under the dominion of a despot.¹⁸ But, my fellow-citizens, in a confederate republic, consisting of distinct states, completely organized within themselves, and each of no greater extent than is proper for a republican form, almost all the blessings of government are equally diffused. Its protection extends to the remotest corner, and there every man is under restraint of laws.

A true federal republic is always capable of accession by the peaceable and friendly admission of new single states. *Its true size is neither greater nor less than that, which may comprehend all the states, which, by their contiguity, may become enemies, unless united under one common head, capable of reconciling all their differences.* Such a government as this, excels any single government, extending over the same territory, as a band of brothers¹⁹ is superior to a band of slaves, or as thirteen common men, for the purposes of agriculture, would be superior to a giant, enjoying strength of body equal to them all.

The idea of a balance has long influenced the politics of Europe. But how much superior to this almost impracticable balance would be a general league, constituting a kind of federal republic, consisting of all the independent powers in Europe, for preventing the impositions and encroachments of one upon another! A true and perfect confederate government, however, in her situation, is not to be attained; although the great soul of HENRY THE FOURTH is said to have conceived the idea.²⁰

Shall America then form one grand federal republic? Or shall she, after experiencing the benefits of even an imperfect union, and when a union the most perfect is requisite for her permanent safety;—shall she, in this situation, divide into thirteen contemptible single governments, exposed to every insult and wrong from abroad, and watching each other's motions, with all the captiousness of jealous rivals? Or shall she divide into two or more federal republics, actuated by the same malignant dispositions? In either of these cases, after struggling through infinite toils, difficulty, and danger, should the thirteen single states be, at last, delivered from foreign foes, they will fall upon each other; and no man can predict, what forms of government, or division of territory, shall finally obtain—. Two or three federal republics might possibly retain their independence. But they would be in the same situation, with respect to each other, as France, England, and Spain, scarcely ever free from war; practising the arts of dissimulation and intrigue; in vain

striving to impose, by endless negotiation; and, after all, relying only on the immense naval and land forces, which they continually maintain.

Let us, then, my countrymen, embrace those blessings, which Providence is ready to shower on us. Open and extend your views! Let the prospect comprehend the present and future generations, yourselves, your children, your relatives, your fellow-citizens, dwellers on the same continent, and inhabitants of the whole terraqueous globe.—

With the prospect of my country's future glory, presented to my glowing imagination, it is difficult to resist the strong impulse of enthusiasm. But it is neither *my* talent, nor desire, to mislead. I wish only to impress the genuine advantages of the proposed plan; and, if possible, to rouse every man from that supineness, into which he is lulled by the present deceitful calm. To acquit themselves, like men, when visible danger assails; and, when it is repelled, to sink like savages, into indolence, is said to be the characteristic of Americans. I am not, however, one of those, who imagine a necessity for embracing almost any scheme, which the convention might have devised, for giving to the union more efficient powers. Had the plan, they have proposed, contained the seeds of much, though distant, evil, perhaps a *faithful patriot* might address you thus:

“Let us not, my friends, in a fit of unmanly apprehension, betray that immense charge, with which Americans, at this day, are entrusted! Let us confide in *the wisdom of our great men*, with the assistance of Heaven, to establish yet our safety and happiness! Let us, in the mean time, sustain all our evils, with resignation and firmness! Let us hope, that no foreign power, or lawless internal combinations, shall do us a mighty injury! Let us be frugal, economical, industrious! Let us suspend the cruel collection of debts! Let commerce continue to droop! Let us awhile submit even to infamy; and turn a callous ear to the indignant reproaches of our late faithful and affectionate servants, friends and benefactors.”

To this purpose might a man plausibly declaim; provided the proposed plan contained many and great faults; provided it were not calculated to promote the general good, without violating the *just rights* of a single individual; and provided it were not the best, which, under all circumstances, could be reasonably expected. It was the parting declaration of the American NESTOR, to his exalted fellow-labourers, that “he would subscribe, because he thought it good, and because he did not know, but it was the best that could be contrived.”²¹ My own declaration, which would be the same, were I now standing on the verge of eternity, is, that if the whole matter were left to my discretion, I

would not change a single part.^(c) On reflection, I was pleased with the conduct of the Virginia and Maryland assemblies, in appointing distant days for the meeting of their state conventions. Not that I greatly admired the supposed motive; but because I sincerely wished every man might have time to comprehend and weigh the plan, before the ultimate decision of these two states should be pronounced. The longer it is contemplated, after it is understood, the greater, I am persuaded, will be the approbation of those, who wish the public good, and to whose private views and expectations, nothing, which tends to promote that good, can be greatly detrimental.—

But alas! My fellow-citizens, on the adoption of this fatal plan, and when every part of the great complicated machine shall be put in motion, the lustre of our state assemblies will be diminished by the superior splendour of the federal head. This single consideration, although many hesitate to avow it, will cause more opposition, than all the rest united. Weigh well the objection. If ever it be material to inquire, by whom reasons are adduced, it is on this peculiar occasion. From the objection itself, may perhaps be discerned the danger we are exposed to, from the secret views and selfish considerations of the objector.

What at this moment to the nations abroad is the state of Maryland? The poor member of a defenceless system of petty republics—. In what light is she viewed by her sister states?—Whatever rank she now possesses, will remain after the great alteration of the system. They will all rise or fall in the proportion which now exists—. What then are the powers an individual state will lose?—She will no longer be able to deny congress that, which congress, at this moment, has a right to demand. She will have no power to enter into a treaty, alliance, or confederation. She shall, in time of war, grant no letters of marque and reprisal. She shall coin no money, emit no bills of credit, nor make any thing but gold and silver a tender in payment of debts. She shall pass no bill of attainder, or ex post facto law, or law impairing the obligation of a contract. She shall grant no title of nobility. She shall not, *without consent of congress*, lay any duty on imports or exports, except what may be necessary for executing her inspection laws. She shall not, *without consent of congress*, lay any duty on tonnage, keep troops or^(d) ships of war, in time of peace; enter into any agreement, or compact, with another state, or with a foreign power; or engage in war, unless actually invaded, or in such imminent danger, as will not admit of delay.

Of the several powers, from which an individual state is thus restrained, some are improper to be used at all; others belong not even now to the individual states; and the rest are strictly proper for only the federal head. The aversion from ceding them to congress, is just as

reasonable as in a state of nature would be the reluctance of an individual to relinquish any of his natural rights, upon entering into a state of society. The principle, on which, at length, he surrenders, is the necessity of every one's making a cession of some rights, to enable the sovereign to protect the rest. Each state is fully sensible, that she cannot protect herself; and yet she would enjoy the advantages of an union, without making the necessary contributions. To discern how preposterous is the idea, requires not more than a moment's reflection.

For the honour of my countrymen, I hope this extreme reluctance to surrender power is confined to those, whose ambition, or private interest, would have all things subservient to the omnipotence of assembly. In the few years that the state constitutions have endured, has not every one seen pregnant proofs of the vain love of domination? Has he not also seen decisive marks of overbearing secret influence? Where are the instances of exalted patriotism?—But I forbear. Far from me is the wish to cast wantonly one stinging or disagreeable reflection. The subject naturally required the general remark, and I hope, this short hint may be excused.—

Is there a possible advantage to be derived to the public, from a single state's exercising powers proper only for the federal head; suppose even each state should use them properly and alike; which, in the nature of things, is not to be expected? If there be men, who delight in parliamentary warfare; who choose a fair wide field for displaying their talents; who wish to see every servant of the public prostrate before them; whose ears are soothed by humble supplication; they may still enjoy rich sources of gratification. Are not the regulations of property, the regulations of the penal law, the protection of the weak, the promotion of useful arts, the whole internal government of their respective republics; are not these the main objects of every wise and honest legislature? Are not these things still in their power; and, whilst free from invasion or injuries abroad, are not these almost the only things, in which sovereignty is exercised?

That the state legislatures will soon “drop out of sight,” is an idea most extravagant and absurd;²² because, in addition to the importance of their duties, the very existence of the congress depends upon them. That they will, at least, dwindle into something like city corporations, is an apprehension, founded on no better principle. May the Ruler of the universe inspire them with wisdom to discharge those numerous and extensive duties, which they will find remaining. To do this, as they ought, will be far preferable to the^(e) breaking all useful national measures, and marring the concerns of a continent. To do this, as they

ought, will afford more true pleasure to a good mind, than the carrying, by consummate eloquence and address, the most interesting federal measure, which can now be contrived by an enlightened honest politician, in a state assembly, possessing all its darling sovereignties!

You have been assured, that, soon as this fatal plan shall succeed, an host of rapacious collectors will *invade* the land; that they will wrest from you the hard product of your industry, turn out your children from their dwellings, perhaps commit your bodies to a jail; and your own immediate representatives will have no power to relieve you.—This is the mere phrenzy of declamation, the ridiculous conjuration of spectres and hobgoblins!

To the five per cent. impost most of the states have more than once given their assent.²³ This is the only tax which congress wishes immediately to impose. Of the imposition of assessment, capitation, or direct taxes of any kind, the congress entertains no idea at present; and although it be proper for the federal head to possess this power in reserve, nothing but some unforeseen disaster will ever drive them to such ineligible expedients. Setting aside the immediate advantages of revived credit and trade, and the increased value of your property and labour, you will be delivered, in a great measure, from that load of direct taxation, which has been so unequally borne, and produced so little substantial good.

Permit me to demand, what mighty benefit has resulted from the exercise of those sovereign rights, that, in general, you should be loth to resign them? Has not a perpetual clamour been kept up (it matters not whether justly or otherwise) concerning the enormous impositions on the people? And what are the advantages derived to the people of the respective states, to the union, or to meritorious individuals? Has not the far greater part of a state's internal expences been owing to the extreme length of sessions? Have not these sessions been consumed in disgusting altercation, and in passing laws, serving to little better purpose, than to swell the statute book, encourage a negligence of duty, and obstruct the administration of justice?

To trace each real and ostensible objection up to its proper source, would be a task equally invidious, irksome and unnecessary. The characters of the principal advocates and opponents are well known. To him who declines not a public avowal of his sentiments, some credit is due, for his candour; and he is entitled to your patient attention. But, he that prefers a secret corner, for dealing forth his objections, and expositions, should be heard with caution and distrust. It is in a land of slavery alone, where truth shuns the open day—. Each side has imputed to the other illiberal and selfish motives. Consider then the

particular interests of each; and bear this in your minds, that an interest may be either honourable and praiseworthy, or directly the reverse.

You have been told, that the proposed plan was calculated peculiarly for the rich. In all governments, not merely despotic, the wealthy must, in most things, find an advantage, from the possession of that, which is too much the end and aim of all mankind. In the proposed plan, there is nothing like a discrimination in their favour. How this amazing objection is to be supported, I am at a loss to conjecture. Is it a just cause of reproach, that the constitution effectually secures property? Or would the objectors introduce a general scramble? In eligibility to office, in suffrage, and in every other civil right, all men are on terms of perfect equality. And yet, notwithstanding this just equality, each man is to pay taxes in proportion to his ability, or his expences.—

A still more suprising objection remains to be considered. “This new constitution, so much be praised and admired, will commence in a moderate aristocracy.²⁴ To a corrupt and oppressive one the transition is easy, and inevitable, unless some Cæsar, or a Cromwell, in their stead, shall make a seizure of your liberties. As to the house of representatives, they will either be insignificant spectators of the contest between the president and the senate, or their weight will be thrown into one of the scales.”

No man, indeed, has exactly used these words; but they contain the sum and scope of several recent publications.

In the course of my remarks, I have already said enough to expose the futility of certain objections, which are ushered to the world, under the auspices of a pair of honourable names. Notwithstanding the care and pomposity, with which they are circulated, it is not worth while to draw an invidious comparison. One gentleman, whose name is thus *freely* used, I think, calls the house of representatives a mere shred, or rag of representation.²⁵ Does he consider the distinction between the objects of a confederate republic, and of a single government? It is a poor return for that singular respect, which the convention paid to the majesty of the people, in contriving, that congress shall not only be a representation of states, as heretofore, but also an immediate representation of the people. Were 5, 10, or even 20,000, the ratio proposed, then peradventure the honourable objector might clamour about the expence of a mobbish legislature. The fact is, that the new government, constructed on the broad basis of equality, mutual benefits, and national good, is not calculated to secure a single state all her natural advantages, at the expence of the natural and acquired advantages of her respectable brethren of New-England.—

His real objection against constituting the senate an executive council arises, I conceive, from the equality of representation. As to the trite

maxim, that the legislative and executive ought ever to be distinct and separate, I would, in addition to my foregoing observations on this head, refer him to Montesquieu's chapter on the English government.²⁶ I could wish, the writings of that great man, and of judge Blackstone, so often either copied, or cited for conclusive authority, were better understood. Should a second, or a third convention, be obtained, the aforesaid honourable gentlemen can never be *fully* indulged in their main object of a proportionate representation.

The examples of a genuine aristocracy are rare. They were founded in times of profound ignorance, and when the mass of property was in the hands of a few, whilst the rest pined in want and wretchedness.^(p) One European aristocratic government, if such it can be called, has grown out of an original defective form, the offspring of necessity, and commenced amidst the horrors of a civil war. Although the people of that country fought, and intended, to be free, their compact of government never was complete; they did not attend to the principle of rotation, and checks; and a genuine representation did never there prevail.—

An aristocracy can perhaps subsist only with a moderate extent of territory and population.—But it is a farce to talk of an aristocracy; when there are two branches, so differently formed; when the members of each are chosen for a reasonable term; and when their re-appointment depends on the good opinion of their countrymen. It is not in nature, that a man with the least portion of *common* sense can believe, the people of America will consent to such a deplorable change in their constitution, as shall confine all power to a few noble families, or that, without their consent, the change will be effected, by internal policy, or force.

Whilst mankind shall believe freedom to be better than slavery; whilst our lands shall be generally distributed, and not held by a few insolent barons, on the debasing terms of vassallage; whilst we shall teach our children to read and write; whilst the liberty of the press, that grand palladium, which tyrants are compelled to respect, shall remain; whilst a spark of public love shall animate even a small part of the people; whilst even self-love shall be the general ruling principle; so long will it be impossible for an aristocracy to arise from the proposed plan.—Should Heaven, in its wrath, inflict blindness on the people of America; should they reject this fair offer of permanent safety and happiness;—to predict, what species of government shall at last spring from disorder, is beyond the short reach of political foresight.

Believe me, my fellow-citizens, that no overweening self-conceit, no vain ambition, no restless meddling spirit, has produced this address.

Long had I waited to see this vast question treated, as it deserves; and the publication disseminated in my native state. Many judicious observations had appeared in news-papers and hand-bills. But no publication, that I have seen, has gone fully into the merits, considered the objections, and explained that, which is doubtful and obscure. On this account I, at length, made the attempt. That my performance is equal to my wishes, I can by no means believe. I have, however, a consolation in reflecting, that it will be difficult for any man to demonstrate, that, in this business, I have a particular interest.—In many of my remarks, I have been anticipated by writings, which I have seen; and I have collected materials, wherever I could find them. Could I be convinced, that I have said nothing, which had not before been said or thought by thousands, the reflection would yield far less mortification than pleasure.

ANNAPOLIS,
January 1, 1788.

FINIS.

(a) Against what is called equality in representation, the great Montesquieu seems to have declared by the strongest implication. In his *Spirit of Laws*, b. 9, ch. 2,²⁷ he says, that the confederate republic of Lycia contained twenty-three associated towns: that, in the common council, the larger towns had three votes, the middling towns two, and the lesser only one; that they contributed to the common expence according to the proportion of suffrages; and, that were he to give *the model of an excellent confederate republic*, it should be that of Lycia. Could the immortal spirit of Montesquieu revisit the earth, and behold the model now offered to America, how quickly would his favourite republic sink in his estimation. In a new quarter of the globe scarcely heard of by the greater part of Europeans in his day, and since the commencement of the present century, he would see men who have attained a perfection in the science most conducive to human happiness, in that study which was the principal occupation of his life, in which his predecessors had acquired only a few glimmering lights, and of which it was reserved for him to develop most of the true first principles.

(b) Whether the state of Maryland shall be divided into six districts, for each to choose one man, or the people at large give their suffrage for the whole six, is hereafter to be settled by the assembly.²⁸ The latter mode, on a variety of occasions, would be preferable.⁽⁴⁾

(c) The importance of having the western territory determined a common stock, needs only to be mentioned, to excite attention.—

As the articles of confederation contain no provision, for adjusting the dispute between the United, and particular, states, Maryland, for a long time, refused her ratification.²⁹ An adequate provision is made by the proposed plan. That the United States will assuredly institute actions against two of the states, setting up claims equally wild and extensive, may appear from the following statement.

New-Hampshire, Rhode-Island, New-Jersey, Delaware and Maryland, have been always interested in making good the common claim; as they never laid any particular claim to the territory in question.—

Massachusetts, if the province of Main be separate, is likewise become interested in the common claim.

Connecticut, and New-York, have both made cessions, which congress has accepted. These two are therefore become interested.

Pennsylvania, although very extensive, has her limits ascertained. She likewise is interested.—

Virginia, having made a cession to congress, has since relinquished a part of the reserved lands, or at least offered independence, to Kentucky.—

North-Carolina, having once made a cession, thought proper, in the omnipotence of her distinct sovereignty, to repeal the act. Will not the cession be determined valid, and the repeal void?

South-Carolina also, *it is said*, has ceded part of that territory, which lately she disputed with Georgia. In this case the United States have their claim fortified.—

But Georgia, the weakest of all, lays claim to an immense tract of country. In this territory there are warlike and independent tribes of the *aborigines*, now carrying terror and desolation towards the heart of the country occupied by the whites. It is expected, that this circumstance, with a consciousness of the weak foundation of her claims, will dispose Georgia to give up without a suit, and consent to be circumscribed within narrower limits, so soon as a proper tribunal shall have power to enter upon a rational investigation.—

N. B. For the above statement I am principally indebted to a member of the late continental convention, and who

for a considerable time, was a member of congress, a gentleman of established honour and accuracy.

(d) The advantage derived from this to the southern states, is easily perceived. Have not serious apprehensions been entertained on account of the vast superiority of the eastern states by sea?

(e) Is it possible to reflect, without indignation, on the fate of the five per cent. impost scheme?

[Alexander Contee Hanson's Handwritten, Unpublished Annotations]

(f) Change "such" to "him."

(g) Insert "time."

(h) Insert "to which it equally applies."

(i) Change "it" to "it's members."

(j) Change "were" to "was."

(k) Change "them" to "their delegates."

(l) Two horizontal lines are drawn above this paragraph and below this line. A handwritten symbol is placed in the margin.

(m) Insert: "It cannot reasonably be supposed the meaning of Aristides, that an army has never been the engine to destroy liberty; but that the circumstance of an army's being continually maintained has not been fatal to the liberties of any nation in Europe, unless some other circumstance concurred. From what man, or body of men, is danger to the liberties of the United States to be apprehended, supposing even the standing forces of America to be greater than exigencies require? What could even a body of 10,000 men effect, where the territory is of such amazing extent, & where there are 13 single governments continually watching the head? What purpose could be answered by seizing a few posts before the alarm could be spread?—When indeed a whole state scarcely extends beyond the bounds of a single city, an enterprizing man may, by a sudden stroke, with a few body guards, effect his purpose—But is it at all likely, that the president of America can do so, with any force, that is likely to be raised and maintained by the government, could that force even be collected together without exciting jealousy—"

(n) Cross out "3. Cases between a state, and its own citizens." Numbers 4, 5, and 6 in this paragraph were changed to 3, 4, and 5.

(o) Change this sentence to read: "My own declaration is, that if the whole matter were left to my discretion, I would not change a single part without a previous trial."

(p) Footnote: "United Netherlands or Holland—"

(q) Insert: "I do not mean that all the people should repair to the capital; but that each man should vote in his own county for six representatives—"

Alexander Contee Hanson to Tench Coxe
*Annapolis, 6 February 1788*³⁰

I, this moment, received the packet you did me the honor of directing to my care. I shall be careful in distributing the hand-bills properly, and will have the address inserted in the Annapolis paper so soon as the printer shall have gotten a supply of paper, of which, it seems, he has so small a stock, that he gives us no more than half a sheet.

From the artifices and industry of the enemies to the proposed government, an idea, as I have been told, has gone forth, to the northward of this state, that Maryland and Virginia will both reject it. The truth is, that the houses of delegates are, I believe, most stedfastly, altho' secretly opposed to the plan, on a contemptible supposition, that it will diminish their own importance. But in this affair, as in many other matters, they do not represent the people; and, in this state it is very probable, that few members of the assembly will be chosen into the convention. I am perfectly satisfied, that every attempt to mislead the convention will at last miscarry, altho they may probably give trouble in the beginning.

The opposition in Virginia has been somewhat alarming even to those who are not remarkable for their want of political fortitude. The last account however says, that some of the opposers have at length changed sides. For my part I believe it matters little what they shall say, or do. It is impossible that upon that mature deliberation, which the antient dominion has determined on, a majority of the people shall be so blind, or perverse or so wicked, as ultimately to reject a plan evidently calculated for the benefit of the people. I have *lately* learned, that the apprehension of a navigation act has a good deal disquieted their minds. Your address if properly disseminated cannot fail to pacify them; and I have thought it either a singular piece of good fortune, or a beneficial act of providence, that the most suspicious of all the states has postponed so long the moment of decision until all the various objections may be disclosed and refuted—

Last week, I wrote to Mr. Thos. Bradford, printer in P.³¹ and sent him 50 copies of a pamphlet, which I have lately published. I requested him

to sell them for me at the price of 2/9. Be pleased to enquire whether they reached him. They were sent by the stage waggons. I now send *you* 50 copies, of which I beg you to accept 1; to send another to Dr Franklin, a third to Billy Hamilton,³² and a fourth to Mr. Wilson. Be pleased to engage Mr. Bradford to dispose of the residue at the afore-said price, I intimated to him, that I would send him another supply—

In compliance with Mr. Hamilton's request, when I saw him last, I now send him two other pamphlets, and I beg your acceptance of copies of the same. Be pleased to inform him, that soon after my return from P. I wrote to him on the subject, concerning which he desired me to talk with Mr. Jennings; and that I never received an answer. However, the miscarriages of the post office are frequent. I hope the stages may be better.

I could wish to distribute all my pamphlets gratis; but really cannot afford it. I shall, if I can, sell just enough for indemnification. I would most willingly have presented the manuscript to the printer, were he not inimical to the plan and were I not certain that he would not distribute the copies agreeably to my wishes³³—

I pray you to excuse the liberties I have taken as well as the slovenliness of this writing. Believe me, that with the greatest esteem and respect, your old schoolmate and companion of some part of your early manhood remains your most obedient servant and sincere friend³⁴

Alexander Contee Hanson to Thomas Bradford
*Annapolis, 8 February 1788*³⁵

Last week I took the liberty of sending you 50 copies of a pamphlet entitled "Remarks on the proposed plan of a federal government." They were sent by the stages; and if they are not arrived at Philadelphia I request you to enquire at the stage office for them. Two days since I sent you a second supply directed to the care of Mr. Tench Coxe. I hope you will receive them both—

From the expence of the impression which perhaps is more than double what it might have cost in Philadelphia I was induced to fix the price of a copy at $\frac{3}{8}$ of a dollar. On reflexion, I wish to change it to a quarter of a dollar; which is full enough for a pamphlet of its size, particularly as it has no cover, and the shells are scarcely tacked together. But that is not the Author's fault—

I shall consider myself under great obligations for your selling the pamphlet on my account, and am willing to allow any commission, you shall think proper. Be pleased to favor me, as soon as possible, with an answer. Should you be of opinion, that another 100 may sell in P. I can

spare them, or even 200 more. If you prefer taking them on your account I will send you 100 copies for 3 guineas—It was not my original intention to profit by the publication and I still desire no more than a reimbursement—

Altho I have not the honor of the smallest acquaintance with you, I took the liberty of sending you my pamphlets on a supposition, arising from the fairness of your character; that you would oblige me with pleasure—

[P.S.] My address—Alexander Contee Hanson
 One of the judges of the
 general court of Maryland—

Alexander Contee Hanson to Tench Coxe
*Annapolis, 24 February 1788*³⁶

I have written to you by post, since I sent, by the stages directed to you, a packet containing 50 copies of a late publication. I had sent 50 copies likewise to Mr. Bradford, the printer. I have just now reason to apprehend, that both packets have miscarried. I have not a minute to write, and therefore only beg to be informed whether you received yours and whether Mr. Bradford received his

Alexander Contee Hanson to Tench Coxe
*Annapolis, 27 March 1788*³⁷

Not before last night, did I receive your letter of the 15th and 21st ult. (Considering the importance of it's contents, I have reason to join the clamor, that is raised against the post office. It's failures, and the defect of communication between even adjoining states are really serious evils.) I believe the people of Virginia have, in general, seen few publications respecting the proposed government, except Mason's, Lee's and Randolph's.³⁸ (I judge so from the avidity, with which I am informed my humble essay has been bought up; and I regret that I did not send them thither much sooner and in a larger quantity. Had I been apprized of one half of the publications in your state I should have sent none thither for sale; and had I known, that Maddison Hamilton and Jay had published 60 Numbers in New York,³⁹ I should not have presumed to send thither my essay, of which I have by no means an exalted opinion. I only thought it would be useful amongst those, who had seen nothing capable of informing their minds)—

The antifederalists of this state, by their happy knack of perversion have charged the conduct of the post master (and his underlings) to the new constitution. Men of sense and reflexion seem, by no means apprized of the mischiefs, done by those pestilent scriblers, whom they

despise. Slander of Government and public bodies attracts attention as well as the calumnies against individuals; and the multitude are too apt to deem unanswerable that, which is only unanswered.

The (fatal) supineness of the federalists in New-Hampshire will occasion much trouble, altho', upon the whole, I do not believe what has happened there will injure the cause.⁴⁰ Whilst it gives spirits to (scoundrels and) demagogues, it rouses the friends to order and good government, and I trust, that, in no other state, will they be deceived by the apparent quiet submission of the former. In this state particularly, it has been the policy of antifederalists to say little in public, to work secretly as long as they can, and to burst forth all at once just before the election. (Accordingly, numbers have just declared themselves against the constitution, convinced, as they say, by dint of fair argument) However I have no doubt, that their artifices will avail little. Our convention meets on the 21st of April; and without any adjournment to a distant day, as will assuredly be proposed, the constitution will be adopted by a majority of at least 7 for 1. Of 76 members perhaps 18 or 20 persons opposed to it will, by great management, half declarations, (speaking lies in the words of truth), and the like contrive to be elected; (but I reckon upon one half of them going at last with the stream—Mr. Johnson, Mr. Carroll Mr. Goldsborough, and myself, will, in all human likelihood be elected. Mr. Nic. Carroll will be my colleague for the city. Mr. Harrison will not serve altho strongly attached to the plan. Extreme of caution is perhaps his fault. This *entre nous*.)

Altho' I have so lately received your letter I mean to publish some of the intelligence it conveys, which will be actually new to the people even of this city. I wished much to publish the address you first sent me in Green's paper. I gave it him, & requested him to insert it. He promised to do so at a future day, and has not complied. The truth is, that Mr. Green is opposed to the plan, and makes every possible excuse for declining every thing of the kind. One constant apology is the want of paper—

You are quite right with respect to my misconception of the judiciary, and how I came to blunder so very grossly, after bestowing great attention, to that article more particularly I am entirely at a loss to account. I thank you for your hint. I examined the pamphlet with the constitution immediately after I read your letter. I have already sent Goddard my apology, which you will perhaps see in his paper.⁴¹ The mistake being favorable to the antifederalists they did not think proper to expose it, altho they asserted generally, that I was entirely mistaken—

Be pleased to acquainted *Billy* Hamilton that I am much surprized and moritified by his not taking the least notice of my letters. I hope on this great occasion his sentiments are not opposed to ours—

1. See Luther Martin, *Genuine Information* I, *Baltimore Maryland Gazette*, 28 December 1787 (above).

2. A reference to “A Citizen of America” (Noah Webster), *An Examination into the Leading Principles of the Federal Constitution* . . . (CC:173, and Mfm:Pa. 142. The latter is a facsimile of the complete text of Webster’s pamphlet.). On pages 51–52 Webster wrote: “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 survive the scrutiny.”

On pages 25–26 and 49–50 Webster objected to Article I, section 4, of the Constitution concluding “I repeat it—reject the clause with decency, but with unanimity and firmness.”

3. For example, see Montesquieu, *Spirit of Laws*, I, Book XI, chapter VI, 222.

4. See Appendix I (RCS:Md., 771).

5. George Washington.

6. The reference is to the English mutiny acts that were passed annually. See “Aratus,” post-2 November 1787, note 8 (RCS:Md., 44).

7. Exodus 7:12.

8. Probably a reference to the passage by “Centinel”: “Every person acquainted with the history of the courts in England, knows by what ingenious sophisms they have, at different periods, extended the sphere of their jurisdiction over objects out of the line of their institution, and contrary to their very nature; courts of a criminal jurisdiction obtaining cognizance in civil causes” (“Centinel” I, 5 October 1787, CC:133, p. 333. See also “Brutus” XI, 31 January 1788, CC:489, note 7.). The gentleman in the law department of a neighboring state was apparently George Bryan, a justice of Pennsylvania’s Supreme Court and a political leader of the Radical or Constitutionalist party, who was generally believed by contemporaries to have been the author of the “Centinel” essays. The actual author was his son Samuel.

9. William Shakespeare, *Romeo and Juliet*, Act III, scene 2, line 92.

10. See the Federalist pamphlet written by “A Citizen of Philadelphia” (Pelatiah Webster) and published in Philadelphia on 18 October 1787 (CC:125–B, p. 303).

11. For James Wilson’s speech of 6 October 1787, see “The Maryland Reprinting of James Wilson’s State House Speech,” 16–25 October (RCS:Md., 20–22).

12. Perhaps a reference to the Maryland legislature’s rejection, in May 1787, of an act to pay debts in installments.

13. A reference to Shays’s Rebellion in Massachusetts.

14. On 20 October 1786 Congress, in response to Shays’s Rebellion, ordered 1,300 troops to be raised under the guise that they were needed to protect against “the hostile intentions of the Indians in the Western country” (JCC, XXXI, 739–40, 751–53, 875, 886–88, 891–92).

15. Randolph himself was one of those calling for a second convention (CC:385, pp. 131, 133). Others included Virginians Richard Henry Lee (CC:325, p. 370), George Mason, and Patrick Henry. In late November and early December 1787, Mason, Henry, and other opponents of the Constitution in the Virginia legislature tried but failed to get a provision into the act for paying state convention delegates that provided for the calling of a second general convention (RCS:Va., 183–93).

16. The reference is to Virginia Governor Edmund Randolph, who had refused to sign the Constitution on 17 September 1787 and who listed his objections to the Constitution in a 10 October letter addressed to the Virginia legislature. In late December, Randolph’s objections appeared in a Virginia printer’s sixteen-page pamphlet. On 2 January 1788 the *Virginia Independent Chronicle* was the first of eighteen newspapers and one magazine to reprint the objections. In Maryland the letter was reprinted in the *Maryland Journal*

on 15 January, four days after the *Journal's* printer announced that he would publish it. (See CC:385, for the text of the pamphlet, its circulation, and for commentaries upon it.)

The Providence *United States Chronicle*, 6 March, reported that it had learned from a gentleman who had recently returned from Maryland that Randolph's letter "had been of infinite service in that State and Virginia, in convincing the People of the absolute Necessity of an energetic Continental Government—and that the Constitution will certainly be adopted in Maryland, by a great Majority" (CC:Vol. 4, p. 532).

17. See George Washington, the president of the Constitutional Convention, to the President of Congress, 17 September 1787 (Appendix III, RCS:Md., 806).

18. See "Centinel" V, Philadelphia *Independent Gazetteer*, 4 December 1787 (CC:318).

19. William Shakespeare, *Henry V*, Act IV, scene 3, line 60. "We few, we happy few, we band of brothers."

20. The reference is to Henry IV of France (1553–1610) and the so-called "Grand Design," a plan to establish peace in Europe by creating a Christian Republic comprising many of the countries of Europe. For more on this plan, see RCS:N.Y., 1682, 1697n.

21. A paraphrasing of Benjamin Franklin's last speech to the Constitutional Convention, 17 September (CC:77–A). Franklin—in the copy he sent to Daniel Carroll—stated that "Thus I consent, Sir, to this Constitution because I expect no better, and because I am not sure that it is not the best." See also "The Maryland Reprinting of Benjamin Franklin's Last Speech in the Constitutional Convention," 18 December 1787 (above).

22. Commenting on Article I, section 4, of the Constitution, "Centinel" I states that "The plain construction of which is, that when the state legislatures drop out of sight, from the necessary operation of this government, then Congress are to provide for the election and appointment of representatives and senators" ("Centinel" I, Philadelphia *Independent Gazetteer*, 5 October 1787 [CC:133, p. 334]).

23. For the Imposts of 1781 and 1783, see CDR, 140–41, 146–48.

24. The reference is to George Mason's objections to the Constitution, three versions of which were published and widely circulated—the *Massachusetts Centinel*, 21 November 1787, the Alexandria *Virginia Journal*, 22 November, and the Winchester *Virginia Gazette*, 23 November. (For the texts of the first two, see CC:276 A–B.) On 21 December the *Maryland Journal* reprinted the *Centinel* version. In the concluding paragraph to all versions, Mason declared that "This government will commence in a moderate aristocracy, it is at present impossible to foresee whether it will, in its operation, produce a monarchy, or a corrupt oppressive aristocracy; it will most probably vibrate some years between the two, and then terminate in the one or the other" (CC:276–A, pp. 151–52).

25. The reference is to Richard Henry Lee's 16 October 1787 letter to Governor Edmund Randolph, which was first printed in the Petersburg *Virginia Gazette* on 6 December. Lee stated that "The only check to be found in favor of the democratic principle in this system is, the house of representatives; which I believe may justly be called a mere shred or rag of representation" (CC:325, p. 368). For more on Lee, see "A Federalist," Baltimore *Maryland Gazette*, 18 January 1788, note 5 (above). In Maryland, Lee's letter was reprinted in the *Maryland Journal* on 21 December 1787, the same issue that reprinted George Mason's objections to the Constitution.

26. Montesquieu, *Spirit of Laws*, I, Book XI, chapter VI, 221–37.

27. *Ibid.*, I, Book IX, chapter III, 188–89.

28. For the federal election law that the Maryland legislature passed on 22 December 1788, which created six districts, see Gordon R. DenBoer and Lucy T. Brown, eds., *The Documentary History of the First Federal Elections, 1788–1790*, Volume II (Madison, Wis., 1984), 123–43.

29. For Maryland and the ratification of the Articles of Confederation, see the “Introduction” (RCS:Md., xli–xlv).

30. RC, Coxe Papers, Series II, Correspondence and General Papers, PHI. Neither the date nor the place of writing appear on the letter. The letter was probably written on 6 February from Annapolis. On 8 February Hanson wrote Thomas Bradford from Annapolis, stating that he had forwarded some pamphlets to him “Two days since . . . to the care of Mr. Tench Coxe” (in this grouping).

Using the information from this letter Coxe wrote James Madison on 15 February that Hanson believed that “there is no doubt in Maryland” that the state would ratify the Constitution (CC:531).

31. Bradford was a prominent Philadelphia bookseller and printer and publisher of the *Pennsylvania Journal*.

32. William Hamilton had little interest in politics but was an active botanist engaged in landscape gardening. He lived the life of an English country gentleman on his estate near Philadelphia.

33. The printer of *Remarks*, Frederick Green, was co-publisher of the Annapolis *Maryland Gazette*. For Green’s reluctance to publish Federalist material, see Hanson to Coxe, 27 March (in this grouping).

34. Hanson and Coxe attended the College of Philadelphia.

35. RC, Autograph Collection of the Historical Society of Pennsylvania, PHI.

36. RC, Coxe Papers, Series II, Correspondence and General Papers, PHI.

37. RC, Coxe Papers, Series II, Correspondence and General Papers, PHI. Excerpts from this letter were published in the *Pennsylvania Gazette*, 9 April, and were reprinted, in whole or in part, sixteen times from Maine to South Carolina by 15 May. No excerpts were reprinted in Maryland.

38. For Randolph, Mason, and Lee, see notes 16, 24, and 25 (all above).

39. When Hanson sent the first batch of *Remarks* to Philadelphia shortly after 31 January, forty-seven numbers of *The Federalist* had appeared. By 27 March, the date of this letter, seventy-five numbers of *The Federalist* had been published. *The Federalist* essays, written by Alexander Hamilton, James Madison, and John Jay, had been printed in New York City newspapers. (For the writing, publication, circulation of, and commentaries on *The Federalist*, see the headnote to CC:201.) Moreover, the first thirty-six numbers of *The Federalist* were reprinted in a book edition that was offered for sale in New York City on 22 March (CC:639). On 19 April Charles Thomson, secretary of Congress, sent a copy of the volume to James McHenry, a delegate to the Maryland Convention, that was scheduled to meet on 21 April (CC:639, p. 468). A second volume of *The Federalist*, containing the remaining forty-nine numbers, was offered for sale, also in New York City, on 28 May 1788 (CC:Vol. 6, pp. 83–87).

The book edition of *The Federalist* was not advertised in any Maryland newspaper, and not a single complete number of *The Federalist* was reprinted in Maryland. On 25 December 1787 the Baltimore *Maryland Gazette* reprinted a brief excerpt from no. 11 (*New York Independent Journal*, 24 November 1787 [CC:291]), and on 1 January 1788 the *Maryland Journal* reprinted the last paragraph from no. 14 (*New York Packet*, 30 November 1787 [CC:310]). Both excerpts emphasized the benefits of union—one of the major themes of *The Federalist*.

See RCS:Md., 228–29, for Alexander Contee Hanson’s comments comparing *The Federalist* to his pamphlet.

40. For the adjournment of the New Hampshire Convention on 22 February, see CC:554 A–B.

41. See “Aristides” in William Goddard’s *Maryland Journal*, 1 April (RCS:Md., 471).

Luther Martin: Genuine Information X
Baltimore Maryland Gazette, 1 February 1788¹

Mr. MARTIN'S Information to the House of Assembly, continued.

By the *third article*, the judicial power of the United States is vested in *one supreme court*, and in such *inferior courts*, as the Congress may from time to time ordain and establish.—These courts, and *these only*, will have a right to decide upon the laws of the United States, and all questions arising upon their construction, and in a judicial manner to carry those laws into execution; to which the courts both superior and inferior of the respective States and their judges and other magistrates are rendered incompetent.—To the courts of the general government are also *confined* all cases in law or equity, arising under the proposed constitution, and treaties made under the authority of the United States—all cases affecting ambassadors, other public ministers and consuls—all cases of admiralty and maritime jurisdiction—all controversies to which the United States are a party—all controversies between two or more States—between a State and citizens of another State—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.—Whether therefore, any *laws* or *regulations* of the *Congress*, or any *acts* of its *president* or *other officers* are *contrary to*, or not *warranted by* the constitution, rests *only* with the judges, who are *appointed* by Congress to *determine*; by whose determinations *every State* must be *bound*.—Should any question arise between a foreign consul and any of the citizens of the United States, however remote from the seat of empire, it is to be heard before the judiciary of the general government, and in the *first* instance to be heard in the supreme court, however inconvenient to the parties, and however trifling the subject of dispute.

Should the mariners of an American or foreign vessel, while in any American port, have occasion to sue for their wages, or in any other instance a controversy belonging to the admiralty jurisdiction should take place between them and their masters or owners, it is in the courts of the general government the suit must be instituted—and either party may carry it by appeal to its supreme court—the injury to commerce and the oppression to individuals which may thence arise need not be enlarged upon.—Should a citizen of Virginia, Pennsylvania, or any other of the United States be indebted to, or have debts due from, a citizen of this State, or any other claim be subsisting on one side or the other, in consequence of commercial or other transactions, it is only in the courts of Congress that either can apply for redress. The

case is the same should any claims subsist between citizens of this State and foreigners, merchants, mariners and others, whether of a commercial or of any other nature, they must be prosecuted in the same courts; and though in the first instance they may be brought in the inferior, yet an appeal may be made to the supreme judiciary, even from the remotest State in the union.

The inquiry concerning, and trial of every offence against, and breach of the laws of Congress are also *confined* to its courts—the same courts also have the *sole* right to inquire concerning and try every offence, from the lowest to the highest, committed by the citizens of any other State, or of a foreign nation, against the laws of this State within its territory—and in *all these cases* the decision may be ultimately brought before the supreme tribunal, since the *appellate jurisdiction* extends to *criminal* as well as to civil cases.

And in all those cases where the general government has jurisdiction in civil questions, the proposed constitution *not only* makes *no provision for the trial by jury* in the *first instance*, but by its appellate jurisdiction *absolutely takes away that inestimable privilege*, since it expressly declares the supreme court shall have appellate jurisdiction both as to law and *fact*.—Should, therefore, a jury be adopted in the *inferior court*, it would only be a *needless expence*, since on an appeal the *determination* of that jury *even on questions of fact*, however honest and upright, is to be of *no possible effect*—the supreme court is to take up *all questions of fact*—to *examine the evidence relative thereto*—to *decide upon* them in the *same manner* as if they had *never been tried by a jury*—Nor is *trial by jury secured in criminal cases*; it is true, that in the first instance, in the inferior court the trial is to be by jury, in this and in this only, is the difference between criminal and civil cases; but, Sir, the *appellate jurisdiction extends*, as I have observed, to cases *criminal* as well as to civil, and on the *appeal* the *court* is to *decide not only* on the law but on the *fact*, if, therefore, *even in criminal cases* the general government is not satisfied with the verdict of the jury, its officer may remove the prosecution to the supreme court, and *there the verdict of the jury is to be of no effect*, but the *judges of this court* are to *decide upon the fact* as well as the law, the *same as in civil cases*.

Thus, Sir, *jury trials*, which have ever been the *boast* of the English constitution, which have been by our several *State constitutions* so *cautiously secured* to us,—*jury trials* which have so long been considered the *surest barrier* against *arbitrary power*, and the *palladium* of *liberty*,—with the *loss of which* the *loss of our freedom* may be dated, are *taken away* by the proposed form of government, *not only* in a *great variety* of questions between *individual and individual*, but in *every case* whether *civil* or *criminal* arising *under the laws of the United States* or the *execution* of those

laws.—It is *taken away* in *those very cases* where of *all others* it is *most essential for our liberty*, to have it *sacredly guarded and preserved*—in *every case* whether *civil or criminal*, between *government and its officers* on the one part and the *subject or citizen* on the other.—Nor was this the effect of inattention, nor did it arise from any real difficulty in establishing and securing jury trials by the proposed constitution, if the convention had wished so to do—But the *same reason* influenced *here* as in the case of the establishment of inferior courts;—as they could not trust *State judges*, so would they not confide in *State juries*.—They alledged that the general government and the State governments would always be at variance—that the citizens of the different States would enter into the views and interests of their respective States, and therefore ought not to be trusted in determining causes in which the general government was any way interested, without giving the general government an opportunity, if it disapproved the verdict of the jury, to appeal, and to have the *facts examined into again and decided upon by its own judges*, on whom it was thought a reliance might be had by the general government, they being appointed under its authority.

Thus, Sir, in consequence of this *appellate jurisdiction* and its *extension to facts* as well as to law, every *arbitrary act* of the general government, and every *oppression* of all those *variety of officers* appointed under its authority for the *collection of taxes, duties, impost, excise*, and other *purposes*, must be *submitted* to by the *individual*, or must be *opposed* with *little prospect of success* and *almost a certain prospect of ruin*, at least in those cases where the *middle and common class* of citizens are interested—Since to *avoid* that *oppression*, or to *obtain redress*, the application must be made to one of the courts of the United States—by good fortune should this application be in the *first instance* attended with success, and should damages be recovered equivalent to the injury sustained, an *appeal* lies to the *supreme court*, in which case the citizen must at once give up his cause, or he must attend to it at the distance of perhaps more than a thousand miles from the place of his residence, and must take measures to procure before that court on the appeal all the evidence necessary to support his action, which even if ultimately prosperous must be attended with a *loss of time*, a *neglect of business*, and an *expence* which will be *greater* than the *original grievance*, and *to which* men in *moderate* circumstances would be *utterly unequal*.

By the *third* section of this article it is declared that treason against the United States, shall consist in levying war against them, or in adhering to their enemies giving them aid or comfort.

By the *principles* of the American revolution, *arbitrary power may and ought* to be resisted even by *arms* if necessary—The time may come when it shall be the *duty* of a *State*, in order to preserve itself from the

oppression of the general government, to have recourse to the sword—In which case the proposed form of government declares that the *State* and every of *its citizens* who *act under its authority* are guilty of a direct act of treason—reducing by this provision the different States to this alternative that they must *tamely* and *passively yield to despotism* or *their citizens* must *oppose it* at the *hazard* of the *halter* if unsuccessful—and reducing the citizens of the State which shall take arms to a situation in which they must be *exposed to punishment*, let them *act as they will*, since if they *obey* the authority of their *State government*, they will be *guilty of treason against the United States*—if they *join the general government* they will be *guilty of treason against their own State*.

To save the citizens of the respective States from this disagreeable dilemma, and to secure them from being punishable as *traitors* to the *United States* when *acting* expressly in *obedience* to the *authority of their own State*, I wished to have obtained as an amendment to the third section of this article the following clause: “Provided that no act or acts done by *one or more of the States* against the United States, or by *any citizen* of any *one* of the United States *under the authority of one or more of the said States*, shall be deemed *treason* or *punished as such*; but in case of war being levied by one or more of the States against the United States the conduct of each party towards the other, and their adherents respectively, shall be regulated by the *laws of war* and of *nations*.”²

But this provision was not adopted, being too much opposed to the great object of many of the leading members of the convention, which was by all means to *leave the States* at the *mercy* of the *general government*, since they could not succeed in their *immediate* and *entire* abolition.

(*To be continued.*)

1. Reprinted: *Pennsylvania Packet*, 8 February; *Philadelphia Independent Gazetteer*, 15 February; *New York Journal*, 17, 18, 19 March; and *Boston American Herald*, 10, 18 April (except for the last three paragraphs). For a general discussion of *Genuine Information*, see Luther Martin, *Genuine Information* I, *Baltimore Maryland Gazette*, 28 December 1787 (above).

For a response to *Genuine Information* X and XII (8 February, below), see a draft speech by Charles Carroll of Carrollton in Appendix VI (RCS:Md., 843–46, 861n).

2. No other record of Martin’s amendment has been found. For the debate on the treason clause on 20 August 1787, see Farrand, II, 345–50.

Valerius

Baltimore Maryland Gazette, 1 February 1788¹

Strictures, on “The Address, and Reasons of Dissent, of the Minority, of the Convention of Pennsylvania, to their Constituents,” concluded from our last.

After following this junto through all the parts of their laboured address to their constituents that merits in the smallest degree an answer, or from which the smallest danger of misleading even weak minds can arise, I request the people of this State to be on their guard—Consider the great business now before them and waits for their adoption and ratification.—I cannot say for their rejection, I love them too well to admit an idea so repugnant to their interest, and so unavoidably destructive of their future happiness—I hope they will take this important business in every possible point of view—Either to consider and study the new constitution itself and form their opinions therefrom; or abstract the mind for a time, if possible, totally from it, and consider our present situation, and ask themselves, is it possible for us to live happy among ourselves, or respected among foreign nations under our present government.—Experience has demonstrated the answer to this question, and has proved us to be miserable and oppressed at home,—in debt and despised abroad!—The want of energy in our governments has brought us to poverty and will soon bring forth anarchy and confusion among us—or oblige us to take shelter under the wing of some foreign power who may enslave us and our posterity for ages yet to come.—How much more advisable in us will it be to take protection under the patronage of a new federal constitution, the product of ourselves—the result of the collected wisdom of the most virtuous and the tried friends of liberty and America?—To bring our situation to a short issue it is simply this—If we trust to our present governments anarchy and ruin must be our fate, and that in a short time—If we embrace the new constitution we shall have every human probability of happiness and freedom that can be expected from any government—This being our case, I hope there will be no hesitation as to the propriety of adopting the new constitution. And I sincerely wish that this State will think for herself and not be influenced by the contemptible part which the enemies to the constitution have taken in Pennsylvania and elsewhere—Their numbers are few, and those few are unworthy of imitation.—The proceedings of the minority can only infect those whose minds are predisposed to its operation;—and the poison let loose from its fermenting and putrifying source, will be contagious only to those whose constitutions are too weak to resist its baneful influence.

If the public will only reflect who are the enemies to the new constitution in Pennsylvania, and examine into their public characters and dispositions, she will find their exertions against the constitution to be the off-fallings of weak intellects, the excrementitious discharges of minds either too weak to digest the simple appearance of a common

argument, or too malicious to acknowledge truth, or administer justice where it is due, within their comprehension, and at their easy command—men who would rather stab in the dark, the reputation and future happiness of America, than extend an arm to withdraw the dagger from the bleeding wounds of their country. As to the former class of beings, they are entitled to our compassion—the latter can only excite our contempt—The one has no other claim to the attention of the public but that which arises from their form, our pity and mercy.—The other class of men are still lower, because from the corruption of their mind and morals, they have forfeited even their title to the solitary emotion of pity, and sunk themselves beneath the dignity of human thought.—Can the virtuous ambition and noble pride of the people of Maryland, fall from its dignity and be misled by such men as these? Reason and Heaven forbid it.

