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THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION

VOLUME XXVII

Ratification of the Constitution by the States

SOUTH CAROLINA

THE DOCUMENTARY HISTORY OF THE RATIFICATION OF THE CONSTITUTION

Volume XXVII

Ratification of the Constitution by the States

SOUTH CAROLINA

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Charles E. Lee (1917–2008)

and

George C. Rogers, Jr. (1922–1997)

Editorial Advisory Committee

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Finally, we thank Dylan Moriarty, who under the direction of Tanya Buckingham of the University of Wisconsin-Madison Cartography Laboratory, prepared the South Carolina map found on the endpapers.

This volume is dedicated to Charles E. Lee and George C. Rogers, Jr.—two men who made outstanding contributions to our understanding of South Carolina history. Charles E. Lee helped preserve and promote access to the historical records of the state. Under his leadership

as director of the South Carolina Department of Archives and History from 1961 to 1987, the department grew from thirteen employees to one hundred twenty by the time of his retirement. The department not only expanded its effort to acquire, catalog, and index significant historical records, but also added or revived programs in documentary editing, historic preservation, and local history. Active nationally, Lee enjoyed calling himself a "cultural politician" and was the only individual to have served as president of national archival and historic preservation organizations.

George C. Rogers, Jr., was the preeminent scholar of South Carolina history. His work as an historian, teacher, and documentary editor continues to shape our knowledge of the state's past. A native of Charleston, S.C., Rogers received a Ph.D. from the University of Chicago and taught at the University of South Carolina from 1958 until his retirement in 1986. Rogers authored significant books and articles on South Carolina history, focusing on the colonial era, the Revolution, and the early republic. His major works include *Evolution of a Federalist: William Loughton Smith of Charleston (1758–1817)* (Columbia, S.C., 1962); *Charleston in the Age of the Pinckneys* (Norman, Okla., 1969); and the first nine volumes of *The Papers of Henry Laurens* (Columbia, S.C., 1968–1981). Rogers also served as editor of the *South Carolina Historical Magazine*, president of the South Carolina Historical Society, and chair of the South Carolina Archives and History Commission.

Both men were noted for their charm, courtesy, and love of good conversation. In recognition of the efforts of Charles E. Lee in collecting and preserving the record of South Carolina and those of George C. Rogers, Jr., in researching and interpreting that history, the editors dedicate this volume.

Organization

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

(1) *Constitutional Documents and Records, 1776–1787* (1 volume),
(2) *Ratification of the Constitution by the States* (23 volumes),
(3) *Commentaries on the Constitution: Public and Private* (6 volumes),
(4) *The Bill of Rights* (2 or 3 volumes).

Internet Availability

The South Carolina volume, 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, South Carolina, and all future volumes are no longer placed on microfiche. The South Carolina 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 South Carolina 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 *sine die.*
20 September	Congress reads Constitution.
26–28 September	Congress debates Constitution.
28 September	Congress transmits Constitution to the states.
28–29 September	Pennsylvania calls state convention.
17 October	Connecticut calls state convention.

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

1788

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

23 May	South Carolina Convention ratifies Constitution, 149 to 73, and proposes amendments.
2–27 June	Virginia Convention.
17 June–26 July	New York Convention.
18–21 June	New Hampshire Convention: second session.
21 June	New Hampshire Convention ratifies Constitution, 57 to 47, and proposes amendments.
25 June	Virginia Convention ratifies Constitution, 89 to 79.
27 June	Virginia Convention proposes amendments.
2 July	New Hampshire ratification read in Congress; Congress appoints committee to put the Constitution into operation.
21 July–4 August	First North Carolina Convention.
26 July	New York Convention Circular Letter calls for second constitutional convention.
26 July	New York Convention ratifies Constitution, 30 to 27, and proposes amendments.
2 August	North Carolina Convention proposes amendments and refuses to ratify until amendments are submitted to Congress and to a second constitutional convention.
13 September	Congress sets dates for election of President and meeting of new government under the Constitution.
20 November	Virginia requests Congress under the Constitution to call a second constitutional convention.
30 November	North Carolina calls second state convention.