After finding their arguments so inadequate to the purposes for which they were intended, and so far below the dignity of reason in support of the part which they have taken in the convention: I say, after discovering such deficiency in their understandings, we are justified in suspecting the corruption has extended to their morals—And perhaps upon examination we will find their motives as viciated as their intellects are depraved.

This address of the minority comes forth under the sanction of “reasons to their constituents,” justifying their proceedings in convention—And also from a desire to promote “the happiness of their constituents was the motive of their address”—From whence it would appear, they wish to impress an idea, that those *reasons* were necessary to the happiness of their constituents.

That these were not their motives appears from the following considerations—In the first place their reasons were not solicited. These reasons were in print before they had an opportunity of seeing or hearing from their constituents—and so far from their constituents disagreeing to the constitution, they were most of them in favor of it.

But, secondly, it was unnecessary and *wrong* in them even if they were solicited to publish their reasons. Because the business of the convention was done and completed—The constitution had passed through all the various stages of investigation, and at length it was confirmed and finally ratified in the manner pointed out by law, and consented to by them and their constituents.—To take any part or publish any reasons of dissent afterwards could answer none but the worst of purposes—purposes that are plainly expressed in the last sentence of the preface of their reasons of dissent, which urges the propriety of taking up arms and breed a civil war among ourselves; nay, they advise their constituents to act in the same manner against the constitution, as they

did against Great-Britain; and to give their own language, they advise them to contend “with the same spirit that has often baffled the attempts of an aristocratic faction to refit the shackles of slavery on you and your unborn posterity.”—This language and the whole of their publications plainly prove that the happiness of their constituents was not the motive of their conduct; because even if the new constitution was defective, their advice ought not to be complied with, as the remedy would be worse than the disease.

Their motives are plain—They find the great work is done in their own State—Conscious that the business of government on the federal plan, will fall into the hands of men of *real abilities* and *virtue*;—they from this conviction, feel all the horrors of political annihilation.—Like sinners on their death-beds, their fears are great;—and the agonies which accompany dissolution produce the struggles which mark this Pennsylvania junto.

They publish a great deal, conceiving that the neighbouring States will conclude their numbers are great, and the opposition to the constitution formidable—But the reverse of the proposition is the fact.—I can assure the public, there are not more than ten men in the city of Philadelphia, whose names the public would know if mentioned here, who are enemies to the new constitution; and even these few reflect but little honor on human nature.² They have been more distinguished for cunning and malicious resentment against men, than remarked for the proposal and adoption of good or wise measures.—If necessary, the public shall have a *list* of the names, who from this black catalogue—whose constant and unwearied business has ever been to oppose every measure proposed and advocated by particular men.—Whether a measure is for the benefit or disadvantage of the State is not a question with them, whose most glorious efforts of soul consists in personal resentment, and rather than stifle the inflammatory dictates of hearts calous to public or private virtue, would violate every principle of law and good government.

It is not one instance in their conduct from which the world is to form an opinion of them—It is not their proceedings in the present instance—It is not that they are now sinning against conviction, and premeditating unhappiness to their constituents; but it is that their minds has ever been so watchful over itself that they have never been betrayed into a wise or benevolent action.—It is not their malicious efforts against the most respectable citizens in their State, on the business of the repeal or revision of the test-law, least by any alteration in that law men of *character* should again get into power; and various proceedings, too numerous to be mentioned here—but it is the confirmed and uniform genius of their whole political life that will render them

contemptible while alive, and record their names for the benefit of posterity; not as patterns to be imitated, but as monuments for their detestation and abhorrence, and as negative examples to all future generations of men—Elevated on the immortal standard of merited infamy, they will there remain conspicuous and contemptible, not worthy of exciting the solitary emotion of pity, or a merciful thought of possible sincerity to their constituents, but consigned to eternal disgrace without even the colour of virtue.—Riveted to their fate—Gibbeted in the opinion of all virtuous men,—they have no chance of escape but through the corruption of their nature, or the lot of oblivion.—Scorched by the rays of truth—darkened by the heat of observation—they have no alternative but in the ashes of annihilation, or to be reduced to their original state, the calks of human nature.

Their attack on the characters of the members who composed the continental convention, measures the extent of their capacity, and at the same time discovers their abhorrence of virtue and hatred towards good men.—As contemptible as this attack is upon those illustrious characters in convention, let me follow their example for once, and extend the comparative idea a little further—After requesting the public to take a view of those great and good men, under whose authority the federal constitution is recommended to America—and also take under their observation the few *pitiful* characters who refused to subscribe to the constitution, together with the reasons given on each side of the question—I then request of the Pennsylvania junto to contemplate the names and characters of those men who composed the majority in their State convention, and then look down upon the minority, digest the reasons given by the former, and if possible, comprehend the rough and inflammatory declamation thrown out by the latter. If upon trial they find the splendor of the characters they have *yet* to understand, should be too powerful for their comprehension, and demonstrate to them a truth, the impossibility of their beholding righteousness, then permit the world to draw the conclusion, and benefit by the contrast.

A word or two to the minority themselves, and then I shall take my leave of them forever, unless they should again transgress.—It must excite the compassion of every friend to human nature, when we see men from the weakness of their understandings betrayed into measures, for the commission of which, if the severity of justice was to operate against them, the just vengeance of their country knows not where to pause, whether under the gallows, or at the wheel-barrow!

Though the weakness of the head is sometimes urged as an argument to excuse the corruption of the heart; yet this benevolent construction

of [— — —], is [— — —] [— — —] hour; but when men subscribe to measures, and continue to make every exertion to breed a civil war in their State, their stupidity and gross ignorance can be no excuse; though they do not premeditate or plan the mischief, yet they are the executors of it—If the extent of their understandings were known by the public, their ignorance would counteract their infamy;—but their insignificance protects them from observation.

Coming forth as a minority in convention, they conceived the world would give them credit for the composition to which their names are annexed; when it is well known the address was written by Mr. B——, of Philadelphia, and corrected and amended by an *attorney*, who the public cannot but know, when the junto is thought of³—The mind unites him with them, by the same involuntary propensity, that she connects infamy to the whole of them.—Happy, thrice happy, were this minority in being brought into public view, some of them for the first time, by any means; and rather than be unknown, they would be notoriously infamous.

In justice to this becoming spirit, I conceive Pennsylvania ought to reward their infant zeal—And as a testimony her duty towards them, she ought to confer on each of them an elevated station, where they would be neatly and happily suspended between Heaven and earth, by a power not at their command—A station,—where they would have this advantage, that of possessing it without envy, and leaving it without a loss of reputation.

1. This article is the third and last installment of the essay by “Valerius” criticizing “The Dissent of the Minority of the Pennsylvania Convention” (CC:353). See above under 25 and 29 January for the two earlier parts written by “Valerius.”

2. The city of Philadelphia was overwhelmingly in favor of ratifying the Constitution, but among the few opponents were some Antifederalist leaders and some prominent people, among them George and Samuel Bryan, John Ewing, James Hutchinson, Charles Pettit, Jonathan B. Smith, John Dickinson Sergeant, and John Nicholson. Newspaper editors Eleazer Oswald, Francis Bailey, and Alexander J. Dallas should also be included in this group.

3. “Mr. B——” is a reference to George Bryan, who contemporary newspapers incorrectly identified as the author of the “Dissent.” His son Samuel was actually the author. The “*attorney*” referred to by “Valerius” was probably John Dickinson Sergeant (CC:353, pp. 9n–10n).

Civis

Maryland Journal, 1 February 1788¹

To the INDEPENDENT ELECTORS of MARYLAND:

GENTLEMEN, Permit me to presume, that you are now preparing to deliberate in State Convention, upon one of the most important political subjects that possibly can be determined by a free people; and

in which is involved, not only your national existence, liberty and independence, but the happiness and prosperity of yourselves and progeny to all future ages.

The general depravity of the human species, having rendered government and laws absolutely necessary in civil society, the more efficacious, therefore, they may be, for the grand purposes for which they are intended, so much the more to be admired and revered by the well-disposed and virtuous citizen.

The present confederation, or government of these United States, being fabricated in the midst of an arduous contest, when the passions and prejudices natural in revolutions, drove the framers into the opposite extreme of that from which they had separated themselves, and thereby left it totally destitute of that connexion and energy which, in practice, is found so necessary. A general conviction of which defects, at last, by common consent, produced the Continental Convention.

This august assembly, consisting of men of the most distinguished abilities, integrity and virtue, (a few only excepted) after encountering and reconciling the various interests and prejudices of which they were composed, by unanimous consent of the states convened, produced the system so universally admired by those of impartial political erudition, and which, upon a candid examination by the independent and well-affected, is found to be so fully calculated to promote and perpetuate the liberty, happiness and prosperity of all the states in the union, as well as to render them revered and respected abroad.

In the formation of government, in every free country, it is clearly understood, that all sovereignty and legislation, originally exists in the people at large, and that a constitution is nothing more than certain rules and limitations, by which their representatives are to be bound and directed, in the construction of laws for the general welfare of the community:—But as laws, and the execution thereof, are one and the same thing in practice, the experience of the best regulated governments plainly point out, that the executive department ought to be vested in one general head, with such means of responsibility, as may, at all times, render him amenable in the event of male-administration.

These fixed preliminaries, the general convention appear to have had chiefly in view; and the plan they have drawn, so far from being couched in the ambiguous and intricate language of lawyers, is perspicuous and intelligible to the weakest capacity; while it is to be presumed, that a subject of such consequence, both to yourselves and posterity, will be carefully read by all, with impartiality and candour:—Hence, it will be easy to detect the fallacy of those, who endeavour to persuade

you that the new constitution is pregnant with despotism, and every thing that is dreadful to liberty. But as these sentiments are chiefly propagated in this state, by men whose interest would be deeply affected by any change of government, especially for the better, and those, to whose embarrassed circumstances, regularity and order would be exceedingly inconvenient, it is to be hoped they will be little regarded. Upon a candid investigation of the proposed plan itself, you will clearly see that the President is only a servant of the people, necessary in order to superintend the due execution of the laws that may be made by your immediate representatives, as well as to communicate with foreign powers, concerning the regular observance of treaties, and other great national objects. He can command no money (exclusive of his own salary) but what is absolutely necessary for carrying the laws into execution; an account of which must be published to the people at large.—He is, at all times, liable to impeachment by the House of Representatives, and must, every four years, again be reduced to the level of the people.—Should it be found that he has discharged the important trust with diligence, ability and integrity, he is again eligible; and it would be ungenerous indeed, to deprive him of this proof of the gratitude and approbation of his constituents, especially as he may be supposed, from his experience, to understand the duties of the office much better than any other man.

A Vice-President is indispensably necessary, considering the uncertainty of human existence, in order to prevent the vacancy of the executive branch of the legislature, which, in the heat of a war, might be attended with very fatal consequences.

The Senate is only a compact branch of your representatives, who, from their age and experience, may be able to moderate the effusions of popular caprice, as was fully evinced, last winter, by the Senate of this State.²—They are also to act as a check upon the President in concluding treaties, in case he should be purchased by foreign powers; and in the appointment of the great officers, to prevent him from filling places of importance with his own friends, whether properly qualified or not.—They are to try all impeachments, which only can be laid by the House of Representatives.—Some have observed, “that it is improper they should try a member of their own body;” but they might, upon the same principle, object to an officer of the army being tried by a court-martial, composed of his brother officers and intimates, or to a man being tried by a jury of twelve of his neighbours, possibly friends.

A member of either branch of the legislature, cannot be impeached for delivering his sentiments freely in the house, or voting on any side

of a question.—It must, therefore, be for some misdemeanor, in which case they are liable to punishment. In order to prevent the Senate from forming any combination with the President, they are, every two years, to be intermixed with one-third of fresh members from the country, who will be able to detect such insidious attempts.

The House of Representatives is, by far, the most important branch of the proposed legislature; for with them all money or revenue bills must originate; and they have, likewise, a negative in the disposal of it, after it is brought into the treasury. Hence, it would be a vain attempt in the President and Senate, during their short periods, to think of establishing either a monarchy or aristocracy, without the one thing *needful* in despotism; especially, as their conduct is, at all times, responsible to the people.—Besides, in this, as in all free governments, there will be constantly in both houses of the legislature, a powerful minority, consisting of the disappointed and discontented, who will be perpetually sounding the trumpet of alarm, and as soon as they may come to have constitution and reason on their side, the natural jealousy of liberty, which exists in the people of America, will cause them to prevail.

Upon the whole, it is clearly obvious, that in all parts of the new constitution, the popular influence must ultimately predominate; and by their holding the key of the treasury, they may preserve the government tolerably pure, if they please.

With regard to the other objections, which have been raised to this new system, they are either founded in self-interest, pique, or prejudice, and may be easily detected by the slightest perusal of the subject itself. At same time, it is really laughable to observe the weakness and vanity of those, who expect that *their* ridiculous private opinions should be preferred to the general voice, and united wisdom of America.

When this effectual and salutary constitution shall come to be fully ratified, America will become the admiration of the world, and will hold a most respectable share of the balance of power in Europe. Her alliance and commerce will be courted by all nations upon regular treaties:—Hence, the produce of the country will be readily admitted wherever it may be found necessary, and, consequently, rise in value.—Shipbuilding and manufactures will be greatly promoted, by having the power of a navigation-act, and a general impost upon foreign luxuries.—Life and property will be perfectly secure from external attacks, or domestic commotions.—Foreigners of property, mechanics and farmers will emigrate thither, and rapidly increase the value of lands.—Uniform commercial regulations will raise small villages to great towns;

and America, from being now a parcel of jarring contemptible states, will then be a great, free, happy and flourishing empire.

Whereas, should it be fatally rejected, the present constitution being already politically dead, it will be next to impossible, ever again to collect these states under any regular government—Anarchy and discord will speedily ensue—The hands of the son will be imbrued in the blood of his father and nearest relations—CIVIL COMMOTION, with all her hideous train! will ride triumphant all over disunited America—People of property, and the peaceably inclined, will remove to other dominions—and the country, which has cost you so much, will either fall into the hands of an aspiring tyrant, or be divided among European powers.

These serious considerations being deeply impressed upon your imaginations, it is to be expected, that you will be exceedingly cautious and circumspect in the choice of your representatives to the ensuing convention; and, although men of property, character and abilities, have too much retired from public employment since the conclusion of the war, yet it is to be hoped, that, in this all-important crisis, they will again step forth, with a true patriotic ardour, and snatch their dear country from the dreadful and devouring jaws of anarchy and ruin.

The characters whom I would especially point out as your particular aversion, in the present critical conjuncture, are all those in desperate or embarrassed circumstances, who may have been advocates for paper-money, *the truck-bill*, or insolvent act;³ and who may expect to escape in the general ruin of the country.

Let, therefore, your choice be of men interested in the welfare of America, from the ties of property, consanguinity and natural affection; and whose happiness or misery is inseparably connected with that of the country to which they belong.

January 26, 1788.

1. On 29 January the *Maryland Journal* announced “CIVIS’s Address to the INDEPENDENT ELECTORS of MARYLAND, will be inserted in our next.” For a response to “Civis,” see “A Real Federalist,” *Maryland Journal*, 21 March (below). This writer believes that “Civis” and “Hambden,” *Maryland Journal*, 14 March (below), were written by the same person. Other essays signed “Civis” appeared in the *Maryland Journal* on 4 April (below), 16 May (Mfm:Md. 113), and 11 July. The first two essays responded to “Hambden.”

2. On 30 December 1786 the Maryland Senate unanimously rejected a paper money bill passed by the House of Delegates, and on 6 January 1787 the Senate also unanimously rejected a debtor relief bill (also called “*the truck-bill*”) passed by the House (*Votes and Proceedings of the Senate of the State of Maryland. November Session, 1786. . . .* [Annapolis, 1787] [Evans 20489], 17, 24).

3. See note 2 (above).

Philadelphia Independent Gazetteer, 2 February 1788¹

Extract of a letter from a gentleman in Baltimore county,
to his friend in this city.

“The Baltimore people and those in my neighbourhood are highly pleased with the New Roof.² Nothing has so satisfactorily illustrated the absurdity that the federal government can exist independently of the state governments, as the idea of the Roof remaining suspended in the air after the walls have fallen away. We are, indeed, except a worthless character or two, very federal. I know the sentiments of the farmers and neighbours around me, and assure you, you need have no doubt of us. As to the trumpety which M-rt-n has been babbling here, it has had no other effect than to make him still more odious. The people are so affectionately attached to their beloved GENERAL, that it makes their blood boil to hear him traduced by such a wretch.³ But this traducer is so well known here and so thoroughly contemptible, that this is no climate for any calumnies he may sow, to flourish in. He is despised by the good people of Baltimore, and many a time have I heard him heartily cursed by the honest farmers in the country, where his arbitrary proceedings respecting their lands have long since made him obnoxious. I know it would be as much as his life is worth were he to travel through the upper parts of Cœcil county. I have heard a story of him, which, by the way, will shew what a warm friend he is to *religious liberty*. Some years ago an inoffensive old man, a Quaker preacher, was brought before the court for preaching without a licence, (there being an oppressive and arbitrary law which directed all Ministers of the Gospel to take out licences) the court knowing the religious principles of the society to which he belonged, very readily inclined to dismiss him. The At—y G—l⁴ however had no such lenient inclination, and pushed the prosecution with the utmost rigour and malevolence. Upon which the old man, looking at him with great composure asked him, ‘what is thy name friend?’ He told him L-th-r M-rt-n, ‘why then,’ said he, ‘thou art M-rt-n L-th-r reversed.’ The reply diverted the whole court, and the old man was dismissed.”

1. This item was reprinted seven times by 3 May: R.I. (1), Conn. (1), N.Y. (2), N.J. (1), Pa. (1), Ga. (1). Excerpts from the first four sentences were reprinted once in New Hampshire and twice in Massachusetts.

2. See “The Maryland Reprinting of ‘The New Roof,’” 15 January (RCS:Md., 184).

3. Luther Martin criticized George Washington in *Genuine Information* I and III, *Baltimore Maryland Gazette*, 28 December 1787 and 4 January 1788 (RCS:Md., 133, 149).

4. Luther Martin.

Luther Martin: Genuine Information XI
Baltimore Maryland Gazette, 5 February 1788¹

Mr. MARTIN'S Information to The House of Assembly, continued.

By the third section of the fourth article, no new State shall be formed or erected within the jurisdiction of any other State, without the consent of the legislature of such State.

There are a number of States which are so circumstanced with respect to themselves and to the other States, that every principle of justice and sound policy, require their dismemberment or division into smaller States.—Massachusetts is divided into two districts, totally separated from each other by the State of New-Hampshire,—on the north-east side of which lies the provinces of Main and Sagadahock, more extensive in point of territory, but less populous than old Massachusetts, which lies on the other side of New-Hampshire.—No person can cast their eye on the map of that State but they must in a moment admit, that every argument drawn from convenience, interest, and justice require that the provinces of Main and Sagadahock should be erected into a new State, and that they should not be compelled to remain connected with old Massachusetts under all the inconveniences of their situation.

The State of Georgia is larger in extent than the whole island of Great-Britain, extending from its sea coast to the Mississippi, a distance of eight hundred miles or more; its breadth for the most part, about three hundred miles.—The States of North-Carolina and Virginia in the same manner reach from the sea coast unto the Mississippi.

The hardship, the inconvenience, and the injustice of compelling the inhabitants of those States who may dwell on the western side of the mountains and along the Ohio and Mississippi rivers to remain connected with the inhabitants of those States respectively, on the atlantic side of the mountains, and subject to the same State governments, would be such as would in my opinion, justify even recourse to arms to free themselves from and to shake off so ignominious a yoke.

This representation was made in convention, and it was further urged that the territory of these States were too large, and that the inhabitants thereof would be too much disconnected for a *republican government* to extend to them its benefits, *which* is only suited to a small and compact territory—That a regard also for the peace and safety of the union, ought to excite a desire that those States should become in time divided into separate States, since when their population should become proportioned in any degree to their territory, they would from their strength

and power become *dangerous members* of a *federal* government.—It was further said that if the general government was not by its constitution to interfere, the inconvenience would soon remedy itself, for that as the population increased in those States, their legislatures would be obliged to consent to the erection of new States to avoid the evils of a civil war, but as by the proposed constitution the general government is obliged to protect each State against domestic violence, and consequently will be obliged to assist in suppressing such commotions and insurrections as may take place from the struggle to have new States erected, the general government ought to have a power to decide upon the propriety and necessity of establishing or erecting a new State even without the approbation of the legislature of such States, within whose jurisdiction the new State should be erected, and for this purpose I submitted to the convention the following proposition—“That on the application of the inhabitants of any district of territory within the limits of any of the States, it shall be lawful for the legislature of the United States, if they shall under all circumstances think it reasonable, to erect the same into a new State, and admit it into the union *without the consent* of the State of which the said district may be a part.”² And it was said that we surely might trust the general government with *this power* with *more propriety* than with *many others* with which they were proposed to be entrusted—and that as the general government was bound to suppress all insurrections and commotions which might arise on this subject, it ought to be in the power of the general government to decide upon it, and not in the power of the legislature of a single State by obstinately and unreasonably opposing the erection of a new State to prevent its taking effect, and thereby extremely to *oppress* that part of its citizens which live remote from, and inconvenient to, the seat of its government, and even to involve the union in war to support its injustice and oppression.—But, upon the vote being taken, Georgia, South-Carolina, North-Carolina, Virginia, Pennsylvania and Massachusetts, were in the *negative*.—New-Hampshire, Connecticut, Jersey, Delaware and Maryland, were in the *affirmative*.—New York was absent.³

That it was inconsistent with the rights of free and independent States, to have their territory dismembered without their consent, was the principal argument used by the opponents of this proposition.—The truth of the objection we readily admitted, but at the same time, insisted that it was not *more inconsistent* with the rights of free and independent States than *that inequality of suffrage and power* which the *large States* had *extorted* from *the others*; and that if the *smaller States* yielded up *their rights* in *that instance*, they were *entitled* to demand from the States of extensive territory a *surrender* of their rights in *this instance*; and in

a particular manner, as it was *equally necessary* for the true interest and happiness of the *citizens of their own States*, as of *the union*.—But, Sir, although when the large States demanded *undue* and *improper* sacrifices to be made to their *pride* and *ambition*, they treated the rights of free States with more contempt than ever a British parliament treated the rights of her colonial establishments, yet when a *reasonable* and *necessary sacrifice* was asked *from them* they spurned the idea with ineffable disdain. They *then perfectly understood* the *full value* and the *sacred obligation* of *State rights*, and at the least attempt to infringe them *where they were concerned*, they were tremblingly alive and agonized at every pore.

When we reflect how *obstinately* those States contended for that *unjust superiority* of power in the government, which they have *in part* obtained, and for the establishment of this superiority by the constitution.—When we reflect that they appeared willing to hazard the existence of the union rather than not to succeed in their unjust attempt—That should their legislatures consent to the erection of new States within their jurisdiction, it would be an immediate sacrifice of that power, to obtain which they appeared disposed to sacrifice every other consideration.

When we further reflect that they *now* have a *motive* for desiring to preserve their territory entire and unbroken, which they *never had before*—*the gratification of their ambition in possessing and exercising superior power over their sister States*—and that this constitution is to give them the *means to effect* this desire *of which they were formerly destitute*—*the whole force of the United States pledged to them for restraining intestine commotions*, and *preserving to them the obedience and subjection of their citizens*, even in the *extremest part of their territory*;—I say, Sir, when we consider these things it would be too absurd and improbable to deserve a serious answer, should any person suggest that *these States* mean ever *to give their consent* to the *erection of new States within their territory*.—Some of them it is true, have been for some time past *amusing* their inhabitants in those districts that wished to be erected into new States, but should this constitution be adopted, *armed with a sword and halter* to compel their obedience and subjection, they will no longer act with indecision;—and the State of Maryland may, and probably will be called upon to assist with her wealth and her blood in subduing the inhabitants of Franklin, Kentucky, Vermont, and the provinces of Main and Sagadahock, and in compelling them to continue in subjection to the States which respectively claim jurisdiction over them.

Let it not be forgotten at the same time, that a great part of the territory of these large and extensive States, which they now hold in possession, and over which they now claim and exercise jurisdiction,

were crown lands, unlocated and unsettled when the American revolution took place—Lands which were *acquired* by the *common blood and treasure*, and which *ought* to have been the *common stock*, and for the *common benefit* of the Union.—Let it be remembered that the State of Maryland was so deeply sensible of the injustice that these lands should be held by particular States for their own emolument, even at a time when *no superiority of authority or power* was *annexed to extensive territory*, that in the *midst of the late war* and all the *dangers* which *threatened* us, it withheld for a long time its assent to the articles of confederation for that reason, and when it ratified those articles it entered a *solemn protest* against what it considered so *flagrant injustice*,⁴—But, Sir, the question is not *now* whether those States shall hold that territory unjustly to themselves, but whether by *that act of injustice* they shall *have superiority of power and influence over the other States*, and *have a constitutional right to domineer and lord it over them*—Nay, more, whether we will *agree to a form of government* by which we *pledge to those States the whole force of the union to preserve* to them that *extensive territory entire and unbroken*, and with *our blood and wealth to assist them*, whenever they please to demand it, to *preserve the inhabitants thereof under their subjection*, for the *purpose of increasing their superiority over us*—of *gratifying their unjust ambition*—in a word, for the *purpose of giving ourselves masters*, and of *riveting our chains!*

(*To be continued.*)

1. Reprinted: *Pennsylvania Packet*, 12 February; *Philadelphia Independent Gazetteer*, 21 February; and *New York Journal*, 7 April. For a general discussion of *Genuine Information*, see *Genuine Information I*, *Baltimore Maryland Gazette*, 28 December 1787 (above).

2. Martin's resolution, as recorded in the Constitutional Convention Journal and James Madison's notes for 30 August, reads differently: "The Legislature of the United States shall have power to erect new States within as well as without the territory claimed by the several States or either of them and admit the same into the Union: Provided that nothing in this Constitution shall be construed to affect the claim of the United States to vacant lands ceded to them by the late treaty of Peace" (Farrand, II, 457–58, 464). For the evolution of this clause of the Constitution from the time that it appeared in the 6 August report of the Committee of Detail, see CDR, 268–69, 282–83, 295.

3. As recorded in the Convention Journal and James Madison's notes, Martin's resolution was defeated eight states to three; New Jersey, Delaware, and Maryland voted for it (Farrand, II, 457–58, 464).

4. For Maryland's position on western lands and its final ratification of the Articles of Confederation on 1 March 1781, see CDR, 55–57, 97–100, 135–37, and the "Introduction" (RCS:Md., xli–xlvi).

Editors' Note

Advertisement for Debates of the Pennsylvania Convention 7 February 1788

On 7 February 1788 an advertisement in the *Pennsylvania Mercury* announced that the pamphlet edition of Thomas Lloyd's *Debates* of the

Pennsylvania Convention would be offered for sale in several cities, among them Baltimore. In mid-April advertisements also appeared in the newspapers of several cities, including Annapolis, and in May an advertisement appeared in a Baltimore newspaper.

For the *Pennsylvania Mercury's* advertisement and the long editorial note accompanying it, see CC:511. For further details on Lloyd's *Debates* in Maryland, see "The Maryland Announcement and Sale of Thomas Lloyd's *Debates* of the Pennsylvania Convention," 18 December 1787–10 June 1788 (above).

**Charles Carroll of Carrollton to Messrs. Wallace, Johnson, & Muir
Annapolis, 8 February 1788 (excerpt)¹**

. . . I fear we shall experience Much Confusion & distress in this Country Unless the New federal Govt. is adopted by Nine States; if some of the principal States, should Reject it, Altho it should be adopted by 9 States, I shall Not expect Much good from such An adoption—It is said to be very doubtful whether Virga. & Massachusetts will Ratify the New federal Govt. . . .

1. FC, Carroll Letterbook, 1771–1833, Arents Tobacco Collection, New York Public Library. Marylanders Charles Wallace, Joshua Johnson, and John Muir were partners in a London-based mercantile firm with a retail outlet in Annapolis. As wholesale commission merchants they focused on exporting tobacco, especially to France. The firm became deeply indebted to London creditors by overextending their purchases and credit to others after 1783. Wallace (1727–1812) was a member of the Maryland Executive Council, 1783–85.

**Luther Martin: Genuine Information XII
Baltimore Maryland Gazette, 8 February 1788¹**

Mr. MARTIN's Information to the House of Assembly, concluded.

The part of the system, which provides that *no religious test* shall ever be required as a qualification to any office or public trust under the United States, was adopted by a very great majority of the convention, and without much debate,²—however, there were some members *so unfashionable* as to think that a *belief of the existence of a Deity*, and of a *state of future rewards and punishments* would be some security for the good conduct of our rulers, and that in a Christian country it would be at *least decent* to hold out some distinction between the professors of Christianity and downright infidelity or paganism.

The seventh article declares, that the ratification of *nine States* shall be sufficient for the establishment of this constitution between the States ratifying the same.

It was attempted to obtain a resolve that if seven States, whose votes in the first branch should amount to a majority of the representation

in that branch, concurred in the adoption of the system, it should be sufficient, and this attempt was supported on the principle, that a majority ought to govern the minority;³—but to this it was objected that although it was true, after a constitution and form of government is agreed on, in every act done under and consistent with that constitution and form of government, the act of the majority, unless otherwise agreed in the constitution, should bind the minority, yet it was directly the *reverse* in *originally forming* a constitution, or *dissolving it*—That in originally forming a constitution, it was necessary that *every individual* should agree to it to become bound thereby—and that when *once adopted* it could not be *dissolved* by consent, unless with the consent of *every individual* who was *party* to the original agreement—That in forming our original federal government *every member* of that government, that is each State, expressly consented to it;—that it is a *part* of the *compact* made and entered into in the *most solemn* manner, that there should be no *dissolution* or *alteration* of that federal government without the consent of *every State*, the members of, and parties to the original compact; that therefore *no alteration* could be made by the consent of a *part* of the States, or by the consent of the *inhabitants* of a *part* of the States, which could either *release* the States so consenting from the obligation they are under to the other States, or which could in any manner become *obligatory* upon those States that should not ratify such alterations.—Satisfied of the *truth* of these positions, and not holding ourselves at liberty to *violate* the *compact*, which this State had *solemnly entered into* with the others, by *altering* it in a *different* manner from that which by the same compact is provided and stipulated, a number of the members and among those the *delegation* of *this State* opposed the ratification of this system in *any other manner* than by the *unanimous consent* and agreement of *all the States*.

By our original articles of confederation any alterations proposed are in the first place to be *approved* by Congress.—Accordingly as the resolutions were originally adopted by the convention, and as they were reported by the committee of detail, it was proposed that this system should be laid before Congress *for their approbation*;—but, Sir, the warm advocates of this system fearing it would not meet with the approbation of Congress, and determined, even though Congress and the respective State legislatures should disapprove the same, to force it upon them, if possible, through the intervention of the people at large moved to strike out the words “for their approbation” and succeeded in their motion; to which, it being directly in violation of the mode prescribed by the articles of confederation for the alteration of our federal government, a part of the convention, and myself in the number, thought it a duty to give a decided negative.⁴

Agreeable to the articles of confederation entered into in the most *solemn* manner, and for the *observance* of which the States *pledged* themselves to each other, and called upon the *Supreme Being* as a *witness* and *avenger* between them, *no alterations* are to be made in those articles unless after they are approved by Congress, they are agreed to and ratified by the *legislature* of *every* State; but by the resolve of the convention this constitution is not to be ratified by the legislatures of the respective States, but is to be submitted to conventions chosen by the people, and if ratified by them is to be binding.

This resolve was opposed among others by the delegation of Maryland;—your delegates were of opinion that as the form of government proposed was, if adopted, most essentially to *alter* the *constitution* of *this State*, and as our constitution had pointed out a mode by which, and by which *only*, alterations were to be made therein,⁵ a convention of the people could not be called to agree to and ratify the said form of government without a *direct violation* of our constitution, which it is the duty of every individual in this State to protect and support;—in this opinion all your delegates who were attending were unanimous—I, Sir, opposed it also upon a more extensive ground—as being directly *contrary* to the mode of altering our federal government *established* in our original compact, and as such being a *direct violation* of the mutual faith plighted by the States to each other, I gave it my negative.⁶

I also was of opinion that the States considered as States, in their political capacity, are the members of a federal government—That the States in their political capacity, or as sovereignties, are entitled, and *only entitled* originally to agree upon the form of, and submit themselves to, a federal government, and afterwards by mutual consent to dissolve or to alter it—That every thing which relates to the formation, the dissolution or the alteration of a *federal* government over States equally free, sovereign and independent is the *peculiar* province of the *States* in their *sovereign* or *political* capacity, in the same manner as what relates to forming alliances or treaties of peace, amity or commerce, and that the people at large in their individual capacity, have no more right to interfere in the one case than in the other—That according to these principles we originally acted in forming our confederation; it was the States as States, by their representatives in Congress, that formed the articles of confederation;—it was the States as States, by their legislatures, ratified those articles, and it was there established and provided that the States as States, that as by their legislatures, should agree to any alterations that should hereafter be proposed in the federal government, before they should be binding—and any alterations agreed to in any other manner cannot release the States from the obligation

they are under to each other by virtue of the original articles of confederation.—The people of the different States never made any objection to the manner the articles of confederation were formed or ratified, or to the mode by which alterations were to be made in that government—with the rights of their respective States they wished not to interfere—Nor do I believe the people in their individual capacity would ever have expected or desired to have been appealed to on the present occasion, in violation of the rights of their respective States, if the favourers of the proposed constitution, imagining they had a better chance of forcing it to be adopted by a *hasty* appeal to the people at large, who could not be so good judges of the dangerous consequences, had not insisted upon this mode—Nor do these positions in the least interfere with the principle, that all power originates from the people, because when once the people have *exercised their power in establishing and forming themselves into a State government*, it never *devolves back* to them, nor have they a *right to resume or again to exercise that power* until such events take place as will amount to a *dissolution of their State government*:—And it is an established principle that a dissolution or alteration of a *federal government* doth not dissolve the *State governments* which compose it.—It was also my opinion that upon *principles of sound policy*, the agreement or disagreement to the proposed system ought to have been by the State legislatures, in which case, let the event have been what it would, there would have been but little prospect of the *public peace* being *disturbed* thereby—Whereas the attempt to force down this system, although Congress and the respective State legislatures should disapprove, by appealing to the people, and to procure its establishment in a manner totally unconstitutional, has a tendency to set the *State governments* and their *subjects* at *variance* with each other—to *lessen the obligations of government*—to *weaken the bands of society*—to introduce *anarchy and confusion*—and to *light the torch of discord and civil war* throughout this continent.—All these considerations weighed with me most forcibly against giving my assent to the mode by which it is resolved this system is to be ratified, and were urged by me in opposition to the measure.⁷

I have now, Sir, in discharge of the duty I owe to this house, given such information as hath occurred to me, which I consider most material for them to know; and you will easily perceive from this detail that a great portion of that time, which ought to have been devoted calmly and impartially to consider what alterations in our federal government would be most likely to procure and preserve the happiness of the union, was employed in a *violent struggle* on the one side to obtain *all power and dominion* in their own hands, and on the other to prevent

it—and that the *aggrandizement* of particular States and particular individuals appears to have been much more the object sought after than the welfare of our country.

The interest of this State, not confined merely to itself, abstracted from all others, but considered relatively; and as far as was consistent with the common interest of the other States, I thought it my duty to pursue according to the best opinion I could form of it.

When I took my seat in the convention, I found them attempting to bring forward a system, which I was sure never had entered into the contemplation of those I had the honour to represent, and which upon the fullest consideration, I considered not only injurious to the interest and the rights of this State, but also incompatible with the political happiness and freedom of the States in general; from that time until my business compelled me to leave the convention, I gave it every possible opposition in every stage of its progression.—I opposed the system there with the same explicit frankness with which I have here given you a history of our proceedings, and an account of my own conduct, which in a particular manner I consider you as having a right to know—While there, I endeavoured to act as became a free man, and the delegate of a free State. Should my conduct obtain the approbation of those who appointed me, I will not deny it would afford me satisfaction; but to me that approbation was at most no more than a *secondary* consideration—my *first* was to *deserve* it;—left to myself to act according to the best of my discretion, my conduct should have been the same, had I been even sure your censure would have been my only reward, since I hold it sacredly my duty to dash the cup of poison, if possible, from the hand of a State or an individual, however anxious the one or the other might be to swallow it.

Indulge me, Sir, in a single observation further. There are persons who endeavour to hold up the idea that this system is only opposed by the officers of government—I, Sir, am in that predicament.—I have the honor to hold an appointment in this State.⁸ Had it been considered any objection, I presume I should not have been appointed to the convention—If it could have any effect on my mind, it would only be that of warming my heart with gratitude, and rendering me more anxious to promote the true interest of that State which has conferred upon me the obligation, and to heighten my guilt had I joined in sacrificing its essential rights—But, Sir, it would be well to remember, that this system is not calculated to *diminish* the *number* or the *value* of *offices*—on the contrary, if adopted, it will be productive of an enormous increase in their number—many of them will be also of great honour and emolument. Whether, Sir, in this variety of appointments and in

the scramble for them, I might not have as good a prospect to advantage myself as many others is not for me to say—but this, Sir, I can say with truth, that so far was I from being influenced in my conduct by interest, or the consideration of office, that I would cheerfully resign the appointment I now hold—I would bind myself never to accept another either under the general government or that of my own State—I would do more, Sir, so destructive do I consider the present system to the happiness of my country, I would cheerfully sacrifice that share of property with which Heaven has blessed a life of industry,—I would reduce myself to indigence and poverty; and those who are dearer to me than my own existence I would entrust to the care and protection of that Providence who hath so kindly protected myself, if on *those terms only* I could procure my country to reject those chains which are forged for it.

1. Reprinted: *Pennsylvania Packet*, 19 February; *Philadelphia Independent Gazetteer*, 25 February; *New York Journal*, 3, 7 April; and *Boston American Herald*, 8 May (only the first five paragraphs). For a general discussion of *Genuine Information*, see *Genuine Information I*, *Baltimore Maryland Gazette*, 28 December 1787 (above).

2. On 30 August 1787 the Constitutional Convention unanimously adopted the religious test clause (part of Article VI, clause 3). The only recorded opposition to it was made by Roger Sherman of Connecticut who “thought it unnecessary, the prevailing liberality being a sufficient security agst. such tests” (Farrand, II, 468).

3. The motion referred to by Martin was made by James Madison of Virginia on 31 August 1787, thereby providing that ratification “would require the concurrence of a majority of both the States and people” (Farrand, II, 475).

4. On 31 August 1787 Gouverneur Morris of Pennsylvania and Charles Pinckney of South Carolina moved to strike out the words “for their approbation,” and the motion was adopted eight states to three, with Maryland in the minority (Farrand, II, 478).

For Martin’s insistence that the Constitutional Convention should have recommended that state legislatures, not state conventions, ratify the Constitution, see *Pennsylvania Mercury*, 28 February 1788 (CC:Vol. 4, p. 529).

5. See Article LIX of the Maryland constitution (Appendix I, RCS:Md., 779).

6. As early as 20 June 1787 Martin criticized the ratification of the Constitution by state conventions. According to Maryland delegate James McHenry, on 7 August the state’s delegation (excepting Martin who had gone to New York) agreed to oppose ratification by state conventions. On 31 August Martin “insisted on a reference to the State Legislatures. He urged the danger of commotions from a resort to the people & to the first principles in which the Governments might be on one side & the people on the other.” On this day Maryland voted, with a minority of states, for striking out the phrase requiring ratification by state conventions. Martin and Daniel Carroll, his fellow Maryland delegate, moved to have the Convention agree to ratification by all thirteen states, but only Maryland supported this motion. Maryland also voted, with the minority, against a motion that nine states be required for ratification. When a final vote was taken, only Maryland voted against the provision that nine states be required for ratification. However, Maryland delegate Daniel of St. Thomas Jenifer voted against his fellow Maryland delegates (Farrand, I, 340–41; II, 209, 211–12, 475–79).

7. Martin advanced this position on 20 and 27 June and on 31 August. He believed that the central government was “meant merely to preserve the State Governrs: not to govern individuals . . .” (Farrand, I, 340–41, 437; II, 476). See also note 6, above.

8. Martin was Maryland’s attorney general.

Philadelphia Independent Gazetteer, 8 February 1788¹

Extract of a letter from the Eastern Shore of Maryland, to a gentleman in this city, dated Jan. 29, 1788.

“We are all in an uproar in Maryland; the federal agents, have taken the alarm, since the substance of the honorable Mr. Martin’s examination before the Assembly, appeared in Mr. Hayes’s papers.² This gentleman at the instance of a great number of his constituents, was called upon to declare his objections in the public prints, to the new federal government, in order to enable them to form some opinion of the merits or demerits, ascribed to it, as well by its numerous advocates, as opposers. I should be glad to have your ideas, whether Mr. Martin, as one of the delegates to the late Convention, had acted a becoming part, by complying with the requisition of his constituents, and that in a matter of such infinite importance to the present, if not to future generations. If Mr. Martin refused the reiterated applications made to him on this occasion, they might naturally suppose that his objections were ill grounded and futile; or otherwise, that he sacrificed the public welfare to some private and interested considerations, highly incompatible with the dignity of a delegate to the honorable General Convention of the United States. The *federal hacks* here say, that he was not justifiable in holding any opinion that militated against their measures; because influence and the power of making proselytes is on their side; ergo, right or wrong, the current of faction must bear down all that comes before it; and a fig for the feeble efforts of the *low born* peasantry, who ought not to be allowed even the privilege of a groan, whilst they wear the galling fetters of the great, unless in the silent and solitary shade of wretchedness, and obscurity.

[“]The federal hacks assert, that whoever dares to utter a syllable in disapprobation of their cause, is from that instant, to be publicly charged as inimical to his country; and as they have the advantage of every press, from New Hampshire, to Georgia, to circulate their calumnies, the unfortunate objects of their rancour, in that extent of country, can only resort to two or three,³ at most, who have spirit and independence enough to publish in vindication of these devoted victims to power and tyranny. This circumstance accounts fully for the unanimity that prevails throughout the whole continent, in adopting

the new federal government, for wherever there is a printing press, there you will find some federal hacks, or company of hacks, who claim an absolute dominion over *Mr. Type*, as if unlimited monarchy had already been established in this wretched country. The *Post-Offices*⁴ are also under the influence of these sons of power, so much so that a paper printed at New-York cannot find its way to Philadelphia, Baltimore, or any of the other states; neither can the papers of the Southward proceed an inch farther than the office they are put in at, unless they should happen to contain the most fulsome elogiums, on Franky's *New Roof*,⁵ which is to accommodate him and all the *Office-hunters* on the continent. The *minority* whom I shall call every man in the community, from whom a fair, open and candid enquiry is withheld, either by direct or indirect means, and who have no views of lucrative offices under the federal government; I say, sir, that the minority, these real disinterested patriots should assiduously exhort each other, to exert every nerve for the good of their country and posterity; and not suffer *one tenth* part of their fellow subjects, with the help of their expecting, gaping minions, to enslave all the rest. But these salutary admonitions, I fear, cannot impede the evil in its rapid progress, unless the federal *bandage* can be removed from the people's eyes. For it is the peculiar property of the bandage to keep every thing from their sight, which would enable them to judge for themselves, especially at this critical important juncture.

[“]It is plain to see, that those who have had the art to blindfold them, will have the *constitutional legal* privilege of judging for them forever after, with respect to *life, liberty* and *property*: These being trifling matters not worthy the people's consideration, and of course, not fit to be entrusted to them, who neither know their value, nor use. When these rights and privileges get into other hands, their meaning will be fully explained, not by *precept*, but most assuredly by *woeful example*; and those who helped to cut the rod, should never in prudence or justice, complain of the smart it may create.”

1. Reprinted: *New York Morning Post*, 12 February; *New York Journal*, 22 February; and *Boston American Herald*, 10 March. The *Journal* and *Herald* deleted the *Gazetteer's* italics. For a response to this letter extract, see the *Pennsylvania Mercury*, 12 February (below).

2. By 29 January, nine of the twelve installments of Luther Martin's *Genuine Information* had been printed in John Hayes's Baltimore *Maryland Gazette*. See Luther Martin, *Genuine Information* I, Baltimore *Maryland Gazette*, 28 December 1787 (above).

3. Perhaps a reference to such leading Antifederalist newspaper editors as Eleazer Oswald of the Philadelphia *Independent Gazetteer*; Thomas Greenleaf of the *New York Journal*; and Edward E. Powars of the *Boston American Herald*, all of whom reprinted this letter extract.

4. For the controversy over the Confederation post office and the circulation of newspapers during the debate over ratification of the Constitution, see CC:Vol. 4, Appendix II, pp. 540–96.

5. See “The Maryland Reprinting of ‘The New Roof,’” 15 January (RCS:Md., 184).

Daniel Carroll to James Madison

Rock Creek near Georgetown, 10 February 1788¹

On my Brother's² returning from N York he inform'd me, that you had left that City for Ph[iladelphi]a in yr way to Virga—I was at Annapolis, and had just then wrote you the proceedings in Assembly respecting the federal Constitution³—Not knowing how to forward it to you with safety, must account for my Silence, untill this moment when I am informd by a Letter from my Brother, that you are in N. York; Indeed it is chiefly to account for this Silence, that I take up my pen—My Situation, and the Severity of the weather, have Secluded me allmost from the World, since my return from Annapolis—It is there fore not in my power to give you any information to be depended on;—I can only say with some degree of probability, that the plan of the Antifedds. in this State does not extend so far, as to obtain a rejection of the proposd Constitun. by our Convention on its meeting; their force will probably be exerted to adjourn untill the Convention of Virginia has decided—Was I to venture an opinion on this occasion it is that they will not succeed—If New York Assembly appoint a Convention, and Massachusetts have adopted the Constitution there will be less doubt.⁴ Some of the publications of the Antifederalists give strong proofs of a great degree of depravity prevailing & Some things in a few of the federal publications respecting the Conduct of Individuals had in my opinion better have been omitted—

Alltho' you cannot at present expect any material information from me respecting this State I will not omit giveing it when in my power—The time approaches when the parties will muster their forces—I hear nothing to be depended on respecting NC. SC. & Ga. You can afford me the most certain intelligence, & I beg it of you, not only as to the probable issue, but when their Conventions are to meet—It will allways give me much pleasure to hear from yself that you are well, & to find that you remember, Dear Sr. yr afftn Hble Servt &ca.

PS. I tryd to make out something by our Chypher—but cannot—can you set me a few words, with [Last line missing.]

1. RC, Madison Papers, DLC. Madison was in New York City representing Virginia in Congress.

2. In October 1787 Carroll's brother, the Reverend John Carroll, had visited New York City, where he had informed Madison that people in Maryland were "decidedly in favor of the Constitution" (Madison to Edmund Randolph, 21 October [CC:182, p. 430]).

3. This letter has not been located.

4. On 1 February 1788 the New York legislature called a convention to meet in June, and on 6 February the Massachusetts Convention ratified the Constitution.

Samuel Hughes to Thomas Clifford
Mount Pleasant, 11 February 1788 (excerpt)¹

. . . I cant inform you what determination this State will make on the Federal Government—the Sentiment of the people in the Country are much divided, yet we have no violent parties and I have reason to believe that this very important question will be debated with temper, and that the State of Maryland will continue to deserve the Charecture which she has always merited of being warmly attached to the Union. . . .

1. RC, Pemberton Papers, PHi. This letter was addressed to "Mr. Thomas Clifford/Philadelphia/favoured by/G. Christie, Esqr." Hughes (c. 1741–post 1820), an owner of ironworks, resided at his plantation "Mount Pleasant" in Harford County. He represented Washington County in the House of Delegates, 1777–79, and the Western Shore in the Maryland Senate, 1781–90. Clifford (1722–93) was a Philadelphia merchant.

William Tilghman to Tench Coxe
Chestertown, 11 February 1788 (excerpt)¹

I dont know whether these Jaunts to Philada. are not pernicious.—When I return here, I am too sensible of the difference—Fortunately however, I am obliged to give many hours to business, which would otherwise be spent in painful reflection—When you can snatch a moment, I shall be happy to hear from you—I know you have the best information, & in the present crisis it will be doubly agreeable to hear what is doing in different parts of the Continent, & to have your sentiments on the occurrences of any importance—I requested you to send me the debates of your Convention as soon as published,² & I wish you would add to them a good pamphlet, if there is any such, on the present situation of the Continent; particularly with respect to the population, commerce & value of Lands in each State, & the Debts foreign & domestic owing by Congress—The State of manufactures too is an important article—

Should the present System miscarry, do you not imagine that particular States will endeavour to form a Confederacy? I make these enquiries, because, I may, perhaps have occasion for this kind of information—but this is a matter altogether uncertain, for, as I told you, if I go into public I must be called upon, as I am fully determined not to

put myself forward—Should there be occasion, I shall with the utmost confidence apply to you for information, on subjects, which the avocations of my profession have not allowed me to give much application to—

I think the Fœderal cause gains ground here, & will continue to do so, unless some unlucky Accidents should come from the Eastward.³ . . .

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. This letter was addressed to Coxe in Chestnut Street, Philadelphia, and sent by “Mr. Slubey.”

2. See “The Maryland Announcement and Sale of Thomas Lloyd’s *Debates* of the Pennsylvania Convention,” 18 December 1787–10 June 1788 (above). On 6 April Tilghman thanked Coxe for sending him a copy of the *Debates* (Elections, General Commentaries, IV, below).

3. Probably a reference to the Massachusetts Convention which had begun meeting on 9 January 1788. Tilghman had not yet learned that on 6 February the Massachusetts Convention had narrowly ratified the Constitution with recommendatory amendments.

A Countryman

Baltimore Maryland Gazette, 12 February 1788

To the COUNTRY PEOPLE of MARYLAND.

The times are critical and dangerous. The European world consider the present period as interesting to them; but surely it is much more so to America. The fate of this continent is to be fixed shortly; either good government on the one hand, such as the federal plan proposes, or confusion, discord, and misrule with all its dreadful attendants, on the other. I make no doubt but the general convention were men of integrity, and had the best interest of our country at heart; and I firmly believe they were the most wise, judicious and experienced men we had upon the whole—The plan they laid is good; and I am confident, if it is carried into effect, we shall in a short time be richer and happier than before the war.

It would cause a happy change for our distressed country. There is no one among us can bring any just objection against the plan of federal government. Such as have been fabricated, are either by ignorant, selfish, or designing men. Some valuable persons, I believe, are against it who are honest—their fears are more than their hopes, though they know but little concerning it. Others are now busily employed to cast aspersions, and by every wicked misrepresentation do all in their power to overthrow it. They are carried with a headlong fury. I have maturely considered the objections which have been brought, and seen them answered by judicious writers, and in my opinion they are without foundation.

The liberties of the people are maintained by choice of officers as usual—A standing army even in peace is common to all nations—Our

State bill of rights warranted and defended—Trial by jury secured—Persecution and violence to conscience excluded by guarding against religious tests which have caused so much mischief in Europe, and in all the East—The new government would cause a lasting peace in America, for we should then be united among ourselves and revered abroad. No one would offer to molest us. Our militia would then rest at home after the long fatigues of the last war. Trade would be properly regulated; the want of which has drained all our cash away; and if there may be any small defect in the constitution, it can be amended at any time when found necessary by a convention—This is a legal and regular way to go on; but to reject the whole proceedings of the general convention, would be attended with the greatest mischief; for no convention would sit again; and if they should, it is not likely we could find better men than we had, or that they would be again unanimous. The whole plan we must adopt or reject; and on due consideration there is not the smallest part which I would cast away.

Think not, my dear countrymen, that I am an advocate for tyranny and arbitrary power; no one abhors these more than I do. We country people, you know often read geography and other histories; we see the sad effects of tyranny through the world, which our new government would exclude. I am no member of Congress, or Assembly, or Convention, nor ever was; though I revere the wisdom of those august bodies in general—The good of America I consider as my good; I stand or fall with it.

It is no time for us to be quarrelling and at variance among ourselves, unless we want to become a prey to the French, who if we do nothing for them or ourselves, may justly claim a part of the soil, for what we borrowed from them; and other nations may and will do the same. Then shall we be fully subjugated and effectually fixed from the most distant prospect of emancipation; we shall then be servants forever.

These are no bug-bears nor groundless fears, nor objects of terror held up to hasten you to adopt the proposed plan as some have said on similar occasions. If we are now disunited and determined to reject the continental government, and nothing will serve us but every one must have it altered to his mind, or else libel this last effort of political wisdom—raise feuds and discord in the States; you will soon find that those who hate us, will have the dominion over us.

With much esteem and regard for you and America, I am

A COUNTRYMAN.

February 9, 1788.

A Marylander**Baltimore Maryland Gazette, 12 February 1788¹**

Mr. HAYES, In my last publication I pointed out some inconsistencies in the conduct of the minority in Pennsylvania,² for so high is the spirit of party there, it can be no breach of charity to suppose, that the protesters would have been warm federalists, had but Messrs. *Willson, Rush, Hartley, Chambers, &c.*³ been on the other side, whom they have uniformly opposed in every point, for ten years past, right or wrong—Messrs. *Smiley, Finley and Edgar*,⁴ four years ago, in the council of censors,⁵ used arguments diametrically opposite to those exhibited in their late protest; *then* they would not hear of trusting their darling constitution to the revision of the people, though framed by a convention chosen by less than 7000 voters, and yet they *now* exclaim that a body, elected by 17000, cannot convey the sense of the State; they insist, that their late convention is illegally convened, but to act consistently, they should not have taken their seats, by doing which every possible illegality has been corrected.

The federalists are too fond of quoting General *Washington's* and Dr. *Franklin's* approbation of the new constitution, as a proof of its excellence, but the Pennsylvanian constitution (in the framing of which the latter *presided*) is a decisive proof of his *sometimes* erring in politics,⁶ and the former illustrious character (as is proved by his admirable circular letter)⁷ has ever been a strenuous advocate for an energetic federal government, in order to prevent the different States from being hereafter involved, by the intrigues of foreign powers, in all the horrors of civil war, and peculiarly anxious, that the militia, throughout the continent, should be under similar regulations, the want of which *he* had severely felt, when commanding our army; therefore to accomplish those grand objects, from a laudable spirit of conciliation, he was not obstinate in points, which he conceived to be of an inferior nature; his good intentions, patriotism and moderation cannot be doubted, for even the British own, that had he been possessed of Cromwell's ambition, more favourable opportunities of gratifying it were offered to him, at the conclusion of the war, than ever had been to that celebrated usurper, although every system of government should stand or fall only on its own intrinsic merit, yet certainly the approbation of characters, eminent for disinterestedness and patriotism, should either be deemed *collateral evidence* of its excellence, or *their* conviction, that a better cannot be obtained, amidst the contention of clashing local interests.

If the authors of the anti-federal publications in the Philadelphia papers, under the signature of a *Centinel*,⁸ are *rightly guessed at*, "The Hon. Mr. Washington's" being a friend to the new government is a sufficient reason to embitter *them* against it—One of them, when a member of the executive council, found it convenient to decamp precipitately from Lancaster, at the time the British troops were in Philadelphia, to avoid the resentment of the army officers on account of the freedom of his censures against their beloved commander in chief, and the other in all companies, while a member of Congress in this town, argued for a strict inquiry into the causes, why the battles of Long-Island and the White-Plains were lost, and Jersey, Long-Island, New-York and Fort-Washington were evacuated, which expressions were known to be designed as pointed reflections against the General.⁹

It is grating to a dispassionate mind to hear the illiberal abuse reciprocally and collectively bestowed on each other both by the federalists and their opponents, for certainly every freeman, in a free country, has a right to entertain what sentiments he pleases, on great public questions, and spout them freely without reproach—The federalists assert, that none are opposed to the new constitution, but men in desperate circumstances, salary officers under the State governments, or men dreading a diminution of their local importance, and that it will infallibly be rejected in *Virginia*, because a great proportion of its inhabitants have either paid British debts into the treasury, or are considerably indebted to the *Glasgow merchants*, and therefore tremble at leaving the enactment of laws, regulating treaties, to the *federal legislature*, lest their courts of justice should be opened, which *their* statical influence has prevented, since the conclusion of the war.

The opponents of the constitution insist, that its supporters consist of those men of abilities, who expect offices under it; men of fortune, indifferent how much the poor people are oppressed by a prosecution of suits, and above all, of considerable holders of final settlements, anxious for their appreciation and being substantially funded at the *nominal* value, to accomplish which, they wish a strong federal government, vested with the power of rigorously collecting taxes, and care not how incompatible it may be with those principles of freedom, upon which was grounded our resistance to Great-Britain.

When I hear a man *furiously* inveighing against those *collectively*, differing from him in sentiment on this momentous question, I am induced to think him either peculiarly interested in its decision, or a mere party man—a man is naturally wedded to his own opinion, and disregards a different one in his neighbour, but he should, in charity, ascribe it to an error in judgment, not to unworthy motives, unless he

knows otherwise. Some say, every section of the new government is so perfect, as to admit of no alteration for the better, and others complain, that every paragraph in it is subversive of freedom—Many people are advocates for a strong government at all events, from principle, and others incurably jealous of the eastern and southern States and replete with local prejudices, who have no peculiar private interest to govern them—In a system therefore, so complicated, and in which so many jarring interests were to be reconciled, many mutual sacrifices and concessions must have been made by the members of the different States, and had it not been the case, the convention must have broke up without doing any business.—Mr. *Martin*, therefore, in his speech before the legislature,¹⁰ has injured the cause he meant to support, by *indiscriminately* attacking *every part* of the new government (for such a complicated plan must, in the opinion of impartial minds, contain both beauties and errors) instead of applauding such as were unexceptionable. His enemies say, it is too much like the *usual* conduct of the minority in the British parliament in opposing every thing, right or wrong, proposed by administration, in order to be sure of chiming in with the prejudices, or inflaming the passions of the people at large, instead of appealing to their rational faculties; many adverse to him, when he was delegated to the general convention, peremptorily predicted, he would uniformly, and in every point of view, oppose any energetic system of continental government whatever, lest his local consequence should thereby be impaired and his professional profits be diminished, which ill-natured aspersions would not have been thrown out against him, had he but adopted a line of moderation, similar to that of Governor *Randolph*,¹¹ whose dissent to the new government has never been attributed to a spirit of party, or unworthy motives; his ascribing to improper principles the diversity of sentiment among the members of the general convention was imprudent, for he must expect them to retort the charge upon himself, and the interest of united America requires, that her leading characters should harmonize, as much as possible, with each other.

I still retain my former opinion, that the different counties of this State, ought to send an *impartial representation* and exclude all persons, peculiarly or personally interested, that is to say, *senators, delegates, salary officers, expectants of office under the new government, considerable holders of finals, or mere monied men*. Every county may find men in private life of some reading and education, who would not refuse serving on this particular occasion (though unwilling to be in the legislature) have no interest separate from that of the people at large, and therefore would (upon a view of the situation of the continent and of Maryland, as a

link in the chain of union) conscientiously vote for or against the proposed plan of *consolidated government*, after considering whether, upon the whole, it is good or bad—The delegates should be at liberty to act independently, after hearing the arguments on both sides of the question, for if restricted, our legislature was certainly wrong in prescribing, that no man under age should be elected, for an infant of four years could as well *obey orders in lisping out yes or no*.

Mr. Deye (our speaker) has lately given a decided opinion, that no man should be returned to the convention, peculiarly interested in the adoption or rejection of the new government (that is, he is [to be?] an *impartial representation*) and the delegates left to vote their own sentiments, but insists, members of the legislature are to be deemed disinherited, unless other causes of objection lie against them, [but for?] *his own part neither stands as a candidate for the convention, or wishes to be elected*, therefore shall request his particular friends not to vote for him, because he thinks it by no means improbable, that the assembly and convention will be sitting at the same time, and as he has accepted a seat in the former he is desirous to decline any other public station which can possibly clash with the performance of [the?] duty he has already undertaken¹²—Possessing [his?] republican notions, and entirely satisfied with [a?] mark of popular confidence, *at one time*, he [— —] not at an accumulation of public honors—The electors therefore, who intended to honor him [with?] their suffrages, will fix their views on some [other?] person in his stead.

Baltimore, February 5, 1788.

1. On 8 February the Baltimore *Maryland Gazette* announced: “A MARYLANDER is received, and will be attended to.” “A Marylander” was a pseudonym sometimes used by Otho Holland Williams.

2. See “A Marylander,” Baltimore *Maryland Gazette*, 4 January 1788 (above).

3. “A Marylander” refers to the partisan dispute between Republicans and Constitutionalists in Pennsylvania politics since the adoption of a strongly democratic state constitution in 1776. On 12 December 1787 James Wilson, Benjamin Rush, Thomas Hartley, and Stephen Chambers voted to ratify the Constitution in the Pennsylvania Convention.

4. On 12 December 1787 John Smilie, William Findley, and James Edgar voted against ratifying the Constitution in the Pennsylvania Convention.

5. For the Pennsylvania Council of Censors, see “A Marylander,” Baltimore *Maryland Gazette*, 4 January 1788, at note 4, and note 4 (above).

6. The Pennsylvania constitution of 1776, which provided for a one-house legislature, was perhaps the most democratic of all the revolutionary state constitutions.

7. For General George Washington’s June 1783 letter to the state executives, see “A Federalist,” Baltimore *Maryland Gazette*, 11 January 1788, at note 8, and note 8 (above).

8. For the reprinting of the “Centinel” essays in Maryland and commentaries on them, see “Aratus,” post-2 November 1787 (RCS:Md., 30n).

9. “A Marylander” is probably referring to Pennsylvania Antifederalists George Bryan, who had been a member of the Supreme Executive Council, and Jonathan Dickinson

Sergeant, then a member of Congress from New Jersey, who criticized Washington's military leadership in 1777. See Don Higginbotham, *The War of American Independence . . .* (New York, 1971), 209–11. The battles and campaigns mentioned at the end of this paragraph occurred in 1776 and 1777.

10. See “Luther Martin Addresses the House of Delegates,” 29 November 1787 (RCS:Md., 87–96n); and *Genuine Information* I, Baltimore *Maryland Gazette*, 28 December 1787 (above).

11. For Edmund Randolph, see “Aristides,” *Remarks*, 31 January 1788, notes 15 and 16 (above).

12. Thomas Cockey Deye's “decided opinion” about the election of state convention delegates has not been located in any other source.

Pennsylvania Mercury, 12 February 1788¹

A correspondent, who has lately returned from the Eastern-Shore of Maryland, says he was extremely astonished at a glaring forgery published last Friday in the Independent Gazetteer, said to be a letter from that part of the country—He assures the public that in all his tour he found the people very foederal, that he also saw gentlemen from other parts which he was not in, who informed him the people in general were well-disposed to the New Constitution—As to himself, he must be so candid as to acknowledge he met with three who were against it, two of whom were drunken men and one of them had never read it—He thinks the manufacturer of that letter was very impolitic to date it from that place, the people there being fully sensible that their prosperity depends on the exportation of their wheat and flour, and that as long as there is neither government nor trade they must languish under the distresses from which they have so long suffered—How then must they blush for us, should that forgery ever reach the Eastern-shore!

1. Reprinted: *Philadelphische Correspondenz*, 19 February (summary); *Georgia State Gazette*, 3 May. This item comments on an extract of an Eastern Shore letter published in the Philadelphia *Independent Gazetteer*, 8 February (above).

Christopher Richmond to Horatio Gates Annapolis, 13 February 1788 (excerpt)¹

. . . You have no doubt seen many of the writings on the Subject of the New Foederal System of Government—I read them, but they have made no alteration either in my Wishes or Judgment, which have ever been for adopting such an one as will have the effect of *making* Men honest, seeing that the Bulk of the People will not be so of their own accord—however if it were possible to obtain a System, that would be adopted with more unanimity than the one in contemplation I should be better satisfied—but as it appears clearly to me that a New convention, if they produced any thing at all, fettered as they would be by

Instructions; would produce a worse: I am perfectly willing to accept this.—I have enclosed you a Pamphlet on the Subject written by A Hanson, one of the Judges of our Genl Court.²—he I think has said a good deal in favor of the Plan, and I am sure he is in earnest—I beg to be remembred to your Lady, Genl. Stephen, Mr Cooke and all my Friends in Your Quarter and remain always Dear Genl. Your truly affectionate Friend and Obedt. Servt.

1. RC, Horatio Gates Manuscripts (Collected by Emmet), New York Public Library. Richmond (1744–1796) was a shopkeeper in Port Tobacco, Md., before the Revolution, and during the war he rose to the rank of captain in the Continental Army. While in the army, he served as a clerk to Colonel William Smallwood. In August 1780 Richmond was appointed secretary to General Horatio Gates. After Gates's disastrous defeat at Camden, N.C., Richmond accompanied Gates to his Virginia home. In 1782 Gates and Richmond were ordered to Newburgh, N.Y., by General Washington. When Smallwood became governor of Maryland in November 1785, he appointed Richmond state auditor general, a position he probably held until Smallwood's tenure ended in November 1788.

2. See "Aristides" (Alexander Contee Hanson), *Remarks*, 31 January 1788 (above).

Pennsylvania Packet, 14 February 1788¹

Extract of a letter from Annapolis, dated Feb. 3.

"Industry is all on the side of those who have set themselves up against the constitution, the favorers satisfying themselves, that as the people are in general well informed, they will not only perceive the motives of those who oppose it, but the extreme wickedness of their calumnies. On the whole, I am of opinion that this state will ratify it by a large majority. This, however, does not check the endeavours of Mr. Martin, who hazards upon all occasions whatever may tend to prejudice the people against it.

"It is notorious, that what he said in the Convention differs widely from the information he gave our House of Delegates, and what he has the modesty to publish as his speech on that occasion, as widely from what he delivered.²

"But a late instance of his disingenuity is yet more extraordinary—He addresses a letter to the Speaker of the House of Delegates, in which he calls upon him & the other members of the house to recollect, that he was interrupted by one of his colleagues, for affirming that Mr. Yates and Mr. Lansing, two New-York deputies, had retired from the Convention, with an intention not to return, and adduces in support of his assertion a paragraph from a letter, addressed by these gentlemen to Governor Clinton.³ As this publication may reach you, I am happy to have it in my power to do justice to Mr. Jenifer,⁴ whom it respects. The facts, as they took place in the House of Delegates, are

as follow. Mr. Martin observed, that two deputies from New-York, Mr. Yates and Mr. Lansing, had left the Convention in disgust, and with the fixed intention not to return. Upon this being often repeated, Mr. Jenifer rose up, and begged leave to inform the house, that Mr. Martin had told him repeatedly, that these gentlemen would return. As Mr. Martin did not contradict this assertion, it was believed by all who heard it: and as he has not contradicted it in his public letter, it is a further proof of Mr. Jenifer's veracity.

"The determination of Mr. Yates and Mr. Lansing, on leaving the Convention, (which, however, does not appear to have been conclusive against returning) is nothing to the purpose. The point Mr. Martin has to prove is, that he did not tell Mr. Jenifer *they would return*: and till he proves this, or at least denies it, the public can entertain no doubt of his having said it."

1. Reprinted: *Pennsylvania Journal*, 16 February; *Massachusetts Gazette*, 4 March.

2. See "Luther Martin Addresses the House of Delegates," 29 November 1787 (RCS:Md., 87-96n); and *Genuine Information* I, Baltimore *Maryland Gazette*, 28 December (above).

3. For the letters of Luther Martin to Thomas Cockey Deye, and Robert Yates and John Lansing, Jr., to Governor George Clinton, see "Luther Martin to Thomas Cockey Deye," Baltimore *Maryland Gazette*, 29 January 1788 (above).

4. Daniel of St. Thomas Jenifer, another Maryland delegate to the Constitutional Convention.

Thomas Hartley to Tench Coxe

York, Pa., 15 February 1788 (excerpt)¹

... The anti-fœderalists are taking much pains in Baltimore Town but I hope they will be disappointed—

Hartford County it is said is against the Constitution—and what is more remarkable that the Quakers there should be of that Sentiment—pray cannot this be set right by some of the Friends from Philadelphia—

I have been just writing to a Gentleman in Montgomery County Maryland where they say there is also a Majority of Anti:Fœderalists—I hope that Truth and good Sense will resume their Empire and correct those Mistaken Minds. . . .

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHI.

Baltimore Maryland Gazette, 15 February 1788¹

RESOLVES proposed to the CONVENTION, by the Honorable Mr. PATTERSON—and mentioned in Mr. MARTIN's INFORMATION to the HOUSE of ASSEMBLY.

1. RESOLVED, That a *union of the States, merely federal*, ought to be the *sole object* of the exercise of the powers vested in this convention.

2. *Resolved*, That the *articles of the confederation* ought to be so *revised, corrected and enlarged*, as to render the *federal constitution* adequate to the exigencies of government, and the preservation of the union.

3. *Resolved*, That in *addition to the powers* vested in the United States in Congress, by the *present existing articles of confederation*, they be authorised to pass acts for *raising a revenue by laying a duty or duties* on all goods and merchandise of foreign growth or manufactures, imported into any part of the United States, by imposing of stamps on paper, parchment and vellum, and by a *postage* on all letters and packages passing through the general post-office, to be applied to such federal purposes as they shall deem proper and expedient—To make rules and regulations for the collection thereof, and the same from time to time to alter and amend in such manner as they shall think proper: *Provided that all punishments, fines, forfeitures and penalties* to be incurred for contravening such rules and regulations, shall be *adjudged* by the *Common law judiciaries* of the *State* in which any offence contrary to the true intent and meaning of such rules or regulations shall be committed or perpetrated; with liberty of commencing all suits or prosecutions for that purpose in the first instance, in the supreme common law judiciary of such State—subject nevertheless to an appeal in the *last resort* for the *correction of errors* both of law and fact in rendering judgment to the judiciary of the United States—And that the United States shall have authority to pass acts for the regulation of trade and commerce as well with foreign nations as with each other.

4. *Resolved*, That should requisitions be necessary instead of the present rule, the United States in Congress, be authorised to make such requisitions in proportion to the whole number of white and other free citizens, and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three fifths of all other persons not comprehended in the foregoing description (except Indians not paying taxes.)

5. That if such *requisitions* be not complied with in the *time specified therein*, the United States in Congress, shall have power to *direct the collection thereof* in the *non-complying States*, and for that purpose to *devise and pass acts* directing and authorising the same—Provided that none of the powers hereby vested in the United States in Congress shall be exercised without the consent of at least States, and in that proportion should the number of confederated States hereafter be increased or diminished.

6. *Resolved*, That the United States in Congress, shall be authorised to elect a federal executive to consist of person or persons, to continue in office for the term of years, to receive punctually at stated times, a fixed compensation for the services by him or them to be rendered, in which no encrease or diminution shall be made so as to affect the executive in office at the time of such encrease or diminution, to be paid out of the federal treasury—To be incapable of holding any other office or appointment during the time of service and for years after, to be *ineligible a second time*, and removable on impeachment and conviction for mal-practice, corrupt conduct and neglect of duty.

7. That the executive beside a general authority to execute the federal acts, ought to appoint all federal officers not *otherwise provided for*, and to *direct* all *military operations*, provided that the executive *shall not on any occasion* take command of any troops so as *personally* to conduct any military enterprise as *General or in any other capacity*.

8. *Resolved*, That the legislative acts of the United States made under and in pursuance to the articles of union, and all treaties made and ratified under the authority of the United States, shall be the supreme law of the respective States, as far as those acts or treaties shall relate to the said States or their citizens and inhabitants, and that the judiciaries of the several States shall be bound thereby in their decisions; any thing in the respective laws of the individual States to the contrary notwithstanding.

9. And if any State or body of men in any State, shall oppose or prevent the carrying into execution such acts or treaties, the *federal executive* shall be authorised to *call forth* the *powers* of the *confederated States*, or so much thereof as may be necessary to *enforce* and *compel* an *obedience to such acts* or an *observance of such treaties*.

10. *Resolved*, That a *federal judiciary*, be established to consist of a *supreme tribunal*, the judges of which to be appointed by the executive and to hold their offices *during good behaviour*, to receive punctually at stated times a fixed compensation for their services, to be paid out of the federal treasury, in which no *encrease* or *diminution* shall be made so as to affect the persons actually in office at the time of such encrease or diminution—That the judiciary so established, shall have authority to hear and determine *in the first instance*, on all *impeachments* of federal officers and by *way of appeal* in the *dernier resort* in *all cases* touching the *rights* and *privileges* of *ambassadors*—in all cases of *captures* from the *enemy*—in all cases of *piracies* and *felonies* committed on the *high seas*—in all cases in which *foreigners* may be interested in the *construction* of any *treaty* or *treaties*—or which may arise on any *act* or *ordinance* of Congress

for the *regulation of trade*, or the *collection of the federal revenue*—That none of the *judiciary officers* shall be capable of *receiving or holding any other office or appointment* during the time they *remain in office* or for years afterwards.

11. *Resolved*, That the legislative, executive and judiciary powers within the several States, ought to be bound by oath to support the articles of union.

12. *Resolved*, That provision ought to be made, for hearing and deciding upon all disputes arising between the United States and an individual State, respecting territory.

13. *Resolved*, That provision ought to be made for the admission of new States into the union.

14. *Resolved*, That it is necessary to define what offences committed in any State shall be deemed high treason against the United States.

15. *Resolved*, That the rule for naturalization ought to be the same in every State.

16. *Resolved*, That a citizen of one State committing an offence in another State, shall be deemed guilty of the same offence, as if it had been committed by a citizen of the State, in which the offence was committed.

1. Reprinted in the Philadelphia *Independent Gazetteer*, 23 February, and the April 1788 issue of the Philadelphia *American Museum*. On 12 February the editor of the Baltimore *Maryland Gazette* stated that “The propositions, laid before the Convention, by the Hon. Mr. *Patterson*, of the Jerseys, as mentioned in Mr. *Martin’s* Information of the 1st of January, with some remarks thereon, will be inserted in our next.” (See *Genuine Information II*, Baltimore *Maryland Gazette*, 1 January [above].)

For a criticism of the *Gazette’s* publication of the amendments, see “A Jerseyan,” Baltimore *Maryland Gazette*, 19 February (below).

Several manuscript versions of the New Jersey Plan exist. See Farrand, I, 242–47; III, 611–15.

A Farmer I

Baltimore Maryland Gazette, 15 February 1788

The Baltimore *Maryland Gazette*—which had published twelve installments of Antifederalist Luther Martin’s *Genuine Information* between 28 December 1787 and 8 February 1788—began another substantial series of Antifederalist essays by “A Farmer” on 15 February, ending it on 25 April. The essays by “A Farmer” were intended to influence the election of delegates to the Maryland Convention scheduled to meet on 21 April and the delegates themselves. The series was an extended critique of Alexander Contee Hanson’s pamphlet written under the pseudonym “Aristides” and offered for sale on 31 January (above).

“A Farmer” was a series of seven unnumbered essays, each given a Roman numeral by the editors, which were spread over fourteen issues of the Baltimore *Maryland Gazette*. Numbers III and V were each printed over two issues,

while number VII appeared over six. In sharp contrast to the wide circulation of Luther Martin's *Genuine Information*, not a single essay or part of "A Farmer" was reprinted in any out-of-state newspaper.

On 12 April Eleazer Oswald of the Philadelphia *Independent Gazetteer* reprinted the twelve essays of *Genuine Information* in a pamphlet of 101 pages to which he added four other documents concerned with Maryland (below). One of these documents, "Remarks on a Standing Army," was identified as having been written by "A Citizen of the State of Maryland" (CC:678-C). The "Remarks" were excerpts taken almost verbatim from "A Farmer" II, *Baltimore Maryland Gazette*, 29 February (below). Nowhere in the pamphlet is "A Farmer" identified as the author of the "Remarks."

Herbert J. Storing, a student of Antifederalist thought and the editor of an extensive collection of Antifederalist writings, described the essays of "A Farmer" as "Among the more penetrating and comprehensive" of these writings. "A Farmer's" opinions, stated Storing, were "indispensable" to the study of Antifederalist thought on such issues as "a bill of rights, political parties, and especially representation and simple versus complex government" (*The Complete Anti-Federalist* [7 vols., Chicago and London, 1981], V, 5). "A Farmer" challenged "Aristides" on these issues, as well as others, especially on the role of aristocracy and the interpretation of the judiciary. "A Farmer" also accused "Aristides" of making numerous errors and misstatements. "Many of his remarks betray a misrecollection of the A, B, C, of politics, and some of the historical questions discover a total absence of memory." Lastly, "A Farmer" criticized Hanson for using the pseudonym "Aristides" for which he was well known.

No Marylander during the ratification struggle seems to have offered an opinion about the identity of "A Farmer." Storing, however, argues that "it seems likely" that Antifederalist John Francis Mercer, a Maryland lawyer-planter, was "A Farmer." Convinced that the Constitution would not solve America's problems, Mercer left the Constitutional Convention early. He became a member of the Maryland Convention to consider the Constitution, voting against ratification in that body.

Storing based his conclusions about "A Farmer's" identity on the similarities between "A Farmer's" essays and three sources: (1) James Madison's report of a speech that Mercer delivered in the Constitutional Convention on 14 August 1787, (2) a letter that Mercer wrote between 19 and 27 October 1804 to President Thomas Jefferson, and (3) an unpublished manuscript in Mercer's handwriting that was entitled "Address to the Members of the Conventions of New York and Virginia." These similarities concerned simple government versus mixed or complex government; representation as a system tending toward aristocracy or tyranny; the belief that England was an example of mixed government; and the need for a strong executive in any effective government (*Complete Anti-Federalist*, V, 5-6).

Storing informed his readers that he had provided references "to the main points of similarity, so that the reader can judge for himself the accuracy of the editor's opinion that Mercer was in all probability the author of this interesting and important series of essays." Storing himself provided the reader

with the third document listed above (*Complete Anti-Federalist*, V, 101–6). Mercer's comments in the Constitutional Convention are in Farrand, II, 284–85, and the transcription of a lengthy excerpt from Mercer's letter to Jefferson is in James Mercer Garnett, "John Francis Mercer, Governor of Maryland, 1801 to 1803," *Maryland Historical Magazine*, II (1907), 209–12.

Even though "A Farmer" appeared in fourteen issues of the Baltimore *Maryland Gazette*, few responses were published. Alexander Contee Hanson, using the pseudonym "Aristides," defended himself and criticized "A Farmer" in the *Maryland Journal*, 4 March (extra), 1 April, and 22 April (all three below). The last article appeared while Hanson was representing Annapolis in the Maryland Convention in Annapolis. On 14 March "A Plebeian," *Maryland Journal*, praised "Aristides" and criticized "A Farmer" (below).

When men, to whom the guardianship of public liberty has been committed, discover a neglect if not contempt for a bill of rights—when they answer reasons by alledging a fact,—which fact too, is no fact at all—it becomes a duty to bear testimony against such conduct, for silence and acquiescence in political language are synonymous terms.

If men were as anxious about reality as appearance, we should have fewer professions of disinterested patriotism—true patriotism like true piety, is incompatible with an ostentatious personal display.

In a world more cautious than correct, the intrusion of private names in a public cause, is generally considered as a sacrifice of prudence to vanity, and not unfrequently censured as impertinent—in either view it is unreasonable to require it—It is more, it is inadmissable—it would be betraying one of those inestimable rights of an individual, over which society should have no controul—the freedom of the press—and the only recompence for the treason, would be a boundless increase of private malice.¹

That men who profess an attachment to the liberty of the press, should also require names, is one of those instances of human weakness and inconsistency, that deserves rather pity than resentment. Political as well as religious freedom has ever been and forever will be destroyed by that invariable tendency of enthusiasts and bigots to mark out as objects of public resentment and persecution, those who presume to dispute their opinions or question their infallibility—and whilst there are men, enthusiasm and bigotry will prevail—it is the natural predominance of the passions over reason—The citizens of America are not yet so agitated by the phrenzy of innovation as to forget—that the object of public inquiry is, or ought to be, *truth*—that to convert *truth* into *falsehood*, *right* into *wrong*, is equally beyond the reach of the *good*, the *bad*, the *great* and the *humble*—A great name may indeed *impose falsehood* for *truth*—*wrong* for *right*—and whenever such voluntarily offer themselves, there may be ground for suspicion—But the people may

listen with safety to those, who assert no other claim to their attention, than the *reason* and *merit* of their remarks.

To assert that bills of rights have always originated from, or been considered as grants of the King or Prince, and that the liberties which they secure are the gracious concessions of the sovereign, betrays an equal ignorance of history and of law, or what in effect amounts to the same thing a violent and precipitate zeal.²

I believe no writer in the most venal age, has ever openly asserted this doctrine, but the prostituted, rotten Sir Robert Filmer,³ and Aristides—And the man who at this day would contend in England that their bill of rights is the grant of the King, would find the general contempt his only security—in saying this, I sincerely regret that the name of Aristides should be joined with that of Sir Robert Filmer, and I freely acknowledge that no contemptible degree of talents, and integrity render him who uses it, much more worthy of the very respectable association he has selected for himself—But the errors of such men alone are dangerous—the man who has too much activity of mind, or restlessness to be quiet, qualities to engage public and private esteem, talents to form and support an opinion, fortitude to avow it, and too much pride to be convinced, will at all times have weight in a free country, (especially where indolence is the general characteristic) though that weight he will always find impaired in proportion as he indulges levity, caprice and passion.

I will confine my inquiry to the English constitution—Example *there*, is in a great measure law *here*—and the authority of an American judge on a point of English law, should be digested with coolness and promulgated with caution, because it is frequently conclusory.

The celebrated and only bill of rights of Great-Britain, which is considered as the supreme law of the land, and not to be questioned or impeached in their courts, was the work of that convention of lords and commons in 1688, which declared that *King James 2d, had abdicated the crown, and that the throne had thereby become vacant*, and who after they had compleated and asserted this glorious declaration of the unalienable rights of their fellow citizens, pursuing the peculiar duty of a convention, conferred the crown of the three kingdoms on an alien and foreigner, William the 3d.

Can any man imagine that this convention could at that time, have considered these rights as the grant of a King, whom they previously declared to have abdicated the throne, or the gracious concessions of a Prince whom they were about to deprive forever of the crown? Or could they have considered this bill of rights as the concession of Prince William, at that time a foreigner and alien, not entitled to hold a foot

of land, or any of the common rights of citizenship, and who could afterwards only derive his title to the crown from the same source, which gave authority and sanction to this fundamental and most inestimable law? or, could the British nation at that time, or ever since, have viewed this declaration, as the grant and concession of a King or Prince, when no King or Prince was at that time in existence?—But should there remain any minds yet unsatisfied, I refer such to the debates of that convention, which are preserved in Grey's debates in parliament,⁴ and there will be found in them, the principles of equal liberty, the inherent and unalienable rights of men, as amply and ably discussed, and as fully recognized by the authors of that blessing, the artists of that British palladium, as ever they have since been by the animated patriots of America, or the present age.—I also refer them to an inestimable little treatise composed on this occasion by that accomplished lawyer and patriot, afterwards the Lord Somers—High Chancellor of Great-Britain—then a member of the convention, and chiefly instrumental in their great work—a pamphlet that should find a place in the library of every American judge at least⁵—Whoever peruses these, will discover undeniable evidence, that the British convention, considered this their declaration, as the concession of no Prince, but the Prince of Heaven—whom alone they acknowledged as the author of their liberties—they will there find that a bill of rights, is an enumeration of those conditions on which the individuals of the empire agreed to confirm the social compact; and consequently that no power, which they thus conditionally delegated to the majority (in whatever form organized) should be so exercised as to infringe and impair these their natural rights—not vested in SOCIETY, but reserved to each member thereof.

This was not the doctrine of that period alone—It was the common law and constitution of England, so asserted and maintained by the ablest lawyers of every age of the empire.—The petition of right, which came forward in the reign of Charles 1st, said to have been originally penned by the celebrated Lord Coke⁶—although in its title a contradiction in terms, is yet in substance equally strong and clear—asserting the rights of the people to be coeval with the government—We find this principle strenuously and ably maintained through all the works of this great man, and to this doctrine he finally, with the devotion of a freeman, and the fortitude of an Englishman, sacrificed his vanity, his ambition and his avarice—This last act of an aged and venerable judge, has obliterated the errors of a youthful courtier—it has made his peace with posterity, who with gratitude and indulgence has forgiven the conduct of a court lawyer, which she might have punished with detestation, although she could not correct.

Here I cannot but observe what strenuous bill of rights men, all the great luminaries of the English law have been: to Lord Coke and Lord Somers, I will add that [— — —] of human nature, Sir Matthew Hale,⁷ in whom were united true Christian piety, Roman fortitude, and an understanding more than human.

This perfect man although firmly opposed to the violences of the mad fanatics of the age, stood up almost alone in that parliament which restored the regal government, in favor of a bill of rights—but the tide of popular rage, hastening to place the worthless Charles on the throne of his more worthless ancestors, was too strong, and the voice of that man could not be heard, who was the delight of his own and the admiration of succeeding ages.

It is true, that something like the doctrine of Aristides was frequently the language of courtiers and sycophants in the feeble reigns of the arbitrary Stuarts—times of impotent and impudent usurpation—and they grounded their assertions on the form of the statute of magna charta, a statute much esteemed for the many valuable rights it ascertains—the enacting words of which imply it to be an act of the King—But Aristides must know that this was the frequent form of the ancient statutes, sometime it is the King alone enacts, sometime the King with advice and consent of the great men and Barons, and sometimes the three estates—Even at this day, the King uses these words in passing laws that bear the same implication; and we see even in America acts of authority issue under the name and signature of the Governor alone, who has not a voice unless the council are divided—But as to the legal and acknowledged authority of the King at the time of enacting magna charta, there can remain but little doubt. Henry Bracton⁸ a cotemporary lawyer and judge, who has left us a compleat and able treatise on the laws of England, is thus clear and express—*Omnes quidem sub rege, ipse autem sub lege*, all are subject to the King, but the King is subject to the law—It will hardly then be imagined, that the supreme law and constitution were the grants and concessions of a Prince, who was thus in theory and practice, subject himself to ordinary acts of legislation—But all these things are so amply discussed and the authorities so accurately collected in the publication of my Lord Somers, that a reference must be much more satisfactory than a repetition.

If I understand Aristides, he says that it would have been considered as an arrogant usurpation of sovereign rights in the members of convention, to have affixed a bill of rights—Can he reconcile this position with another opinion in his remarks, where he maintains that in offering this constitution, they could only act as private individuals, any of whom have a right to propose a constitution to the Americans to adopt at their discretion—In this view they could only have proposed—it is

certain they could not have enacted a bill of rights—Nor would there have been any usurpation in *WE the people, of the States of New-Hampshire, Massachusetts, &c. securing to ourselves and our posterity the following unalienable rights, &c.* which is the stile of the new constitution—The convention have actually engrafted some of these natural rights, yet no one calls it an usurpation—nor can I believe that any of my fellow-citizens of the United States, would have discovered the least indignation, had they engrafted them all—The universal complaint has been that they have enumerated so few—But says Aristides, it would have been a work of great difficulty, if not impossible to have ascertained them—Are the fundamental rights of mankind at this day unknown? Are they so soon forgot? If they are not imprinted on our hearts, they are in several of the constitutions—Although various in form, they are certainly not contradictory in substance—It did not require the wisdom of a national convention to have reduced them into order, and such as would not have gained the suffrage of a majority, would never have been regretted by America—or, I will venture to assert, what I shall never believe, that the majority were very unworthy of the trust reposed in them—Nor yet can I believe, that the late convention were incompetent to a task that has never been undertaken in the separate States without success.

This constitution is to be the act of the individual members of the American empire—the highest source of terrestrial power with us—As it is a subsequent act, it not only repeals all prior acts of the same authority where it interferes with them—But being a government of the people of all the States, I do not know what right the citizens of Maryland for instance, have to expect that the citizens of Connecticut or New-Jersey, will be governed by the laws or constitution of Maryland—or what benefit a citizen of Maryland could derive from his bill of rights in a court of the United States, which can only be governed by the constitution and laws of the United States—Nor will it help the question to say, what will certainly be denied, that the future Congress may provide by law for this,—that an ordinary law of the United States can make, is an admission that it can unmake, and to submit the bills of rights of the separate State to the power of every annual national parliament, is a very uncertain tenure indeed.

If a citizen of Maryland can have no benefit of his own bill of rights in the confederal courts, and there is no bill of rights of the United States—how could he take advantage of a natural right founded in reason, could he plead it and produce Locke, Sydney, or Montesquieu as authority? How could he take advantage of any of the common law rights, which have heretofore been considered as the birthright of Englishmen and their descendants, could he plead them and produce the authority of the English judges in his support? Unquestionably not, for

the authority of the common law arises from the express adoption by the several States in their respective constitutions, and that in various degrees and under different modifications—If admitted at all, I do not see to what extent, and if admitted, it must be admitted as unalterable by ordinary acts of legislation, which would be impossible—and it could never be of use to an individual, but in combating some national law infringing natural right.—To render this more intelligible—suppose for instance, that an officer of the United States should force the house, the asylum of a citizen, by virtue of a general warrant, I would ask, are general warrants illegal by the constitution of the United States?⁹ Would a court, or even a jury, but juries are no longer to exist, punish a man who acted by express authority, upon the bare recollection of what once was law and right? I fear not, especially in those cases which may strongly interest the passions of government, and in such only have general warrants been used—Suppose a case that must and will frequently happen, for such happen almost daily in England—That an officer of the customs should break open the dwelling, and violate the sanctuary of a freeman, in search for smuggled goods—impost and revenue laws always are and from necessity must be in their nature oppressive—in their execution they may and will become intolerable to a free people, no remedy has been yet found equal to the task of deterring and curbing the insolence of office, but a jury—It has become an invariable maxim of English juries, to give ruinous damages whenever an officer has deviated from the rigid letter of the law, or been guilty of any unnecessary act of insolence or oppression—It is true these damages to the individual, are frequently paid by government, upon a certificate of the judge that there was probable cause of suspicion—But the same reasons that would induce an English judge to give this certificate, would probably lead an American judge, who will be judge and jury too, to spare the public purse, if not favour a brother officer.

I could proceed with an enumeration of familiar instances that must and will happen, that would be as alarming as prolix: but it is not my intention to ring an alarm bell—If I know myself I would rather conciliate than divide—But says Aristides the government may establish rules for such causes though not commanded; what they will do I will not presume to say; but I can readily and will hereafter prove¹⁰ that if they do, they will violate the constitution; and even admitting their power, it would be but a slender thread to hang so great a stake upon.

Here I must meet a position that has been ingeniously advanced—That all powers and rights not expressly given, are consequently reserved—If this is not downright political nonsense, it is at least, untrue in theory and impossible in practice—until man is gifted with one of

the most important attributes of the Deity—that of foreknowledge and prophecy—it will be impossible to limit *affirmatively* legislative power—When a people part with the legislative power to government, they can no more say, you shall make such and such laws, than they can say, such and such events shall happen—laws must be regulated by events—All the precaution that is left to human wisdom, is the exertion of a *negative limitation*, speaking thus in the language of a bill of rights, no event shall authorize, no plea of necessity shall justify the legislature in making a law to abolish or infringe the freedom of the press, or the liberty of conscience, &c.—And even when these bounds are expressly and clearly assigned, we have to lament that they do not always prove an effectual safeguard against the power of government; but they are the only guard, and why shall we leave our citizens totally defenseless? A gentleman in the Pennsylvania convention, of considerable reputation, said, that the form of the constitution—the organization of power, is a bill of rights—he had then a very sensible, but unformed idea floating in his imagination, he however, expressed it inaccurately, and unfortunately got on the wrong side of his own question.¹¹ A proper organization of power would most probably prevent a violation of a bill of rights and prove the best security of political liberty. Such an organization is nothing more than a good machine, a mint or die, that will make money in its proper form, but the quantity of alloy must be regulated by law, or the people may be cheated by a debased currency—The truth is, that the rights of individuals are frequently opposed to the apparent interests of the majority—For this reason the greater the portion of political freedom in a form of government the greater the necessity of a bill of rights—When the natural rights of an individual are opposed to the decided interests or heated passions of a large majority of a democratic government; if these rights are not clearly and expressly ascertained, the individual must be lost; and for the truth of this I appeal to every man who has borne a part in the legislative councils of America. In such governments the tyranny of the legislative is most to be dreaded.—In monarchical governments, the feelings of the majority will be most frequently on the side of the individual from the general jealousy inseparably attendant on those forms of government, where the tyranny of the executive prevails. All tyranny whether exercised in the garb of a despot, or the plain coat of a quaker, is equally detestable, and should be guarded against.

If a bill of rights was that essential requisite to a good constitution, why was it omitted by a convention of the ablest men in America, a large majority of whom were unquestionably well disposed? This has been a natural inquiry, and perhaps the true reason yet remains to be

disclosed. I have been informed that the proposed constitution was carried through it several stages, in a very inoffensive form to the last, and that it did not assume its decided features until the days before the convention rose—the changes then effected, produced much difference of opinion—created some warmth, and their patience was too much exhausted to make the necessary correspondent alterations and additions. Those facts may, I believe, be depended on, but the inference is only offered as conjecture—if true, we may attribute the omission of a bill of rights, and many other imperfections to fatigue rather than design.

From the foregoing observations, many will conclude that I am the determined foe to the new constitution—I am neither its concealed or open enemy—Sorry I am to say that I cannot in its present state be its advocate or friend—That it is as far preferable to the present existing confederation (considered as a national government) as substance is preferable to form, is a truth I have as little doubt of, as of its very numerous defects.—The true and only question is, whether any national government whatever, ought to be preferred to a league or confederacy administered by a diet, or congress of diplomatic deputies—And this is a question that will continue to divide the ablest and best men in America—the misfortune is, that experience alone will decide a doubt, which perhaps no theory is competent to solve—But that the proposed confederal constitution, cannot be considered as such a diplomatic assembly must appear to all men—It is a national government, and a league between independent States compounded—One of those mixtures of heterogeneous qualities that will forever produce a neutral—a *caput mortuum*¹²—consequently the present Congress is already found to be, but the *carcase* of a government, and a rotten carcase too.—The momentous subject has led me farther than I intended—My remarks will discover the hurry in which they were written—Had I leisure I would censure freely those defects in the proposed system, that must be amended, for I have strong doubts whether it can be administered in its present form—In doing this I should, I am persuaded, convince the public that Aristides has generally erred and frequently mistated in his remarks—that he has done so intentionally I neither believe myself or would wish the public to believe—to err is the common portion of humanity—and to be misinformed the frequent misfortune of ARISTIDES and

A FARMER.

1. For the passage in “Aristides’” *Remarks* that raised the ire of “A Farmer” and caused him to chide Alexander Contee Hanson’s use of the pseudonym “Aristides” for which he was well known, see *Remarks*, 31 January (RCS:Md., 254). (“A Farmer” repeated this

charge in “A Farmer” VI, Baltimore *Maryland Gazette*, 1 April [RCS:Md., 464].) Hanson defended himself in “Aristides,” *Maryland Journal*, 4 March (extra) (RCS:Md., 357).

2. For passages in *Remarks* in which “Aristides” actually wrote about a bill of rights, see “Aristides,” *Remarks*, 31 January (RCS:Md., 244–46). As “Aristides,” Hanson responded to what he believed were “A Farmer’s” misrepresentations of statements found in *Remarks* (*Maryland Journal*, 4 March [extra] [below]). In turn, “A Farmer” replied in his sixth essay (Baltimore *Maryland Gazette*, 1 April [below]).

3. Filmer (c. 1588–1653) advanced the doctrine that rights originated with sovereigns in the posthumously published *Patriarcha: Or The Natural Power of Kings* (London, 1680), 128.

4. For a detailed discussion of the debates that took place in the Convention Parliament on this question in January and February 1689, see Lois G. Schworer, *The Declaration of Rights, 1689* (Baltimore and London, 1981), 171–231. “A Farmer” is referring to Anchtell Grey, *Debates of the House of Commons, From the Year 1667 to the Year 1694* (London, 1763), IX, 1–81.

5. See John Somers (1651–1716), *A Vindication of the Proceedings of the Late Parliament of England. An. Dom. 1689 . . .* (London, 1690).

6. The Petition of Right (1628), which specified subjects’ liberties that the king could not violate, was drawn up by a committee of the English House of Commons. Edward Coke (1552–1634) was largely responsible for its content. Both houses of Parliament agreed to the petition and sent it to King Charles I, who assented under considerable pressure.

7. Mathew Hale (1609–1676) was known as perhaps the most pious, independent, learned, impartial, honorable, and incorruptible judge of his time.

8. A reference to Henry de Bracton (d. 1268) and his treatise *On the Laws and Customs of England*, which was published in Latin for the first time in 1569.

9. “Aristides” replied in the *Maryland Journal* on 4 March (extra) (RCS:Md., 354–55).

10. See “A Farmer” IV, Baltimore *Maryland Gazette*, 21 March (below).

11. “A Farmer” is probably referring to Thomas McKean, chief justice of the Pennsylvania Supreme Court, who on 28 November, as a delegate to the Pennsylvania Convention, commented that a separate bill of rights was unnecessary “for, in fact, the whole plan of government is nothing more than a bill of rights—a declaration of the people in what manner they choose to be governed” (RCS:Pa., 387).