1789

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

1790

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

1791

15 December	Bill of Rights adopted.

Calendar for the Years 1787–1788

1787

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1788

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Introduction

Tradition and continuity were hallmarks of South Carolina government and politics in the seventeenth and eighteenth centuries and South Carolinians modeled their governmental institutions on earlier practices. Revolutionary legislator, physician, and historian David Ramsay claimed that when the state adopted a new constitution in 1776, "the policy of the rulers in departing as little as possible from ancient forms and names, made the change of sovereignty less perceptible."[1] Despite changes wrought by the Revolution, maintenance or appeals to old forms continued throughout the debate over the Constitution. In its first regular session after ratification, the state House of Representatives ordered a new gown for its speaker, "ornamented with velvet tassels, richly fringed" that was "an exact pattern of that worn by the speaker of the British house of commons."[2] Yet despite efforts to maintain "ancient forms and names," the legacy of the Revolution, the rapid growth of the upcountry, and the economic challenges of the postwar era slowly brought change.

Under the Lords Proprietors

The roots of South Carolina's institutions were planted in the West Indian islands of Barbados and Jamaica. Established as a proprietary colony in the 1620s, Barbados offered a few elite white men the opportunity to accumulate great wealth on sugar plantations worked by black slaves who, by 1652, constituted a majority of the island's population. In 1663, when King Charles II granted a charter for a new North American colony south of Virginia to eight Lords Proprietors, some of whom were investors in the Barbadian enterprise, they had a colonial model at hand that could readily be applied to the new mainland colony that became South Carolina.

Although the new colony encompassed what is now both North and South Carolina, the two colonies effectively were governed separately, a division that was formalized in 1712. Between 1670, with the first settlement of Charles Town (called Charleston starting in 1783), and the end of the eighteenth century, Barbadians were among the white settlers of South Carolina who brought their political, social, and economic institutions with them. In setting up Anglican parishes, which were the principal form of local government until after the Revolution, the colonists used the names of all but two of the island's eleven parishes, reusing names such as St. Michael's, St. Philip's, St. Andrew's, and Christ Church. Just as in Barbados, African slavery was a critical

part of the plantation economy, and by 1708, South Carolina also had a black majority. When South Carolina adopted its first slave code in 1691 defining the role and treatment of slaves, it borrowed almost word-for-word from a 1684 Jamaican statute, another island colony with a growing black slave population.

In 1669, Anthony Ashley Cooper, one of the Lords Proprietors, and his secretary, John Locke, drafted the first of what would be five versions of the Fundamental Constitutions of Carolina. The white colonists refused to ratify any of the versions, and attempts at ratification stopped by 1705. Although the feudal manorial system envisioned by the proprietors never became a reality, nonetheless, significant elements of the Fundamental Constitutions influenced future governance. The Fundamental Constitutions guaranteed the right of trial by jury in criminal cases, the secret ballot, and religious toleration. The 97th article provided that no one "shall use any reproachful, Reviling, or abusive language against the Religion of any Church or Profession, that being the certain way of disturbing the public peace,"[3] language that was repeated almost verbatim in the South Carolina constitution of 1778. Suffrage was restricted to voters with fifty acres of land with much higher property requirements for those elected to office, practices that continued past the American Revolution. The Fundamental Constitutions envisioned a bicameral legislature in which the lower house (parliament) could only accept or reject laws proposed by the upper house (grand council). The Fundamental Constitutions also assumed separate legal systems for black slaves, establishing that "Every Freeman of Carolina shall have absolute power and Authority over his Negro Slaves."[4] The first proprietary parliament met in 1671, with the lower house recognized by the Proprietors as a separate body in 1692, which came to be called the Commons House of Assembly. The Commons House soon claimed and won the right to initiate legislation and turned to England for precedent. According to one member, it conducted its business "imitating the House of Commons in *England*, as nigh as possible."[5]

Conflicts between local elites in the Commons House and the Proprietors led to a revolution in 1719. Conscious of forms and names, the Commons House declared itself a convention of the people, overthrew the proprietary government, and then reconstituted itself back into the Commons House.