12. Latin: A dead head, a skull, or a worthless residue; dead or obsolete.

Grateful

Baltimore *Maryland Gazette*, 15 February 1788

It is well known that the celebrated Greeks and Romans tarnished their characters, and injured their country, by proving ungrateful to their most illustrious patriots, who were raised up by Providence to save them from destruction. Ridicule and scorn, indigence, distress and banishment were often their rewards, after promoting the public good by the wisest counsels, and gaining the greatest victories over formidable enemies. Some of them, irritated by ill usage, and forgetting their indispensable duty, under the worst treatment, employed their arts and arms against those States, in the defence of which they had successfully

exerted both. We shudder at the conduct of these republics, because it is equally base and dangerous; let us carefully guard against it—for though I do not think any of our patriots would repeat the crime of these ancients under like provocation, it would be in itself wrong, and might discourage others from taking a share in the management of national concerns. Beside, the practice of ingratitude in so young a country as ours, would argue an high degree of corruption, and occasion just fears of the most dreadful evils. I therefore express my hope, that our inhabitants will virtuously avoid the base offence, especially at this trying crisis of affairs, when an event of inexpressible magnitude trembles in suspense, and every considerate person anxiously inquires—what will it be? Like an honest man, who means well and resolves to do his duty on the occasion, I faithfully warn my countrymen of theirs—Americans attend! you are not now asked to thank the statesmen and heroes of the late glorious war—You are called upon to thank your more deserving servants, who steadily opposed the *new federal government* through its several stages, till it was at last compleated, and then nobly refused to betray their trust, by giving it the sanction of their names. Among these illustrious senators, one rises on the view with a superior splendor, who, like Jupiter among the Gods, has neither “similitude nor second.” Hardly necessary is it to mention his name, because every body knows, and must know, it can be none but the Honorable L. M.¹ Esquire, who claims every thing a grateful nation can bestow, for his exploits in the general convention, for his speech before the house of delegates, and for what he has since published of both to give the whole union proper information, with such corrections and valuable additions, as seemed meet to his second thoughts and more ripened reflections. It is very surprising that a single individual could do so much, and afterwards comprise such a variety of great and curious matter within so narrow a compass. What astonishing talents! To him you owe the highest returns of thankfulness, for the greatest possible performances, vastly greater than those of General Washington, between whom and himself a comparison is often intimated in the course of his narrative, which always turns out in his favor. That it may appear at one glance, what sufficient reason there is for conferring on him the most conspicuous marks of gratitude, I shall briefly enumerate the principal things, which he has done. He has shewn,

1. That the proposed federal government is diseased throughout all its parts—a composition of weakness, folly, wickedness, ignorance, oppression, tyranny, inconsistency, aristocracy, oligarchy, monarchy and anarchy—that its sins of omission equal its sins of commission—that it

has nothing it should have, but every thing it should not have—that no one portion or particle of it, from head to foot, deserves election or adoption, but total and final reprobation.

2. That this child of iniquity and infirmity was begotten by parents the most unjust, despotic, abandoned, profligate and diabolical, the sun ever beheld, especially “*the Honorable Mr. Washington and the President of Pennsylvania,*”²—that in one word, the majority of the general convention were a set of horrible miscreants, whose tempers and designs fitted them only for seats in the pandemonium of infernals.

3. That he, Mr. M——, took every proper and possible step, and employed every suitable weapon to kill and destroy this abominable offspring, from the creation of its first feature, till its whole frame was completed, and would certainly have succeeded, had not the parents saved it by the most foul and unfair means. So wickedly vigilant and active was parental affection in them, that he could not prevent or alter the formation of its smallest joint, or give it the slightest wound, behind or before.

4. That he could spy bad intentions in men, and pernicious consequences in measures, which none else could discover, by means of a gift, power, faculty or endowment, which fable has ascribed to certain people, in the north of a distant European isle.

5. That the purest patriotism *sometimes* warmed the minority in convention, when they thought and voted as he did, whereas in himself it was ever alive and always enlightened, particularly in those many instances, where his proposals were rejected, and his longest speeches unanswered.

6. That he would do almost as much for the public good, as the primitive Christians did for their religion—Nay, he would even lay down his life, was he not persuaded that his country would loose more by the sacrifice, than it could gain, on any supposition whatever. He is at any time ready to reduce himself to a beggarly condition, for the sake of his dear country, in which he spends a life of the strictest temperance, and to the meanest of whose citizens he would not be indebted a shilling, though he should deny himself the common necessities of subsistence to procure it.

To evince further the purity of his intentions, it needs only to be considered, that whereas under the new government, there would be an increase of lucrative and honorable offices, a man of his character and accomplishments would stand the best chance of obtaining the foremost among them, according to his own modest hint, towards the conclusion of his admirable work. This is again rendered still more

certain, by recollecting how many professional men of the first reputation were his competitors, at the particular time of his appointment to the office he now fills, with so much credit to himself, so remarkably to the satisfaction of the government, and so acceptably to the whole people of the State. With so many advantages, there is no station too high for him to expect, but a tender conscience will never permit him to accept any, that might injure America in general, or Maryland in particular, whatever are or may be its emoluments.

Such eminent virtues and services, merit distinguished returns—At some future period they will be made on durable materials, by the sculptor's art, when superb pillars shall rise to eternise his exalted fame. In the mean time, and as a small immediate acknowledgment, I humbly propose that, when the electors meet to chuse delegates to the convention in April, there be circulated among them for signing,

1. An address to the Honorable L. M——. Esq. recognising his services and thanking him for the same in glowing terms.

2. Instructions, ordering the delegates to procure for him the thanks of the convention, and to solicit him to frame such a plan of government for the United States, as *he knows* they should adopt. That he will be elected by Baltimore-Town,³ I take for granted, provided he can be prevailed on to serve—he will therefore appear in the convention, and it would not be amiss if he should now engage in the arduous business, and have his plan ready before the meeting. The instructions are further to require that this most excellent plan be published, with a proposal to have new conventions called in the different States, for its ultimate ratification and unalterable confirmation. The address and instructions may be drawn by some able writer, such as the author of those masterly productions, published some years ago, under the signatures of *Tom Tell Truth* and *Caveto*.⁴ If that author be still living, and equal to his former self in literary compositions, he should by all means be engaged—Thus shall America be a happy nation indeed, and I see no other method of establishing her safety. Mr. M—— will naturally be appointed to any office he may provide for himself under the new federal government, and his saved country shew herself

GRATEFUL,

Annapolis, February 12, 1788.

1. Luther Martin.

2. Benjamin Franklin had been president of the Supreme Executive Council of Pennsylvania since October 1785.

3. Luther Martin was not elected a delegate to the Maryland Convention from Baltimore Town, where he resided, but from Harford County.

4. "Grateful" refers to an incident involving William Goddard, whose sister Mary Katherine Goddard published the Baltimore *Maryland Journal*. On 25 February 1777 the *Maryland Journal* printed two brief items, one by "Tom Tell-Truth" and the other unsigned. "Tom Tell-Truth," an ironical piece that members of Baltimore's patriotic Whig Club seem to have misconstrued, encouraged Americans to accept a British peace offer, while the piece ending "CAVETO!" [i.e., "BEWARE!"] warned Americans against trusting British offers. The Whig Club demanded that Mary Goddard identify the author of "Tom Tell-Truth." Goddard referred the Club to her brother, who refused to identify the author. In a 1777 pamphlet, *The Prowess of the Whig Club, and the Manœuvres of Legion* (Baltimore, [1777]) (Evans 15315), William Goddard noted that the two pieces had been written by "one of the Delegates to Congress." In the back matter to the pamphlet, where "Tom Tell-Truth" and the piece ending "CAVETO!" were printed as appendices, Goddard annotated his personal copy of the pamphlet. He indicated that the two pieces "were written by Judge Chase, then Delegate to Congress." The author was Samuel Chase, who was serving as a delegate to Congress in 1777 and would one day serve as judge.

In retribution for refusing to reveal the author, the Whig Club ordered William Goddard to leave town in 24 hours and the county in three days. Goddard sought and received the support of the state legislature, which criticized the Club. Mary Goddard then published an attack on the Whig Club, which resulted in her brother's banishment by the group. The legislature defended William Goddard again. It ordered the Club to apologize to the people of Maryland and directed the governor to protect Goddard (Joseph Towne Wheeler, *The Maryland Press, 1777-1790* [Baltimore, 1938], 4-5).

Maryland Journal, 15 February 1788¹

Res parvæ concordia crescunt.

SALL.²

As o'er COLUMBIA's peaceful plains,
 CONCORDIA wav'd her golden chains,
 The patriot virtues on her wait,
 And link'd in love, consolidate.
 Each sordid soul skulks from her sight,
 And jarring interests unite.

The sister states resolve to rear
 A temple to the Goddess fair,
 Which elevated o'er the land,
 A splendid monument might stand;
 Informing all posterior times
 That those thirteen united climes
 In sacred faith, and mutual trust
 Had form'd an UNION firm and just:
 Whose lawful, delegated head
 Affords each friend a shelt'ring shade;
 And fills each foe with awful dread.

Yet much disputed was the plan
 On which this edifice should stand;

Wheth'r by the DORIC order grac'd,
 Or, in the simple TUSCAN taste;
 Wheth'r in the fram'd CORINTHIAN style,
 Or like the ancient GOTHIC pile.
 Those various orders to unite
 Most voted for the COMPOSITE,
 As that whose ornament and strength
 Defy'd old Time's decaying length;
 And spread it's splendid prospects far
 Through smiling peace, or horrid war.

A MASON there, whose art was shewn
 In undertaking PLANS unknown,
 Said, from his skill in architecture,
 Should he be chose the chief projector,
 He'd so cement the mighty mass,
 As ev'ry fabric to surpass,
 Which either GREEK or ROMAN art,
 Had e'er produc'd in any part;
 That CONCORD there should live alone,
 Nor other mansion ever own.

* * * * *
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All such important, high pretensions
 Weigh well, the ensu'ng state conventions!
 Which should you find or just, or wise,
 Smooth'd o'er by no deceitful guise;
 But wholesome, virtuous, and true,
 From you they claim attention due.
 But selfish should they prove, or vain,
 Subverting CONCORD's sacred fane,
 Diffusing anarchy and strife,
 Those baneful pests of social life;
 Reject the whole impious band,
 Ere DISCORD curse the guilty land.

Bladensburgh, February 1, 1788.

1. Reprinted: *New York Journal*, 27 February. The author of this piece is believed to be Samuel Knox (Louie M. Miner, *Our Rude Forefathers: American Political Verse, 1783–1788* [Cedar Rapids, 1937], 201n). Knox (1756–1832), a native of northern Ireland and a Scotch-Irish Presbyterian, arrived in Maryland in 1786, but returned to Britain in 1789

to attend the University of Glasgow. He graduated with an M.A. in 1792 and then prepared for the ministry. Knox returned to America in 1795 as a Presbyterian minister, serving as a pastor at Bladensburg, 1795–97, and at Frederick, 1797–1803. He had been an educator throughout his life in America, including at Bladensburg grammar school in 1788.

2. Latin: The complete phrase is “*Nam concordia parvae res crescunt, discordia maximae dilabuntur*” (Sallust, *Bellum Jugurthinum*, X, 6). Translation: “For by concord even small states are increased, but by discord, even the greatest fall to nothing.”

Philadelphia Independent Gazetteer, 18 February 1788¹

Extract of a letter from the Eastern Shore of Maryland, to a gentleman in this city, dated Feb. 10, 1788.

“Agreeably to your request, I shall endeavour to give you the outlines of the principal characters, most forward in opposing Mr. Martin’s publication, respecting his examination at the bar of the house of assembly of this state; but the present will be only an imperfect sketch, for the want of time—I may make amends hereafter.

[“]From the first æra of the christian religion, the church claimed the prerogative of leading the van in all temporal, as well as spiritual concerns; either for the purpose of establishing or overthrowing governments, or fixing their own influence. The scripture hero, whose conduct suggested the foregoing reflection, appears to be one of the Lord’s fiercest masked lions, in promoting and adjusting the heavenly regulations of the *new federal* government. On every seventh day, he mounts the ramparts of the pulpit, with *fiery* looks and *terrific* aspect, from whence he deals out impending vengeance on the refractory self-willed unbelievers of the *federal faith*, with the same dexterity that jugglers draw ribbons from their mouths, to the great admiration of the gaping multitude. The laudable example thus set by this church militant hero, strongly entrenched in double fortified columns of silver curls, highly scented and powdered, like other old carnal, feathered headed coxcombs, has communicated the contagion of vain glory and self-created consequence to the descendent of a neighbouring *convict*, who joyfully enrolls himself in the lists of friends to the fashionable government, thereby no doubt to entail never fading honor upon himself and his *illustrious* ancestry. Precepts and examples, have powerful attractions, particularly so, when they veer towards the enchanting harbours of emolument; and so much so here of late, that our well-born, such as common waggoners, draymen, coblers and their immediate descendants, deputy pin-sellers, catch-poles and chimney sweeps, besides a legion of half starved runners, to whom particular districts are assigned for trumpeting the excellency of the new constitution, all, all, gaping for offices, for the comfort and support of themselves and their

reputable connexions; and it will be matter of universal regret, to every feeling mind, if so great a number of *worthy* candidates for public favour, should not be rewarded and promoted, in some degree, adequate to their *intrinsic* merit.”

1. Reprinted: *New York Morning Post*, 25 February 1788.

A Jerseyan

Baltimore Maryland Gazette, 19 February 1788¹

Mr. HAYES, I was distressed to see in your Friday's Gazette, “Resolves proposed to the Convention, by the Honorable Mr. Patterson,” because that Gentleman has given the clearest proof of having altered his opinion, by signing resolutions of a very different and far superior nature, contained in the new federal government. In this he acted like a candid politician, open to conviction, not obstinately tenacious of his own production, but willing to resign it for one of greater merit, and better calculated to accomplish the end in view. If the defective, disjointed and flimsy frame, composed by these resolves, was a good one in the editor's judgment, and proper to be laid before the public, he might have offered them anonymously, or recommended them under the authority of his own name, in case he thought they required, or would gain any thing by the signature. But to carry them to press in their present form, without leave of the author, who could not at this time, intend or desire their publication, and who has amply atoned for the mistakes of a hasty conception, by cheerfully embracing a more perfect plan—to bring them forth under his name, without his consent, and as his present opinion—is a most unwarrantable proceeding, that cannot fail to wound his feelings, because he must think they will prove injurious to his reputation. Every reader may not recollect, that Mr. Patterson has the honor and pleasure of having subscribed the excellent federal government, that is steadily advancing to full and final establishment, by which he faithfully represented the State of New-Jersey, where it was immediately and unanimously approved.² The little and middling States are particularly anxious to introduce this government, for it has granted to them more than they could have in strict justice demanded—and the grant shews wisdom, magnanimity and beneficence. Indeed the more accurately it is examined, and the better it is understood, the more solicitous is every State, great and small, to seek shelter and security under its approaching administration. Its enemies are diminishing every hour, and the enemies of order, justice and sound policy, anticipate their descent into merited insignificance, under the dignity, impartiality and majesty of its much desired reign. But

it is unfair to represent any person inimical, though he once might have opposed it, after his exhibiting satisfactory evidence of a thorough conversion.³

1. "A Jerseyan" criticizes the Baltimore *Maryland Gazette's* publication of William Paterson's recommended amendments to the Articles of Confederation. For the recommended amendments as printed in the *Gazette* on 15 February, see above.

2. The New Jersey Convention met from 11 to 20 December 1787 and it ratified the Constitution on 18 December by a vote of 38 to 0. While Paterson was present at the Constitutional Convention, he was not a member of the state ratifying Convention.

3. Originally "conviction" but changed to "conversion" in an errata in the Baltimore *Maryland Gazette*, 22 February.

Philadelphia Independent Gazetteer, 26 February 1788 (excerpt)¹

Extract of a letter from Queen Ann's county,
Maryland, February 18, 1788.

"Of all the arts practised by the advocates of the proposed system of arbitrary power, that of stopping all real information, and publishing a great deal of misinformation, they have been most successful in. At the time they dispaired of having even a respectable minority in the Massachusetts convention (as above three-fourths of the people of that state are in the opposition) these votaries of power were publishing that they would have three to one in the convention; in this manner have they deceived, and by this deception have they obtained considerable success. But they should remember the old proverb: *Whoso diggeth a pit shall fall therein, and he that rolleth a stone, it will return upon him.*

"In one of your papers is an extract of a letter, from this state, declaring that there will be a majority of two to one in favor of the proposed system in our convention; now this is absolutely a great falsehood, it will be quite the reverse; above three-fourths of the Western, and at least one-third of the Eastern Shores are warmly opposed to it. Mr. Martin, who has great influence here, *has let the cat out of the bag*; and none of *his colleagues* have dared to contradict any thing he has said, except a trifling circumstance concerning the New-York deputies; but Mr. Martin has since proved this fact, and *Mr. Jenifer is left in the lurch.*² . . .

1. Reprinted: *New York Journal*, 3 March (all but 2nd paragraph); *Virginia Independent Chronicle*, 12 March. For the entire letter, see CC:Vol. 4, pp. 526–27.

2. See *Genuine Information* III, Baltimore *Maryland Gazette*, 4 January, note 10 (above).

Pennsylvania Mercury, 26 February 1788¹

Extract of a letter from a gentleman in Baltimore,
to his friend in this city.

“The people are every day more enlightened, and numbers are continually adding strength to the federal party. The conclusion of Martin’s information to the House of Assembly,² has convinced all his former friends, who have any sense, that he is an artful hypocrite. Even Mr. Goddard, hitherto against the new constitution, is now, by the force of the arguments published in his own paper,³ become highly and truly federal.

“Having mentioned Mr. Goddard, I wish to do him the justice of saying, that throughout the whole of this important controversy, he conducted his paper with the utmost candor.”

1. Reprinted nine times by 31 March: Mass. (3), R.I. (2), Conn. (1), N.Y. (3).

2. See *Genuine Information* XII, Baltimore *Maryland Gazette*, 8 February (above).

3. *Maryland Journal*.

**William Goddard to Mathew Carey
Baltimore, 28 February 1788 (excerpt)¹**

. . . The Gentlemen who have subscribed with me for the Museum, request me to procure them from the Beginning of the Year, particularly Mr. [Samuel] Wigginson & Mr. Luckey [the Reverend George Luckey]—The two other Gentlemen, you will observe mean to take the whole from your Commencemt. of that Work.

All Intercourse between the several Printers of News-Papers on the Continent now appears to be stopt by the new & scandalous Regulations of the Post-Office²—If Relief is not soon obtained, a new Post-Office & Riders will be established here, in Opposition to the present contemptible Establishment.³—In Haste,

1. RC, Lea and Febiger Collection, PHi. Goddard (1740–1817), the printer of the *Maryland Journal*, was an agent for the sale and distribution of Carey’s monthly magazine, the *Philadelphia American Museum*.

2. For the “new & scandalous Regulations” of 1 January 1788 by Confederation Postmaster General Ebenezer Hazard, see “The Controversy over the Post Office and the Circulation of Newspapers,” CC:Vol. 4, Appendix II, pp. 540–96.

3. On the post office, Goddard was writing with some authority. In the 1760s and 1770s, he was part of the postal system. Goddard was postmaster at Providence, R.I., 1764–69. In opposition to the British system in America in 1774 and 1775, he had established the “Constitutional” post office, with offices from Portsmouth, N.H., to Williamsburg, Va. In 1775, the First Continental Congress absorbed Goddard’s postal system into the Continental post office. Benjamin Franklin was named postmaster general and Goddard was appointed surveyor of post roads. Goddard’s sister Mary Katherine was named postmaster of Baltimore.

**A Farmer II
Baltimore Maryland Gazette, 29 February 1788¹**

A bill of rights is an useless, if not a dangerous thing; and a standing army, a bugbear, an hobgoblin to freighthen children.²—This seems to

me the doctrine of *Aristides*, and the common language abroad.—What amazing progress in political knowledge have the Americans made in the last ten years! Should they go on improving by such laudable and rapid discoveries, what may we not expect in the course of a few years to come? Nothing less, surely, than a demonstration, that liberty is a visionary phantom, fleeting forever from our embrace—never intended for the possession of mankind, and never existing but in the enthusiastic imaginations of some illustrious madmen.

We talk now with the utmost confidence of our own experience, and an appeal to the history of mankind, is considered as an insult on the sagacity and understanding, of THE CHOICE AND MASTER SPIRITS OF THIS AGE.³—

That we are the wisest people under the sun, seems to be no longer disputed, and those whose youthful vanity has been flattered, by a transient public applause, think that because they have come later into the world, they have therefore all the wisdom and experience, of those who have gone before them—This is the opinion of the Americans now.—Machiavelli informs us, that it was the firm persuasion of the Florentines, his countrymen, in his day, and Peter Kolben relates the same thing of the Hottentots when he was amongst them⁴—perhaps the greatest share of confidence is inseparably united with the greatest share of ignorance.

Notwithstanding all this, human nature has always been, and always will continue the same, and so long will it be impossible to put *old* heads upon *young* shoulders.—It is as unnatural to be guided by the experience of others, as for one man to see with another's eyes. This fatal and unalterable law of nature, is founded not less on our presumption and confidence, than on a persuasion, which the young and unexperienced always feel, that there is some peculiar circumstance, that distinguishes their own particular case, from that which a father describes to a son, or an historian to posterity.—Where our vanity is not strong enough to despise, inclination will invent an excuse to avoid the lessons of experience; and where the passions do not entirely command, they are sure to blind the understanding.

Is there one branch of science, literary knowledge, or even art, pleasing or useful to an individual, or society, that has received any improvement from the earliest records of time?—Homer, Theocritus, Pindar and Sophocles are yet unrivalled in poetry.—Thucydides, Polybius and Livy surpass all who have followed them in history.—Demosthenes and Cicero in eloquence.—Socrates, Plato and Plutarch in those moral lessons which form the human heart to virtue.—We penetrate into Grecian forests, and dive into the Tyber to rescue the relics of ancient

architecture, painting, sculpture and statuary; and preserve them as the most precious and perfect models of art.—Although, perhaps, gunpowder was unknown, yet they contrived to slaughter men enough without it, and the invention has only put the cowardice of a dastardly slave in uniform, more on a level with the manly exertions of an undisciplined freeman.—The invention of printing, the most important of all modern discoveries, has rather multiplied books than increased knowledge; nor has the discovery of an eighth planet⁵ brought with it any remedy for the inclemencies of a cold winter.—Our acquaintance with the skies is as useless as balloons. There is nothing solid or useful that is new—And I will venture to assert, that if every *political institution* is not fully explained by Aristotle, and other ancient writers, yet that, there is no *new* discovery in this the most important of all sciences, for ten centuries back.

Our politicians of an hour, of an empire of a day, boast of government *by representation*, as a most important improvement; and whilst they discant on its excellencies they do not scruple to assert, that it was unknown to the ancients^(a).—Some, indeed, have confined it to the British and their descendants.

Government, by representatives, freely chosen by the body of the people, is as old as the history of mankind, and once formed the basis of every European government now existing; but as it is the most liable to corruption, it has always proved of the shortest duration; it has first degenerated into aristocracy, or the government of a few wealthy individuals, and has terminated regularly by a monarchy and standing army.—The reasoning on this progress is not essential at this moment, but as to the antiquity of government by representation, example must be produced to expose an error as general as it is surprizing.

The first legal government of Athens, the most ancient we have any authentic history of, was by Archons elected by the body of the people, first for one and then for five years. Solon divided the legislative from the executive, as we have done, although not exactly in the same form.—This government lasted a very few years, and was destroyed by Pisistratus, assisted by a small standing force.—The examples drawn from several modern governments of Europe will be presently adduced.—

But before this, it is essential that we examine what is meant by *monarchy* and *aristocracy*.—Unhappily for mankind frequent and ridiculous dispute is the least inconvenience arising from the imperfection of language.—Ambiguity and uncertainty of expression admit the imposition of dangerous doctrine, and produce more misfortune than error—Because in the government, from which we separated, the monarchy and aristocracy were attended with certain hereditary names and titles,

we are to be compelled to view the *substance* of those powers as inseparable from those *forms* and *titles*.

Formerly the public authority exercised by one person, whether dignified with the title of Emperor, King, Stadtholder, Doge, &c. was elective, and generally revocable—as for instance, the ancient Emperors of Rome; the Emperors of Germany; the Emperor of Russia; the Kings of Denmark and Sweden; the Stadtholder of Holland; Doge of Genoa, &c.—They were seldom entrusted with any *legislative* power.—These various offices and titles, have all become hereditary, and have generally swallowed up the legislative power; except the Doge, who is only the pageant of the day, decorated with the tinsel trappings of authority, but not entrusted with the most trifling portion of its substance. Three great families have established an *hereditary despotism* over three-fourths of the habitable globe.—The house of HOLSTEIN, who now govern Sweden, Denmark, Norway, Russia, great part of Poland, Germany, and the greatest part of Asia, within two centuries has sprung from a gentleman of less fortune than many Americans now possess.—The house of AUSTRIA, who have usurped the Imperial office of Germany, as a patrimony, and govern a great proportion of Europe, are derived, within a few centuries back, from a poor Count of Hapsburg without fortune or honor—And the mighty race of BOURBON, who possess France, Spain, the two Sicilies, two-thirds of America, and extensive dominions in Asia and Africa, sprung not long since from Hugh Capel, who, if he was not the son of a butcher (as is generally believed) was certainly of very low extraction.—There is not a kingdom in Europe, that does not contain many better families than these,—that is families, that have been longer people of property, and produced more illustrious men; but they are all involved in one common fate, reduced to a despicable slavery by these individuals, whose usurpations have been as successful as rapid, and who hold them in trembling subjection by numerous standing armies.—This is the history of MONARCHY divested of its glitter and pomp.

Where *wealth* is hereditary, *power* is hereditary, for *wealth* is *power*—Titles are of very little, or no consequence—The *rich* are *nobility*, and the *poor plebeans* in all countries—And on this distinction alone, the true definition of aristocracy depends.—An *aristocracy* is that influence of power, which property may have in government; a *democracy* is the power or influence of the people or numbers, as contradistinguished from property. Machiavelli exposes the futility of an attempt to establish an aristocracy, upon any other principles than the solid distinction of property.⁶—In examining the principles of those aristocracies that now exist, we shall find hereditary wealth the only universally pervading principle and characteristic.

In *England* the aristocracy have hereditary titles, and share in the legislature.—It is preserved by the power of the King to add the most wealthy and able of the commons to this order;—and if that principle, by which George Neville, Duke of Bedford, was degraded from his nobility on account of his poverty, still continued, it would be the most perfect and confirmed aristocracy in the world.—Although this aristocracy is extremely powerful, yet from the happy temperature of the government, by three well constituted estates, it has not proved oppressive; on the contrary, a firm rock, that has preserved this system from every shock of innovation.—Were the other two estates even as perfect as the aristocracy, the government might last forever.

In *Scotland*, the aristocracy have hereditary titles, but they are almost entirely deprived of any share in the legislature, and their power is much broken by the axe and confiscation.

In *Holland*, the aristocracy is composed of the wealthiest.—They hold their power for life most commonly, though in some instances for a limited time;—and elections are generally, though by no means universally abolished. Their estates are hereditary, but they have no titles.—Such is the aristocracy of America, yet in its infancy, and that of the aristocratic Cantons of Switzerland,—and they are all the most odious, oppressive and abominable aristocracies in the world;—for as their power is exclusively derived from wealth, which is more frequently the reward of iniquity and oppression than merit,—iniquity and oppression will be therefore openly and without shame practised to secure that wealth, which attended by power, defends its possessor from punishment.

In *France* and *Spain*, the aristocracies are decorated with titles, but have no share in the legislature, yet still they are almost as powerful as the former, from their wealth;—but not so oppressive.—This wealth they hold by those fundamental laws which secure the descent of property from ancestors to heirs, on the preservation of which the King's safety, in a great measure, depends.—In fine, in all governments by *representation* or *delegation of power*, where property is secured by fixed and permanent laws, from the rage of the populace on one side, and the tyranny of a despot on the other, the aristocracy will and must rule; that is a number of the wealthiest individuals, and the heads of great families:—The perfection of all political wisdom is so to temper this aristocracy as to prevent oppression.

Between these *two* powers, the aristocracy and democracy, that is the *rich* and *poor*, there is a constant warfare.—Sir William Temple observes, that all the disputes, factions and revolutions in government spring from this source,—that the rich want to keep what they have

got, and the poor to take it from them;⁷—this is the favourable side of aristocracy, and is true where numbers unqualified by property have too great a weight in government.—Hence in such States, agrarian laws, and an abolition of debts, are always agitated; but this is only the infancy of government.—So long as the rich, only mean honestly to secure what they have lawfully gained, by their own or the industry of their ancestors, the contest is of short duration, and government, at an early period is so far strengthened as to secure property; but it is then, that the corruption of human nature discovers itself—the more we have, the more we want, and the possession of one object, becomes only the means of attaining another.—The aristocracy who move by system and design, and always under the colourable pretext of securing property, act as has been frequently said like the screw in mechanics, always gaining, holding fast what it gains, and never loosing; and in the event has ever proved an overmatch for the multitude, who never act but from their feelings, and are never permitted to feel *until it is too late*; and whose ineffectual violence, being generally attended by the outrages of despair, involves their cause in odium and horror. Hence it is that unsuccessful popular insurrections have always been succeeded by a general disposition favourable to tyranny. A great and good man has said, that an aristocracy in their progress to power is the most correct of all governments—after they have attained it, the most corrupt and abominable on earth.—The honest emoluments of office, are too few to gratify the many, who must be interested in administration in order to render it effectual,—they first connive at each other,—bad laws are made,—the good are perverted and avoided,—in fine, oppression becomes general, and the multitude in a paroxysm of despair generally conclude, that it is better to suffer the tyranny of one man, than one hundred.

The only remedy the ingenuity of man has discovered for this evil is—a *properly constituted and independent executive*,—a vindex injuriarum—an avenger of public wrongs; who with the assistance of a third estate, may enforce the rigor of equal law on those who are otherwise above the fear of punishment; and who may expose to public view and inquiry, those who screen their peculations under the sanction of office:—How well the new proposed federal or national government, for it is a government of individuals, not of States, has provided for this great end of all government, by uniting the executive with the aristocracy, or senate, tempting the aristocracy with every executive power that can rouse or stimulate their ambition,—and how the executive will be enabled to discharge its duty against those, without whose consent it

cannot act, I leave to the sensible and discerning part of my fellow-citizens. A senate should not only be composed of men of ripe age, where the violent passions have quitted the mental field, overcome by the vigor of judgment, but its chief perfection consists in such organization, that content with more than independence and a very respectable situation, they should be cut off from the active exercise of those powers which gratify personal ambition and tend to self aggrandizement or that of their friends, relatives and dependants:—That this feature of the constitution—that this union of the senate and executive will prove fatal to the liberty and happiness of America, unless corrected, I cannot doubt;—as I shall adduce examples of the same form of government, only not quite so bad as ours, terminating in despotism and a standing army, almost as soon as established.—For once let mankind listen to the counsel of experience:—This form of government is not new, it is the same form as that established in Denmark and Sweden, previous to the late revolutions, and exactly such a form as a number of wealthy and well disposed individuals, deliberately set to work, have made, and forever will make, in every age and every clime.—These examples will shew that ruin comes from a quarter entirely unexpected—they will, I hope, entirely disperse the delusion which now misleads our judgments, when we hug ourselves in the security, that we cannot be betrayed by representatives chosen every two years;—let every man, of any property, who has been active in the late revolution, and who is tolerably apprized of the sentiments of the people at large, scrutinize his own judgment; and let him ask himself whether in even the present disposition of the lower orders of our citizens, who bear with great impatience and reluctance their present inconveniences and incumberances, and those trifling distinctions and pre-eminences, which our present disinterested forms of government afford so trifling, that offices almost go a begging,—if in the event of the proposed plan the burthens of government should be encreased, greater distinctions among citizens arise, and emoluments of office be augmented—Will not the multitude croud with joy to the standard erected by any man in whom they have the least confidence, who will promise them vengeance on those whom they will consider as the authors of all their misfortunes, and to rid them at once of the evils of complicated government and numerous officers, whom they always think they pay, only to plunder them?

To attempt to form a government composed simply of aristocracy and democracy—where rich and poor are jointly to govern—is long of yore represented in the fable of the league between the wolves and

sheep—The sheep were soon compelled to recall the shepherd and his dogs.⁸—

But let us here for a moment return to *Aristides*.—He asks, what European power is without a standing army? and which has lost its liberties by them?⁹ Many of his remarks betray a misrecollection of the A, B, C, of politics, and some of the historical questions discover a total absence of memory.—It may be answered, that both political and civil liberty have long since ceased to exist in almost all the countries that now employ standing troops, and that their slavery has in every instance been effected and maintained by the instrumentality and invariable obedience of these living machines to their chief.—I grant that the discontent of the people under the oppressions of a complicated aristocratical government has always paved the way to the despotism of one man;—the progress is natural, troops must be raised in such circumstances to compel an unwilling obedience to the laws—these troops must not be part of the discontented—they cannot be trusted—they must not feel like them, and must therefore have separate interests—they must be paid and well paid—they must be admitted to a preference and pre-eminence over those whom they subdue—Here are new taxes and new oppressions, which cause insurrections.—A foreign enemy is expected to take advantage of the confusion; the people are not to be trusted—Your liberties (as they will then be called) must be committed to the guardianship of the standing army—a day which, as I am informed, a member in the late convention declared he wished to see¹⁰—The people look anxiously for the punishment of their oppressors, and they look up to that man who will gratify their revenge on the aristocracy.—All senates have been, and always will be for raising standing troops, notwithstanding they have invariably found to their destruction, that no oaths can prevent them, from following the fortunes of a favourite leader, whose orders their rigid discipline has accustomed them to obey.—

That this is not the painting of a warm imagination, the history of those governments that were far less complicated and onerous than ours must prove, will evidence—Thirteen complicated forms all under one form of government, still more complicated, seem to bid defiance to all *responsibility*, (the only test of good government) as it can never be discovered where the fault lies—the blame will be shifted from the States to Congress—from Congress to the States—from one State to another, and so from one shoulder to another, until investigation is tired—the burthen of double government complete throughout, when we can scarce support its expence single.—This double officering from front to rear, will prove so extremely burthensome, and above all, this

double set of laws will afford so plentiful an harvest of oppression and confusion, that I do not see what right we have to expect a more fortunate fate, than those nations who had happier and fairer prospects.

Let us now view the catastrophes of these governments.—(First of *Sweden*—previous to the year 1772—the States or legislature was composed of four orders—I. *Nobility*, who were only as we are informed the heads of the wealthiest families represented in a senate by selection—the old nobility having been almost to a man extirpated by that Nero of the North, Christian II, who made a general massacre of the order assisted by the populace, who hunted them like bloodhounds—II. The *clergy*—III. The *citizens* chosen by the magistrates and common council of each corporation, their number about 150—IV. The *farmers*, chosen in each district by a majority of voices out of the landholders, their number 180.—It would seem as if theory could hardly invent a more perfect *legislature*.—The *executive* was committed to one man, dignified indeed by the title of King, a word to which we attach ideas unauthorized by its meaning—but this King however (who was elected for life) was in fact, hardly more than a president of the senate, without whose concurrence he could exercise none of the important powers belonging to the executive branch:)¹¹—Although the King and every officer, civil and military, were sworn to support this constitution, yet there was but one military officer found who regarded this oath, when solicited by Gustavus to take a contrary oath to support its usurpation.—This singular man had the courage to declare, that the Prince ought to have no confidence in him, if he should by one oath violate another.—A few grenadiers with bayonets fixed, ordered to the senate-room, and a very few regiments previously prepared, effected the most sudden and unexpected revolution that ever mankind were the melancholy witnesses of.—A few days after the King published that form of government, which it was his *will and pleasure the Swedes and their posterity* should be governed by—The Americans ought to read it—they will find it in William's history of Northern Governments.—In the preface is this remarkable passage: “We, whose names are hereunto subscribed, Senators, States, Counts, Barons, Bishops, Knights, and Nobles, Military Officers, Citizens, and Commons, who are actually here assembled, make known for us and our *absent* citizens and commons, that many of our citizens under the name of liberty had assumed a power and domination that was insupportable, &c. &c. &c.”¹²

In *Denmark*, the revolution in 1666, presents exactly the same story over again.—The constitution was the same as in Sweden precisely, senate, representatives of the people, and an executive elected for life, clogged in the same manner by the senate.—The representatives of

the people became at last so tired of the senate, that they made a formal offer of their liberties to Frederick III^d, and actually compelled the senate to give their assent.—This man whose moderation and real disinterested virtue had captivated the affections of all ranks, with the assistance of 24,000 troops, selected chiefly from foreign vagabonds, established the most despotic government, that ever mankind groaned under *for them* and *their posterity*;¹³—and no doubt with the best intentions, as from his declaration we find he believed what Mr. Pope has wrote, and what many good, but mistaken men, both in Europe and America, have thought and now think—

*For forms of government let fools contest
That which is best administered, is best.*¹⁴—

and as for the *good* administration he thought he could very well trust that to *himself* and *his posterity*.

It was thus that the hardy descendants of the Goths and Vandals lost their liberties, and from the boldest and most enterprising they have degenerated into the most miserable and depressed of mankind, the country depopulated, commerce destroyed, dirty minions, and court-favourites plundering every-thing and nothing flourishing but the standing army.—For the truth of this picture I refer to William's history.

In *Holland*, at this moment, the standing troops adhering to the Stadtholder (who from the best accounts proved a traitor to his country last war) in conjunction with those bred under that grand Prince of despots, the late King of Prussia, have disarmed the Burghers, the national militia, and are now changing the form of government, under the pretext of throwing power into the hands of the States-General, but actually paving the way for the *hereditary despotism* of William of Nassau.

It is so long since the other States of Europe have lost all semblance of liberty, that it may be difficult to trace their revolutions.—In *France* the oppressions of the aristocracy enabled first the politic Lewis II^d, and afterwards Lewis XIIIth, and Cardinal Richlieu, by the assistance of the mob and standing army, since become the standing law of France, to destroy every vestige of freedom.

In *Spain* the immense estates, which by the six fortunate marriages of the house of Austria (as they are called) became centered in the person of Charles Vth.—The mines of the two Indies then lately discovered which became the property of his family, *and above all* the obstinacy of that hardy, disinterested and frugal priest, Ximenes, finished at a blow the power of the Cortes, who were chiefly composed of representatives elected by the people in the several States of Old and New Castile, Arragon, Catalonia, &c.—For *Spain* was at that time divided

into as many States almost as we are, and perhaps more independent of each other, having separate legislatives and executives, and *the general power not entrusted with the right of taxation*.—However, a standing army has from that time destroyed all hopes of a revolution in favour of the rights of mankind.

It will be asked how has *England* preserved her liberties, with at least an apparent standing army?—I answer, she did loose them; but as there was no standing army until lately, she regained them again:—She lost them under the Tudors, who broke the then oppressive power of the aristocracy, but the unparalleled avarice of Henry VIIth, the boundless extravagance of Henry VIIIth, the short reign of Edward VIth, (which was but the sickly blaze of a dying candle) the bigotry of that weak woman Mary, who had no other object than religious persecution, and lastly the parsimony of Elizabeth, who had no children of her own to provide for, and who hated her legal successor and his family—all conspired to prevent their establishing a military standing force, sufficient to secure their usurpations; and the nation recovered from their paroxysm under the Stuarts, who were too weak and too wicked to command even respect, notwithstanding their dignity.—On the revolution in 1688, the patriots of that day formed some glorious bulwarks, which seem as yet to have secured them from the evils and danger of their present standing army, though still in my opinion, they hold their remaining liberties by a very precarious tenure indeed, as the first enterprising and popular Prince will most probably convince them.

Let us now examine these defences and compare them with those of the proposed constitution.

⟨In *England*, by their bill of rights, a standing army is declared to be contrary to their constitution, and a militia the only natural and safe defence of a free people.—This keeps the jealousy of the nation constantly awake, and has proved the foundation of all the other checks.

In the American constitution, there is no such declaration, or check at all.

In *England*, the military are declared by their constitution to be in *all* cases subordinate to the civil power; and consequently the civil officers have always been active in supporting this pre-eminence.

In the American constitution, there is no such declaration.

In *England*, the mutiny bill can only be passed from year to year, or on its expiration every soldier is as free, and the equal by law of the first general officer of the land.¹⁵

In *America*, the articles of war (which is the same thing) has been already considered as *perpetual* (as I am well informed) under even the

present Congress,¹⁶ although the constitutions of all the States positively forbid any standing troops at all, much less laws for them.

In *England*, the appropriation of money for the support of their army must be from year to year; in America it may be for double the period.

How favorable is this contrast to Britain—that Britain which we lavished our blood and treasure to separate ourselves from, as a country of slavery—But we then held different sentiments from those now become so fashionable; for this I appeal to the constitutions of the several States.

In the declaration of rights of *Massachusetts*, sect. 17.—The people have a right to keep and to bear arms for the common defence. And as in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature, and the military power shall always be held in exact subordination to the civil authority, and be governed by it.

Sect. 27. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.¹⁷

Declaration of rights of *Pennsylvania*, sect. 13.—That the people have a right to bear arms for the defence of themselves and the State; and as standing armies in the time of peace, are dangerous to liberty, they ought not to be kept up: And that the military should be kept under strict subordination to, and governed by the civil power.¹⁸

Declaration of rights of *Maryland*, sect. 25.—That a well regulated militia is the proper and natural defence of a free government.

Sect. 26. That standing armies are dangerous to liberty, and ought not to be raised or kept without consent of the legislature.

Sect. 27. That in all cases and at all times the military ought to be under strict subordination to, and controul of the civil power.

Sect. 28. That no soldier ought to be quartered in any house in time of peace, without the consent of the owner; and in time of war, in such manner only as the legislature shall direct.¹⁹

Declaration of rights of *Delaware*, in the same words as *Maryland*.²⁰

Declaration of rights of *North-Carolina*, sect. 17.—That the people have a right to bear arms for the defence of the State; and as standing armies in time of peace are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by the civil power.²¹

Constitution of *South-Carolina*, sect. 42.—That the military be subordinate to the civil power of the State.²²

But we are told by *Aristides*, that our poverty is our best security against many standing troops.—Are *we then, and our posterity*, always to

be poor? This security would certainly cease with our poverty; but the truth is, our poverty instead of preventing will be the first cause of the increase of a standing army.—Our poverty will render the people less able to pay the few troops it is admitted we must keep.—This expence added to the immense public and private debts, which an efficient government seems to be requisite to enforce payment of, together with the onerous and complicated civil governments, both Continental and State, will be productive of future uneasiness and discontent.—The most sanguine among us must expect some turbulence and commotion; let the smallest appearance of commotion peep out again in any part of the Continent, and there is not a rich man in the United States, who will think himself or his property safe, until *both* are surrounded with standing troops. This is the only public purpose for which *these* men ever did, or ever will willingly contribute their money. But then, according to their laudable custom, they must have interest for their advances;—this increases the public burthens—Commotion is followed by commotion, until the spirit of the people is broken and sunk by the halter, the scaffold, and a regular standing army.)²³—

Yet notwithstanding this I am as sensible as *Aristides*, that a few troops will be necessary for the United States, for those very services which he says it would be oppressive to a free people constantly to execute.—The western territory, some guards, arsenals and posts whenever our finances will admit our attention to that safe and honorable defence, a navy—will require a few men in constant pay. But it is this necessity that alone causes all my apprehension. There is no public *abuse* that does not spring from the necessary *use* of power,—it is that insensible progress from the *use* to the *abuse*, that has led mankind through scenes of calamity and woe, that make us now shrink back with horror, from the history of our species. Do we not see at this moment, that even the present Congress have been compelled by *necessity* to embody and maintain troops *in time of peace* for these purposes; and yet the raising or maintaining one man is as complete a violation of the bill of rights of the several States, as the raising 100,000.—This necessary infraction of the only check that existed, has already taught all America to view the approach of a standing army, with composure and indifference, nay when a limitation of the evil is proposed, *Aristides* asks without hesitation—how shall we distinguish between *peace* and a *threatened war*? Shall we not be surprized, unprepared?

I must confess that from the vigor and resolution with which we began the erection of these our fabrics of freedom, I was persuaded that the grave would have closed on my bones, before this question would be publicly proposed in America.—Are we then to look up to a standing army for the defence of this soil from foreign invasion? Have

we forgot that a few freemen of Sparta defended their country against a million of Persian slaves? Have not an handful of free Swiss farmers, defended their country against the numerous veteran armies, which Burgandy, Austria and Bourbon have led against them? They beat them among their rocks, and then descended into the plains and beat them, and they will beat them forever on any ground, to all eternity, whilst they remain free and are defending that freedom.—Did it not cost the Spaniards more time and blood to subdue a few republican unarmed Indians, on the little island of Gran Canaria, than they expended in the destruction of the mighty empires of Mexico and Peru, defended by numerous standing armies? Did their arms meet with any resistance on this Continent, until they penetrated to the free republics of Chili?—I had rather trust the defence of a country to the savage valour of a few Shawnesse and Delawares, who live in freedom and value the blessing, than to the numerous hosts of civilized slaves that surround the thrones of Delhi, Pekin and Ispahan—But a few years have elapsed since that feather of a King, Lewis XIVth, overrun all Holland in a few days, and became master, almost without resistance, of that country which the veteran infantry of Spain, led by the most celebrated Captains, an age of chivalry produced, Alva, Alexander Farneza, and the Marquis Spinola, were forced to gain inch by inch, from a few desperate Burghers. When the French troops came, the people were universally discontented with the oppressions of the rich, as soon as they had reeked a brutal vengeance on the aristocracy, the latent courage of the nation revived, and Lewis was obliged to scamper off as fast as he came.—Let the body of the people be interested in the defence of a *good* government, and my countrymen need not fear being surprized by all the slaves and brutes that the despots of the old and new world can arm against them.—There will then need no distinction of a threatened war, and our establishment may at all times be limited to the purposes just mentioned.—

But perhaps standing troops may be wanted to suppress *domestic* insurrections? The people cannot be trusted to [punish?] the people, is becoming a cant expression; but I fervently hope by no means a general sentiment. I am free to declare, that I never wish to see any measure of government enforced by arms, which the yeomanry of the United States will not turn out to support.

(My countrymen! never forget this truth, which the sad experience of your fellow-mortals has witnessed with their blood!—Remember it yourselves!—Engrave it on the tender minds of your children, as the first article of their political creed—that, *There is no form of government safe with a standing army, and there is none that is not safe without.*—A

people may frequently be so unfortunate as to loose their liberties. They may be so foolish as to give them away, as in Denmark, where not only the senators and representatives of the people, but also every man in the whole empire of the smallest note, or consequence, signed a formal surrender of their liberties on an instrument now kept in the archives of that kingdom²⁴—an everlasting monument of—*how catching a thing this signing of names is*; or of what is now called—*a modest deference for the opinion of others*. But whether they loose them, or give them away, they will soon regain them, or resume them, unless they are prevented by a *standing army*)²⁵—And also recollect, my fellow-citizens, *That what is doctrine to day, may be treason to-morrow*.

(a) Is it not strange to hear the Governor of Connecticut, gravely asserting in their Convention,²⁶ the novelty of government by representation, and pinning all his hopes of our future happiness, and exemption from evil on this new discovery! And yet the Governor of Connecticut is not only one of the worthiest of our citizens, but rather of uncommon information in a country, where very few are so independent in their fortunes as to afford much time to study.

1. On 26 February the *Maryland Journal* commented that “A Farmer” was received and that it would appear in the next issue, on 29 February.

2. See “Aristides,” *Remarks*, 31 January (RCS:Md., 239, 245).

3. “A Farmer” is perhaps referring to internal footnote (a) of “Aristides,” *Remarks*, 31 January (RCS:Md., 257).

4. “A Farmer” may be referring to the preface to Machiavelli’s *The History of Florence*, in which Machiavelli describes Florence’s failure to learn from the political divisions of other republics. See Niccoló Machiavelli, *The History of Florence . . .* (2 vols., Glasgow, 1761), I, viii–ix. And the second reference is probably to Peter Kolb (1675–1726), *The Present State of the Cape of Good-Hope . . .*, trans. Guido Medley (London, 1731). The work was first published in German.

5. The reference may be to the discovery of Uranus in 1781 by William Herschel. Uranus is the seventh known planet by modern scientific accounting.

6. *Machiavels Discourses upon the first Decade of T. Livius . . .*, trans. Edward Dacres (London, 1636), Book I, Chapter LV, pp. 215–22.

7. See *The Works of Sir William Temple, Bart. In Four Volumes . . .* (Edinburgh, 1754), II, 364–65.

8. Likely a reference to Aesop’s fable “The Wolves and the Sheep.”

9. See “Aristides,” *Remarks*, 31 January (RCS:Md., 240).

10. The reference is possibly to James Wilson’s speech at a public meeting in Philadelphia on 6 October 1787 (CC:134, p. 341). Wilson’s speech was first published in an extra issue of the *Pennsylvania Herald* on 9 October. It was reprinted twice in Maryland. See “The Maryland Reprinting of James Wilson’s State House Speech,” 16–25 October (RCS:Md., 20–22).

11. The veracity of the text in angle brackets in this paragraph was challenged by a writer in the Baltimore *Maryland Gazette*, 4 March 1788 (RCS:Md., 363–64).

12. John Williams, *The Rise, Progress, and Present State of the Northern Governments . . .* (2 vols., London, 1777), I, 600–601.

13. *Ibid.*, I, 293–315.

14. Alexander Pope, *An Essay on Man* (London, 1758), Epistle III, lines 301–2. The third epistle was first published in 1733.

15. See “Aratus,” post-2 November 1787, note 8 (RCS:Md., 44).

16. The Articles of War, consisting of sixty-nine articles, were adopted by the Second Continental Congress on 30 June 1775, and on 7 November Congress made some alterations and additions to them. They were ordered printed on 13 November (JCC, II, 111–23; III, 331–34, 352). On 3 June 1784 the Confederation Congress created a force of 700 non-commissioned officers and privates “for taking possession of the western posts” and resolved “That the said troops when embodied, on their march, on duty, and in garrison, shall be liable to all the rules and regulations formed for the government of the late army of the United States, or such rules and regulations as Congress or a committee of the states may form” (JCC, XXVII, 538–40).

17. See RCS:Mass., 444, 445.

18. See Thorpe, V, 3083.

19. See Appendix I (RCS:Md., 773).

20. See sections 18–21 of Delaware’s declaration of rights in Mfm:Del. 1; and *The Constitutions of the Several Independent States of America . . .* (2nd ed., Boston, 1785) (Evans 19306), 93.

21. See Thorpe, V, 2788.

22. See Thorpe, VI, 3257.

23. The text in angle brackets was reprinted in Eleazer Oswald’s pamphlet edition of Luther Martin’s *Genuine Information*. See the headnote to “A Farmer” I, Baltimore *Maryland Gazette*, 15 February (above).

24. For the background to the 1661 signing of the “Instrument or Pragmatic Sanction Regarding the King’s Hereditary Rights to the Kingdoms of Norway and Denmark” that gave the hereditary monarch absolute power, see RCS:Va., 1509n–10n.

25. See note 23 (above). For the internal footnote that follows this paragraph in the pamphlet edition, see CC:678–C, p. 91.

26. See Governor Samuel Huntington’s 9 January 1788 speech in the Connecticut ratifying Convention (RCS:Conn., 555, and CC:428, pp. 313–15).

Sidney

Maryland Journal, 29 February 1788¹

To the WORKING PEOPLE of MARYLAND.

It seems unreasonable to desire from any body more than can be got. Our Congress, and their children, must fare like us and ours:—The members can give us no greater security; and I think we need not fear to eat, when our cooks eat of the same dish.

Being sent for our welfare, if the Congress should foolishly attempt to hurt us, we shall be no more bound than we were to King George, after he broke our charters; and if one be hurt, all must feel the stroke. Virginia and Massachusetts will watch each other; the small states will watch the large ones in one house, and be watched by them in the other, which will occasion the wisest and best men to be every where

chosen to the honourable stations in Congress, and knowledge and virtue to be every where studied in education: For men are not so corrupt by nature, as some think; the good will strive for honourable, as others do for profitable stations; and by creating honourable stations, we give nothing away, since any of us, by merit, may attain them.

As we may have just what army we please, we will have a small one, to shew our youth, by turns, the art of war; because, when people are ready to fight, they are seldom abused. The militia are to *execute the laws*, to *suppress insurrections*, and to *repel invasions*: But I don't think they will cut their own throats, or enslave their children, at the order of any man.

We common people are more properly citizens of *America* than of any *particular state*. Very many of our sort, die in different parts from where they were born; and the constitution ordains, that wheresoever we may find land for our children, there we shall also find exactly the same general liberty we left. Taxes too, are to be every where equal. I allow that men, seeking power and profit, may wish to keep opportunities of that sort, in the state governments where they live; but I must think the general government, so far as it goes, better for the majority of the people, who want land for their children.

The interest of money here, is said to be 25 *per cent*. No man can afford to borrow at that rate, to pay debts contracted at 6 *per cent*. To save bread for his children, he had better go to jail. Were the land, which maintains children, now seized and sold, the few monied men here, would get it all, for a little indeed; because in Europe, where money is so plenty that the highest interest is 5 *per cent*. the people there say, that we make bad laws, and too many of them, and they cannot trust themselves, or their money, among us, though they are pinched for land there. I think the Constitution will heal this grievous sore, and enable us to borrow money, in other countries, on reasonable terms, to pay workmen, for improving our lands and houses, that we may make the better crops.

Taxes on imported goods, which the Congress will lay, can distress none but the rich, who cannot sleep if a feather be wrong in their beds. We shall be freed from tax-gatherers: And I should be sorry, my fellow-citizens, if the threads in your garments being somewhat larger, might *distress* such men as you, who lately, being poorly clad, and directed by a Man so plain that almost all his family wear homespun, rescued your children from the tyranny, and the high-dressed armies of a great King.

February 27, 1788.

1. Reprinted: *Pennsylvania Gazette*, 2 April.

The Landholder No. X

Maryland Journal, 29 February 1788¹

“Landholder” IV, V, and VIII—written by Constitutional Convention delegate Oliver Ellsworth of Connecticut—criticized Elbridge Gerry of Massachusetts for his actions in the Constitutional Convention and for his objections to the Constitution (*Connecticut Courant* and *Hartford American Mercury*, 26 November, 3 and 24 December 1787 [CC:295, 316, 371]). These numbers of “Landholder” were reprinted in the *Maryland Journal* on 4, 8, and 12 January 1788. Gerry responded on 5 January in the *Massachusetts Centinel* (CC:419), and Luther Martin defended Gerry in the *Maryland Journal* on 18 January (above). On 29 February “Landholder No. X” replied to Martin.

Unlike the first nine “Landholder” essays, “Landholder No. X” was not printed in Connecticut, casting serious doubt whether or not it was written by Ellsworth. When the Connecticut “Landholder” series was revived on 3 March, the first essay printed was numbered X (CC:588). Martin himself questioned the identity of the Maryland “Landholder,” declaring that “Whether the Landholder of the Connecticut Courant, and of the Maryland Journal, is the same person, or different, is not very material;—I however incline to the former opinion, as I hope, for the honour of human nature, it would be difficult to find more than one individual, who could be capable of so total a disregard to the principles of truth and honour” (*Maryland Journal*, 7 March [below]).

In “Landholder No. X,” the writer’s knowledge of the Constitutional Convention, in general, and Luther Martin’s actions in that body, in particular, suggest authorship by one of Martin’s fellow Maryland Convention delegates who supported the Constitution—Daniel Carroll, Daniel of St. Thomas Jenifer, or James McHenry. Jenifer is a good possibility. When the Maryland Convention delegates reported to the Maryland House of Delegates on 29–30 November 1787, Jenifer publicly challenged Martin’s assertion that Robert Yates and John Lansing, Jr., two of New York’s Convention delegates, “had left the Convention in disgust, and with the fixed intention not to return” (*Pennsylvania Packet*, 14 February 1788 [above]). Martin defended his statement in a 27 January letter to Thomas Cockey Deye, speaker of the Maryland House of Delegates, pointing out that the recently published letter by Yates and Lansing to the governor of New York supported his contention (*Baltimore Maryland Gazette*, 29 January [above]). For the Yates-Lansing letter of 21 December 1787, see *Genuine Information* III, *Baltimore Maryland Gazette*, 4 January 1788, note 10.).

Good evidence exists that Martin and Jenifer were at odds in the Constitutional Convention. On 6 August, the day that the Committee of Detail presented the first draft of the Constitution, the Maryland delegation met to confer on the report and to prepare “to act in unison.” In describing the meeting, James McHenry reported that Martin declared that “. . . he was against the system, that a compromise only had enabled its abettors to bring it into its present stage—that had Mr. Jenifer voted with him, things would have taken a different turn. Mr. Jenifer said he voted with him till he saw it was in vain to oppose its progress.” McHenry “begged the gentlemen to observe some order to enable us to do the business we had convened upon” (Farrand, II, 190).

The Maryland “Landholder No. X” was answered by Luther Martin in three essays published in the *Maryland Journal* on 7, 18, and 21 March (all below). Gerry reentered the battle as “A Friend and Customer” in the Boston *American Herald* on 18 April (CC:691). On 10 April a Federalist essayist, identifying himself as Martin, published a satirical item in the Philadelphia *Federal Gazette* on the debate between the “Landholder” and Martin. The essay was prefaced: “I observe, that you have republished the Landholder, No. X. against me. Your publishing my fifth Number to the Citizens of Maryland, will be a proof of your impartiality, and will much oblige your humble servant.” Only two days earlier, the real Martin had challenged the publisher of the *Pennsylvania Mercury*, who had reprinted the Maryland “Landholder No. X,” to print his defenses of Gerry and himself that had been published in the *Maryland Journal* on 7, 18, and 21 March. In the satirical essay, the fictitious Martin described himself as the Constitutional Convention’s “*only honest man*” who “opposed every measure of that body; because I knew them, *every man*, to be aspiring tyrants” (RCS:Md., 500–504n).

The Maryland “Landholder No. X” was reprinted in the Philadelphia *Federal Gazette*, 15, 18 March; *Pennsylvania Mercury*, 18 March; *Massachusetts Centinel*, 5 April; and Providence *United States Chronicle*, 8 May.

To the Honourable LUTHER MARTIN, Esq;

SIR, I have just met with your performance, in favour of the Honourable Mr. Gerry, published in the Maryland Journal of the 18th January, 1788.

As the Public may be ignorant of the sacrifice you have made of your resentments on this occasion, you will excuse me for communicating what your extreme modesty must have induced you to conceal. You, no doubt, remember that you and Mr. Gerry never voted alike in Convention, except in the instances I shall hereafter enumerate. He uniformly opposed your principles, and so far did you carry your abhorrence of his politics, as to inform certain members to be on their guard against his wiles, for that, he and Mr. Mason held private meetings, where plans were concerted “to aggrandise, at the expence of the small States, Old Massachusetts and the Ancient Dominion.” After having thus opposed him and accused him, to appear his Champion and *intimate acquaintance*, has placed you beyond the reach of ordinary panegyric.

Having done this justice to your magnanimity, I cannot resist drawing the veil of the Convention a little further aside; not, I assure you, with any intention to give pain to your Constituents, but merely to induce them to pity you for the many piercing mortifications you met with in the discharge of your duty.

The day you took your seat must be long remembered by those who were present; nor will it be possible for you to forget the astonishment your behaviour almost instantaneously produced. You had scarcely time

to read the propositions which had been agreed to after the fullest investigation, when, without requesting information, or to be let into the reasons of the adoption of what you might not approve, you opened against them, in a speech which held during two days,² and which might have continued two months, but for those marks of fatigue and disgust you saw strongly expressed on whichever side of the house you turned your mortified eyes.—There needed no other display to fix your character and the rank of your abilities, which the Convention would have confirmed by the most distinguishing silence, had not a certain similarity in genius provoked a sarcastic reply from the pleasant Mr. Gerry,³ in which he admired the strength of your lungs and your profound knowledge in the first principles of government; mixing and illustrating his little remarks with a profusion of those hems, that never fail to lengthen out and enliven his oratory. This reply (from your *intimate acquaintance*) the match being so equal and the contrast so comic, had the happy effect to put the house in good humour, and leave you a prey to the most humiliating reflections. But these did not teach you to bound your future speeches by the lines of moderation; for the very next day you exhibited, without a blush, another specimen of eternal volubility. It was not however to the duration of your speeches, you owed the perfection of your reputation. You, *alone*, advocated the political heresy, that the people *ought not to be trusted with the election of representatives*.⁴ You held the jargon, that notwithstanding each State had an equal number of votes in the Senate, yet the States were *unequally* represented in the Senate.⁵ You espoused the tyrannic principle, that where a State refused to comply with a requisition of Congress for money, that an army should be marched into its bowels, to fall indiscriminately upon the property of the innocent and the guilty, instead of having it collected, as the Constitution proposed, by the mild and equal operation of laws.⁶ One hour you sported the opinion, that Congress, afraid of the militia resisting their measures, would neither arm nor organize them: and the next, as if men required no time to breathe between such contradictions, that they would harrass them by long and unnecessary marches, till they wore down their spirit and rendered them fit subjects for despotism.⁷ You too contended that the *powers* and *authorities* of the new Constitution must destroy the liberties of the people; but that the same powers and authorities might be safely trusted with the old Congress.⁸ You cannot have forgotten, that by such ignorance in politics and contradictory opinions, you exhausted the politeness of the Convention, which at length prepared to slumber when you rose to speak: nor can you have forgotten, you were only twice appointed a member of a Committee,⁹ or that these appointments were

made, merely to avoid your endless garrulity, and if possible, lead you to reason, by the easy road of familiar conversation.

But lest you should say that I am a record only of the bad, I shall faithfully recognize whatever occurred to your advantage. You originated that clause in the Constitution which enacts, that "*This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, any thing in the Constitution or the law of any State to the contrary notwithstanding.*"¹⁰ You voted that an *appeal* should lay to the supreme judiciary of the United States, for the correction of all errors both in *law and fact*.¹¹ You also agreed to the clause that declares *nine States to be sufficient to put the government in motion.*^{(a)12} These are among the greater positive virtues you exhibited in the Convention; but it would be doing you injustice were I to omit those of a negative nature.

Since the publication of the Constitution, every topic of vulgar declamation has been employed to persuade the people, that it will destroy the *trial by jury*, and is defective for being without a *bill of rights*. You, Sir, had more candour in the Convention than we can allow to those declaimers out of it; there you never signified by any motion or expression whatever, that it stood in need of a bill of rights, or in anywise endangered the trial by jury. In these respects the Constitution met your entire approbation: for had you believed it defective in these essentials, you ought to have mentioned it in Convention, or had you thought it wanted further guards, it was your *indispensable duty to have proposed them*. I hope to hear that the same candour that influenced you on this occasion, has induced you to obviate any improper impressions such publications may have excited in your constituents, when you had the honour to appear before the General Assembly.¹³

From such high instances of your approbation (for every member, like you, had made objections to parts of the Constitution) the Convention were led to conclude that you would have honoured it with your signature, had you not been called to Maryland upon some indispensable business; nor ought it to be withheld from you, that your colleagues informed many Gentlemen of the House, that you told them you intended to return before its completion.

Durst I proceed beyond these *facts*, to which the whole Convention can witness, I would ask you why you changed your opinion of the Constitution after leaving Philadelphia. I have it from good authority, that you complained to an intimate acquaintance, that nothing grieved you so much as the apprehension of being detained in Maryland longer

than you could wish; for that you had rather lose one hundred guineas, than not have your name appear to the Constitution. But as this circumstance seems to have been overlooked when you composed your defence of Mr. Gerry, you may have your recollection of it revived by applying to Mr. Young, of Spruce-Street, Philadelphia, to whom you made your complaint.

But leaving this curious piece of human vanity to such further investigation as you may think it deserves, let us come to those matters more particularly between us.

You have said, that you “never heard Mr. Gerry, or any other member, introduce a proposition for the redemption of continental money, according to its nominal or any other value; nor did you ever hear that such a proposition had been offered to the Convention, or had been thought of.”¹⁴

That the Public may clearly comprehend what degree of credit ought to be given to this kind of evidence, they should know the time you were *absent* from the Convention, as well as the time you *attended*. If it should appear that you were only *a few days absent*, when unimportant business was the object, they will conclude in your favour, provided they entertain a good opinion of your veracity; on the other hand, should it appear that you were absent *nearly half the session*, however your veracity may be esteemed, they must reject your evidence. As you have not stated this necessary information, I shall do it for you.—

The Session of Convention commenced the 14th of May, and ended the 17th of September, which makes 126 days—You took your seat the 10th of June, and left it the 4th of September, of which period you were absent at Baltimore 10 days, and as many at New-York, so that you attended only 66 days out of 126.¹⁵

Now, Sir, is it to be presumed that you could have been minutely informed of all that happened in Convention, and *committees of Convention*, during the 60 days of your absence; or does it follow by any rule of reasoning or logic, that because a thing did not happen in the 66 days you were present, that it did not happen in the 60 days which you did not attend?—Is it anywise likely that you could have heard what passed, especially during the last 13 days, within which period the Landholder has fixed the apostacy of Mr. Gerry; or if it is likely that your particular *intimacy* with Mr. Gerry, would stimulate to inquiries respecting his conduct, why is it that we do not see Mr. McHenry’s verification of your assertion, who was of the *committee* for considering a provision for the debts of the Union?¹⁶

Your reply to my second charge against this gentleman may be soon dismissed. Compare his letter to the Legislature of his State¹⁷ with your

defence, and you will find that you have put into his mouth objections different from any thing it contains, so that if your representation be *true*, his must be *false*. But there is another circumstance which militates against your new friend. Though he was *face to face* with his colleagues at the State Convention of Massachusetts,¹⁸ he has not ventured to call upon them to clear him either of this charge, or that respecting the continental money. But as the Public seemed to require that something should be said on the occasion, an anonymous writer, denies that he made such a motion, and endeavours to abate the force of my second allegation, merely by supposing, that “his colleagues were men of too much honour to assert that his reasons in Convention were *totally different*¹⁹ from those which he has published.[”] But alas! his colleagues would not acquit him in this way, and he was of too proud a spirit to ask them to do it in person.^(b) Hence the charge remains on its original grounds, while you, for want of proper concert, have joined his accusers, and reduced him to the humiliating necessity of endeavouring to stifle your justification.

These points being dismissed, it remains only to reconcile the contradictory parts you have acted on the great political stage.

You entered the Convention without a sufficient knowledge in the science of government, where you committed a succession of memorable blunders; as the work advanced, some rays of light penetrated your understanding, and enabled you (as has been shewn) to assist in raising some of its pillars, when the desire of having your name enrolled with the other labourers, drew from you that remarkable complaint so expressive of vanity and conviction. But self-interest soon gained the ascendant. You quickly comprehended the delicacy of your situation, and this restored your first impressions in all their original force. You thought the *Deputy Attorney-General of the United States for the State of Maryland*, destined for a different character, and that inspired you with the hope, that you might derive from a desperate opposition what you saw no prospect of gaining by a contrary conduct. But I will venture to predict, that though you were to double your efforts, you would fail in your object. I leave you now to your own reflections, under a promise, however, to give my name to the Public, should you be able to procure any indifferent testimony to contradict a single fact I have stated.

February —, 1788.

- (a) Mr. Gerry agreed with Mr. Martin on these questions.
- (b) To prevent any misconstruction, the following is the publication entire. From the MASSACHUSETTS CENTINEL.²⁰

“That Mr. Gerry, by giving his dissent to the proposed Constitution, could have no motives for preserving an office—for he holds none under the United States, or any of them; that he has not, as has been asserted, exchanged Continental for State Securities, and if he had, it would have been for his interest to have supported the new system, because thereby the States are restrained from impairing the obligation of contracts, and by a transfer of such securities, they may be recovered in the new federal court; that he never heard, in the Convention, a motion made, much less did make any, ‘for the redemption of the old continental money;’ but that he proposed the public debt should be made neither better nor worse by the new system; but stand precisely on the same ground it now does by the Articles of Confederation; that had there been such a motion, he was not interested in it, as he did not then, neither does he now, own the value of ten pounds in continental money; that he never was called on for his reasons for not signing, but stated them fully in the progress of the business—his objections are chiefly contained in his letter to the Legislature;²¹ that he believes his colleagues men of too much honour to assert what is not truth; that his reasons in the Convention ‘were totally different from those which he published,’ that his only motive for dissenting from the new Constitution, was, a firm persuasion that it would endanger the liberties of America; that if the people are of a different opinion, they have a right to adopt it; but he was not authorized to an act, which appeared to him was a surrender of their liberties; that as a representative of a free State, he thought he was bound in honour, to vote according to his idea of her true interest, and that he should do the same in similar circumstances.”

“*Cambridge, January 3, 1788.*”

I will not say this writer makes a distinction between a thing done in *Convention*, and a thing done in *Committee*. Be this as it may, he confesses more than Mr. Martin; for it seems that Mr. Gerry proposed that the public debt should stand [“]on the same ground it now stands on by the articles of confederation.” He might have subjoined that Mr. Gerry prefaced this motion by observing, that it was the same in substance as his first, in as much as it included his first. But notwithstanding this motion was readily agreed to without

his explanation being contradicted, yet he never afterwards favoured the Convention with a look of peace, or a word of reconciliation.

1. On 26 February the printer of the *Maryland Journal* noted: "The LANDHOLDER, No. X, addressed to the Honourable LUTHER MARTIN, Esq; is just come to Hand, and will be inserted in our next."

2. Martin first attended the Constitutional Convention on Saturday, 9 June 1787, but he did not speak. On Monday, the 11th, he made a motion (Farrand, I, 203). "Landholder" is possibly referring to a lengthy speech that Martin delivered on 27–28 June. According to Virginia delegate James Madison, Martin ended the first part of his speech on the 27th by stating that "He was too much exhausted . . . to finish his remarks, and reminded the House that he should tomorrow, resume them." New York delegate Robert Yates said that Martin's ". . . arguments were too diffuse and in many instances desultory, it was not possible to trace him through the whole, or to methodize his ideas into a systematic or argumentative arrangement." Martin continued his speech the next day, and Madison noted at the end of Martin's remarks that "This was the substance of the residue of his discourse which was delivered with much diffuseness & considerable vehemence" (Farrand, I, 436–59).

3. No other record of Gerry's comments has been found, and Gerry himself denied the "Landholder's" assertions (Boston *American Herald*, 18 April 1788 [CC:691]).

4. On 20 June 1787 Martin stated that "He considered Congs as representing the people, being chosen by the Legislatures who were chosen by the people. At any rate Congress represented the Legislatures. . . ." On 6 August Martin declared in a private meeting of the Maryland delegates (described by James McHenry) that "he was against two branches—that he was against the people electing the representatives of the national government" (Farrand, I, 340; II, 191. See also Farrand, II, 437, 444, 457.).

5. There is no record of Luther Martin having made such a statement. He favored an unicameral legislature with equality of suffrage for the states. When it became evident that the Convention favored a bicameral legislature, Martin strongly supported equality of suffrage in the Senate (Farrand, I, 437–38, 438–40, 444–45, 453–55, 499, 510; II, 4).

6. On 21 August Martin declared that "The power of taxation is most likely to be criticised by the public. Direct taxation should not be used but in cases of absolute necessity; and then the States will be best Judges of the mode. He therefore moved 'And whenever the Legislature of the U:S: shall find it necessary that revenue should be raised by direct taxation, having apportioned the same, according to the above rule on the several States,—requisitions shall be made of the respective States to pay into the Continental Treasury their respective quotas within a time in the said requisitions specified; and in case of any of the States failing to comply with such requisitions, then and then only to devise and pass acts directing the mode, and authorizing the collections of the same'" (Farrand, II, 359. See also *Genuine Information* VI, Baltimore *Maryland Gazette*, 15 January 1788 [RCS:Md., 180, 183n].).

7. In his only recorded speech on the militia on 23 August 1787, Martin stated that he "was confident that the States would never give up the power over the Militia; and that, if they were [to do so,] the militia would be less attended to by the Genl. than by the State Governments" (Farrand, II, 387).

8. On 20 June Martin said that "I consider the present system as a system of slavery. . . . I confess that when the confederation was made, congress ought to have been invested with more extensive powers; but when the states saw that congress indirectly aimed at sovereignty, they were jealous, and therefore refused any farther concessions" (Farrand, I, 347).

9. On 2 July and 22 August Martin was appointed to two grand committees (one delegate from each state) that fashioned important compromises. The first committee was concerned with the question of representation in the two houses of Congress and the second with the slave trade and navigation acts. In all, the Convention appointed eleven committees, and Martin was in attendance when eight of them were appointed (Farrand, I, 509, 524; II, 366, 396; IV, 140–41).

10. Martin made his motion on the supremacy clause on 17 July after the Convention defeated a motion (which he opposed) giving Congress the power to veto state laws (Farrand, II, 28–29). For the text of this motion, see “Luther Martin: Address No. II,” *Maryland Journal*, 21 March 1788, at note 1 (RCS:Md., 413–14).

11. This clause was adopted “nem: con:” on 27 August (Farrand, II, 431).

12. On 31 August 1787 a motion by Martin and Daniel Carroll that the Constitution be ratified by thirteen states was defeated. The Convention also rejected a motion that the Constitution be ratified by ten states, but adopted a motion requiring nine states to ratify. Maryland voted “aye” in each case. When the final vote was taken on the article as amended (Article VII of the Constitution), every state except Maryland voted for it. Jenifer was the only member of the Maryland delegation who voted “aye” (Farrand, II, 477).

13. On 29–30 November Maryland’s Convention delegates reported to the state House of Delegates. For Martin’s address to the House and for his *Genuine Information*, which is an expansion of his address, see RCS:Md., 87–96n, 126n–28n.

14. For a full discussion of this matter, see “Landholder” VIII, *Connecticut Courant*, 24 December (CC:371, note 3).

15. The Convention was scheduled to convene on 14 May but it did not attain a quorum until the 25th. It adjourned *sine die* on 17 September. It did not meet on Sundays, the 4th of July, and between 27 July and 4 August, when the Committee of Detail met to write the first draft of the Constitution. From 25 May to 17 September, then, the Convention met a total of eighty-nine days. Martin arrived in the Convention on Saturday, 9 June; was absent from 7 to 11 August; and left on 4 September, a total of sixty days in attendance.

16. James McHenry was appointed to the committee on state debts on 18 August (Farrand, II, 322, 328).

17. For Gerry’s 18 October letter to the Massachusetts legislature, first published in the *Massachusetts Centinel* on 3 November, and its circulation in Maryland, see “A Federalist,” *Baltimore Maryland Gazette*, 18 January 1788, note 5 (above).

18. On 14 January the Massachusetts Convention resolved that Elbridge Gerry be invited to attend the Convention in order to answer questions about the drafting of the Constitution. Gerry attended only a few days.

19. The italics are “Landholder’s.”

20. This item, written by Elbridge Gerry, was printed in the *Massachusetts Centinel* on 5 January (CC:419 and RCS:Mass., 622–23).

21. See note 17 (above).

Maryland Journal, 29 February 1788¹

☞ The British January Packet is arrived at New-York from Falmouth. The Intelligence brought by her is not yet come to Hand, the Newspapers from our Correspondents being now prohibited coming in the Mails.—A similar Measure, previous to the American Revolution, was very severely reprobated and resented throughout the Continent, as

having a manifest Tendency to endanger Public Liberty, (as well as greatly to injure Individuals) by shutting up the Channels of Public Information.—The present Post-Office Administration would do well to reflect on the Fate of their Predecessors.

“Learn to be Wise from others Harm,
“And you shall do full well.”

*Extract of a Letter from a respectable Company of Printers in
Massachusetts, to the Printer hereof, dated the 12th Instant.*

“Your Paper has never come to Hand since the Commencement of the present Year, nor have we seen *one* during that Period. Whether the new Regulation in the Mails deprive us of it, do not know.—Are sorry it is so; wish for a Remedy^(a) if one can be provided. We may very well complain of the like Evil southward of New-Haven, as to almost every Paper, all of which were heretofore very regularly received.”

☞ (a) *The Remedy in contemplation is to establish MAIL-COACHES for the Carriage of LETTERS, on moderate Terms, and for maintaining a due Intercourse between the Publishers of News-Papers in the United States—PRO BONO PUBLICO.*

1. The first paragraph was reprinted ten times by 2 April: N.H. (2), Mass. (2), Conn. (2), N.Y. (1), N.J. (1), Va. (1), S.C. (1). Four of these reprints were immediately followed by another item criticizing the post office, which was first printed in the *Massachusetts Gazette* on 21 March (CC:Vol. 4, pp. 566–67).

The extract of a letter from Massachusetts was reprinted nine times by 19 March: N.Y. (3), N.J. (1), Pa. (4), Va. (1). Five of the reprints included the footnote. Only the *New York Journal*, 11 March and 2 April; *New Jersey Journal*, 12 March; and *Winchester Virginia Gazette*, 14 and 19 March, reprinted both paragraphs.

Aristides

Maryland Journal, 4 March 1788 (extra)¹

To the CITIZENS of MARYLAND.

Although I consider myself under no necessity to take notice of every anonymous writer, who shall think proper to honour me with his abuse; there are some things in a recent publication, upon which a comment may naturally be expected. That characteristic indolence, which is imputed to you by the Farmer, may prevent many from detecting his numerous misrepresentations.

The best comment on a great part of his production will be the following quotation.

⟨“The proposed constitution contains no bill of rights.

“Consider again the nature and intent of a federal republic. It consists of an assemblage of distinct states, each completely organized for

the protection of its own citizens, and the whole consolidated, by express compact, under one head, for their general welfare and common defence.

“Should the compact authorize the sovereign, or head, to do all things it may think necessary and proper, then is there no limitation to its authority; and the liberty of each citizen in the union has no other security, than the sound policy, good faith, virtue, and perhaps proper interests, of the head.

“When the compact confers the aforesaid general power, making nevertheless some special reservations and exceptions, then is the citizen protected further, so far as these reservations and exceptions shall extend.

“But, when the compact ascertains and defines the power delegated to the federal head, then cannot this government, without manifest usurpation, exert any power not expressly, or by *necessary* implication, conferred by the compact.

“This doctrine is so obvious and plain, that I am amazed any good man should deplore the omission of a bill of rights. When we were told, that the celebrated Mr. Wilson had advanced this doctrine in effect, it was said, Mr. Wilson would not dare to speak thus to a CONSTITUTIONALIST. With talents inferior to that gentleman’s, I will maintain the doctrine against any CONSTITUTIONALIST who will condescend to enter the lists, and behave like a gentleman.—

“It is, however, the idea of another most respectable character, that, as a bill of rights could do no harm, and might quiet the minds of many good people, the convention would have done well to indulge them.—With all due deference, I apprehend, that a bill of rights might not be this innocent quieting instrument. Had the convention entered on the work, they must have comprehended within it every thing, which the citizens of the United States claim as a natural or a civil right. An omission of a single article would have caused more discontent, than is either felt, or pretended, on the present occasion. A multitude of articles might be the source of infinite controversy, by clashing with the powers intended to be given. To be full and certain, a bill of rights might have cost the convention more time, than was expended on their other work. The very appearance of it might raise more clamour than its omission,—I mean from those, who study pretexts for condemning the whole fabric of the constitution.—‘What! (might they say) did these exalted spirits imagine, that the natural rights of mankind depend on their gracious concessions. If indeed they possessed that tyrannic sway, which the Kings of England had once usurped, we might humbly thank them for their *magna charta*, defective as it is. As that is not the case,

we will not suffer it to be understood, that their *new-fangled* federal head shall domineer with the powers not excepted by their precious bill of rights. What! If the owner of 1000 acres of land thinks proper to sell one half, is it necessary for him to take a release from the vendee of the other half? Just as necessary is it for the people to have a grant of their natural rights from a government, which derives every thing it has, from the grant of the people.’[”])²

This is the only part of his pamphlet, in which Aristides considers the objection arising from the omission of a bill of rights.

I was once greatly amused by the declaration of a young man, who was introduced on the great political theatre at a very early age, “that he could take almost any new book, and by reading the first sentence, in each chapter, or paragraph, in which new matter is taken up, turning over the leaves one by one, and just glancing his eye down the pages, he could give as good account of the book, as if he had studied it for three months.” I thought this a most delightful compendious method of attaining science, altho’ it did not happen to suit my genius; and my surprise at the number of books, in a variety of languages, which he had read, immediately ceased.

Perhaps this advantageous mode of study has been practised by the Farmer. I am, otherwise at a loss to account for his supposition, that between Sir Robert Filmer and Aristides there is a conformity of doctrine.³ Is there a single sentence in the above extract, from which a man of candour would infer an opinion of the author, “that bills of rights have always originated from, or been considered as grants of, the king, or prince; and that the liberties, they secure, are the gracious concessions of the sovereign.”

If the Farmer read the pamphlet at all, he has first perverted the language, which Aristides supposes to be used by objectors, and then considered it as the writer’s own opinion. In that very quotation, and in every address on the subject of government, I have invariably maintained, that all free government originates from the people; and the sovereign possesses power only from their grant.

It is a trite remark, that from parts of sentences in holy writ, you may collect the most horrid blasphemy. In like manner, may Aristides be made to give a decided opinion against the proposed plan of government, and a bitter censure on it’s framers.

Supposing him to have betrayed that imputed ignorance of English history and English law, no man, with a proper sense of decency would have treated him in the manner of the Farmer. The injustice of imputing to a writer positions, which, it is plain from the context, he never thought of maintaining, is equalled only by the imprudence; and that

indeed is not to be accounted for, unless he conceived Aristides either too timid, or too proud, to give him an answer. He has, however, taken an effectual method for attracting attention, by seasoning his piece richly with personal abuse. Had he confined himself merely to his arguments, neither Aristides, nor perhaps any other person, would have bestowed on him a comment.

It is political nonsense, it seems, to aver “that all powers and rights not expressly given, are consequently reserved.”⁴ I shall not dispute on this position; because it is not mine. I shall notwithstanding maintain, that, the objects of a federal government being limited to the common defence and welfare of the component states; and the legislative power in the proposed constitution being limited to particular subjects, expressly defined; the Congress can no more legislate beyond them, than if it were expressly forbidden by a bill of rights. For instance—should it be absurd enough to enact, that if any person shall traduce another in the public prints, without subscribing his own real name, he shall for ever be disabled from practising in any court within the United States; such an act would have the validity of a law, no more, than if a federal bill of rights had declared inviolable the freedom of the press.

Let us take now a case stated by the Farmer. “Suppose (says he) that an officer of the United States should force the house, the *asylum* of a citizen, by virtue of a general warrant; I would ask, are general warrants illegal, by the constitution of the United States?”⁵ I conceive, on the occurrence of such a strange case, the party injured will most clearly have redress in a state court. The Congress has no power to authorize general warrants, unless within it’s own exclusive jurisdiction over ten square miles; within which, I do imagine, the Farmer would have no objection to reside. It can no more authorize general warrants throughout the United States, than if an article in a federal bill of rights should declare general warrants to be oppressive and illegal. An act to authorize general warrants would be agreeable to no power conferred by the constitution.

Suppose now a federal officer, under colour of his legal authority, to commit a daring outrage; may not the party injured obtain redress in a state court?—With submission to all Farmers, and antifederalists, I think, he may.—If a suit be brought, and the defendant attempt to justify, there will be two points for decision.—Did the officer act agreeably to law? Is such law agreeable to the constitution?—In like manner, were there a federal bill of rights, the question before the court would be, is such law agreeable to the bill of rights?—I am under no fear, that any sound lawyer, of a good moral reputation, will say, that, on the defendant’s barely producing a federal commission, the action in a

state court must of course be dismissed. Away then with ridiculous bugbear, fit only to alarm minds, on which no science has ever dawned!

Aristides did never yet “neglect or despise” any existing bill of rights. Notwithstanding the little respect which has sometimes been paid to the Maryland declaration, by its natural guardians, he prizes it as an asylum, or rather as a sure bulwark against oppression. Is the Farmer ignorant of that gross persecution, sustained by Aristides, for his vindicating that bill of rights? I am sensible, that, without it, there would be no constitutional restraint on the general assembly, and, if this assembly should ever contain a majority of men restrained by neither conscience nor patriotism, it’s value will then be more generally known.

The legislature of an independent single state, without this salutary guard, would be indeed, as the parliament of England has been often called, omnipotent. But as I have before declared, and as ought to be most forcibly inculcated, the Congress is a legislative of a peculiar kind; and it can pass laws for only special purposes.

It is indeed impossible to divine, what laws it may frame, in pursuance of its particular powers. It is also impossible to say, what laws may, at all times, be “necessary and proper.” But this we may say,—that, in exercising those powers, the Congress cannot legally violate the natural rights of an individual. And this again is all you could say, were there an express constitutional avowal of those rights.—The more I reflect upon the subject, the more I am amazed, that men do not abandon this idle pretext of liberty’s being endangered by the want of this avowal! Did they ever attend to this striking consideration,—that Congress, knowing, with what jealousy it’s conduct will be watched by each of the single governments, will not dare to oppress the citizens of any? The cause of an individual would, in a moment, become the cause of a state, and one government would quickly interest the others.

The manner, in which Congress is appointed; the terms upon which it’s members are elected; the mutual checks between the branches; the check arising from the president’s privilege; the sure pledge we enjoy in the proper interests of the members; all these might nearly reconcile one to the omission of this avowal; if even the powers of Congress had been in other respects as unlimited, as the power of a British parliament.

Against the proposed powers of the Congress, I have heard no argument, which may not fairly be resolved into this.—In as much as the Congress will have no superior, but the people at large, and therefore may abuse it’s authority, it should possess no power, but that of requisition, &c. The argument applies just as well against every other species of government. I should imagine, it can influence no man, who reflects on the occasion of calling a convention. That any man can suppose,

we should be better without government, or that the union of thirteen states will not be beneficial to them all, I can scarcely believe. And here, that I may not travel over the same ground, I beg leave to refer my readers to an attentive perusal of my pamphlet. By this may they discover a variety of the Farmer's misrepresentations. To discant upon them all, would be a waste of that time, which, I flatter myself, is as precious and employed full as well as the Farmer's.

Aristides is still thoroughly convinced, that the most judicious bill of rights, such as the objectors, would have, if they have any meaning at all, would be unnecessary. The guarantee of a distinct republican government to each state, and a variety of other state rights are expressly provided for, by the proposed constitution. According to my idea, if a bill of rights be requisite to a federal constitution, it is for the purpose of securing the rights of states; and this surely is most effectually done, by the 4th article of the constitution, which may properly be styled a declaration of governmental rights.

I am still satisfied, that, had the convention attempted to ingraft another kind of bill of rights upon their constitution; and to make it full, certain, and agreeable to the citizens of each state; and to provide, that it should not clash with the powers, proper for the federal head; they might have consumed much time, perplexed themselves with much irksome debate, and at length abandoned the design.—The Farmer deems their task the easiest imaginable. That, however, *he*, or I, or any other man, could frame an instrument, which should be unexceptionable, I can no more believe, than I believe, he could digest such articles of a "league, administered by a diet of diplomatic deputies," as would be preferable to the proposed plan of a federal republic. The misfortune is, that the fabrication of a bill of rights would not be committed to one man, nor to the deputies of one state. Were it even entrusted to the Farmer, in conjunction with that honourable gentleman of Virginia, who has favoured us with a list, they might not easily agree in their report.⁶

I now ask, what natural right of an individual is endangered by the constitution, supposing Congress to oppress, as far as possible, without violating, or exceeding the constitution, as it now stands? When we suppose Congress to tran[s]gress bounds, within which it is clearly intended to be circumscribed, we can have no cause to expect, they will have greater veneration for an instrument, under the denomination of a bill of rights. Nay! a very sensible man once intimated, "that the constitution of Maryland was indeed binding; but the declaration of rights was only *declaratory*."—Would the judges, either of state or federal appointment, be farther bound by acts, exceeding the express grant

of the people, than by acts contravening the reservations and exceptions in a bill of rights?

For the honour of my fellow-citizens I trust, that the *unprovoked* wanton attack on the good name of Aristides will not hastily be paralleled. Most studiously did Aristides avoid offering offence to individuals. He forbore even to examine the motives of objections in general. But by way of excuse (as I imagine) for a most flagrant breach of justice and decorum, the Farmer has ascribed such personal influence to Aristides, as, without the seasonable intervention of the Farmer, might give a currency to his opinions. He may, however, rest assured, that by a fair refutation of argument he would diminish the consequence of Aristides far more effectually than (amongst other abuse) by associating him with the "rotten, prostituted Filmer."⁷ One other person has indeed discovered a congeniality between Filmer and Aristides. Perhaps the Farmer is only paying his court. If so, Aristides will freely forgive the *injury*.

To sound the praises of himself is painful to an ingenuous mind, and in general disgusting to the hearers. But there is no reason in deserting one's rights and submitting to a calumny. It is in the refutation of slander that egotism may become a virtue. The Farmer (if I fully comprehend his allusions and his dogmas) reproaches Aristides for a signature, which is tantamount to his real name. Let him then apologize, once for all.

From the moment, in which the contest with Great-Britain began, the science of government became my favourite study. I esteemed it indeed the duty of every citizen, at that peculiar period, to bestow attention on a subject, which is, at all times the most interesting to human nature. Occasions quickly occurred, when I felt and obeyed a strong impulse to communicate my opinions, by means of the press. For some time, I aimed at that concealment, which, in a prying inquisitive world, is impracticable, unless an author take more pains than the object is worth. It was generally reported that I sometimes wrote for the public; and hence were imputed to me productions, which would have dishonoured my character. I therefore came to a determination, which I publicly avowed, and which I have invariably maintained, of acknowledging every thing, I should commit to the press.

As for the present signature, it was assumed on account of my sincere admiration of the character of that illustrious Athenian,⁸ who first bore the name. I have used it, on every occasion, since its adoption, except only a recent address to the citizens of Annapolis.⁹ It is equal to a public avowal of the author; and yet he conceives, that his fellow-citizens do not meet it with that disgust, which the signature of a man's real name is sure to excite.

That they will believe his assertion, and be satisfied with his apology, he has not the most distant doubt. Another censure, conveyed too by the medium of a dogma, is bestowed by the Farmer with a grace, peculiar indeed! The joint production of the most respectable assembly which the world ever yet contained, with the Saviour and the Guardian of America at their head, is submitted to the people. As one of these, Aristides, convinced neither by anonymous writers, nor the reasons of dissenting members, nor the publication of Richard Henry Lee, gives his voice decidedly in it's favour; and, at the same time, assigns *his* reasons. For this, and for agreeing too with a vast majority of his fellow-citizens, he is accused of having too much pride to be convinced. Perhaps no man has exhibited an instance of the fault, wherewith he charges another, so glaring as that of the honest Farmer.

I shall take no step whatever to discover the person of my adversary; altho', were he known, the strokes aimed at Aristides might recoil with redoubled force. The Farmer's reasons for concealment are far different from the desire of presenting his arguments without any unfair advantage, derived from the influence of a great name. It is concealment only, which can shield him from the censure of an impartial public. From the resentment of Aristides he has nothing to apprehend. Aristides was never yet suspected of a diabolical spirit of revenge. The fact is, he would rather remain ignorant of his aggressor, than discover him amongst those who meet him with a lambent smile. He sincerely wishes, that the Farmer may rest unknown, and that what he began "in haste" may not be persisted in upon maturer reflection. Silence, or a free confession of his fault, to the public, and to Aristides, would do him infinitely more honour, than an obstinate continuance in error; tho' the talents he may display should amaze, dazzle, or confound.

In spite of all, that can be advanced by the open and the concealed enemies of the proposed constitution, mankind ever did, ever will, and ever ought to pay more regard, in an affair of this vast importance, to the sentiments and wishes of men distinguished for integrity and past service, than to the suggestions of men, either unknown, or notorious for their prostitution. It is not surprizing, that we hear it so often insisted, we should attend only to the weight of argument, from whatever quarter it shall come. It is not every man, who supposes he is competent to decide. It is natural for a man, conscious of this inability, to rely on the opinions of those, in whom, he thinks, he can confide. Besides every man has understanding to perceive the weight of this consideration.—*Honest and worthy men speak the genuine sentiments of the heart. Knavish and designing men take that side, to which they are led by interest.*—

Again,—it is infinitely more easy to start colourable objections to particular parts, than to produce, or defend a system. To answer every possible cavil; to operate thorough conviction; and to render demonstration familiar, requires infinitely more talents and labour, than to espy faults, to bewilder, confound, and mislead an ordinary mind, however anxious in pursuit of truth.—Let no man infer, that Aristides is an advocate for implicit faith. It is by the most unbounded freedom of inquiry, in religion, in politics, and in science of every kind, that genuine truth is most likely to become manifest. May Americans attend to this maxim! And may their “*characteristic indolence*” never preclude them from the advantage, which will assuredly result from the universal adoption of it amongst their rulers!

The subjects of this address, “momentous” as they are to Aristides, have “led him further than he intended.” He concludes with a short but real anecdote. To mention names, place, or time, would be needless and impertinent.

A gentleman with some fluency of words and smattering of law was inveighing against “this new constitution,” which, as he most clearly demonstrated, would, in a short time, enslave the very men, who had so recently fought and bled for freedom. And what was most surprising, it would be done with their own consent.—At length, turning to a gentleman, who had borne arms, a soldier, bold, rough, and ingenuous,—“What, Sir, are *your* sentiments of this same new-fangled government?”—“Sir,” replied the hero, “I do not presume on my capacity for arguing the matter—But this I know—Were I, this moment, after lying seven years under ground, restored to life, and just popped amongst you; I should probably ask, what is all this bustle about? You, as the orator, I suppose, would inform me; it is about a new plan of government, which the rich men want us to adopt for their own sakes. The people are divided, and we are going to choose a convention, to determine for us. The greatest man in this state is against it. So is the next greatest—Stop! stop! I should say. There used to be such a man as George Washington. Is *he* alive? *Yes*. What does he say?—*Why! to be sure, General Washington is for it, and he was president of the convention, that made it; but—None of your buts. Say no more about it. Set me down on the same side.*”

Annapolis, February 20, 1788.

1. On 29 February the *Maryland Journal* informed its readers that “ARISTIDES to the CITIZENS of MARYLAND, will appear in our next.” The last three paragraphs of “Aristides” were reprinted in the *Philadelphia Federal Gazette*, 11 March; *Providence Gazette*, 5 April; and *Norwich Packet*, 16 April. The last paragraph only was reprinted in the *Winchester Virginia Gazette*, 19 March; *Massachusetts Gazette*, 15 April; *New Haven Gazette*, 17 April; and *Massachusetts Centinel*, 17 May.

“Aristides” (Alexander Contee Hanson) answers the criticisms of “A Farmer” I, Baltimore *Maryland Gazette*, 15 February (above).

2. The seven quoted paragraphs in angle brackets are from “Aristides,” *Remarks*, 31 January (RCS:Md., 244–46).

3. See “A Farmer” I, Baltimore *Maryland Gazette*, 15 February, at note 3, and note 3 (RCS:Md., 309, 316n).

4. “Aristides” asserts that James Wilson is the author of this statement. See *Remarks*, 31 January, at note 11 (RCS:Md., 245).

5. See “A Farmer” I, Baltimore *Maryland Gazette*, 15 February, at note 9 (RCS:Md., 313).

6. The reference is to Antifederalist Richard Henry Lee and his 16 October 1787 letter to Virginia Governor Edmund Randolph that was printed on 6 December (CC:325). See “One of the People,” *Maryland Journal*, 25 December, at note 7, and note 7 (above).

7. See note 3 (above).

8. Aristides the Just (d. c. 467 B.C.) was best known for his generalship during the Persian Wars.

9. “Aristides” probably refers to “An Annapolitan,” *Annapolis Maryland Gazette*, 31 January 1788 (above). (The essay appeared on the same day as Aristides’ *Remarks* [also above]. Frederick Green of the *Gazette* also published *Remarks*.) “An Annapolitan” is one of the few original articles that the *Gazette* contributed to Maryland’s debate over the ratification of the Constitution.

A Countryman

Baltimore *Maryland Gazette*, 4 March 1788¹

To the *Country-People of Maryland*.

It is the duty of every citizen to do his part for the public good. To this, nothing is of more importance than uniting the minds of all parties together.

For this end, the countryman addresses his friends, the country-people, at the present important crisis. They (he imagines) ignorantly conceive themselves a distinct body from the great, and from the powers that are ordained to rule.

Unanimity has in times past been the strength and glory of America.—Know ye, my dear countrymen, that the frame of government of a nation is deep and mysterious to those who have not read much, and studied long on these subjects. It is no wonder, therefore, if such as expect to be fully satisfied on all plans for the public good, which depend much on observation of what has done best in other nations; no wonder I say, if such be opposed to the new national government. But it is truly a wonder that some should raise and spread false reports and surmises to malign it before the world; whilst they do not tell us, what should be done, or what they propose by their opposition, and going to and fro with evil reports of what our wisest and best men have done. In my letters I cannot be thought to plead for tyranny or arbitrary

power, since I told you before, I never served in Congress, Assembly or Convention, nor desire any of those places.² All I want is to see them well filled up by others.

My countrymen will hear me no doubt with attention, as I am one of themselves, and the same things are loss, or gain to us all in the long run.

By the plan of federal government, all officers are the creatures and servants of the people, and accountable to them; and also to be instructed and directed by their constituents as heretofore. If they make bad laws they are soon to be under them, when their time of service is expired.

The new constitution has laid a foundation to take all the burden from the farmer and the poor; and was not this done by the great, who are greater losers and more self-denying than you may imagine, and more than the poor would be. I have no doubt but if the proposed plan takes place, the tax will be removed from the landed interest, in a great measure; our public money will be raised by excise from imported luxuries. This will raise double the cash to our present mode of land tax. I know this is contrary to what is told you by ignorant or designing men; they say by the new plan the rich will lord it over the poor; whereas the wealthy man in my opinion will pay more than the poor, or middle rank, according to their different abilities. The great who must have the foreign luxuries, with the duty on them, will pay the tax, whilst the share of the industrious will be comparatively small. This will bring and keep money in our country, and this will be the good of our land, for a nation which buys all their goods they use, or more than they sell, will always be poor.

I differ in opinion from some of my countrymen who think the plain farmer who has never attended to it, is the fittest for all business of State; such want to exclude the rich and the great; whereas one would think, the knowing man who has studied law and politics, is the most suitable, where there is integrity, and deserves the confidence of the people; his affluent circumstances also enable him to do without so much reward as others; for instance, is it not evident that the rulers of Maryland are better and more fit to fill the seat of government than those of many other States (though they are also great) as is seen and confessed by the common people at large? There surely is vastly more public wisdom to discern for the best, where there are two houses in legislation, and of consequence most of what we country-people call great men; we hence have reason to hope that our public men in this State, will accept and adopt, with the most cordial affection, without

reserve, the new federal government. It is no doubt, an improvement in a very high degree on all the best governments in the world which has been largely shewn.

I have little doubt therefore but the good sense and wisdom of Maryland will weigh it maturely, and that they will consider, what the firmest patriots and wisest politicians have thought of it, and done concerning it. How many great and good men are in New-Jersey, and in the Delaware State, who have adopted it without dissent? Pennsylvania has accepted it with a great majority in Convention; and among those who were for it, are there not many of the foremost characters? If some unenlightened pragmatists there raised a dust to becloud it, is it wonderful when we consider the fate of the best things among the ignorant and evilly disposed?