As a Royal Colony

The Crown recognized South Carolina's status as a royal colony in 1720, which was followed by a period of stability and growing local control under an imperial policy of benign neglect. Executive power

resided in the hands of the governor, who was appointed by the king. The royal Council, dominated by wealthy local planter families such as the Izards, Middletons, and Draytons, or by affluent Charleston merchants, served as an upper house of assembly, advisor to the governor, and court of chancery. As early as 1725, the Council claimed the same rights and privileges as the House of Lords, but the Commons House disputed the Council's claim to legislative power. In 1739, the Council agreed that only the Commons House could initiate or amend money bills, but retained the right of concurrence as was the case in the House of Lords. In the 1760s, due to growing conflicts between the Commons House and the governor and Council, the governor began to appoint placemen to the Council. Local elites, such as Ralph Izard and Rawlins Lowndes, either resigned or, in the case of Henry Laurens, refused appointment. Wealthy South Carolinians who formerly would have sat in the Council now began to serve exclusively in the popularly elected Commons House of Assembly. As a result, the prestige and power of the lower house rose.

The rise of the Commons House of Assembly in the 1760s and 1770s played a crucial role in sparking the Revolution in South Carolina, set the stage for the government established after independence, and created the constitutional arrangements used during the Revolution and thereafter. The Commons House also served as a training ground for the men who would lead the American Revolution in South Carolina. Participants in the ratification debate, such as Thomas Bee, Christopher Gadsden, Rawlins Lowndes, John Mathews, Charles Cotesworth Pinckney, and John and Edward Rutledge, all gained their initial political experience in the Commons House of Assembly.

Christopher Gadsden sparked the first major confrontation that led to more than a decade of intense conflict between the royal governors and the Commons House. Gadsden had won a seat in the Commons House in April 1762, but the election was marred by a technical error on the part of the election wardens. The Commons House certified the election, but Governor Thomas Boone refused to administer the oath of office to Gadsden, dissolved the Assembly, and called new elections. Nearly all the members of the old body were reelected, and the Commons House refused to conduct any business until Boone apologized, maintaining it was the House's right to determine the validity of its own elections. The stalemate continued until Boone departed for England in 1764 and was replaced by a new governor. Over the next decade, similar conflicts between the Commons House and the governor arose. An increasingly radicalized Commons House sent Gadsden, John Rutledge, and Thomas Lynch to the Stamp Act Congress in 1765. Three

years later, Governor Charles Greville Montagu dissolved the Commons House because it considered a circular letter from Massachusetts protesting the Townshend duties. In 1769 the Commons House voted, against the wishes of the governor and Council, to appropriate £1,500 to support English radical John Wilkes. The House asserted that only it had a right to appropriate funds; the governor and Council argued otherwise. The result was a stalemate and no business was conducted for the next five years.

While conflicts deadlocked the government at Charleston, the rapid settlement of the upcountry created deep fault lines that would impact South Carolina politics over the coming decades. Prior to the 1740s, most of South Carolina's population lived in the low country along the Atlantic seaboard. Here one found parishes with large plantations containing a small white population and large black slave majorities. Less affluent settlers from Pennsylvania and Virginia began to move into the upcountry, where they farmed smaller tracts of land, owned fewer slaves, and brought their Presbyterian and Baptist churches with them. While the low country elite disputed the prerogatives of the Crown, the upcountry fought its own battles against the low country leadership.

The upcountry had no courts, no formal institutions of government, no schools, and few improved roads. The Church of England was the established church of South Carolina, and upcountry religious dissenters not only had to support their own congregations but pay taxes to support the Anglicans. The lack of government offices in the upcountry meant a citizen had to take a round trip that could be more than 200 miles to Charleston to file a suit or register land. Gangs of bandits committed robbery, rape, and murder, creating instability and unrest in the upcountry. Without law enforcement officials and courts, citizens took the law into their own hands and organized a vigilante militia called Regulators that provided its own form of rough justice. When colonial authorities attempted to arrest Regulator leaders, they met violent resistance. Just as service in the Commons House of Assembly provided a training ground for leadership for low country participation in the ratification debate, at least five prominent Regulators—Andrew Baskin, Samuel Boykin, John Cook, John Gray, and William Kirkland—were elected to the state Convention that ratified the Constitution. Without representation in the Commons House to argue their case, upcountry citizens petitioned the legislature for courts, jails, and schools. The legislature effectively deputized the Regulators as companies of rangers and in 1768 authorized circuit courts in the upcountry. The Crown disallowed the circuit court act because judges, according to this act, were to be appointed during good behavior. A new act, without the

offending clause, was passed in 1769, creating courts, courthouses, and jails, although courts did not start to operate until 1772. With the demands for government institutions, upcountry leaders began to demand representation in the Commons House but were allotted only three of the forty-eight seats.