What has vexed you, and injured your confidence lately in leading men, is that you have been heavily taxed; heavier than you can well bear, and you fear you will have heavier burdens yet imposed; but be assured Congress have wanted to prevent this evil, by raising public money from the importation of foreign goods, which would ease the landholder, and lighten vastly their tax; but the public from jealousy would not grant any power to Congress, to raise an excise or regulate trade; so that if we are heavily taxed, the fault is not theirs, but our own. We stood in need of money to be raised in a national capacity to discharge interest of cash borrowed at home and abroad—to pay officers civil and military—to support invalids, &c. This could not be obtained by excise as other nations have done, who confide in their rulers; therefore absolute necessity compelled those in authority to tax you as high as they did. This by the proposed plan, will be removed, and public taxes be but a trifle and no burden at all. Our late opponents in the field of battle are in heart and intention no less our enemies than formerly; they will be forward, and no doubt are very busy with their golden influence, to sow sedition amongst us and divide the people; they could not hurt us by bribes during the war which they may now as any one may easily see.—The longer therefore any State is in deciding on the proposed plan the worse, as disaffected persons amongst us and our other enemies will thereby have an opportunity to do the more against us.

I find too many among my brethren who seem highly jealous of our rulers, and all our men in public trust; nothing is talked of concerning such but “we have much reason to fear they will act the tyrant,” “they want to have too much power;” but have you already forgot what our leading men did during the war? It was by their happy means, industry, and zeal under Providence, we were safely led through a long and

dangerous war; and thanks to heaven that they took it in hand without which no revolution even the most necessary will succeed; and do you now think all public spirit has left them? I would blush to think or say it; we should, if we thought justly, consider our American politicians the foremost in the world for wisdom and integrity.

Tyranny is a plant which has never taken root in America; and I am not suspicious it will; unless the bulk of the people by diffidence, distrust and unreasonable jealousies of those they appoint shall bring in anarchy and overturn our liberties, and thus expose us to the mercy of every tyrant. Let us still, my dear countrymen, keep in our view, that unanimity is the glory and strength of a nation; this is the main chance.

To be divided among ourselves would be our greatest hurt. We of these States have been united in time past and were then respectable and happy; we have suffered and bled together in a common cause of liberty; and God grant we may never be divided, but as firmly joined as in the year 1775, and thence till the end of the war.

Would it not discover great meanness in us if we could not behave ourselves when the rod was off our back; when war was over if we should fight amongst ourselves like perverse children.—Be such a thing to those who hate us, rather than to America which is the last theatre of liberty and truth.

With due deference And respect, I am yours,

A COUNTRYMAN.

February 28, 1788.

1. On 22 February the Baltimore *Maryland Gazette* informed its readers that “The piece with the signature of *A Countryman*, shall appear in due time, as also several other pieces, articles of intelligence and advertisements.”

2. See “A Countryman,” Baltimore *Maryland Gazette*, 12 February (RCS:Md., 296).

Baltimore Maryland Gazette, 4 March 1788¹

Mr. HAYES, A Writer under the signature of a FARMER, published in your last Friday’s paper, having fallen into several historical errors, and errors of deduction, by conceiving the form of government as established in Sweden previous to the year 1772, to be the *same* as that proposed for the United States, I shall briefly point out some of his mistakes, lest those who may not be in possession of the history of Sweden, should be tempted to credit his conclusions.

This writer (the Farmer) tells us, that, “the States or *Legislature* of Sweden, previous to the year 1772, was composed of four orders. I. Nobility, who were only as we are informed, the heads of the wealthiest families *represented in a Senate by selection*. II. The *Clergy*. III. The *citizens*

chosen by the magistrates and common council of each corporation, their number about 150. IV. The *farmers* chosen in each district by a majority of voices out of the *landholders*, their number 180. It would seem (he continues) as if *theory* could hardly *invent* a more perfect legislature—The *executive* was committed to one man dignified indeed by the title of king, but this king however, (who was elected for life) was in fact hardly more than a president of the senate, without whose concurrence, he could exercise none of the important powers belonging to the executive branch.”²

It would appear from this view of the Swedish constitution, that the *senate* was one of the four branches or orders of the legislature, and at the same time in conjunction with the king, the *executive power*. But Williams in his history of the northern governments (the author this writer quotes from)³ gives a very different account. He tells us that the king conjointly with the *senate*, which is composed of twelve members, called senators of the kingdom, have the whole executive power during the interval of the diet, with only a legislative power in certain “special cases;” and that the legislative consists of four orders or branches, distinct and separate from the senate, viz. Ist. The nobility, or the eldest son of the eldest branch of each family, amounting to about one thousand, together with the Colonel, Lieutenant Colonel, Major, and one Captain of each regiment. That the former, besides a *hereditary right* to vote in the diet, are alone entitled to the *high offices of the crown*, and *principal offices of the army*, and moreover to an exemption from the *land* and *capitation tax*. The IId. order is composed of the archbishop of Upsal, the bishop of each diocese, a member from each chapter, and one who is like a dean, elected out of every ten parishes by the majority of the votes of their brethren; the number about 170. The IIIId. order is the burgers chosen as stated by the Farmer. The IVth order the farmers. These are chosen from among such of their body as hold *crown lands*, *all other farmers being excluded*. These four branches discuss the affairs of the State in separate apartments, three of which must agree to a proposition before it becomes an act. The senate has no share whatever in their deliberations, unless when they are equally divided, in which case it has a *resting vote*. Williams, vol. 1, p. 442, 3—586, 7, 8, 9—591, 1.

How widely different is this form of government from that proposed for our adoption. Every branch of ours rests upon representation by election for short periods. No Colonel, Lieutenant Colonel, Major, or Captain, can have a seat in our legislature. No senate can interfere with or direct the execution of our laws. No set of men are exempted from taxes, or have an *hereditary right to vote in our diet*; nor do we find 170

archbishops, bishops and deans constituting one of its branches; and yet the *Farmer* assures us, and calls upon us to profit by the lesson, that it is the *same* form of government as ours, “*only not quite so bad.*”

Baltimore, March 2, 1788.

1. This piece is critical of some of the facts that appear in “A Farmer” II, *Baltimore Maryland Gazette*, 29 February (above).

2. See “A Farmer” II, *Baltimore Maryland Gazette*, 29 February, at note 11, and note 11 (RCS:Md., 333, 339n).

3. See “A Farmer” II, *Baltimore Maryland Gazette*, 29 February, at note 12, and note 12 (RCS:Md., 333, 340n).

A Farmer III (Part 1)

Baltimore Maryland Gazette, 7 March 1788¹

There are but two modes by which men are connected in society, the one which operates on individuals, this always has been, and ought still to be called, *national government*; the other which binds States and governments together (not corporations, for there is no considerable nation on earth, despotic, monarchical, or republican, that does not contain many subordinate corporations with various constitutions) this last has heretofore been denominated a *league or confederacy*.—The term *federalists* is therefore improperly applied to themselves, by the friends and supporters of the proposed constitution.—This abuse of language does not help the cause,—every degree of imposition serves only to irritate, but can never convince.—They are *national men*, and their opponents, or at least a great majority of them, are *federal*, in the only true and strict sense of the word.—

Whether any form of *national* government is preferable for the Americans, to a league or confederacy, is a previous question we must first make up our minds upon.—There will then remain still another—Whether, if any, is the one proposed the best, in our circumstances safe, and such a one as we should *unconditionally* receive? and if ever duty required deliberation before decision, it calls for it now, and in terms too strong to be resisted or evaded.—Let the light come in *free* from every quarter. If reason cannot satisfy, experiment will determine. But even then, is it not the duty of those to whom the happiness of so great a proportion of the human species is entrusted, to conduct that experiment with the utmost coolness and fairness, with all those precautions which the wisdom of antiquity affords, and finally qualified with those securities to our liberty, that, should it prove oppressive or impracticable, ourselves, or at least our posterity, may not be prevented, by the power or influence of a civil or *military oligarchy*, from adopting the alternative?

The advantages or disadvantages of *national government*, open too wide a field of discussion for my leisure or talents.—Some few remarks I shall cursorily offer. That a *national government* will add to the dignity and encrease the splendour of the United States abroad, can admit of no doubt: It is essentially requisite for both. That it will render government, and officers of government, more dignified at home is equally certain. That these objects are more suited to the manners, if not genius and disposition of our people is, I fear, also true. That it is requisite in order to keep us at peace among ourselves, is doubtful. That it is necessary, to prevent foreigners from dividing us, or interfering in our government, I deny positively; and after all, I have strong doubts whether all its advantages are not more *specious* than *solid*.—We are vain, like other nations,—we wish to make a noise in the world; and feel hurt that Europeans are not so attentive to America in *peace*, as they were to America in *war*. We are also, no doubt, desirous of cutting a figure in history.—Should we not reflect, that quiet is happiness?—That content and pomp are incompatible?—I have either read or heard this truth, which the Americans should never forget,—*That the silence of historians is the surest record of the happiness of a people*.—The Swiss have been four hundred years the envy of mankind, and there is yet scarcely an history of their nation. What is history, but a disgusting and painful detail of the butcheries of conquerors, and the woeful calamities of the conquered? Many of us are proud, and are frequently disappointed that office confers neither respect or difference. No man of merit can ever be disgraced by office. A rogue in office may be feared in *some* governments—he will be respected in *none*.—After all, what we call respect and difference only arise from contrast of situation, as most of our ideas come by comparison and relation. Where the people are free there can be no great contrast, or distinction among *honest* citizens *in* or *out* of office.—In proportion as the people loose their freedom, every gradation of distinction, between the *Governors* and *governed* obtains, until the former become *masters*, and the latter become *slaves*. In all governments virtue will command reverence.—The divine Cato knew every Roman citizen by name, and never assumed any pre-eminence; yet Cato found, and his memory will find, respect and reverence in the bosoms of mankind, until this world returns into that nothing, from whence Omnipotence called it.—That the people are not at present disposed for, and are actually incapable of, governments of simplicity and equal rights, I can no longer doubt—But whose fault is it? We make them bad, by bad governments, and then abuse and despise them for being so. Our people are capable of being made any thing, that human nature was or is capable of, if we would only have a little patience and

give them good and wholesome institutions; but I see none such and very little prospect of such.—Alas! I see nothing in my fellow-citizens, that will permit my still fostering the delusion, that they are now capable of sustaining the weight of SELF-GOVERNMENT: A burthen to which Greek and Roman shoulders proved unequal.—The honor of supporting the dignity of the human character, seems reserved to the hardy Helvetians alone.—If the body of the people will not govern themselves, and govern themselves *well too*, the consequence is unavoidable.—A FEW will, and must govern *them*.—Then it is that government becomes truly a government by *force* only,—where men *relinquish part* of their natural rights to secure the *rest*, instead of an union of will and force, to protect *all* their natural rights, which ought to be the foundation of every rightful social compact.—Whether *national* government will be productive of internal peace, is too uncertain to admit of decided opinion.—I only hazard a conjecture when I say, that our state disputes, *in a confederacy*, would be disputes of levity and passion, which would subside before injury.—The people being free, government having no right to them, but they to government, they would separate and divide as interest or inclination prompted—as they do at this day, and always have done, in Switzerland—In a *national* government, unless cautiously and fortunately administered, the disputes will be the deep-rooted differences of interest, where part of the empire must be injured by the operation of general law; and then should the sword of government be once drawn (which Heaven avert) I fear it will not be sheathed, until we have waded through that series of desolation, which France, Spain, and the other great kingdoms of the world have suffered, in order to bring so many separate States into uniformity, of government and law; in which event the legislative power can only be entrusted to one man (as it is with them) who can have no *local attachments*, *partial interests*, or *private views* to gratify.

That a *national* government will prevent the influence or danger of foreign intrigue, or secure us from invasion, is in my judgment directly the reverse of the truth:—The only *foreign*, or at *least evil foreign influence*, must be obtained through corruption.—Where the government is lodged in the body of the people, as in Switzerland, they can never be corrupted; for no prince, or people, can have resources enough to corrupt, the *majority of a nation*;—and if they could, the play is not worth the candle.—The facility of corruption is increased in proportion as power tends by representation or delegation, to a concentration in the *hands of a few*.—The French have kept a minister in Switzerland for 300 years back to persuade them to place power in their General Assembly or Diet.—The Swiss have always proved faithful allies and

friends to France,—but have laughed at her political advice—as the assembly of Foxes treated with derision the curtailed Reynard—who advised them to part with their cumbersome quantity of brush.^(a)—As to any nation attacking a number of confederated independent republics, who are always as populous as brave, it is not to be expected, more especially as the wealth of the empire is there universally diffused, and will not be collected into any one overgrown, luxurious and effeminate capital to become a lure to the enterprising ambitious.—That extensive empire is a misfortune to be deprecated, will not now be disputed.—The balance of power has long engaged the attention of all the European world, in order to avoid the horrid evils of a general government.—The same government pervading a vast extent of territory, terrifies the minds of individuals into meanness and submission.—All human authority, however organized, must have confined limits,—or insolence and oppression will prove the offspring of its grandeur,—and the difficulty or rather impossibility of escape prevents resistance.—Gibbon relates that some Roman Knights who had offended government in Rome were taken up in Asia, in a very few days after.²—It was the extensive territory of the Roman republic that produced a Sylla, a Marius, a Caligula, a Nero, and an Eliagabalus.—In small independent States contiguous to each other, the people run away and leave despotism, to reek its vengeance on itself; and thus it is that moderation becomes with them, the law of self-preservation.—These and such reasons founded on the eternal and immutable nature of things have long caused and will continue to cause much difference of sentiment throughout our wide extensive territories.—From our divided and dispersed situation, and from the natural moderation of the American character, it has hitherto proved a warfare of argument and reason.

(*To be continued.*)

(a) See Campbell's present state of Europe.³

1. For "A Farmer" III (Part 2), see Baltimore *Maryland Gazette*, 18 March (below).

2. The reference is to Edward Gibbon, *The History of the Decline and Fall of the Roman Empire*, which was published in six volumes. For example, see Vol. I, pp. 117–18, of the 1781 Dublin edition.

3. A reference to John Campbell, *The Present State of Europe. Explaining the Interests, Connections, Political and Commercial Views of its Several Powers . . .* (London, 1750).

Betsey Cornstalk

Baltimore Maryland Gazette, 7 March 1788¹

Well, Mr. Hayes, I have seen you—you look like a good *natered* little man, and therefore I *thinks* as I may venture to trust you with my affair.

I am, good Sir, the daughter of a man who is called a good snug farmer—His only child—He has saved some money—He knows and feels the consequence of it too.—Since the talk of the new constitution, I *thinks* as he seems a little more huffish than he were formerly, and it was a very little time ago only, that I *thinks* I discovered the cause.—My daddy, Mr. Hayes, is what you call a *featheralis*—I don't know if I have spelt the word right, but so they pronounce it in the Forest.—Well now, you must know that I have some relations in your town, and I generally go to spend a few days among them in the winter, for then we have not much to do, because our cows don't give milk. Well, I went this winter as usual, but indeed I discovered a very great difference—so trim, so dress'd, always at breakfast; I was really *lost* how to account for it; but would you think it Mr. Hayes, I at last discovered that all my female cousins *wear'd wigs*—To be sure it is mighty convenient, and I was much persuaded to believe so—that to tell you the truth, I determined on getting one, and a very smart one it was—it cost me no less than *four dollars* I assure you.—I now dress'd as smart as the rest of the town girls, and always came down with my wig *fruzled* in the morning to breakfast—but I declare to you, I did not like it at first, for I had heard so much about dead peoples' *hare* that I fancy'd my wig, at times, felt very cold—However, having seen as much of my friends as I desired, and desirous of showing my wig in the Forest, I determined to go home, and home I went—It was late when I got there, so nothing material passed—I kiss'd daddy—he look'd a little *hardish* at me—Mammy said nothing, but I could see she was *marely* pleased with my appearance, and in a whisper asked me who learnt me to dress my *hare* so well—I smiled, but did not answer, till going to bed. The next morning was very cold, and having no fire in my room, I went down with my wig in my hand, thinking daddy was about his farm, and intending to *fruzle* it at the fire—I found him, however, sitting by the fire; as I supposed he *would'nt* mind me, I sat down and begun working with my wig—He look'd—Betsey, my dear, what have you got there—It is my wig, Sir, says I—Your wig, says he—Pray let me feel it—So clapping his hand upon it, he *seazed* fast hold; and would you believe it, Mr. Hayes, without allowing me to plead for my dear little wig, he threw it in the fire—I *screem'd* and would have snatch'd it out, but he held my hands, and looking sternly at me said, Betsey, you shall not touch it. You are young and act without thought, but do you consider child that I am a *featheralis*, and have some thoughts of *sitting* up for a member—Why, if *naybour Tom Spergrass, Sinkfile, Cropgrass*, and some others, were to see you in a wig, they would think, of course, I had taken wig, and I *should'nt* get a single vote; no, my dear, I love you dearly, and would

not think much of your wearing a wig, but you must not attempt it till the new constitution is fix'd, and then I will give you a new one for that I have burnt; but we must not think of any distinctions before we are fix'd—then I expect we shall have them—nay, we will have them—you know, my dear, as I am rich, have money in my chest, a good farm, and well stock'd; but still I must keep up appearances—there *is* many of my *naybours* have but little, but as things are now, they think themselves as good as me, and for the present I make them believe they are, if I *did't* we should have no new constitution, but let that be once settled, then for distinctions, and your wig too—nay, I don't know that we shall be properly distinguished till all these poor *naybours children* are provided for at charity-schools—Come to that it will, so soon as we men of property can *once't* have the lead, and I'll give ten pounds towards one for our county. So my dear, don't be ruffled, a few months will clear up the matter, and I have no doubt but you'll *cut* as good a figure as any of the town misses. Well, to be sure, this comforted me a little, but what I *wants* to know of you, Mr. Hayes is, if we shall have a constitution.—Father says, we have no *government* now but in private *family's*—and to be sure he lets us all know he is master of his—But I *thinks* you may help us a little—Write a great deal in your paper in *faver* of the new constitution, and say nothing against it—Only help me to some distinction, and get me a new wig, and I *sware* the next time I go to your town you shall see it.

I am, Sir, your *sarvant*,

BETSEY CORNSTALK.

February 25, 1788.

P. S. Daddy says I shall marry a *featheralis* when the new constitution comes, and that he shall be a man of distinction, for he will have none of his blood mix't with the lower class, or *pollybayans*, as I *thinks* he calls 'em.

1. On 4 March the Baltimore *Maryland Gazette* announced that “*Betsy Cornstalk* will be in our next.”

Luther Martin: Reply to Maryland Landholder No. X Maryland Journal, 7 March 1788

On 26 November and 3 and 24 December 1787, the Connecticut “Landholder” IV, V, and VIII (Oliver Ellsworth, a former delegate to the Constitutional Convention) attacked Elbridge Gerry, a former Massachusetts delegate to the Convention, for his opposition to the Constitution (*Connecticut Courant*, CC:295, 316, and 371). Luther Martin defended Gerry in the *Maryland Journal* on 18 January 1788, and on 29 February Martin was answered by the Maryland “Landholder No. X” (both above).

The essay printed below is Martin's rejoinder. Martin continued his defense of Gerry and himself in the first two of four numbered addresses to the citizens of Maryland printed in the *Maryland Journal* on 18 and 21 March (both below). Finally, Gerry defended himself as "A Friend and Customer" in the Boston *American Herald* on 18 April (CC:691).

Martin's 7 March rejoinder to the Maryland "Landholder No. X," which was announced for publication on 4 March, was reprinted in the Philadelphia *Independent Gazetteer* on 7 April and in the New Jersey *Brunswick Gazette* on 29 July and 5 August. "A READER" requested the *Gazette* to reprint the piece: "As a publication under the signature of a Landholder addressed to the Hon. Luther Martin, Esq. of the state of Maryland, was circulated in this state; and as I have not seen republished in the papers of this state the Address to Mr. Goddard, and to the Citizens of Maryland, by that gentleman, in answer to the Landholder, I shall esteem it a favor if you will republish them in your paper, by doing which you will oblige many of your readers; and I the more particularly wish them to be republished in your paper, because it circulates through that part of the state where Mr. Martin was born, and where he has many respectable friends and connections." (Martin, the son of a farmer, was born in New Brunswick, N.J., and graduated from the College of New Jersey [Princeton].)

On 8 April the *Pennsylvania Mercury* published a letter dated 30 March from Luther Martin requesting that the *Mercury* reprint his defenses from the *Maryland Journal* of 7, 18, and 21 March because the *Mercury* had already reprinted the Maryland "Landholder No. X." Martin continued: "As I have no doubt your press is conducted upon principles of freedom and impartiality, and that you have no desire to print falsehood and obloquy against me, rather than truth in my favour, I flatter myself you will consider, as an act of justice, that which I request as a favour." Martin did not include copies of his defenses because he assumed that the *Mercury* regularly received the *Maryland Journal*. As a footnote to Martin's letter, the printer of the *Mercury* said that he had not received the *Maryland Journal* of 7 March. (Immediately below this footnote, the *Mercury* reprinted Martin's address of 18 March.)

For a piece by a Federalist satirist lampooning Martin's 30 March letter to the printer of the *Pennsylvania Mercury*, see "Spurious Luther Martin: Address No. V," Philadelphia *Federal Gazette*, 10 April (below).

Mr. GODDARD,

SIR, In consequence of the justice I did Mr. Gerry, on a former occasion, I find myself complimented with an Address in your last Paper.—Whether the Landholder of the Connecticut Courant, and of the Maryland Journal, is the same person, or different, is not very material;—I however incline to the former opinion, as I hope, for the honour of human nature, it would be difficult to find more than one individual, who could be capable of so total a disregard to the principles of truth and honour.

After having made the most unjust and illiberal attack on Mr. Gerry, and stigmatized him as an enemy to his country, and the basest of mankind, for no other reason than a firm and conscientious discharge

of an important trust reposed in that gentleman, had I not come in for a share of his censure, I confess I should have been both disappointed and mortified—It would have had at least the appearance, that the Landholder had discovered something in my principles, which he considered congenial with his own—However great may be my political sins, to be cursed with his approbation and applause, would be a punishment much beyond their demerit. But, Sir, at *present*, I mean to confine myself to the original subject of controversy, the injustice of the charges made against Mr. Gerry.

That my veracity will not be questioned when giving my negative to *anonymous* slander, I have the fullest confidence—I have equal confidence that it will be as little questioned by any who know me, even should the Landholder vouchsafe to give the Public his name¹—a *respectable* name I am sure it *cannot* be—His absolute want of truth and candour in assertions meant to injure the reputation of individuals, whose names are given to the Public, and to hold them up to the indignation of their fellow-citizens, will ever justify this assertion, even should the name belong to one decorated with wealth, or dignified by station.

But the Landholder wishes it to be supposed, that though my veracity should not be doubted, yet my evidence ought to be rejected, and observes, that to comprehend what *credit* ought to be given to it, (by which, I suppose, he means its *sufficiency* if credited) it ought to be known how long I was absent from Convention, as well as the time I attended.

I believe, Sir, whoever will read my former publication, will in a moment perceive, that I there “stated” all the “information” on this subject, that was “necessary” or material, and that I left no defect for the Landholder to supply—I *there* mentioned, that “I took my seat early in June, that I left Philadelphia on the fourth of September, and during that period, was not absent from the Convention *while sitting*, except only five days in the beginning of August, immediately after the Committee of Detail had reported.”

I did not state the precise day of June when I took my seat—it was the ninth, not the tenth—a very inconsiderable mistake of the Landholder—But between that day and the fourth of September, he says, that I was absent ten days at Baltimore, and as many at New-York; and thereby insinuates, that an *absence of twenty days from the Convention* intervened during that period, in *which time* Mr. Gerry might have *made*, and *failed in*, his motion concerning continental money.

A short state of facts is all that is necessary to shew the disingenuity of the Landholder, and that it is very possible to convey a falsehood,

or something very much like it, almost in the words of truth—On the twenty-fifth [i.e., sixth] of July the Convention *adjourned*, to meet again on the sixth of August—I embraced that opportunity to come to Baltimore, and left Philadelphia on the twenty seventh; I returned on the fourth of August, and on the sixth attended the Convention, with such members as were in town, at which time the Committee of Detail made their report, and many of the members being yet absent, we adjourned to the next day—Mr. Gerry left Philadelphia to go to New-York, the day before I left there to come to Baltimore; he had not returned on Tuesday the seventh of August,² when I set out for New-York, from whence I returned and took my seat in Convention on Monday the thirteenth.

It is true that from the twenty-fifth of July to the thirteenth of August, eighteen (not twenty) days had elapsed; but on *one* of those days *I attended*, and on *twelve* of them the *Convention did not meet*; I was therefore perfectly correct in my *original* statement, that from early in June till the fourth of September, I was absent but five days from the Convention while sitting, and in that statement omitted no “necessary information”—It is also true, that of *those eighteen* days Mr. Gerry was absent *twelve* or *thirteen*, and that one of those days when he was not absent was Sunday, on which day the Convention did not meet.

Thus, Sir, by relating facts as they really occurred, we find the only time between early in June and the fourth of September, when such a motion could have been made by Mr. Gerry, without my being present, is narrowed down to four, or at most five days, as I originally stated it, although the Landholder wishes it should be supposed there were twenty days during that period, when it might have taken place without my knowledge, to wit, ten while I was at Baltimore, and as many more while at New-York.

The Landholder also states, that the Convention commenced the fourteenth day of May, and that I did not take my seat till the tenth day of June, by which, if he means any thing, I presume he means to insinuate, that within that portion of time, Mr. Gerry’s motion might have been made and rejected. He is here, Sir, equally unfortunate and disingenuous—Though the Convention was to have met by appointment on the fourteenth of May, yet no material business was entered upon till on or about the *thirtieth* of that month: It was on *that day* that the Convention, having had certain propositions laid before them by the Honourable Governor of Virginia, *resolved* to go into a consideration of those propositions³—In this fact I am confident I am not mistaken, as I state the *day* not merely from my own recollection, from minutes, which I believe to be very correct, in my possession, of the information given by the Honourable Mr. McHenry, to the assembly.⁴

The truth is, Sir, that very little progress had been made by the Convention before I arrived, and that they had not been more than ten days, or about that time, seriously engaged in business.—The first thing I did after I took my seat was carefully to examine the journals for information of what had already been done or proposed—I was also furnished with notes of the debates which had taken place, and can with truth say, that I made myself “minutely informed” of what had happened before that period—In the same manner, after my return from New-York, I consulted the *journals*, (for we *were* permitted to *read* them, although we were not always permitted to *take copies*)—If the motion attributed to Mr. Gerry, had been made and rejected either before I first took my seat, or while at New-York, it would have *there* appeared; and that no such motion was made and rejected during either of those periods, I appeal to the highest possible authority—I appeal to those very journals, which ought to have been published, and which we are informed are placed in the possession of our late Honourable President⁵—But why, Sir, should I appeal to those journals, or to any other authority? Let the Landholder turn to his *eighth* number, addressed to the Honourable Mr. Gerry—let him blush, unless incapable of that sensation, while he reads the following passage! “*Almost the whole time* during the sitting of the Convention, and until the *constitution* had received its *present* form, no man was more plausible and conciliating on every subject than Mr. Gerry,” &c. “Thus stood Mr. Gerry till towards the *close of the business*, he introduced a motion respecting the redemption of paper-money”⁶—The *whole time* of the sitting of the Convention was not *almost* past—The *Constitution* had not received its *present* form—nor was the *business* drawing towards a *close* until long after I took my seat in Convention. It is therefore proved by the Landholder himself, that Mr. Gerry did not make this motion at any time *before* the ninth day of June—Nay more, in the paper now before me *he* acknowledges, that in his eighth number he meant (and surely no one ought to know his meaning better than himself) “to *fix* Mr. Gerry’s apostacy to a *period within the last thirteen days*.”⁷ Why then all this misrepresentation of my absence at Baltimore and New-York? Why the attempt to induce a belief that the Convention had been engaged in business from the fourteenth of May, and the insinuation that it might have happened in those periods? And why the charge that in not stating *those facts* I had withheld from the public information *necessary* to its forming a right judgment of the credit which ought to be given to my evidence?

But, Sir, I am really at a loss which most to admire, the depravity of this writer’s heart, or the weakness of his head!—Is it possible he

should not perceive that the moment he *fixes* the time of Mr. Gerry's motion to the last thirteen days of the Convention, he proves incontestibly the falshood and malice of his charges against that gentleman? for he has expressly stated that this motion and the rejection it received was the cause, and the sole cause, of his apostacy; that "before, there was nothing in the system, as it *now* stands, to which he had any objection, but that *afterwards* he was inspired with the utmost rage and intemperate opposition to the whole system he had formerly praised;"⁸—whereas I have shewn to the clearest demonstration, that a considerable time before the last thirteen days, Mr. Gerry had given the most decided opposition to the system; I have shewn this by recital of facts, which if credited, incontestibly prove it—facts which I again repeat, will never be contradicted by any member of the Convention—I ground this assertion upon the fullest conviction, that it is impossible to find a single person in that number so wicked, as publicly and deliberately to prostitute his name in support of falsehood, and at the same time so weak as to do this when he must be sure of detection.

But the Landholder is willing to have it supposed, that Mr. Gerry might have made the motion in a "*Committee*," and that *there* it might have happened without my knowledge; to such wretched subterfuges is he driven. This evasion, however, will be equally unavailing.

The business of the committees were not of a secret nature, nor were they conducted in a secret manner; I mean as to the members of the Convention. I am satisfied that there was no committee while I was there, of whose proceedings I was not at least "so minutely informed,"⁹ that an attempt of so extraordinary a nature as that attributed to Mr. Gerry, and attended with such an immediate and remarkable revolution in his conduct, could not have taken place without my having heard something concerning it.—The non-adoption of a measure by a committee did not preclude its being proposed to the Convention, and being there adopted. Can it be presumed that a question in which Mr. Gerry is represented to have been so deeply interested, and by the fate of which his conduct was entirely influenced, would, for want of success in a *committee*, have been totally relinquished by him, without a single effort to carry it in *Convention*?—If any other proof is wanting, I appeal again to the Landholder himself:—In his *eighth* number he states that the motion was rejected "by the Convention"—Let it be remembered also, as I have before observed, in the paper now before me, he declares it was his intention in *that* number to fix Mr. Gerry's apostacy to a period within the last thirteen days; and in the *same* number he observes, that Mr. Gerry's resentment could only embarrass and delay the *completion* of the business for a *few days*; all which equally militates

against every idea of the motion being made before I left Philadelphia, whether in Committee, or in Convention.

The Landholder hath also asserted, that I have “put into Mr. Gerry’s mouth, objections different from any thing his letter to the legislature of his state contains, so that if my representation is *true*, his must be *false*.”¹⁰ In this charge he is just as well founded as in those I have already noticed.—Mr. Gerry has more than once published to the world, under the sanction of his name, that he opposed the system from a firm persuasion that it would endanger the liberties of America, and destroy the freedom of the states and their citizens.¹¹ Every word which I have stated as coming from his mouth, so far from being inconsistent with those declarations, are perfectly correspondent thereto, and direct proofs of their truth.

When the Landholder informed us that Mr. Gerry was “face to face with his colleagues in the Convention of Massachusetts,”¹² why did he not, unless he wished to mislead the public, also inform us for what purpose he was there? That it was only to *answer* questions that might be proposed to him, not himself to *ask* questions—that he could not consistently interfere in any manner in the debates—and that he was even prohibited an opportunity of explaining such parts of his conduct as were censured in his presence.¹³

By the anonymous publication alluded to by the Landholder,¹⁴ and inserted in the note, Mr. Gerry’s colleagues are not called upon to *acquit* him; it only declares “that he believes them to be men of too much honour to assert that his reasons in Convention were totally different from those he published;”—and in this, I presume, he was not disappointed—the Landholder otherwise would have published it with triumph;—but if Mr. Gerry, as it is insinuated, was only prevented by pride from, in person, requesting them to acquit him, it amounts to a proof of his consciousness that, as men of honour, they could not have refused it, had he made the request.

No person, who views the absurdities and inconsistencies of the Landholder, can, I think, have a very respectable opinion of his understanding; but I, who am not much prejudiced in his favour, could scarcely have conceived him so superlatively weak as to expect to deceive the public and obtain credit to himself, by asking “if the charges against Mr. Gerry are not true, why do not his colleagues contradict them?”¹⁵ and “why is it that we do not see Mr. McHenry’s verification of your assertions?”¹⁶—If *these* gentlemen were to do Mr. Gerry that justice, he might as well inquire “why is it we do not also see the verification” of A, B, C and D, and so on to the last letter of the conventional alphabet.

When the Landholder, in his eighth number, addressed himself to Mr. Gerry, he introduced his charges by saying, “you doubtless will recollect the following state of facts;—if you do not, *every member* of the Convention will *attest them*.”¹⁷

One member of the Convention has had firmness sufficient to contradict them with his name, although he was well apprised that he thereby exposed himself as a mark for the arrows of his political adversaries, and as to some of them, he was not unacquainted with what kind of men he had to deal: But of all the members who composed that body, not one has yet stepped forward to make good the Landholder’s *prediction*; nor has one been found to “*attest*” his statement of *facts*.

Many reasons may be assigned why the members of the Convention should not think themselves under a *moral* obligation of involving themselves in controversy, by giving their names in vindication of Mr. Gerry; and I do not believe any of those who signed the proposed Constitution would consider themselves bound to do this by any *political* obligation:—But, Sir, I can hardly suppose that Mr. Gerry is so perfectly esteemed and respected by *every* person who had a seat in that body, that not a single individual could possibly be procured to give his sanction to the Landholder’s charges, if it could be done with justice; and as to *myself*, I much question whether it would be easy to convince any person, who was present at our information to the assembly, that *every one* of my honourable colleagues (to each of whose merit I cordially subscribe, though compelled to differ from them in political sentiments) would be prevented by motives of personal delicacy to myself, from contradicting the facts I have stated relative to Mr. Gerry, if it could be done consistent with truth.

If the Landholder was a member of the Convention, to facilitate the adoption of a favourite system, or to gratify his resentment against its opposers, he has originally invented, and is now labouring to support, charges the most unjust and ungenerous, contrary to his own knowledge of facts.—If he was not a member, he is acting the same part, without any knowledge of the subject, and in this has the merit of either following his own invention, or of dealing out the information he receives from some person of whom he is the wretched tool and dupe, at the same time expressing himself with a decision, and making such professions of being perfectly in every secret, as naturally tends, unless contradicted, to deceive and delude the unsuspecting multitude.

In *one* of these predicaments the Landholder *must* stand—he is welcome to take his choice—in either case he only wants to be known to be despised.

Now, Sir, let the Landholder come forward and give his name to the public—It is the only thing necessary to finish his character—and to convince the world that he is as dead to shame, as he is lost to truth and destitute of honour.

If I, Sir, can be instrumental in procuring him to disclose himself; even in this I shall consider myself as rendering a service to my country.—I flatter myself, for the dignity of human kind, there are few such characters; but there is no situation in life, in which they may not prove the bane and curse of society;—they, therefore, ought to be known, that they may be guarded against.

I am, Sir, your very humble servant,
Baltimore, March 3, 1788.

1. The Maryland “Landholder No. X” concluded his essay: “I leave you now to your own reflections, under a promise, however, to give my name to the Public, should you be able to procure any indifferent testimony to contradict a single fact I have stated” (*Maryland Journal*, 29 February, above).

2. Gerry first attended the Constitutional Convention on 29 May 1787. After the Convention adjourned on 26 July to allow the Committee of Detail to draft a constitution, Gerry visited his wife and child who were staying at his father-in-law’s home in New York City. Gerry returned to Philadelphia on the evening of 9 August and attended the Convention until it adjourned on 17 September.

3. On 29 May 1787 Governor Edmund Randolph presented the Virginia Resolutions (CDR, 243–45) to the Constitutional Convention, and the next day it began to consider them.

4. On 29 November 1787 Maryland delegate James McHenry read the Virginia Resolutions as part of his speech to the Maryland House of Delegates (RCS:Md., 80–82). Martin was not present in the Convention on 29 May, but he claimed that McHenry had “very faithfully detailed the substance” of Randolph’s speech. Martin stated that he had seen “notes which had been taken” of the speech (*Genuine Information I*, Baltimore *Maryland Gazette*, 28 December 1787 [above]).

5. On 17 September, the day the Convention adjourned, it voted ten states to one to deposit “the Journals and other papers of the Convention in the hands of the President” (i.e., George Washington). The Maryland delegation, consisting of James McHenry, Daniel of St. Thomas Jenifer, and Daniel Carroll, voted against the motion. The Convention then resolved unanimously that the president “retain the Journal and other papers, subject to the order of Congress, if ever formed under the Constitution.” Washington kept the Journal and papers, and in 1796, nearing the end of his second term as U.S. President, he turned them over to the Department of State. The Journal was not printed until 1819 (Farrand, I, xi–xii; II, 648).

6. See “The Landholder” VIII, *Connecticut Courant*, 24 December 1787 (CC:371, pp. 76, 77). Martin supplied the italics in the quoted text.

7. The italics in the quoted text are Martin’s. In the Maryland “Landholder No. X” this passage reads: “Is it anywise likely that you could have heard what passed, especially during the last 13 days, within which period the Landholder has fixed the apostacy of Mr. Gerry . . .” (*Maryland Journal*, 29 February [RCS:Md., 346]).

8. See “The Landholder” VIII, *Connecticut Courant*, 24 December 1787 (CC:371, pp. 76–77).

9. See Maryland "Landholder No. X," *Maryland Journal*, 29 February (RCS:Md., 346).
 10. *Ibid.* (RCS:Md., 347).

11. Elbridge Gerry's letter of 18 October 1787 to the Massachusetts legislature was first printed in the *Massachusetts Centinel* on 3 November and then reprinted throughout America including three times in Maryland. (See "A Federalist," Baltimore *Maryland Gazette*, 18 January 1788, note 5, above.) See also Gerry's unsigned 3 January letter to the editor of the *Massachusetts Centinel* that was printed in that newspaper on 5 January (RCS:Mass., 622–23; and CC:419). The letter was also printed in toto in the Maryland "Landholder No. X" in a note at the end of the essay (*Maryland Journal*, 29 February, above).

12. See Maryland "Landholder No. X," *Maryland Journal*, 29 February (RCS:Md., 347).

13. For Gerry's explanation of his conduct while appearing in the Massachusetts Convention to answer questions on the Constitution, see his 21 January letter to the president of the Convention, which was first printed in the *Massachusetts Centinel* on 23 January, and "A State of Facts," which accompanied that letter and was first published in the Boston *American Herald* on 28 January (RCS:Mass., 1265–71n). A full discussion of Gerry and the Massachusetts Convention can be found in the Editors' Note in RCS:Mass., 1175–81. Gerry's letter alone was reprinted in the *Maryland Journal*, 12 February.

14. For Gerry's defense, see his unsigned 3 January letter to the printer of the *Massachusetts Centinel* (note 11, above).

15. Paraphrased from the Maryland "Landholder No. X," who says: "But alas! his colleagues would not acquit him in this way . . ." (*Maryland Journal*, 29 February [RCS:Md., 347]).

16. See Maryland "Landholder No. X," *Maryland Journal*, 29 February (RCS:Md., 346).

17. Martin supplied the italics in the quoted text. See "Landholder" VIII, *Connecticut Courant*, 24 December 1787 (CC:371, p. 76).

James de Caledonia IV

Philadelphia Freeman's Journal, 12 March 1788 (excerpt)¹

To his excellency JA—S B—W—N, at Boston.

Philadelphia, March 10, 1788.

. . . We are leaving no stone unturned to procure a majority in the Maryland convention, but I am afraid it is all in vain. You know we were very fortunate for a long time in muzzling the newspapers in that state; but that rascal and scoundrel MARTIN has opened them by letting out our secrets of convention. This villain has been of infinite damage to us: in short, my lord, I cannot speak of him with any temper, I only wish the army was on foot, I would have him blown away from the mouth of a cannon, as a spy. You will excuse me for wandering from the relation of our dismal prospects in Maryland; since the newspapers have been open, the people of that state are falling off from us; and already I do believe above three fourths of the people of that state are opposed to us; and many of the most important characters will be in convention in opposition to us.² *Paca, Chace, Martin, &c.* are indefatigable against us. All our people there are at work, and I have sent a number of pieces for publication in their papers, to operate against

the opposition, but you know all we can say, will have little effect, as they have all the argument on their side.

They have found out in Maryland that the new constitution was first planned and devised at the annual meeting of the Cin—na—ti; only they say that it was rather more *en l'air militaire*, and that Robert the cofferer presided at that meeting of this military society (as they call it) and that *Gouvero the cunning man*³ and myself were secretaries to it. . . .

1. Reprinted: Philadelphia *Independent Gazetteer*, 14 March. For the entire letter, see Mfm:Pa. 512. For two other satirical letters signed by "James de Caledonia" that were printed in the *Gazetteer* on 4 and 14 March, see Mfm:Pa. 481, 522. "James de Caledonia" was a sobriquet for James Wilson, a Pennsylvania signer of the Constitution. James Bowdoin was governor of Massachusetts from 1785 to 1787. Robert Morris and Gouverneur Morris, identified in the text below as "Robert the cofferer" and "*Gouvero the cunning man*," were also Pennsylvania signers of the Constitution.

2. On 12 March the *Massachusetts Centinel* was more optimistic about the Constitution's chances for ratification when it printed the following brief item: "Accounts from Maryland acquaint us that there is not the least doubt of that State's adopting the proposed Constitution—by their Convention which is to meet next month."

3. See note 1, above.

A Plebeian

Maryland Journal, 14 March 1788¹

To the INDEPENDENT ELECTORS of PRINCE-GEORGE'S COUNTY:

My Fellow-Citizens, At this important crisis, when every patriotic sentiment ought to be called forth and exerted in behalf of our invaluable and dearest privileges, when the nations of Europe are waiting, with admiring anxiety, the issue of our present struggles for a free and equitable government, it is truly piteous to observe, that a very considerable part of the community still appear but too little affected for the momentous result of our approaching councils.

Since the promulgation of the plan of a federal constitution, the public have been amused with a variety of polemical addresses, tending it is to be feared more to bewilder the understandings of a majority of the people, than either to convince them of what is their true interest, or influence them to act, with becoming zeal, their important part in the present great political drama.

We must, however, confess ourselves much indebted to some writers of distinguished merit, for having so ably vindicated the excellence of the proposed system of government, that the meanest capacity, which hath taken any pains for information, may be now convinced of the happy tendency thereof. The nervous,² manly, perspicuous arguments of Aristides alone, supercede the necessity of further disquisition, and

must prove incontestably convincing to every person, whose heart is not either callous to the interests of his country, or weakly prejudiced by the sentiments of a few selfish ambitious men. It is to be hoped, that the perusal of that patriotic, sensible essay, hath escaped few, who are desirous of being informed in a subject to which they are called to attend, by every interest and incitement that can rouse the attention of men distinguished for their love of freedom.

A writer in the Maryland Gazette, of the 29th ult. under the innocent, unsuspecting signature of Farmer,³ through the lengthened staples of whose woolly coat, it requires no great sagacity to discover the insidious wolf, disappointed in open attacks, resolving to prowl in the dark; indirectly accusing the framers of the proposed federal constitution with the tyrannical intention of raising and maintaining a standing army, subversive of your liberties—of destroying the security of a bill of rights—and erecting a despotic government “of individuals, not states.” He ridicules the weakness of considering these as the effluvia of a chimerical fancy, as bugbears, hobgoblins, &c. but, surely, if ever necromancer had the power of starting demons from the peaceable bowels of the earth, he must.

In order that you may swallow his elaborate declamation with the less scruple, he endeavours to wound the most respectable delegation, that perhaps any country ever trusted with its affairs, through the sides of Aristides, whose sense he perverts to his own inflammatory purpose.

It might justly be accounted presumptuous in one conscious of an infinite inferiority of abilities, to attempt vindicating either that *honourable body*, or Aristides, from charges in every respect so groundless. Should Aristides think this writer worth his notice, the public may rest assured of soon seeing his artful sophistry exposed in its proper colours.

We, of the more ignorant part of the community, must content ourselves with little more than merely observing and detesting such weak, or rather wicked, insinuations; of arguments they merit not the name.

The dullest apprehension, however, may remark, that instead of proving by fair and conclusive reasoning, that the proposed constitution assumes the power, or discovers an intention of maintaining such an armed force as ought to excite our smallest jealousy, he, with an air of vanity, ransacks the records of ancient and modern history, to exhibit a black catalogue of the destructive consequence of standing armies, and the ruin of perverted governments. This may make the ignorant, or timid, stare; but to what more does it amount? Because good governments have been ruined by usurping tyrants, should we reject one equal, if not superior, to any ever known to the world? Because standing

armies have been instrumental in the ruin of nations, are we, therefore, to be so distrustful of ourselves, as never to raise, or train in military discipline, a single maniple of our fellow-citizens, even for the most exigent purposes of maintaining peace at home, or commanding respect abroad? *Risum teneatis amici!*^h

The absurd idea of the federal constitution being a government “of individuals, not states,” seems too nugatory to merit a serious reflection. According to the plan of this reforming Farmer, there might, indeed, be a government of states; but many thousand individuals in these, would have no share in that government. Can any thing be more obvious than, in a commonwealth, whose government consists of a delegation of the people, raised by a general and equal representation, that every individual freeman ought to have a suffrage, and be represented; otherwise have no share in the government of that state or country? It is on this account, namely, that the people may enjoy an equal representation, that Britain and Ireland invest the cities and borough-towns in their respective shires or counties, with the distinct privilege of returning members to Parliament.

To alarm the apprehensions of the croud with an intended destruction of their *bill of rights*, when, by the constitution, the executive power is not only liable to impeachment, but so circumscribed, checked and limited, that it is scarce reasonable to imagine it can err, can be supposed to be nothing better than the last resource of a disappointed incendiary. In governments like Britain, where the executive is hereditary, and may probably fall into the hands of a person in every respect disqualified, a bill of rights is considered as necessary to guard the people against the encroachments of the crown. Our constitution hath, in this respect, freed us from the necessity of such a security. Should we hereafter be obliged to have recourse thereto, how does it appear beyond our reach? So long as we are sensible of being the origin of all power; so long as we resolve to be a free, virtuous and independent people; so long shall such principles be the best bill of rights for our security; and so long shall we be able to command it from any delegated administration whatever.

Any further investigation of this subject will soon be as unseasonable to the good people of this state, as I hope it is now unnecessary—All seem convinced of the want of such a constitution, as that which is now in our power. The records of antiquity, or the refinements of modern government, may justly be challenged to produce a model better calculated to support the cause of freedom, and at the same time diffuse an authoritative energy through every part of the political machine.

The best constructed governments that human wisdom ever devised, have been perverted and abused; but the unhappy revolutions which destroyed the ancient republics of Greece and Rome, or those which have proved ruinous to the liberties of Denmark, Sweden, Spain, France and Britain, afford an argument of no greater weight against that proposed for our adoption, than the ruins of time, or the accidents of a hurricane should to a man resolved to build a house for a protection against the inclemency of the seasons.

It only remains therefore, that the great body of the people be sensible of their own inherent power and consequence, considering that the exaltation or ruin of their country relies on their present exertions—That the day is at hand, when our united suffrage must tend, in a great measure, to adopt or reject *that*, whereon our welfare, and perhaps existence as a free people, ultimately depends. The system of government which hath been submitted to our consideration, boasts of no powers, but what is derived from the people,—professes to assume no prerogative subversive of our liberties—every place of trust and authority, must originally owe it's existence to our choice and appointment—In short, the whole tenor thereof, beyond the vestige of a doubt, is calculated to protect, secure and promote the interests, harmony and happiness of the United States collectively considered.

We have had sufficient time for deliberation to be now determined, it becomes us, therefore, to resolve to elect and instruct, with the most disinterested impartiality, our representatives for the approaching convention.—Let us be vigilant in the very first stages of this important transaction—Inquire, with the strictest scrutiny, into the sentiments and abilities of such candidates as are now soliciting our favour. As superior merit is frequently veiled with uncommon modesty, such should not escape our researches, and such, indeed, are alone worthy our suffrage. Reflect that the world considers even the humblest of you to be men who fought and bled in the cause of independence—barter not, therefore, I beseech you, the glorious rights of freemen, for the dissembled caresses of assuming impudence, or the transient smile of a fawning sycophant. Let the mean miscreant who would, without any other qualification than to gratify his vanity, presume to court your support, and bribe your integrity by the savage-like allurements of a few barbecued sacrifices, be expelled, with disgrace, from any share in your confidence or councils: For should such have the effrontery to intrude themselves on our choice, divested of every recommendation that the representative of a free people requires, what opposition can we expect they will make, in the day of trial, against the artful sophistry of the

bold declaimer; or with what powers extricate our cause from the vortex of corruption?

Should any of you, my fellow-citizens, still continue to hesitate as uncertain or ignorant of your true interests, may not a moment's consideration persuade you to rely with greater confidence on the wisdom and integrity of those illustrious characters, of whose incorruptible patriotism you have had the most glorious proof, rather than on the fleeting opinions of a few declamatory scribblers, who often write merely from a spirit of opposition, an overweening fondness for sentiments once publicly avowed, or the ambitious desire of being considered of some weight in the great scale of political controversy.

March 4, 1788.

1. On 11 March the *Maryland Journal* announced that "A PLEBEIAN . . . will be inserted in our next." "A Plebeian" defended "Aristides" (see *Remarks*, 31 January [above]), while attacking "A Farmer" I and II, which were critical of "Aristides" (see Baltimore *Maryland Gazette*, 15, 29 February [above]).

2. "Nervous" meant strong, vigorous, robust.

3. See "A Farmer" II, Baltimore *Maryland Gazette*, 29 February (above).

4. Latin: "My friends, refrain from laughing" (Horace, *Ars Poetica* or *Epistle to the Pisos*, line 5).

Hambden

Maryland Journal, 14 March 1788¹

To the PEOPLE of MARYLAND.

MY FELLOW-CITIZENS, As you are now deliberating on one of the most weighty and important subjects, that has been discussed since the revolution, permit me to offer some cursory remarks on the new plan of Federal Government, and add an earnest exhortation for its adoption, drawn from the present precarious and critical situation of affairs.

It will not be denied, that the members of the late Convention were, in general, not only men of candour, sense, and integrity, but also profound politicians, who had studied the different forms of ancient and modern governments, whereby they were enabled to select whatever was best, from each, and at the same time guard against the disadvantages of any; that those who were the cause of bringing about and effecting the late revolution, constituted also a part of this Convention; that they were actuated by a zealous love of their country; that they divested themselves of every local prejudice, by making mutual concessions; and lastly, that in this body, was collected the wisdom of America.—From an assembly composed of so many eminent and learned personages, had we not reason to expect a plan of government the most perfect and complete? The result has fully answered our expectations; for they have framed a Constitution superior perhaps to that

of Great-Britain, on which foreigners are so lavish of their praise, and which is thought to approach as near perfection, as human wisdom can dictate. That all human productions are liable to error, for *humanum est errare*,² and that there may be some amendments made, will not be denied; but I believe, they are all comprehended in those proposed by the State of Massachusetts,³ and are such as the legislature can alter on a future day.

Politicians are agreed, that there must be an unlimited or absolute power, where the executive lies; this power the framers of the Constitution have lodged in the hands of a president, so limited and circumscribed, as to be most likely to defend the people from domestic oppression, as well as from foreign violence. But it is objected, that the power entrusted here to one person, would be safer in the possession of many. To remedy this defect, a council to advise and direct the president, is proposed. It will be no difficult task to shew the futility of this objection, and to prove by a few examples from ancient history, that this power is safer in the hands of one, or a few, than in many.

The Ephori at Sparta, who originally being thirteen in number, were chosen by the King, when he was called to carry on war out of his dominions—These men, at different times, laid hold on the reins of government, usurped absolute authority, and were guilty of every kind of tyranny and oppression. The Athenians, after their unfortunate expedition into Sicily, chose 400 men for the administration of affairs—These too becoming a body of tyrants, acted all manner of violence and oppression. When Athens was subdued by Lysander, he appointed 30 men for the administration of that city—But after these admitted 3000 more to a share of the government, the latter became the cruelest tyrants on record. Many more instances might be produced, but these are sufficient to prove a multitude as capable of enslaving a nation, and of acting all manner of tyranny and oppression, as it is possible for a single person to be; besides the additional expence attending such a mode of government, it has been uniformly found by experience, that every council of this kind, has never answered the ends designed by it; and that such an assembly is liable to all the prejudices and passions of an individual. Hence also appears the invalidity of an objection urged strongly by a late writer, who has endeavoured to signalize himself on this weighty subject, by his opposition to the Constitution. He objects, that the people have too small a share in the new government, their representatives being too few, and consequently cannot be acquainted with the different interests of the States they are sent to represent; and that their rights and liberties are most thoroughly secured by a numerous representation. This objection plainly evinces, that he

has not made the art of government his particular study, or he surely has not examined the history of ancient nations, wherein the bad consequences of democracy are enumerated, and from which it would be a very easy matter, to produce many instances of its baneful effects on every government, where it has predominated. I shall only mention two more. The Decemviri at Rome, who were originally chosen to compile a body of laws, and to guard the liberties of the people, succeeded the consuls in the administration of affairs, and became the most intolerable tyrants that ever oppressed the Roman empire. They were forced to give way to the consular authority again, being expelled and banished for the same offence, for which the regal power was abolished formerly. The Romans found it more tolerable to live under the government of two persons than under that of five times the number. Towards the end of the second punic war, the government of Carthage inclined to the side of the people, and that commonwealth for a long time groaned under the grievous oppression of a tyrannical democracy.

If we compare this plan of Federal Government with the Constitution of Great-Britain, we will discover some striking features and analogies: For the Convention seem to have copied from it, as much as the nature of a republican form of government, and that of a limited monarchy would admit. In the one as well as the other, we shall find, the monarchical, aristocratical, and democratical forms of government so blended and interwoven, as to combine the advantages of each, exclusive of the disadvantages or inconveniencies of either.

In a compound of these, and in a due poise or balance between rule and subjection, we always find the best and most equitable governments. To refute the arguments that have been urged against the Constitution, or to enumerate the advantages that may flow from it, would be only a transcript of what has already been done, in a very satisfactory manner, by far more able pens. Notwithstanding the present exigencies of government, the welfare of the union, and our very existence as a nation require the adoption of this Constitution; yet some incendiaries are endeavouring to sow discord in the State, by opposing it with every artifice and device that can create anarchy and confusion. Their circumstances being already desperate, and having nothing to lose, they would come off gainer from the ruins of their country. These men sacrifice the public good and the love of their country, to private advantage and sinister motives. The love they owe their country, that god-like virtue, they are totally strangers to; although it is one of the noblest principles that can influence the human breast. Wherever it prevails, it disregards all selfish and interested views; nay even the partialities of friendship, and the regard or desire of life itself. Demetrius says, it is

a spectacle worthy of the immortal Gods, to see Cato struggling with all difficulties, surmounting every obstacle in defence of his country, and still preserving his integrity. He thought it was *dulce et decorum [est] pro patria mori*.⁴ Beware, Fellow-Citizens, of these factions and turbulent spirits, who are waiting till that period of aggrandizing themselves approach, when a concurrence of many circumstances, both foreign and domestic, tend to your ruin, when you are stupidly negligent, fomenting your own destruction, encompassed with dangers on all sides, and ready to be torn with violent factions within. To be secure and senseless under these circumstances, when you have so much at stake, your future welfare, and your very being as a nation, is highly criminal. Awake then from your lethargy, and exert every nerve to prevent such men from being appointed or elected to the ensuing Convention, and such as already have been pointed out to your particular aversion,⁵ I mean the advocates for *paper money*, the adherents of the *truck-bill*, and the authors of the *insolvent act*.⁶ At present there is no faith between man and man, and no confidence placed by one in another, owing to injurious laws impairing the obligations of private contracts, and the difficulty or rather impossibility of recovering debts. Your public and private faith, like the Carthagenians of old, is become a disgraceful proverb—Your trade is annoyed and harrassed by a set of paltry pirates, carrying your citizens into slavery. When such urgent circumstances call aloud for redress, do not appear backward in adopting this Constitution, which will restore order, protect your trade, defend and secure private property, restore mutual faith and confidence, and re-establish your reputation and credit among other nations.

March 8, 1788.

1. Reprinted: Philadelphia *Federal Gazette*, 25 and 27 March. On 11 March the *Maryland Journal* announced that "HAMPDEN . . . will appear in our next." For a response to "Hambden," see "A Real Federalist," *Maryland Journal*, 21 March (below). "A Real Federalist" believes that "Hambden" and "Civis," *Maryland Journal*, 1 February (above) were written by the same person.

Essays printed in the *Maryland Journal*, 14 March and 25 April, and "Civis," *Maryland Journal*, 16 May, used the pseudonym "Hambden," where "A Real Federalist" and the initial announcement in the *Journal*, 11 March, used the spelling "Hampden," perhaps regarding the signature as a reference to John Hampden, whose opposition to the king and attempted arrest in Parliament contributed to the outbreak of the English Civil War in 1642.

2. Latin: "To err is human."

3. The Massachusetts Form of Ratification, adopted on 6 February, contained nine recommendatory amendments to the Constitution. As of 14 March, the day "Hambden" was printed, Massachusetts was the only ratifying state that had recommended amendments. (See RCS:Mass., 1468–71; and CC:508.) The amendments were printed in the *Massachusetts Gazette* on 8 February and were reprinted twenty-eight times by 17 May. In

Maryland, the amendments were reprinted in the *Maryland Journal* and Baltimore *Maryland Gazette*, 22 February, and the Annapolis *Maryland Gazette*, 28 February.

4. Latin: "It is sweet and honorable to die for one's country" (Horace, *Odes*, Book III, Ode II, line 13).

5. See "Civis," *Maryland Journal*, 1 February (RCS:Md., 279).

6. The Senate unanimously rejected the House of Delegates' "act for an emission of bills of credit" (paper money) on 30 December 1786 and the House of Delegates' "act for the relief of debtors" (truck-bill) on 6 January 1787. The Senate decided that the third House bill, "An act respecting insolvent debtors," "will not pass" on 17 January (*Votes and Proceedings of the Senate of the State of Maryland. November Session, 1786 . . .* [Annapolis, 1787] [Evans 20489], 17, 24, 33).

Philadelphia Independent Gazetteer, 14 March 1788¹

*Extract of a letter from a gentleman in Maryland,
to his friend in this city, dated March 4.*

"The convention of Boston I find have agreed to the new constitution, but in such a manner,² as will, in my opinion, considerably affect the system. New-York, Maryland, Virginia, North and South-Carolina, will, I am persuaded, in imitation, propose amendments, and this new government will not be established without paying a deference to the desire of so large a part of the confederation.

"If some amendments should be adopted, it will be all right, and the efforts of the minority have no other object than to secure, in *explicit terms*, some of the essential rights and privileges of freemen. It may be of dangerous consequence to refuse desires so reasonable. If the constitution should pass at all, I hope it will be in such a way as may encrease the unity of the states and the harmony of our citizens, and that we be not a house divided against itself."³

1. Reprinted: *New York Journal*, 18 March; *Albany Gazette*, 27 March; *Hudson Weekly Gazette*, 3 April; *Boston American Herald*, 7 April; and Providence *United States Chronicle*, 17 April.

2. See "Hambden," *Maryland Journal*, 14 March, note 3 (immediately above).

3. See Mark 3:25.

A Farmer III (Part 2)

Baltimore Maryland Gazette, 18 March 1788¹

(Continued from No. 357.)

Thus it was that the opposite qualities of the first confederation were rather caused by than the cause of two parties, which from its first existence began and have continued their operations, I believe, unknown to their country and almost unknown to themselves—as really but few men have the capacity or resolution, to develop the secret causes, which influence their daily conduct.—The old Congress was a national government and an union of States, both brought into one

political body, as these opposite powers, I do not mean parties, were so exactly blended and very nearly balanced, like every artificial, operative machine where action is equal to re-action—it stood perfectly still—it would not move at all—Those who were merely confederal in their views, were for dividing the public debt—those who were for national government, were for encreasing of it—Those who thought any national government would be destructive to the liberties of America, as I imagine, assisted those who thought it our only safety, to put every thing as wrong as possible.—Requisitions were made, which every body knew it was impossible to comply with—either in 82 or 83, ten millions of hard dollars, if not thirteen, were called into the continental treasury, when there could not be half that sum in the whole tract of territory between Nova-Scotia and Florida—The States neglected them in despair²—The public honor was tarnished, and our governments abused by their servants and best friends—In fine, it became a cant word—things are not yet bad enough to mend—However, as great part of the important objects of society were entrusted to this mongrel species of general government, the sentiment of pushing it forward became general throughout America, and the late Convention met at Philadelphia under the uniform impression, that such was the desire of their constituents—But even then the advantages and disadvantages of national government operated so strongly, although silently, on each individual, that the conflict was nearly equal—A third or middle opinion, which always arises in such cases, broke off and took the lead—the national party assisted, pursued steadily their object—the foederal party dropt off, one by one, and finally, when the middle party came to view the offspring which they had given birth to, and in a great measure reared, several of them immediately disowned the child—Such has been hitherto the progress of party, or rather of the human mind dispassionately contemplating our separate and relative situation, and aiming at that perfect completion of social happiness and grandeur, which perhaps can be combined only in idea—Every description of men entertain the same wishes (excepting perhaps a few very bad men of each)—they forever will differ about the mode of accomplishment—and some must be permitted to doubt the practi[ca]bility.

As our citizens are now apprized of the progress of parties or political opinions on the continent, it is fit they should also be informed of the present state, force and designs of each, in order that they may form their decisions with safety to the public and themselves—this shall be given with all the precision and impartiality the author is capable of.

America is at present divided into three classes or descriptions of men, and in a few years there will be but two.

The first class comprehends all those men of fortune and reputation who stepped forward in the late revolution, from opposition to the administration, rather than the government of Great-Britain—All those aristocrats whose pride disdains equal law—Many men of very large fortune, who entertain real or imaginary fears for the security of property—Those young men, who have sacrificed their time and their talents to public service, without any prospect of an adequate pecuniary or honorary reward—All your people of fashion and pleasure who are corrupted by the dissipation of the French, English and American armies; and a love of European manners and luxury—The public creditors of the continent, whose interest has been heretofore sacrificed by their friends, in order to retain their services on this occasion—A large majority of the mercantile people, which is at present a very unformed and consequently dangerous interest—Our old native merchants have been almost universally ruined by the receipt of their debts in paper during the war, and the payment in hard money of what they owed their British correspondents since peace—Those who are not bankrupts, have generally retired and given place to a set of young men, who conducting themselves as rashly as ignorantly, have embarrassed their affairs and lay the blame on the government, and who are really unacquainted with the true mercantile interest of the country—which is perplexed from circumstances rather temporary than permanent—The foreign merchants are generally not to be trusted with influence in our government—they are most of them birds of passage—some perhaps British emissaries encreasing and rejoicing in our political mistakes, and even those who have settled among us with an intention to fix themselves and their posterity in our soil, have brought with them more foreign prejudices, than wealth—time must elapse before the mercantile interest will be so organized as to govern themselves, much less others, with propriety: And lastly, to this class I suppose we may ultimately add the *tory interest* with the exception of very many respectable characters, who reflect with a gratification mixed with disdain, that those principles are now become fashionable for which they have been persecuted and hunted down—which, although by no means so formidable as is generally imagined, is still considerable—They are at present wavering—they are generally, though with very many exceptions, openly for the proposed, but secretly against any American government—*A burnt child dreads the fire*—but should they see any fair prospect of confusion arise, these gentry will be off at any moment for these five and twenty years to come—Ultimately should the administration promise stability to the new government, they may be counted on as the Janizaries of power, ready to efface all suspicion by the violence of

their zeal—In general, all these various people would prefer a government, as nearly copied after that of Great-Britain, as our circumstances will permit—some would strain these circumstances—others still retain a deep rooted jealousy of the executive branch and strong republican prejudices as they are called—finally, this class contains more aggregate wisdom and moral virtue than both the other two together—it commands nearly two-thirds of the property and almost one half the numbers of America, and has at present, become almost irresistible from the name of the truly great and amiable man who it has been said, is disposed to patronize it, and from the influence which it has over the second class—This class is nearly at the height of their power, they must decline or moderate, or another revolution will ensue, for the opinion of America is becoming daily more unfavorable to those radical changes which high-toned government requires:—A conflict would terminate in the destruction of this class, or the liberties of their country—May the Guardian Angel of America prevent both!

The second class is composed of those descriptions of men who are certainly more numerous with us than in any other part of the globe—*First, those men* who are so wise as to discover that their ancestors and indeed all the rest of mankind were and are fools. We have a vast over proportion of these great men, who, when you tell them that from the earliest period at which mankind devoted their attention to social happiness, it has been their uniform judgment, that a government over governments cannot exist—that *is two governments* operating on the same individual—assume the smile of confidence and tell you of two people travelling the same road—of a perfect and precise division of the duties of the individual: Still however, the political apothegm is as old as the proverb—*That no man can serve two masters,*³ and whoever will run their noddles against old proverbs will be sure to break them, however hard they may be, and if they broke only their own, all would be right; but it is very horrible to reflect that all our numskulls must be cracked in concert.—*Second*—The *trimmers* who from sympathetic indecision are always united with, and when not regularly employed, always fight under the banners of these great men. These people are forever at market and when parties are nearly equally divided, they get very well paid for their services. *Thirdly*—The *indolent*, that is almost every second man of independent fortune you meet with in America—*these are quite easy, and can live under any government.* If men can be said to live, who scarcely breathe, and if breathing was attended with any bodily exertion, would give up their small portion of life in despair. These men do not swim with the stream as the trimmers do, but are dragged like mud at the bottom. As they have no other weight than

their fat flesh, they are hardly worth mentioning when we speak of the sentiments and opinions of America. As this second class never can include any of the yeomanry of the union, who never affect superior wisdom, and can have no interest but the public good, it can be only said to exist at the birth of government, and as soon as the first and third classes become more decided in their views, this will divide with each and dissipate like a mist, or sink down into what are called moderate men, and become the tools and instruments of others. These people are prevented by a cloud from having *any* view; and if they are not virtuous, they at least preserve the appearance which in this world amounts to the same thing.

At the head of the third class appear the old rigid republicans, who although few in number, are still formidable—Reverence will follow these men in spite of detraction, as long as wisdom and virtue are esteemed among mankind—they are joined by the true *democrats*, who are in general fanatics and enthusiasts, and some few sensible, charming madmen—a decided majority of the *yeomanry* of America will, for a length of years, be ready to support these two descriptions of men; but as this last class is forced to act as a residuary legatee, and receive all the trash and filth—it is in some measure disgraced and its influence weakened, by 3dly. The free-booters and plunderers, who infest all countries and ours perhaps as little as any other whatever—these men have that natural antipathy to any kind or sort of government, that a rogue has to a halter. In number they are few indeed—such characters are the offspring of dissipation and want, and there is not that country in the world where so much real property is shared so equally among so few citizens, or where property is as easily acquired by fair means, very few indeed will resort to foul. Lastly, by the *poor mob*, infœlix pecus! the property of whoever will feed them and take care of them—let them be spared—let the burthen of taxation sit lightly on their shoulders, but alas! this is not their fate—it is here that government forever falls with all its weight—it is here that the proposed government will press where it should scarcely be felt.—

*Oves [custos] bis mulget in hora, et succus pecori
et lac subducitur agnis.⁴*

If ever a direct tax is laid by the general government, it must, if not from necessity, at least from propriety, be laid on polls—it is the only one I believe to be practicable—there ought then to be some security that they avoid direct taxation where not absolutely indispensable, and some better security than the opinion of *Aristides*.

In this class may be counted men of the greatest mental powers and of as sublime virtue as any in America—they at present command nearly one-third of the property and above half the numbers of the United States, and in either event they must continue to encrease in influence by great desertions from both the other classes.—If the government is adopted, by the numerous, discontented and disappointed, and from that natural jealousy, which Englishmen and their descendants always will retain, of their government and Governors. If the government is not adopted theirs will be the prevalent opinion. The object of this class either is or will be purely fœderal—an union of independent States, not a government of individuals: And should the proposed fœderal plan fail, from the obstinacy of those who will listen to no *conditional* amendments, although such as they cannot disapprove; or should it ultimately in its execution upon a fair trial, disappoint the wishes and expectations of our country: An union purely fœderal is what the reasonable and dispassionate patriots of America must bend their views to. My countrymen, preserve your jealousy—reject suspicion, it is the fiend that destroys public and private happiness. I know some weak, but very few if any wicked men in public confidence; and *learn* this most difficult and necessary lesson:—That on the preservation of parties, public liberty depends. Whenever men are unanimous on great public questions, whenever there is but one party, freedom ceases and despotism commences. The object of a free and wise people should be so to balance parties, that *from the weakness of all you may be governed by the moderation of the combined judgments of the whole, not tyrannized over by the blind passions of a few individuals.*

1. On 14 March the printer of the Baltimore *Maryland Gazette* announced that “The continuation of ‘A Farmer,’ is unavoidably postponed until our next.” Part 1 of “A Farmer” III is under 7 March (above).

2. For a report indicating the percentages of the requisitions paid by each state, see RCS:Va., 652n, or RCS:N.Y., 14.

3. Matthew 6:24.

4. Latin: “This hireling keeper milks his ewes twice an hour, and the flock are robbed of strength and the lambs of milk” (Virgil, *Eclagues*, III, lines 5–6).

**A Represent—or, not—ative
Baltimore Maryland Gazette, 18 March 1788¹**

Mr. HAYES, By giving the underneath a place in your useful paper, you will oblige a constant reader.

HINTS for a POLITICAL PRINT.

To exhibit fully and conspicuously the numerous characters that constitute our Public Councils, Conventions, Senates, Assemblies, &c. would

be a task too difficult even for the pencil of a Raphael, or Angelo; nor could the pericranium of any one man, contain so many ideas, as would suffice for the numerous subjects, that upon an impartial enquiry, would naturally present themselves. To select a few of those, which at present seems to engross the attention of the public, is the business of the following plan: Any gentleman, inclined to pursue the design, is left at liberty, to make what alterations, or additions, he may think proper, as I would not be understood, to claim any merit in the execution; and indeed I think blind chance has done more than the warmest fancy could have imagined, in bringing together such a group of figures, as I believe scarce ever appeared on canvass before.

Let the principal figure, or rather figures, in this design, be the respectable members that formed the late Convention, mounted upon a lofty carriage, with thirteen wheels, representing the American States, constructed after the manner of those in Ezekiel, "A wheel within a wheel,"² to denote the union as something mysterious; some of the spokes may appear broken, to express the imperfect system of our Government. Let several of the members be in an attitude of the most profound study, intent upon poring over pieces of paper, representing the old C—t-t—n;³ whilst others are in the posture of an Orator in the Roman Senate, declaiming with all the powers of language, and leading some by a long harrangue passing in a direct line through their noddles, in the manner of a [— —], to a writing desk, to sign their names to a piece of parchment, inscribed with the words "New Federal Constitution," they gazing all the while they are writing, mouth and eyes upon the Orators; and their faces making a right angle with the line of direction, from the Speaker's mouth to the backside of their heads, and thence proceeding round them in the form of a spiral curve, till it enclose them from head to foot, with the end of it brought up to their mouths, which must be in the attitude of gulping it in, and vending some of the periods out afresh to others of the opposite party, who are canvassing their serpentine casement, and making their objections against such and such parts of it as appear to them inconsistent. These last may be represented in any attitude, provided they are each of them chewing the end of a period, to this or some such purpose, "The rights of freemen are not secured. It is the indispensable duty of every Patriot to oppose such measures. We cannot thus sacrifice the liberties of our Constituents," &c. and amongst them may be placed Caution without Foresight, a motley figure half military, scarce civil, trembling like a shaking Q—r at the sight of a zealous member of the other side, tearing in pieces the old Constitution, who may be represented with a small head and a huge full-bottomed wig, that covers

three parts of his body, to denote him a man of consequence. Be careful that the leading ones of both sides have a ministerial air, with a tolerable degree of authority, and self importance impressed upon their countenances.

The aforesaid carriage is to be represented as having no tongue or shafts, by which it may be drawn but the wheels placed in such a manner, that it may be pulled either way, with a sufficient number of men, at each wheel pulling in different directions: Some of them with a label out of their mouths to this effect, "Do you know what this means?" Having all the time their eyes fixed upon themselves and pulling with all their might, whatever way the croud around them may direct; whilst one is whispering on one side their heads, "This is the paladium of the liberties of America," and another on the other side, "Let us unite to pull down this throne of a—t—cy." Others standing at a distance and viewing the scene make their conjectures, by shrugging their shoulders and shaking their heads, like an Usurer at lawful interest; some, half expressing their approbation, by having their eyes and one leg advanced towards the carriage, while others are passing and re-passing in different directions, to appearance altogether careless which side has the better, being invariably determined to pursue the example of the bats in the fable, to join whichever side may prove the strongest.⁴

It would not be amiss to represent some of the Dæmons, that disturb the public peace, as hovering over the croud, with Discord at their head, having a firebrand in one hand, and a dagger in the other: The Genius of America, endeavouring to expel them thence, exhibited as having displayed in one hand, a piece of paper with the word UNITE, and with the other pointing to the illustrious Washington, as a pattern of imitation to every well-wisher of the community.—So much for what may be called the grand design of the piece—others, less particular, may be placed as convenience admits, for instance, we may have a sketch of the P—t of the S—e, with a sufficient number of the Acts of As—y piled up behind him, and the word *reversed* wrote in capital letters upon the back of each of them; and out of his mouth a compliment A la Tilbury,⁵ h— and d— blast you all. Perhaps it would not be amiss to give his E—ll—y the air of f—g at the A—ts aforementioned; we may also have the portrait of a S—r and As—y—n, each having the end of a rope in their hands, whilst a slip-knot in the middle, may really strangle three-fourths of the p—le. Several other characters are omitted, which I leave to the luxurious fancy of the Artist.

If there are any vacancies on the canvass, they may be filled up with fixtures or still life, such for instance as a free and independent elector

of B——e C——y [Baltimore County], with a ticket stuck upon the globe of his eye, and a label upon his mouth, “No, Sir, I’m of t’other side, Sir,”—how I lament that sounds cannot be conveyed to the eye.

These are figures which if possible are to come forward towards the front of the piece; as to the back ground it may be shadowed over, with a sufficient number of our modern writers on politics, etched or rather itched out to the life; some grasping a pen, others a news-paper in one hand, with the other rivetted in their respective posteriors; writers on Divinity, Law, or Physick, are apt to scratch their foreheads in the agony of composition, to set the subsided ideas in a fermentation; but our late writers of the other class, if I mistake not the true spirit and force of their productions, look for the seat of inspiration in a much lower place, which, whilst the furor is upon them, they lacerate without mercy, and by the delectable friction, their imaginations become as prurient as their b——k——s, and the latter is relieved from one kind of matter, whilst their brains are supplied with another—in short, every thing they write seems to be polished ad unguem⁶—The genuine use or real influence, of their compositions, may be very well denoted, by a lunatic, brandishing a crutch, or bawling through a grate, or a Caledonian in the time of the late war, writing with desperate charcoal, a letter to North-America.

I presume these few observations may suffice to give sketch enough of the design, to which may be added a great many more, equally as deserving of the public attention; but as I at first promised only to select a few, I leave the plan to be improved, or altered, as the undertaker may think proper.

1. Like the prophet Ezekiel, whom he quotes (see note 2), the writer of this article likens himself to a prophet who has visions of the future.

2. Ezekiel 1:16.

3. Articles of Confederation.

4. In Aesop’s *Fables*, a great conflict approached between the birds and the beasts. The birds approached a perched bat and said, “Come join us.” The bat declined saying he was a beast. As the beasts passed by, they asked the bat to join them. The bat declined saying he was a bird. Fortunately, the conflict was avoided. The bat then approached the birds but they chased him away. The bat then approached the beasts and they turned him away. The moral of the fable is that he that is neither one thing nor the other has no friends.

5. Gervase of Tilbury (c. 1150–c. 1220), a canon lawyer, was famous for his *Otia Imperialia*, which combined historical and geographical knowledge of the period with folklore and popular beliefs.

6. Latin: “To a finger nail” or “to a T.”

Luther Martin: Address No. I Maryland Journal, 18 March 1788

More than five weeks after the appearance of the last installment of *Genuine Information* in the *Baltimore Maryland Gazette*, Luther Martin again addressed

the citizens of Maryland, this time in four essays published in the *Maryland Journal* on 18, 21, and 28 March and 4 April (all printed below). The first two essays answered the Maryland “Landholder No. X,” *Maryland Journal*, 29 February (above), who had criticized Martin and Elbridge Gerry of Massachusetts for their activities in the Constitutional Convention. (For Martin’s earlier defense against the charges of the Maryland “Landholder,” see *Maryland Journal*, 7 March [above].) In Martin’s third and fourth addresses, he called for a second constitutional convention that would amend the Constitution so that the rights and liberties of the people would be protected and some powers would be restored to the states. For a Federalist satire on Martin’s four addresses, see “Spurious Luther Martin: Address No. V,” Philadelphia *Federal Gazette*, 10 April (below).

Martin’s first address, announced for publication on 14 March, was reprinted in the Philadelphia *Independent Gazetteer* and *Pennsylvania Mercury*, 8 April; *New York Journal*, 19, 21 April; Boston *American Herald*, 5 May; *Salem Mercury*, 10 June; and New Jersey *Brunswick Gazette*, 12 August. The reprinting in the *Pennsylvania Mercury* was requested by Martin himself, while that in the *Salem Mercury* was requested by “a number of respectable Customers.” The *New York Journal* and the *American Herald* mistakenly indicated that they reprinted the address from the “MARYLAND GAZETTE.”

To the CITIZENS of MARYLAND.

To you, my fellow-citizens, I hold myself in a particular manner accountable for every part of my conduct in the exercise of a trust reposed in me by you, and should consider myself highly culpable if I was to withhold from you any information in my possession, the knowledge of which may be material to enable you to form a right judgment on questions wherein the happiness of yourselves and your posterity are involved—Nor shall I ever consider it an act of condescension when impeached in my *public* conduct, or character, to vindicate myself at your bar, and to submit myself to your decision. In conformity to these sentiments, which have regulated my conduct since my return from the Convention, and which will be the rule of my actions in the sequel, I shall, at this time, beg your indulgence, while I make some observations on a Publication which the Landholder has done me the honour to address to me, in the *Maryland Journal*, of the 29th of February last.

In my controversy with that writer, on the subject of Mr. Gerry, I have already enabled you to decide, without difficulty, on the credit which ought to be given to his most positive assertions, and should scarce think it worth my time to notice his charges against myself, was it not for the opportunity it affords me of stating certain facts and transactions, of which you ought to be informed, some of which were *undesignedly* omitted by me when I had the honour of being called before the House of Delegates.¹

No “extreme modesty” on my part was requisite to induce me to conceal the “sacrifice of resentments” against Mr. Gerry—since no

such sacrifice had ever been made—nor had any such resentments ever existed—The *principal* opposition in sentiment between Mr. Gerry and myself, was on the subject of representation; but even on that subject, he was much more conceding than his colleagues, two of whom obstinately persisted in voting against the equality of representation in the Senate, when the question was taken in Convention upon the adoption of the conciliatory propositions, on the fate of which depended, I believe, the *continuance* of the Convention.²

In many important questions we perfectly harmonized in opinion, and where we differed, it never was attended with warmth or animosity, nor did it in any respect interfere with a friendly intercourse, and interchange of attention and civilities.—We both opposed the extraordinary powers over the militia, given to the general government³—we were both against the re-eligibility of the president⁴—we both concurred in the attempt to prevent members of each branch of the legislature from being appointable to offices,⁵ and in many other instances, although the Landholder, with his usual regard to truth, and his usual *imposing* effrontery, tells me, that I “doubtless must remember Mr. Gerry and myself never voted alike, except in the instances” he has mentioned. As little foundation is there in his assertion, that I “cautioned certain members to be on their guard against his wiles, for that he and Mr. Mason held private meetings, where the plans were concerted to aggrandize, at the expence of the small States, old Massachusetts and the ancient dominion.” I need only state facts to refute the assertion. Some time in the month of August, a number of members who considered the system, as then under consideration, and likely to be adopted, extremely exceptionable, and of a tendency to destroy the rights and liberties of the United States, thought it advisable to meet together in the evenings, in order to have a communication of sentiments, and to concert a plan of *conventional* opposition to, and amendment of that system, so as, if possible, to render it less dangerous. Mr. Gerry was the first who proposed this measure to me, and that before any meeting had taken place, and wished we might assemble at my lodgings; but not having a room convenient, we fixed upon another place—There Mr. Gerry and Mr. Mason *did* hold meetings; but with them also met the Delegates from New-Jersey and Connecticut, a part of the delegation from Delaware, an honourable member from South-Carolina, one other from Georgia, and myself—These were the only “private meetings” that ever I knew or heard to be held by Mr. Gerry and Mr. Mason—meetings at which I myself attended until I left the Convention—and of which the sole object was not to aggrandize the *great* at the expence of the *small*, but to protect and preserve, if possible, the existence and essential rights of *all* the States, and the liberty and freedom

of their citizens.⁶ Thus, my fellow-citizens, I am obliged, unless I could accept the compliment at an expence of truth equal to the Landholder's, to give up all claim to being "placed beyond the reach of ordinary panegyrick," and to that "magnanimity" which he was so solicitous to bestow upon me, that he has wandered the regions of falsehood to seek the occasion.

When we find such disregard of truth even in the introduction, while only on the threshold, we may form some judgment what respect is to be paid to the information he shall give us of what passed in the Convention, when he "draws aside the veil"—a veil which was interposed between our proceedings and the Public, in my opinion, for the most dangerous of purposes, and which was *never* designed by the advocates of the system to be drawn aside, or if ever, not till it should be *too late* for any beneficial purpose⁷—which as far as it is done or pretended to be done, on the present occasion, is only for the purpose of deception and misrepresentation.

It was on Saturday⁸ that I first took my seat—I obtained that day a copy of the propositions that had been laid before the Convention, and which were then the subject of discussion in a committee of the whole.⁹ The secretary was so polite as, at my request, to wait upon me at the State-House the next day (being Sunday) and there gave me an opportunity of examining the journals, and making myself acquainted with the little that had been done before my arrival—I was not a little surprised at the system brought forward, and was solicitous to learn the reasons which had been assigned in its support; for this purpose the journals could be of no service, I therefore conversed on the subject with different members of the Convention, and was favoured with minutes of the debates, which had taken place before my arrival—I applied to history for what lights it could afford me—and I procured every thing the most valuable I could find in Philadelphia, on the subject of governments in general, and on the American revolution and governments in particular¹⁰—I devoted my whole time and attention to the business in which we were engaged, and made use of all the opportunities I had, and abilities I possessed, conscientiously to decide what part I ought to adopt in the discharge of that sacred duty I owed to my country, in the exercise of the trust you had reposed in me—I attended the Convention many days without taking any share in the debates, listening in silence to the eloquence of others, and offering no other proof that I possessed the powers of speech, than giving my yea or nay when a question was taken, and notwithstanding my propensity to "endless garrulity," should have been extremely happy if I could have continued that line of conduct, without making a sacrifice of your rights and political happiness.

The committee of the whole house had made but small progress, at the time I arrived, in the discussion of the propositions which had been referred to them; they completed that discussion, and made their report—The propositions of the minority were then brought forward and rejected¹¹—The Convention had resumed the report of the committee, and had employed some days in its consideration—*Thirty days*,¹² I believe, or more, had elapsed from my taking my seat before, in the language of the Landholder, I “opened in a speech which held during two days”.¹³—Such, my fellow-citizens, is the true state of the conduct I pursued when I took my seat in Convention, and which the Landholder, to whom falshood appears more familiar than truth, with his usual effrontery, has misrepresented by a positive declaration, that without obtaining, or endeavouring to obtain, any information on the subject, I hastily and insolently obtruded my sentiments on the Convention, and, to the astonishment of every member present, on the very day I took my seat, began a speech, which continued two days, in opposition to those measures, which, on mature deliberation, had been adopted by the Convention.

But I “alone advocated the political heresy, that the people ought not to be trusted with the election of representatives.” On this subject, as I would wish to be on every other, my fellow-citizens, I have been perfectly explicit in the information I gave to the House of Delegates, and which has since been published.¹⁴—In a *state* government, I consider all power flowing *immediately* from the people in their individual capacity, and that the people, in their individual capacity, have, and ever ought to have, the right of choosing delegates in a state legislature; the business of which is to make laws, regulating their concerns, as individuals, and operating upon them as such; but, in a *federal* government, formed over free states, the power flows from the people, and the right of choosing delegates belongs to them *only mediately* through their respective state governments, which are the members composing the federal government, and from whom all its power *immediately* proceeds; to which state governments, the choice of the *federal* delegates *immediately* belongs.—I should blush, indeed, for my ignorance of the first elements of government, was I to entertain different sentiments on this subject; and if this is “political heresy,” I have no ambition to be ranked with those who are orthodox.—Let me here, my fellow-citizens, by way of caution, add an observation, which will prove to be founded in truth—those who are the most liberal in complimenting you with powers which do not belong to you, act commonly from improper and interested motives, and most generally have in view thereby to prepare the way for depriving you of those rights to which you are

justly entitled.—Every thing that weakens and impairs the bands of *legitimate* authority, smooths the road of ambition; nor can there be a surer method of supporting and preserving the just rights of the *people*, than by *supporting* and *protecting* the *just rights* of *Government*.

As to the “jargon” attributed to me of maintaining [“]that notwithstanding each state had an equal number of votes in the Senate, yet the states were unequally represented in the Senate,” the Landholder has all the merit of its absurdity; nor can I conceive what sentiment it is that I ever have expressed, to which he, with his usual perversion and misrepresentation, could give such a colouring.

That I ever suggested the idea of letting loose an army indiscriminately on the innocent and guilty, in a state refusing to comply with the requisitions of Congress, or that such an idea ever had place in my mind, is a falsehood so groundless, so base and malignant, that it could only have originated or been devised by a heart which would dishonour the midnight assassin. My sentiments on this subject are well known; it was *only* in the case where a state refused to comply with the requisitions of Congress, that *I* was willing to grant the general government those powers which the *proposed constitution* gives it in *every* case.^{(a)15}—Had I been a greater friend to a standing army, and not quite so averse to exposing your liberties to a soldiery, I do not believe the Landholder would have chose me for the object on whom to expend his artillery of falsehood.

That a system may enable government wantonly to exercise power over the militia, to call out an unreasonable number from any particular state without its permission, and to march them upon, and continue them in, remote and improper services—that the same system should enable the government totally to discard, render useless, and even disarm the militia, when it would remove them out of the way of opposing its ambitious views, is by no means inconsistent, and is really the case in the proposed constitution:—In both these respects it is, in my opinion, highly faulty, and ought to be amended. In the proposed system, the general government has a power not only *without* the *consent*, but *contrary* to the *will* of the *state government*, to call out the *whole* of its militia, without regard to *religious scruples*, or any other consideration, and to continue them in service as long as it pleases, thereby subjecting the *freemen* of a whole state to *martial law*, and reducing them to the situation of *slaves*.—It has also, by another clause, the powers, by *which only* the militia can be organized and armed, and by the neglect of which they may be rendered utterly useless and insignificant, when it suits the ambitious purposes of government:—Nor is the suggestion unreasonable, even if it had been made, that the government

might improperly oppress and harrass the militia, the better to reconcile them to the idea of regular troops, who might relieve them from the burthen, and to render them less opposed to the measures it might be disposed to adopt for the purpose of reducing them to that state of insignificancy and uselessness.

When the Landholder declared that “I contended the powers and authorities of the new constitution must destroy the liberties of the people,” he, for once, stumbled on the truth; but even this he could not avoid coupling with an assertion utterly false. I never suggested that “the same powers could be safely entrusted to the old Congress;”—on the contrary, I opposed many of the powers as being of that nature that, in my opinion, they could not be entrusted to any government whatever, consistent with the freedom of the states and their citizens; and earnestly recommended, what I wish, my fellow-citizens, deeply to impress on your minds, that in altering or amending our federal government, no *greater powers* ought to be given than *experience has shewn to be necessary*, since it will be *easy to delegate further power* when *time* shall dictate the *expediency* or *necessity*; but powers *once bestowed* upon a government, should they be found ever so *dangerous* or *destructive* to freedom, *cannot be resumed or wrested from government*, but by *another revolution*.

Baltimore, March 14, 1788.

(a) According to this idea, I endeavoured to obtain as an amendment to the system, the following clause: “And whenever the legislature of the United States shall find it necessary that revenue shall be raised by direct taxation, having apportioned the same by the above rule, *requisitions* shall be made of the respective states to pay into the continental treasury their respective quotas, within a *time* in the said requisition to be specified; and in case of any of the states *failing* to comply with such requisition, *then*, and *then only*, to have power to devise and pass acts directing the mode, and authorizing the same in the state failing therein.”—This was rejected, and that power, which I wished to have given the government only in this *particular instance*, is given to it, without any restraint or limitation, in *every case*.

1. For Martin’s address to the Maryland House of Delegates on 29 November, see RCS:Md., 87–96n; and for his published expansion of this address, see *Genuine Information* I, Baltimore *Maryland Gazette*, 28 December 1787 (above).

2. On 16 July 1787 the Constitutional Convention adopted, by a vote of five states to four, a compromise which provided for proportional representation in the House of Representatives according to population and equal state representation in the Senate. The Massachusetts delegation was divided: Elbridge Gerry and Caleb Strong voted for

the compromise; Rufus King and Nathaniel Gorham voted against it. Maryland, represented by Martin, Daniel Carroll, and Daniel of St. Thomas Jenifer, voted for the compromise (Farrand, II, 15).

3. For Martin's and Gerry's opposition to giving the central government "extraordinary powers over the militia," see Farrand, II, 332, 385–88.

4. For the opposition of Martin and Gerry to the re-eligibility of the president, see Farrand, II, 52, 58, 101, 102. At one point, however, they suggested long terms for the president—Martin, eleven years, and Gerry, fifteen years.

5. For Gerry's support of the provision making congressmen ineligible for appointment to federal offices, see Farrand, I, 388, 393; II, 285–86, 491. There is no record that Martin spoke on this issue.

6. For a discussion of these meetings, see Forrest McDonald, *E Pluribus Unum: The Formation of the American Republic, 1776–1790* (2nd ed., Indianapolis, Ind., 1979), 295–302; and George Athan Billias, *Elbridge Gerry: Founding Father and Republican Statesman* (New York, 1976), 193, 387n–88n.

7. The rule of secrecy was especially galling to Martin. On 25 July 1787, just before the Convention adjourned to permit the Committee of Detail to draft a constitution, Martin moved that the delegates might "take copies of the resolutions which have been agreed to." The motion was defeated six states to five, with Maryland voting in the majority (Farrand, II, 107, 108, 115; and Martin, *Genuine Information I*, *Baltimore Maryland Gazette*, 28 December [above]). When the Convention adjourned on 17 September, James McHenry wrote in his notes: "Injunction of secrecy taken off" (RCS:Md., 4).

8. 9 June 1787.

9. A reference to the Virginia Resolutions which were presented to the Constitutional Convention on 29 May (CDR, 243–45).

10. The Library Company of Philadelphia had allowed delegates to the First and Second Continental Congresses access to its holdings. Such privileges were probably extended to the delegates of the Constitutional Convention even before the library's directors formally resolved on 5 July 1787 to "furnish the Gentlemen composing the Convention now sitting, with such Books as they may desire during their Continuance in Philadelphia" (Jack P. Greene, *The Intellectual Heritage of the Constitutional Era: The Delegates' Library* [Philadelphia, 1986], 5).

11. A reference to the New Jersey Amendments to the Articles of Confederation, which were presented to the Convention on 15 June 1787 and rejected on the 19th (CDR, 250–53). The version printed in CDR is from James Madison's notes of the Convention that were printed in Farrand. For a version of these amendments probably supplied by Martin, see *Baltimore Maryland Gazette*, 15 February 1788 (RCS:Md., 303–6).

12. After the Convention rejected the New Jersey Amendments, it accepted the Amended Virginia Resolutions and debated them until 26 July 1787, when it adjourned so that the Committee of Detail could draft a constitution (CDR, 247–50, 255–60).

13. Martin delivered his two-day speech on 27–28 June 1787. (See "Landholder No. X," *Maryland Journal*, 29 February 1788, note 2 [above].)

14. See *Genuine Information IV*, *Baltimore Maryland Gazette*, 8 January (above).

15. See *Genuine Information VI*, *Baltimore Maryland Gazette*, 15 January, note 3 (above).

Manco

Maryland Journal, 18 March 1788¹

It is the established creed of America, that the Liberty of the Press is the *Palladium* of all the *civil*, *political* and *religious* rights of AMERICANS²—The News-Papers are the *best* vehicles of intelligence and information, respecting public affairs, to the people at large; and to stop

their *free* circulation, is an act of injury and insult to the citizens of these United States. At no time can it be more necessary to keep open the channels of communication than at the present moment. The great motive for erecting the present Post-Office in America, was to promote the public good, by facilitating a constant and speedy conveyance of public despatches and private letters; and the *incidental revenue* arising from the latter, was but a *secondary* object. The mutual exchange of News-Papers by the Printers on this continent, in the mail, was always exercised under the British government, and continued since the revolution, until a few weeks ago, when Ebenezer Hazard, Esq; Post-Master-General, *prohibited* the sending any News-Papers in the mail.³—What must be the feelings of every Freeman in America, on the conduct of this *little despot in office?*—Take the alarm all the Lovers of Freedom—it is a sample of what you may expect, if the NEW system of *national* government should be adopted.⁴—The first symptom of a design on the liberties of America is the shackling of the Press; the second is the cutting off the communication of sentiment in the News-Papers.—If the people submit to this conduct, nothing can rouse them from their lethargy, and their next sleep will be the sleep of Death—THE LOSS OF THEIR LIBERTIES.

Baltimore, March 17, 1788.

1. "Manco" was also printed, with slightly altered capitalization and punctuation, in the Baltimore *Maryland Gazette* on 18 March, and reprinted in the Winchester *Virginia Gazette* on 2 April. It was paraphrased and printed in "Watchman" in the Philadelphia *Independent Gazetteer*, 26 March (CC:Vol. 4, pp. 572–73). See also note 3 (below).

2. "Manco" paraphrases *The Letters of Junius*: "Let it be impressed upon your minds, let it be instilled into your children, that the liberty of the press is the palladium of all civil, political and religious rights of freemen." (See C. W. Everett, ed., *The Letters of Junius* [London, 1927], "Dedication to the English Nation," page 4. Everett's edition "is an exact reprint of the Henry Sampson Woodfall edition of 1772" [*ibid.*, vii].)

3. This sentence was quoted in "Mentor," Petersburg *Virginia Gazette*, 3 April 1788 (CC:Vol. 4, p. 579).

4. For a response to "Manco," see "Tom Peep," Baltimore *Maryland Gazette*, 21 March (below).

Baltimore Maryland Journal, 18 March 1788¹

ANTIFEDERAL DISCOVERIES.

I.

That the little states were unanimous in their opposition to the constitution. This would have ranked very high, had it not appeared that the members of Convention from the little states were unanimous in approving of the constitution, and Delaware and New-Jersey unanimous in ratifying it.

II.

That Mr. *Washington* was a traitor to his country for having voted that the citizens of each state should have suffrages in the Senate of Congress, in the same ratio as in the House of Representatives. This would have damned the character of Mr. Washington, but for a foolish idea among the people, that 30,000 inhabitants of Virginia had as good a right to one member, whether in the Senate or House of Representatives, as 30,000 inhabitants of Maryland.²

III.

That Congress could oblige all vessels bound to Maryland (for example) to enter at George-Town, under pretext of collecting the revenue with more certainty, and at less expence, which would necessarily induce the merchants who resided out of George-Town, to make their entries *at Norfolk in Virginia*, to the great advantage of that state, and the prejudice of Maryland in general, and Baltimore in particular. This discovery looked very well till some body remarked, that the constitution had expressly provided "*that no preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another.*"³

IV.

That the constitution wanted a bill of rights. Several persons lay claim to this discovery, but notwithstanding its modern date, the author remains unknown. The people who had no intention to *part* with their natural rights, set about examining the *grant* they were about to make, which so far from *conveying them away*, did not even mention them.

V.

That the constitution enabled Congress to keep up a standing army in time of peace.—It was expected this discovery would have done great execution, but the people were of opinion, that their representatives would never be so foolish as to vote for any army when *unnecessary*, and that they would be very unwise to establish a government which would hinder them from having an army when *necessary*.

VI.

That it abolishes the trial by jury in civil causes—We are told that this discovery, made by an obscure writer under the signature of Centinel,⁴ was borrowed by a Lawyer,⁵ who put his name to it: Upon inquiry, however, it was found, that the constitution went only to enable Congress to make such regulations, respecting actions cognizable in the congressional courts, as would prevent the citizens of one state from any undue advantages over the citizens of another state.

VII.

That the Senate would engross to itself all the powers of the government.—This was considered as an important discovery in one latitude,

while, in another latitude, it was found out that the *President* would have all the power in his own hand. The people who were entreated to believe both discoveries, were at a loss to conceive how either could be brought about, in as much as neither Senate or President could raise money (which is the fountain of all power) or use money when raised, without the *consent* of the House of Representatives, who were obliged to meet at least once every year, and who would naturally guard against their own destruction.

VIII.

That the constitution had none of the essentials of a free government.—A discovery like this, which comprehended all that had been made, or that could be made, would have been entitled to the highest approbation, but for some well known and venerable authorities, one of which has declared “that the right in the people to participate in the legislature, is the best security of liberty, and the *foundation of all free government*,”^(a) a right which, unfortunately for this discovery, the constitution has guarded and secured to the people by the most express and positive provisions.

Baltimore, March 17, 1788.

(a) *Constitution of Maryland.*⁶

1. For a similar newspaper item, see “One of the People,” *Maryland Journal*, 25 December 1787 (above).

2. See *Genuine Information* I and V, *Baltimore Maryland Gazette*, 28 December 1787 and 11 January 1788 (RCS:Md., 132–33, 174, note 3).

3. Article I, section 9, clause 6, of the Constitution.

4. See “Centinel” I, *Philadelphia Independent Gazetteer*, 5 October 1787 (CC:133, p. 336).

5. Possibly George Mason, a Virginia delegate to the Constitutional Convention, who included this Antifederalist criticism in his objections to the Constitution, which he formulated even before the Convention adjourned on 17 September 1787. His objections then circulated in manuscript (CC:138, p. 350), but they circulated more widely when they were printed in the *Massachusetts Centinel* on 21 November, the *Virginia Journal* on 22 November, and the *Winchester Virginia Gazette* on 23 November (CC:276 A–B). For the circulation of Mason’s objections in Maryland, see “A Federalist,” *Baltimore Maryland Gazette*, 18 January 1788, note 5 (above).

6. See Article V of the Maryland declaration of rights (1776), Appendix I (RCS:Md., 771).

Philadelphia Freeman’s Journal, 19 March 1788¹

The present conduct of the Well Born in Maryland, observes a correspondent, is something like what we might expect from them, in case their scheme of power and office-making was adopted. These lordlings are selling to one another at public sale for a song, all the mortgaged freeholds of the people who have been reduced by the distress of the times, heavy taxes, &c. One of the most wealthy of these chaps, (who

was a member of the federal convention) took out 300 writs at one time, and had them executed in the most rigorous manner. They are taking these steps, it is said, to exclude the people from the right of suffrage; as none but freeholders are entitled to vote in that State.

1. Reprinted: *New York Journal*, 27 March; *Vermont Gazette*, 7 April; *Providence Gazette*, 12 April; and *Newport Mercury*, 14 April.

**Philip Thomas to Horatio Gates
Frederick, 21 March 1788¹**

I do myself the pleasure to inclose you a pamphlet, containing remarks on the proposed plan of a federal government by Aristides² I have read it several times over with much more pleasure than it has been, or will be read, I suppose, by 99 in a 100: not barely because I feel myself as much interested in the adoption of the plan in proportion to my rank & worth as any One can be; but because it is the work of one of my most dear friends, Judge Hanson. Whether the work deserves all, or one half, the merit which I, & several others, think it possesses I know not. there is one thing however that must *recommend* it to your attention & that is, the independent style in which it is wrote which serves as ~~integrity~~ an incontestible proof that the Author wrote without favor ~~affection~~ or partiality; and I believe you are not a stranger to his character for integrity.

I believe that Maryland will adopt the proposed plan by a pretty large Majority but it is said the opponents have begun to pluck up their crests since the conflict happened in the Convention of N. Hampshire³ & the nefarious “doings” in Rhode Island which last appears to be Cousin german to Gomorrhah.⁴

We are highly pleased to hear that the opposition abates in your quarter and strongly hope the dominion will finally ratify—If you will drive *envy* out of the state there would be no doubt of the success of the plan.

[P.S.] written in great haste

1. RC, Gates Mss. (Collected by Emmet), New York Public Library. Thomas (1747–1815), a Frederick County physician, served as an officer in the Maryland militia during the Revolutionary War. He represented Frederick County in the House of Delegates, 1777–78. Thomas also held such county offices as justice of the peace, 1775–80, justice of the Orphans’ Court, 1778–81, justice of the Court of Oyer, Terminer, and Gaol Delivery, 1781, and medical purveyor, 1781–83. He was appointed county lieutenant, 1781, and served as a presidential elector, 1788.

2. See “Aristides,” *Remarks*, 31 January 1788 (above). Alexander Contee Hanson was a brother-in-law of Thomas, who had married Hanson’s sister Jane Contee (1747–81).

3. Thomas refers to the adjournment of the New Hampshire Convention on 22 February without having ratified the Constitution (CC:554).

4. Rhode Island had refused to send delegates to the Constitutional Convention and it had adopted radical paper money policies. It also had not called a convention to consider the new Constitution. Instead, the legislature voted on 1 March 1788 to submit the Constitution to a referendum of the freemen in town meetings. Such actions made the state a first cousin to Gomorrah.

A Farmer IV

Baltimore Maryland Gazette, 21 March 1788¹

I have said that the boasted birthright of Englishmen and their posterity—the *trial by jury in civil cases*, is destroyed under the proposed fœderal constitution; that the hope of its re-establishment by the future Congress is at best doubtful; that its tenure, depending on the fluctuating breath of annual or biennial sessions, is uncertain; and finally, I denied the power of reviving it by a *Congressional law* at all, as it would be a violation of the constitution:—It may be expected that in a cause like this, assertion and proof should go hand in hand.

It has ever been contended, at least on one side, that the proposed Congress are to exercise *no power not expressly vested in them by the fœderal plan*. This is the position of *Aristides*, and of all the friends of the system.—It is now asked, is the power of establishing juries in *civil* cases by Congress, given in that constitution? It must be answered NO, not at least in express words.—Is it then given by *implication*? If so great an authority can be taken from the judges, the judiciary, an independent branch of government, by the legislature, and vested in a distinct branch, a jury, I do not see in what *judiciary independence* consists.—Can these judicial powers, vested in the judges, by the constitution, which gives *them* the cognizance of certain causes, be divested by an *implied* legislative power? If we imply this power, may we not imply any other? And does not the doctrine of *implication* totally defeat the fundamental position of *Aristides*, and the friends of the *new* government? But moreover does not *Aristides*, and every lawyer, know that in the interpretation of all political as well as civil laws, this fundamental maxim must be observed, *That where there are two objects in contemplation of any legislature, the express adoption of one, is the total exclusion of the other*; and that the adoption of juries in *criminal* cases, in every legal interpretation, amounts to an absolute rejection in *civil* cases:—If the right of establishing juries, by a *Congressional law* is admitted at all, it must be admitted, as an *inherent legislative right*, paramount to the constitution, as it is not derived from it, and then the power that can make, can by law unmake; so that referring this power to a source of authority *superior* to the act of government, would leave us without any juries at all (even in *criminal* cases) if Congress should so please; which position can never be the object of either friends or enemies to the system at present.—If it is

defective, it is still bad policy to make it worse; but still in every view, we must reflect, that the establishment of trials by jury, belongs to *political*, not to *civil* legislation. It includes the right of organizing government, not of regulating the conduct of individuals, as the following enquiry will prove; we must never give an assembly the power of giving itself power.

As the worth and excellence of this mode of trial, preserved and handed down from generation to generation for near two thousand years, has drawn down the enthusiastic encomiums of the most enlightened lawyers and statesmen of every age; as it has taken deep root in the breast of every freeman, encompassed by the defences of affection and veneration, a repetition of its praises would be as tedious as useless: Some remarks however, still remain to be made, which will place this subject in a more important and conspicuous view.

The trial by jury, is the only remaining power which the Commons of England have retained in their own hands, of all that plenitude of authority and freedom, which rendered their northern progenitors irresistible in war, and flourishing in peace.—The usurpations of *the few*, gradually effected by artifice and force, have robbed *the many*, of that power which once formed the basis of those governments, so celebrated by mankind.—The government of Sparta, the form of which, it is said, has continued from the days of Lycurgus to our age, preserving its model amidst those overwhelming tides of revolution and shipwrecks of governments, which Greece has sustained for near three thousand years; the same form of government among the Saxons and other Germans, consisting of King, Lords and Commons, applauded by Tacitus and Machiavelli, were thus distinguished from the present government of England—The power of the Commons resided with them, not in representatives but in the body of the people.—*De minoribus rebus, principes consultant; de majoribus omnes*, are either the words of Tacitus or Cæsar.² The administration of *ordinary* affairs was committed to the select men; but all important subjects were deliberated on by the whole body of the people.—Such was the constitution of Sparta, and of England, when Machiavelli gives them as a model, for there can be no doubt but that the *folk-motes* of the Saxons were not formed by representation—The venerable remembrance of which assemblies, hung long about the affections of Englishmen, and it was to restore them that they offered such frequent libations of their noblest blood; but the usurpations of *the few* have been unwearied and irresistible, and the trial by jury is all that now remains to *the many*.

The trial by jury is—the democratic branch of the judiciary power—more necessary than representatives in the legislature; for those usurpations, which silently undermine the spirit of liberty, under the sanction of

law, are more dangerous than direct and open legislative attacks; in the one case the treason is never discovered until liberty, and with it the power of defence is lost; the other is an open summons to arms, and then if the people will not defend their rights, they do not deserve to enjoy them.

The *judiciary* power, has generally been considered as a *branch* of the *executive*, because these two powers, have been so frequently united;—but where united, there is no liberty.—In every *free* State, the judiciary is kept separate, independent, and considered as an intermediate power;—and it certainly partakes more of a *legislative*, than an *executive* nature—The sound definition which Delolme applied to one branch may be justly extended to the whole judiciary,—*That it is a subordinate legislation in most instances, supplying by analogy, and precedent in each particular case, the defects of general legislative acts,*³—without then the check of the *democratic* branch—the *jury*, to ascertain those facts, to which the judge is to apply the law, and even in many cases to determine the cause by a *general* verdict—the latitude of judicial power, combined with the various and uncertain nature of evidence, will render it impossible to convict a judge of corruption, and ascertain his guilt.—Remove the fear of punishment, give hopes of impunity, and vice and tyranny come scowling from their dark abodes in the human heart.—Destroy juries and every thing is prostrated to judges, who may easily disguise law, by suppressing and varying fact:—Whenever therefore the trial by juries has been abolished, the liberties of the people were soon lost—The judiciary power is immediately absorbed, or placed under the direction of the executive, as example teaches in most of the States of Europe.—So formidable an engine of power, defended only by the gown and the robe, is soon seized and engrossed by the power that weilds the sword.—Thus we find the judiciary and executive branches united, or the *former* totally dependant on the *latter* in most of the governments in the world.—It is true, where the judges will put on the sword and weild it with success, they will subject both princes and legislature to their despotism, as was the case in the memorable usurpation of the Justizia of Arragon, where the judiciary erected themselves into a frightful tyranny.

Why then shall we risque this important check to judiciary usurpation, provided by the wisdom of antiquity? Why shall we rob the Commons of the only remaining power they have been able to preserve, for their personal exercise? Have they ever abused it?—I know it has and will be said—they have—that they are too ignorant—that they cannot distinguish between right and wrong—that decisions on property are submitted to chance; and that the last word, commonly determines the cause:—There is some truth in these allegations—but whence

comes it—The Commons are much degraded in the powers of the mind:—They were deprived of the use of understanding, when they were robbed of the power of employing it.—Men no longer cultivate, what is no longer useful;—should every opportunity be taken away, of exercising their reason, you will reduce them to that state of mental baseness, in which they appear in nine-tenths of this globe—distinguished from brutes, only by form and the articulation of sound—*Give them power and they will find understanding to use it*—But taking juries with all their real and attributed defects, is it not better to submit a cause to an impartial tribunal, who would at least, as soon do you right as wrong—than for every man to become subservient to government and those in power?—Would any man oppose government, where his property would be wholly at the mercy and decision of those that govern?—We know the influence that property has over the minds of men—they will risque their lives rather than their property; and a government, where there is no trial by jury, has an unlimited command over every man who has any thing to loose.—It is by the attacks on private property through the judiciary, that despotism becomes as irresistible as terrible. I could relate numerous examples of the greatest and best men in all countries, who have been driven to despair, by vexatious law-suits, commenced at the instigation of the court, of favorites and of minions, and all *from the loss of juries*.—France was reduced to the brink of destruction in one instance.—The Queen mother Louise of Savoy, piqued at the constable of Bourbon, a young and amiable man, who refused to marry her, commenced a suit against him for all his estate—The judges were ready at the beck of the court, and without a shadow of justice deprived him by law of every shilling he was worth; and drove from his country an unfortunate hero, whose mad revenge carried desolation into her bosom.—In Denmark a despicable minion, who came in rags to the court, after the establishment of their new government, which they solicited Frederick the III^d to make for them, acquired an immense fortune by plunder, sheltered by the favour of the Sovereign. At last he fixed his eyes on a most delightful estate, and offered to buy it—The owner did not want money, and could not think of selling the patrimony of an ancient family; this wretch then spirited up law-suits against him, and after the most cruel vexations obliged him to sell the estate for much less than he at first offered him. This unfortunate gentleman was driven from the country which gave him birth, and a once happy society of relations and friends.—Such would have been the fate of England, from those courts without juries, which took cognizance of causes arising in the revenues and imports in Charles the first's time, the court fortunately for the liberties of England, seized the bull by the horns, when they attacked that wonderful

man John Hampden. He spent 20,000l. rather than pay an illegal tax of twenty shillings, brought the cause before the Parliament, roused the spirit of the nation, and finally overturned courts, King, and even the constitution for many years. These dreadful examples may teach us the importance of juries in *civil* cases—they may recal to my countrymen a maxim which their ancestors, as wise, and more virtuous than their posterity, held ever in view—*That if the people creep like tortoises, they will still find themselves too fast in giving away power.*

1. For a general discussion of the series of essays by “A Farmer,” see “A Farmer” I, Baltimore *Maryland Gazette*, 15 February (above).

2. Latin: “About minor matters the chiefs deliberate, about the more important the whole tribe” (Tacitus, *Germania*, chapter 11, line 1).

3. See Jean Louis De Lolme, *The Constitution of England . . .* (London, 1775), Chapter IX, “Of Criminal Justice,” p. 133.

Tom Peep

Baltimore Maryland Gazette, 21 March 1788

Mr. HAYES, There is scarce any subject, about which even good and great men have differed more than that of government: Hence we see a variety of sentiment on the proposed constitution, and it may be plainly discerned that most of the writers have not been devoid of prejudice in their discussions—That we want *union* and a federal government, must be acknowledged by every friend to America, and unhappy will be the consequences, if we suffer our fears and jealousies to get the better of our understanding, and to impede this important necessary work. More respectable characters than those who have been employed in this arduous business, we cannot find—*Whigs* in the worst of times, who demonstrated their attachment to their country with the risque of their lives and fortunes—Let us not then believe every idle report against them—No constitution can be formed without defects; but that which is now proposed is, in the opinion of the wise and patriotic, capable of securing our political happiness.

As there is a prospect of procuring men of capacity and honesty for the administration of it, we have every thing to hope from its adoption; but from its rejection, we have reason to expect an accumulation of our distresses, disunion, a total want of credit, and perhaps slavery itself.

In your last paper, I observed a writer under the signature of *Manco*, endeavours to alarm the friends of freedom—he tells us the newspapers are prohibited from being sent in the mail, and this he calls “a sample of what may be expected, if the new system of national government should be adopted.”¹—He seems to talk in prophetic language and to denounce the loss of our liberties—These are random flights,

calculated for party purposes. It cannot be “a sample of the new government,” which is as yet a non entity; but it plainly indicates the imbecility of the present system, when “every little despot in office,” may act in his department as he pleases. Let us have done with the weak beggarly elements, under which we at present labour, and shew the world that Americans are capable of *self-government*, by making their servants responsible for their conduct—Our citizens, no doubt, perfectly comprehend the design of *Manco’s* inflammatory insinuations—and it is to be hoped they will be unanimous for their credit, their honour, and their political existence, which they can only expect to be supported under a federal government—Let me ask them, who are most violently opposed to it? If many of their good friends, the lawyers, are among the number, they may rest assured the constitution is a good one.

Baltimore, March 20, 1788.

1. See “Manco,” *Maryland Journal*, 18 March (above).

Luther Martin: Address No. II **Maryland Journal, 21 March 1788**

This essay is a continuation of Luther Martin’s reply to the Maryland “Landholder No. X,” *Maryland Journal*, 29 February (above). For the first address, see *Maryland Journal*, 18 March (above). For another reply by Martin, see above under 7 March. Address No. II was reprinted in three Philadelphia newspapers: *Freeman’s Journal*, 2, 9 April (excerpts); *Independent Gazetteer*, 10 April; and *Pennsylvania Mercury*, 10, 12 April.

To the CITIZENS *of* MARYLAND.

In the recognition which the Landholder professes to make “of what occurred to my advantage,” he equally deals in the arts of misrepresentation, as while he was “only the record of the bad,” and I am equally obliged, from a regard to truth, to disclaim his pretended approbation as his avowed censure.

He declares, that I originated the clause which enacts, that “this Constitution, and the laws of the United States, which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the judges in every state shall be bound thereby, any thing in the Constitution or the laws of any state to the contrary notwithstanding.” To place this matter in a proper point of view, it will be necessary to state, that as the propositions were reported by the committee of the whole house, a power was given to the general government to *negative* the laws passed by the state legislatures—a power

which I considered as totally inadmissible;—in substitution of this, I proposed the following clause, which you will find very materially different from the clause adopted by the Constitution, “that the legislative acts of the United States, made by virtue and in pursuance of the articles of the union, and all treaties made and *ratified* under the authority of the United States, shall be the supreme law of the respective states, so far as those acts or treaties shall relate to the said states, or their citizens; and that the judiciaries of the several states shall be bound thereby in their decisions, any thing in the respective laws of the individual states to the contrary notwithstanding.”¹

When this clause was introduced, it was not established that *inferior* continental courts should be appointed for trial of all questions arising on treaties and on the laws of the general government,² and it was my wish and hope that every question of that kind would have been determined, in the first instance, in the courts of the respective states; had this been the case, the propriety and the necessity that treaties duly made and ratified, and the laws of the general government should be *binding* on the state judiciaries, which were to decide upon them, must be evident to every capacity, while, at the same time, if such treaties or laws were inconsistent with our constitution and bill of rights, the judiciaries of this state would be bound to *reject the first and abide by the last*; since in the form I introduced the clause, notwithstanding treaties and the laws of the general government were intended to be superior to the laws of our state government, where they should be opposed to each other, yet that they were not proposed, nor meant to be superior to our *constitution* and bill of rights. It was afterwards altered and amended (if it can be called an amendment) to the form in which it stands in the system now published,³ and, as inferior continental, and not state, courts are originally to decide on those questions, it is *now worse than useless*; for being so altered as to render the treaties and laws made under the general government superior to our constitution, if the system is adopted, it will amount to a total and unconditional surrender to that government, by the citizens of this state, of every right and privilege secured to them by our constitution, and an express compact and stipulation with the general government, that it may, at its discretion, make laws in direct violation of those rights: But on this subject I shall enlarge in a future number.⁴

That I “voted an appeal should lay to the supreme judiciary of the United States, for the *correction* of all *errors* both in law and fact,” in *rendering judgment*, is most true; and it is equally true that if it had been so ordained by the Constitution, the supreme judiciary would only have had an appellate jurisdiction, of the *same nature* with that possessed by our high court of appeals,⁵ and could not in any respect intermeddle

with any fact decided by a jury; but as the clause now stands, an appeal being given in general terms from the inferior courts, both as to law and fact, it not only doth, but was *avowedly intended* to give a power very different from what our court of appeals, or any court of appeals in the United States or in England enjoys—a power of the most dangerous and alarming nature, that of setting at nought the verdict of a jury, and having the same facts which they had determined, without any regard or respect to their determination, examined and ultimately decided by the judges themselves; and that by judges immediately appointed by the government.

But the Landholder also says, that “I agreed to the clause that declares nine states to be sufficient to put the government in motion.”—

I cannot take to myself the merit even of this, without too great a sacrifice of truth.—

It was proposed that if *seven* states agreed, that should be sufficient;—by a rule of convention in filling up blanks, if different numbers were mentioned, the question was always to be taken on the highest: It was my opinion, that to agree upon a ratification of the constitution by any less number than the whole thirteen states, is so directly *repugnant* to our present articles of confederation, and the mode therein prescribed for their alteration, and such a *violation* of the compact which the states, in the most solemn manner, have entered into with each other, that those who could advocate a contrary proposition, ought never to be confided in and entrusted in public life⁶—I availed myself of this rule, and had the question taken on thirteen, which was rejected—Twelve, eleven, ten and nine were proposed in succession; the last was adopted by a majority of the members—I voted successively for each of these numbers, to prevent a less number being agreed on—Had nine not been adopted, I should on the *same* principle have voted for eight: But so far was I from giving my approbation that the assent of a less number of states than thirteen should be sufficient to put the government in motion, that I most explicitly expressed my sentiments to the contrary, and always intended, had I been present when the ultimate vote was taken on the constitution, to have given it my decided negative, accompanied with a solem[n] protest against it, assigning this reason among others for my dissent. Thus, my fellow-citizens, that candour with which I have conducted myself through the whole of this business, obliges me, however reluctantly, and however “mortifying it may be to my vanity” to disavow all “those greater positive virtues” which the Landholder has so obligingly attributed to me in Convention, and which he was so desirous of conferring upon me as to consider the guilt of misrepresentation and falsehood but a trifling sacrifice for that purpose, and to increase my mortification, you will find I am equally compelled

to yield up every pretence, even to those of a negative nature, which a regard to justice has, as he says, obliged him not to omit.—These consist, as he tells us, in giving my entire approbation to the system, as to those parts which are said to endanger a trial by jury, and as to its want of a bill of rights, and in having too much candour there to signify that I thought it deficient in either of these respects:—But how, I pray can the Landholder be *certain* that I deserve this encomium? Is it not possible, as I so frequently exhausted the politeness of the Convention, that some of those marks of fatigue and disgust, with which he intimates I was mortified as oft as I attempted to speak, might, at that time, have taken place, and have been of such a nature as to attract his attention;—or, perhaps, as the Convention was prepared to slumber whenever I rose, the Landholder, among others, might have sunk into sleep, and at that very moment might have been feasting his imagination with the completion of his ambitious views, and dreams of future greatness:—But supposing I never did declare in Convention, that I thought the system defective in those essential points, will it amount to a positive proof that I approved the system in those respects, or that I culpably neglected an indispensable duty? Is it not possible, whatever might have been my insolence and assurance when I first took my seat, and however fond I might be at that time of obtruding my sentiments, that the many rebuffs with which I met—the repeated mortifications I experienced—the marks of fatigue and disgust with which my eyes were sure to be assailed wherever I turned them—one gaping here—another yawning there—a third slumbering in this place—and a fourth snoring in that—might so effectually have put to flight all my original arrogance, that, as we are apt to run into extremes, having at length become convinced of my comparative nothingness, in so august an assembly, and one in which the science of government was so perfectly understood, I might sink into such a state of modesty and diffidence, as not to be able to muster up resolution enough to break the seal of silence and open my lips, even after the rays of light had begun to penetrate my understanding, and in some measure to chase away those clouds of error and ignorance, in which it was enveloped on my first arrival.—Perhaps, had I been treated with a more forbearing indulgence while committing those memorable blunders, for want of a sufficient knowledge in the science of Government, I might, after the rays of light had illuminated my mind, have rendered my country much more important services, and not only assisted in raising some of the pillars, but have furnished the edifice with a new roof of my own construction, rather better calculated for the convenience and security of those who might wish to take shelter beneath it, than that which it at

present enjoys.—Or even admitting I was not mortified, as I certainly ought to have been, from the Landholder's account of the matter, into a total loss of speech, was it in me, who considered the system, for a *variety* of reasons, absolutely inconsistent with your political welfare and happiness, a culpable neglect of duty in not endeavouring, and that against every chance of success, to remove one or two defects, when I had before ineffectually endeavoured to clear it of the others, which, therefore, I knew must remain.

But to be serious; as to what relates to the appellate jurisdiction in the extent given by the system proposed, I am positive there were objections made to it, and as far as my memory will serve me, I think I was in the number of those who actually objected; but I am sure that the objections met with my approbation.⁷

With respect to a bill of rights—Had the government been formed upon principles truly federal, as I wished it, legislating over and acting upon the states only in their collective or political capacity, and not on individuals, there would have been no need of a bill of rights, as far as related to the rights of individuals, but only as to the rights of states:—But the proposed constitution being intended and empowered to act not only on states, but also immediately on individuals, it renders a recognition and a stipulation in favour of the rights both of states and of men, not only proper, but in my opinion, *absolutely* necessary.—I endeavoured to obtain a restraint on the powers of the general government, as to standing armies, but it was rejected.⁸ It was my wish that the general government should not have the power of suspending the privilege of the writ of *Habeas Corpus*, as it appears to me altogether unnecessary, and that the power given to it, may and will be used as a dangerous engine of oppression; but I could not succeed.⁹

An honourable member from South-Carolina, most anxiously sought to have a clause inserted, securing the Liberty of the Press, and *repeatedly* brought this subject before the Convention, but could not obtain it.¹⁰—I am almost positive he made the same attempt to have a stipulation in favour of Liberty of Conscience, but in vain.¹¹—The more the system advanced, the more was I impressed with the necessity of not merely attempting to secure a few rights, but of digesting and forming a complete bill of rights, including those of states and of individuals, which should be assented to, and prefixed to the constitution, to serve as a barrier between the general government and the respective states and their citizens; because the more the system advanced, the more clearly it appeared to me that the framers of it did not consider that either states or men had any rights at all, or that they meant to secure the enjoyment of any to either the one or the other; accordingly, I

devoted a part of my time to the actually preparing and draughting such a bill of rights, and had it in readiness before I left the Convention, to have laid it before a committee.—I conversed with several members on the subject; they agreed with me on the propriety of the measure, but, at the same time, expressed their sentiments that it would be impossible to procure its adoption if attempted.—A very few days before I left the Convention, I shewed to an honourable member sitting by me, a proposition, which I then had in my hand, couched in the following words, “Resolved, that a committee be appointed to prepare and report a bill of rights, to be prefixed to the proposed constitution,” and I then would instantly have moved for the appointment of a committee for that purpose, if he would have agreed to second the motion, to do which he hesitated, not as I understood from any objection to the measure, but from a conviction in his own mind, that the motion would be in vain.¹²

Thus, my fellow-citizens, you see that so far from having no objections to the system on this account, while I was at Convention, I not only then thought a bill of rights necessary, but I took some pains to have the subject brought forward, which would have been done, had it not been for the difficulties I have stated:—At the same time I declare, that when I drew up the motion, and was about to have proposed it to the Convention, I had not the most distant hope it would meet with success.—The rejection of the clauses attempted in favour of particular rights, and to check and restrain the dangerous and exorbitant powers of the general government from being abused, had sufficiently taught me what to expect:—And from the best judgment I could form while in Convention, I then was, and yet remain, decidedly of the opinion, that ambition and interest had so far blinded the understanding of some of the principal framers of the constitution, that while they were labouring to erect a fabrick by which they themselves might be exalted and benefited, they were rendered insensible to the sacrifice of the freedom and happiness of the states and their citizens, which must, inevitably, be the consequence.—I most sacredly believe their object is the total abolition and destruction of all state governments, and the erection, on their ruins, of one great and extensive empire, calculated to aggrandize and elevate its rulers and chief officers, far above the common herd of mankind—to enrich them with wealth, and to encircle them with honours and glory—and which, according to my judgment, on the maturest reflection, must, inevitably, be attended with the most humiliating and abject slavery of their fellow-citizens, by the sweat of whose brows, and by the toil of whose bodies, it can only be effected:—And so anxious were its zealous promoters to hasten to a birth

this misshapen, heterogeneous monster of ambition and interest, that, for some time before the Convention rose, upon the least attempt to alter its form, or modify its powers, the most fretful impatience was shewn, such as would not have done much honour to a state assembly, had they been sitting as long a time, and their treasury empty; while it was repeatedly urged on the contrary, but urged in vain, that in so momentous an undertaking, in forming a system for such an extensive continent, on which the political happiness of so many millions, even to the latest ages, may depend, no time could be too long—no thought and reflection too great—and that if by continuing six months, or even as many years, we could free the system from all its errors and defects, it would be the best use to which we could possibly devote our time.

Thus, my fellow-citizens, am I under the necessity of resigning again into the hands of the Landholder, all those virtues both of a positive and negative kind, which, from an excess of goodness, he bestowed upon me, and give him my full permission to dispose of them hereafter in favour of some other person, who may be more deserving, and to whom they will be more acceptable; at the same time, I must frankly acknowledge, however it may operate as a proof of my dullness and stupidity, that the “ignorance in the science of government” under which I laboured at first, was not removed by more than two months close application, under those august and enlightened masters of the science, with which the Convention abounded, nor was I able to discover during that time, either by my own researches, or by any light borrowed from those luminaries, any thing in the history of mankind, or in the sentiments of those who have favoured the world with their ideas on government, to warrant or countenance the motley mixture of a system proposed; a system which is an innovation in government of the most extraordinary kind;—a system neither wholly *federal*, nor wholly *national*—but a strange hotch-potch of both—just so much federal in appearance as to give its advocates, in some measure, an opportunity of passing it as such upon the unsuspecting multitude, before they had time and opportunity to examine it, and yet so predominantly national, as to put it in the power of its movers, whenever the machine shall be set agoing, to strike out every part that has the appearance of being federal, and to render it wholly and entirely a national government:—And if the framing and approving the constitution now offered to our acceptance, is a proof of knowledge in the science of government, I not only admit, but I glory in my ignorance; and if my rising to speak had such a *somnific* influence on the Convention as the Landholder represents, I have no doubt the time will come, should this system be adopted, when my countrymen will ardently wish I had never

left the Convention, but remained there to the last, daily administering to my associates, the salutary opiate. Happy, thrice happy, would it have been for my country, if the whole of that time had been devoted to sleep, or been a blank in our lives, rather than employed in forging its chains!

As I fully intended to have returned to the Convention before the completion of its business, my colleagues very probably might, and were certainly well warranted to, give that information the Landholder mentions; but whether the Convention was led to conclude that I “would have honoured the constitution with my signature, had not indispensable business called me away,” may be easily determined after stating a few facts.—The Landholder admits I was *at first* against the system.—When the compromise took place on the subject of representation, I in the most explicit manner declared in Convention, that though I had concurred in the report, so far as to consent to proceed upon it, that we might see what kind of a system might be formed, yet I disclaimed every idea of being bound to give it my assent, but reserved to myself the full liberty of finally giving it my negative, if it appeared to me inconsistent with the happiness of my country.—In a desultory conversation, which long after took place in Convention, one morning before our honourable president¹³ took the chair, he was observing how unhappy it would be should there be such a diversity of sentiment as to cause any of the members to oppose the system when they returned to their states;—on that occasion I replied, that I was confident no state in the union would more readily accede to a proper system of government than Maryland, but that the system under consideration was of such a nature, that I never could recommend it for acceptance;—that I thought the state never ought to adopt it, and expressed my firm belief that it never would.

An honourable member from Pennsylvania, objected against that part of the sixth article which requires an oath to be taken by the persons there mentioned, in support of the constitution, observing (as he justly might from the conduct the convention was then pursuing) how little such oaths were regarded:¹⁴ I immediately joined in the objection, but declared my reason to be, that I thought it such a constitution as no friend of his country ought to bind himself to support.—And not more than two days before I left Philadelphia, another honourable member from the same state, urged most strenuously that the convention ought to hasten their deliberations to a conclusion, assigning as a reason, *that the assembly of Pennsylvania was just then about to meet, and that it would be of the greatest importance to bring the system before that session of the legislature, in order that a convention of the state might be*

immediately called to ratify it, before the enemies of the system should have an opportunity of making the people acquainted with their objections, at the same time declaring that if the matter should be delayed, and the people have time to hear the variety of objections which would be made to it by its opposers, he thought it doubtful whether that state, or any state in the union, would adopt it.^(a) As soon as the honourable member took his seat, I rose and observed, that I was precisely of the same opinion, that the people of America never would, nor did I think they ought to, adopt the system, if they had time to consider and understand it, whereas a proneness for novelty and change—a conviction that some alteration was necessary, and a confidence in the members who composed the Convention might possibly procure its adoption, if brought hastily before them—but that these sentiments induced me to wish that a very different line of conduct should be pursued from that recommended by the honourable member—I wished the people to have every opportunity of information, as I thought it much preferable that a bad system should be rejected at first, than hastily adopted, and afterwards be unavailingly repented of. If these were instances of my “high approbation,” I gave them in abundance, as all the Convention can testify, and continued so to do till I left them.¹⁵—

That I expressed great regret at being obliged to leave Philadelphia, and a fixed determination to return, if possible, before the Convention rose, is certain—That I might declare that I had rather lose an hundred guineas than not to be there at the close of the business is very probable—and it is possible that some who heard me say this, not knowing my reasons, which could not be expressed without a breach of that secrecy to which we were enjoined, might erroneously have concluded that my motive was the gratification of vanity, in having my name enrolled with those of a Franklin and a Washington. As to the *first*, I cordially join in the tribute of praise so justly paid to the enlightened philosopher and statesman, while the polite friendly and affectionate treatment myself and my family received from that venerable sage, and the worthy family in which he is embosomed, will ever endear him to my heart—The name of Washington is far above my praise!—Would to Heaven that, on this occasion, one more wreath had been added to the number of those which are twined around his amiable brow!—that those with which it is already surrounded, may flourish with immortal verdure, nor wither or fade till time shall be no more, is my fervent prayer! and may that glory which encircles his head, ever shine with undiminished rays!

To find myself under the necessity of opposing such illustrious characters, whom I venerated and loved, filled me with regret, but viewing

the system in the light I then did, and yet do view it, to have hesitated would have been criminal; complaisance would have been guilt.

If it was the idea of my State, that whatever a Washington or Franklin approved, was to be blindly adopted, she ought to have spared herself the expence of sending any members to the Convention, or to have instructed them implicitly to follow where they led the way.

It was not to have my "name enrolled with the other labourers," that I wished to return to Philadelphia—that sacrifice which I must have made of my principles by putting my name to the constitution, could not have been effaced by any derivative lustre it could possibly receive from the bright constellation with which it would have been surrounded.—My object was, in truth, the very reverse, as I had uniformly opposed the system in its progress, I wished to have been present at the conclusion, to have then given it my solemn negative, which I certainly should have done, even had I stood single and alone, being perfectly willing to leave it to the cool and impartial investigation both of the present and of future ages to decide who best understood the science of government—who best knew the rights of men and of states—who best consulted the true interest of America, and who most faithfully discharged the trust reposed in them, those who agreed to, or those who opposed, the new Constitution—and so fully have I made up my own mind on this subject, that as long as the history of mankind shall record the appointment of the late Convention, and the system which has been proposed by them, it is my highest ambition that my name may be also recorded as one who considered the system injurious to my country, and as such opposed it.

Having shewn that I did not "alter my opinion after I left Philadelphia," and that I acted no "contradictory parts on the great political stage," and, therefore, that there are none such to *reconcile*, the reason assigned by the Landholder for *that purpose*, doth not deserve my notice, except only to observe, that he shrewdly intimates there is already a junto established, who are to share in, and deal out the offices of this new government at their will and pleasure, and that they have already fixed upon the character who is to be "Deputy Attorney-General of the United States for the State of Maryland." If this is true, it is worth while to inquire of whom this junto consists, as it might lead to a discovery of the persons, for the gratification of whose ambition and interest this system is prepared, and is, if possible, to be enforced; and from the disposition of offices already allotted in the various and numerous departments, we possibly might discover whence proceeds the conviction and zeal of some of its advocates.

Baltimore, March 19, 1788.

(a) *How exactly agreeable to the sentiments of that honourable member has been the conduct of the friends of the constitution in Pennsylvania and some other states, I need not mention.*¹⁶

1. Martin's motion, made on 17 July 1787, was adopted *nemine contradicente*. The italics are not in the original motion (Farrand, II, 28–29).

2. On 18 July the Constitutional Convention voted to give Congress the power to create “inferior tribunals.” Martin spoke against the proposal. The Convention then revised the language concerning the jurisdiction of the federal judiciary, providing “that the jurisdiction shall extend to all cases arising under the Natl. laws: And to such other questions as may involve the Natl. peace & harmony” (Farrand, II, 45–46).

3. For the evolution of the supremacy clause from 17 July (note 1, above) to the final adoption of the Constitution on 17 September, see CDR, 257, 265, 277, 296.

4. See Luther Martin: Address No. III, *Maryland Journal*, 28 March (below).

5. See Article LVI of the Maryland constitution of 1776 (Thorpe, III, 1700).

6. Despite Martin's adamant support for maintaining the unanimity provision of the Articles of Confederation (Article XIII), the Maryland legislature in a supplemental law passed on 21 January 1785 and in another law passed on 11 March 1786 provided that the Impost of 1781 and the Impost of 1783, respectively, would go into effect when ratified by only twelve states (including Maryland) (*Laws of Maryland . . .*, November 1784 Session [Annapolis, 1785] [Evans 19071], Chapter LXXVII; November 1785 Session [Annapolis, 1786] [Evans 19770], Chapter LXIV).

7. There is no evidence indicating Martin's position on the appellate jurisdiction of the federal judiciary, although one amendment was adopted nine states to one, with Maryland as the only dissenting state (Farrand, II, 437–38).

8. On 18 August Martin and Elbridge Gerry's motion attempting to limit the size of a peacetime army “was disagreed to nem. con.” (Farrand, II, 330).

9. On 28 August the clause allowing the suspension of the writ of habeas corpus was adopted seven states to three, with Maryland voting in the majority (Farrand, II, 438).

10. On 20 August Charles Pinckney of South Carolina presented several propositions, some of which amount to a bill of rights, to the Convention. One proposition stated that “The liberty of the Press shall be inviolably preserved.” Pinckney's “propositions were referred to the Committee of detail without debate or consideration.” On 14 September, by which time Martin was no longer in the Convention, Pinckney and Elbridge Gerry moved “that the liberty of the Press should be inviolably observed,” and the Convention rejected the motion (Farrand, II, 340–42, 617–18, 620).

11. Pinckney did not include this right among the propositions that he offered on 20 August.

12. Martin left the Convention on 4 September. Eight days later, George Mason said that he “wished the plan had been prefaced with a Bill of Rights, & would second a motion if made for the purpose.” Elbridge Gerry then moved that a committee be appointed to prepare a bill of rights. Mason seconded the motion and the Convention rejected it ten states to none (CC:75, p. 197).

13. George Washington.

14. On 23 July James Wilson “said he was never fond of oaths, considering them as a left handed security only. A good Govt. did not need them. and a bad one could not or ought not to be supported” (Farrand, II, 87).

15. On 31 August the Convention took up Article XXII of the report of the Committee of Detail. On a motion of Gouverneur Morris of Pennsylvania and Charles Pinckney of South Carolina, the Convention voted eight states to three to eliminate the requirement

that the Constitution be submitted to Congress “for their approbation” before being submitted for ratification to state conventions called by state legislatures. (Maryland voted in the minority.) Morris and Pinckney then moved a substitute for Article XXII that called upon the state legislatures to summon “Conventions within their respective States as speedily as circumstances will permit.” Morris’s “object was to impress in stronger terms the necessity of calling Conventions in order to prevent enemies to the plan, from giving it the go by. When it first appears, with the sanction of this Convention, the people will be favorable to it. By degrees the State officers, & those interested in the State Govts will intrigue & turn the popular current against it.”

Martin agreed with Morris “that after a while the people would be agst. it. but for a different reason from that alledged. He believed they would not ratify it unless hurried into it by surprize.” The Convention rejected this motion seven states to four, with Maryland in the majority. Elbridge Gerry “enlarged on the idea” of Martin (Farrand, II, 478–79).

16. For the events in Pennsylvania on 28–29 September, see CC:125.

A Real Federalist

Maryland Journal, 21 March 1788¹

To the PEOPLE of MARYLAND.

It has become the custom of the *great political* characters among us, of which this government can boast as many as any state in America, to address you a few weeks before every election; and to give you their *advice* as to the characters you ought to choose as your representatives.— Among these counsellors, two writers have appeared in the Maryland Journal, &c. one under the signature of CIVIS,² and the other under the signature of HAMPDEN.³ By comparing these publications together, I am satisfied they are the composition of one pen.—The author has discovered great political erudition, and a most profound knowledge in the science of Government. He condemns to oblivion the present confederacy of the states, and celebrates the *new* system as the utmost effort of human genius. With great ability, and uncommon perspicuity, he has answered ALL the objections raised by its enemies to the adoption of the *new* government; and he considers every objection as proceeding from self-interest, pique or prejudice. He tells you, “that an august assembly of the most distinguished abilities, integrity and virtue, a few only excepted (I suppose those who dissented) produced the *system* by *unanimous* consent; that it is *universally* admired by *all* men of *impartial* political erudition; and that the *independent*, and *well affected* in America, believe it calculated to promote and perpetuate the liberty, happiness, and prosperity of the states.”⁴—

If the opponents to the *new* system are not silenced by these arguments, they must be incorrigibly stupid, or more profligate than the most abandoned of mankind. After these publications, and the pamphlet by *Aristides*, are read and fully understood, I do not expect that any one will be so rash as to hazard a syllable in opposition to the NEW

government; and I entertain the most sanguine hopes, that it will be ratified by the *universal* voice of Maryland, without any attempt to propose the *least* amendment to it. I entirely coincide in sentiment with *Civis* and *Hampden*, that the system is the perfection of human wisdom; and that no government similar to it was ever seen in the world before. I also take the liberty to concur with *Aristides*, in his declaration, and with equal sincerity, that “if I was standing on the verge of eternity, and the whole matter was left to my discretion, I would not change *any part* of the proposed constitution.”⁵—As a judge of his unquestionable abilities, disinterested patriotism, and extensive, legal, political, and constitutional knowledge is so clear and decided in his judgment, what man can doubt? If decency and modesty was not banished from America, no one would be found so arrogant and insolent against these respectable authorities, as to disapprove, much less censure, any part or sentence of the *new* constitution. The truth is, that *all* the *wise* and *virtuous* characters in America, of independent fortunes, are in favour of the *new* government; and only a *few* men of *desperate* or *embarrassed* circumstances are opposed to it.^(a)

As it is improper and unnecessary for you to deliberate on any *supposed* defects in the proposed constitution, nothing remains for you but to consider of *proper* characters to ratify and confirm it. I entirely agree with *Civis* and *Hampden*, “that you ought not, on any account, to elect any of the characters they have pointed out *as your particular aversion*.” I say with them, choose no man in *desperate* or *embarrassed* circumstances; no man who was an advocate for an emission of paper money; no man who was a friend to the *truck-bill*;⁶ and no man who voted for the law respecting insolvent debtors.—Trust no man included in either of these descriptions. As *Civis* and *Hampden* have given no reasons for excluding from your confidence men who have been guilty of those *crimes*, I shall take the liberty of suggesting such objections as occur to me against your electing any such characters to the convention.

Choose no man in debt, because being in debt proves that he wanted *understanding* to take care of his own affairs; and a person incapable of conducting his private concerns to advantage, must be improper to manage the business of the public. A man in debt is liable to temptation, and may be bribed to betray your dearest interests, and he can readily find persons to purchase his vote. A man in debt is a slave to his creditor, and has no will of his own; and it is wholly immaterial whether he is involved in debt from *misfortune*, or *vice*. A man in debt can *scarcely* be *honest*.—Let no such man be trusted.—

Vote for no man who was in favour of paper money, for no *honest* man was for that measure. None but *debtors* and desperate wretches

advocated the diabolical scheme. It is true, a *majority* of the House of Delegates (all of whom were bankrupts in fortune and reputation) were for paper money; but *all* the Senate (all of whom are the most virtuous and most sensible men in the state) were against it.—Place no confidence in an advocate for paper money.—

Choose no man who was for the payment of debts by the delivery of property at a valuation, by indifferent persons.—It is downright *robbery* in a debtor to give his creditor land, or Negroes, in payment of a debt contracted in gold and silver: The scarcity of specie was only a *pretence* for the scheme; and the present law allowing debtors to share their property, and compelling creditors to make choice what they will accept, will, I hope be repealed as soon as the new government is established. A very great majority of the House of Delegates voted for the *infamous truck-bill*; but remember they were men needy and desperate in their circumstances; and the virtuous Senate saved you from this unjust and wicked measure.—Reject with contempt any candidate who voted for the *truck-bill*.

Elect no man who supported the law allowing insolvent debtors to discharge their persons from perpetual imprisonment, by *honestly* delivering up *all* their property to the use of their creditors. The legislature have no *right* to interfere with *private* contracts, and debtors might safely trust to the humanity and clemency of their creditors, who will not keep them in gaol all their lives, unless they deserve it. Great abuses are daily committed under colour of the law, and fraud and perjury are increased by it.—The law was made by the general voice of both branches of your legislature, but you cannot be ignorant that the House of Delegates were influenced by a few artful and interested men; and charity will induce you to believe, that the Senate were influenced by mistaken principles of humanity and generosity.

Thus to point out the characters you are bound in duty to your country and yourselves *not* to elect as members of the ensuing convention, is no difficult task; but it requires great consideration to decide what men you ought to trust in the conduct of a matter that involves your future welfare, and your very existence as a nation. If you would *unanimously* agree to adopt the *new* constitution, there would not be the least difficulty in the business; and I can discover no good reason for any diversity in opinion, as every man of common sense and common honesty may readily comprehend the *whole* system, and *all* consequences that can arise from the adoption of it. If you could act in concert, as good citizens and lovers of their country ought to do, you might express your *pleasure* to any one you pleased to appoint, and any man who could make his *mark*, would be fully competent to execute the

trust. But, alas! my dear countrymen, “there are a number of factious and turbulent spirits, and disappointed incendiaries, who are endeavouring to sow discord in the state, by opposing the *new* constitution with every artifice and devise that can create anarchy and confusion.”⁷—If any of these *malignant* spirits should be elected, it may require some men of knowledge and information to enforce⁸ their insidious, interested and wicked designs.—Let me, therefore, my dear fellow-citizens, earnestly recommend to you, to select some of the *Senate*, some of the *Judges*, and some of the Delegates to the Convention at Philadelphia.—Permit me also seriously to exhort you to follow the advice of *Civis*, and “elect *gentlemen of large and independent fortunes*, who, he truly observes, have⁹ too much retired from public employment since the conclusion of the war.”¹⁰ In the nervous and pathetic¹¹ language of *Civis*, suffer me to conjure you to call these characters forth at “this all-important crisis, to snatch their dear country from the dreadful and devouring jaws of anarchy and ruin.” My heart beats in unison and my tears flow in concert with *Civis*, at the calamities that will certainly follow, if you reject his advice. These independent characters will not condescend to solicit your confidence, but you ought to *compel* their services at this impending moment of your fate. Men of great property are deeply interested in the welfare of the state; and they are the most competent judges of the form of government, best calculated to preserve their property, and such liberties as it is proper for the common and inferior class of people to enjoy. Men of wealth possess natural and acquired understanding, as they manifest by amassing riches, or by keeping and increasing those they derive from their ancestors, and they are best acquainted with the wants, the wishes and desires of the people, and they are always ready to relieve them in their *private* and *public* stations. If you follow the advice of *Civis*, *Hampden*, and myself, you will be a *wise, wealthy*, and happy people.

March 17, 1788.

(a) *In support of the new government, may be classed all men of learning, knowledge and understanding, acquainted with the principles of free governments; all men well born, that is, of family, and independent fortunes; and all men well-affected to the independence and freedom of America, heretofore called WHIGS.—In opposition to the new government, may be enrolled all men without a liberal and polite education; all men base born, that is, of no family, and without estates; all men in debt; and all the disaffected, heretofore denominated TORIES.—The opposition in Massachusetts, New-Hampshire, Pennsylvania, Virginia, and this state, proves the truth of this remark.*

1. On 18 March the *Maryland Journal* announced that “A Real Federalist” would appear in the next issue.

2. See “Civis,” *Maryland Journal*, 1 February (above).

3. See “Hambden,” *Maryland Journal*, 14 March (above).

4. See “Civis,” *Maryland Journal*, 1 February (RCS:Md., 276).

5. See “Aristides,” *Remarks*, 31 January (RCS:Md., 251–52).

6. For paper money and the “*truck-bill*,” see “Hambden,” *Maryland Journal*, 14 March, note 6 (RCS:Md., 388n).

7. See “Hambden,” *Maryland Journal*, 14 March (RCS:Md., 386).

8. Changed to “expose” from “enforce” in errata in 25 March issue of the *Maryland Journal*.

9. Changed to “have” from “live” in errata in 25 March issue of the *Maryland Journal*.

10. See “Civis,” *Maryland Journal*, 1 February (RCS:Md., 279).

11. “Nervous” meant strong, vigorous, robust. “Pathetic” meant moving.

H. Z.

Maryland Journal, 21 March 1788

MR. WILLIAM GODDARD,

SIR, We are informed by a gentleman from your place, that a complete system of government for the United States, has been drawn up by the Honourable Luther Martin, and is intended to be published in your Paper—As the time appointed for the meeting of the Convention draws near, it must be of great importance to the community, to have this work published as speedily as possible, in order that the people at large may have time to consider it with that attention which the nature of the subject requires, and after careful examination, and comparing with the system proposed by the late national Convention, they may have time calmly to judge for themselves, which of the two is most likely to secure their liberty, and promote their happiness.

Should the publication of this new system be delayed, the people will in all probability conclude, that the constitution proposed by the late Convention, is the best that can be contrived, for say they, if any good man knew of a better, he surely would, in love to his country, publish it.

It is not sufficient that the defects of the proposed plan of government have been pointed out, for the people know, that every system framed by men, will be imperfect—but if they can have the two systems laid before them, a fair opportunity then arises of choosing the best, or that which is least defective.

I persuade myself this work will meet no delay in your hands, and am, Sir, your humble servant,

Harford County, March 15, 1788.