With the Commons House effectively shut down and with discord in the upcountry, the climate was ripe for the creation of extralegal bodies. These bodies shaped the revolutionary era governments and helped bridge the gap between the low country and the upcountry. In 1773 and 1774, self-styled general meetings and general committees directed resistance to the Crown and enforced nonimportation agreements. In 1774, the General Committee called for colony-wide elections to select delegates for a general meeting in Charleston in July 1774, but with elections in the upcountry as well as the traditional low country parishes. A total of 104 delegates were elected with all but three parishes and districts participating. The delegates elected John and Edward Rutledge, Christopher Gadsden, Thomas Lynch, and Henry Middleton to represent the colony in the First Continental Congress and created a Provincial General Committee of ninety-nine to serve as the movement's executive. In November 1774, the Provincial General Committee called another election for delegates to meet in Charleston in January 1775, which would lay the groundwork for the transfer of power to the revolutionaries but under the guise of old forms.

The Creation of a Revolutionary Government

When the delegates met, they named themselves the Provincial Congress and served as the principal legislative body in South Carolina. All but five members of the Commons House of Assembly sat in the new Congress, effectively replacing the old colonial lower house. The Provincial Congress had 184 seats compared to 48 in the Commons House and provided substantial representation for the upcountry. The Provincial Congress had thirty members from Charleston, six from each of the other low country parishes, and ten from each upcountry district, creating a model that largely served as the basis of the apportionment of representatives in the state's lower house until 1790 and for the state ratifying convention in 1788. The Provincial Congress told Governor William Campbell, who arrived in Charleston in June 1775, "That no love of innovation, no desire of altering the constitution of our government, no lust of independency has had the least influence upon our Councils."[6] Campbell refused to recognize the Provincial Congress, but agreed to meet with a delegation. Recognizing the weakness of his position, he departed the city in September 1775 after dissolving the

last royal assembly. With no governor in the colony, the Provincial Congress appointed a Council of Safety made up of thirteen members to carry out executive functions.

Delegates to the Second Provincial Congress were elected in August 1775 and met in November of that year and again in February and March 1776. On 3 November 1775, John Rutledge asked the advice of the Continental Congress on establishing a new government in South Carolina. The next day, Congress advised South Carolina to "call a full and free representation of the people" and "establish such a form of Government as in their judgment will best produce the happiness of the people, and most effectually secure peace and good order in the colony, during the continuance of the present dispute between Great Britain and the colonies."[7] When the Provincial Congress reconvened in February 1776, it elected a committee of eleven to draft a constitution following the recommendation of Congress. A majority of the committee would later be involved in the debate over ratifying the new federal Constitution in 1788, including Charles Cotesworth Pinckney (chairman), John Rutledge, Henry Laurens, Sr., Christopher Gadsden, Rawlins Lowndes, Thomas Bee, and Thomas Heyward, Jr. After amending the work of the committee, the Provincial Congress adopted the constitution on 26 March 1776. It then adjourned and reconstituted itself later that day as the General Assembly under the new constitution, much as the revolutionaries of 1719 had done.

The constitution of 1776 replicated many of the forms of the royal government. It referred to South Carolina as a "colony," and officeholders took an oath to support and defend the Constitution "*until an accommodation of the differences between Great-Britain and America shall take place*" or released from the oath by the legislature.[8] The lower house was called the General Assembly, a name once claimed by the Commons House of Assembly. The legislature asserted that it had all "privileges which have at any time been claimed, or exercised by the Commons House of Assembly."[9] The upper house was called the Legislative Council, echoing the name of the royal governor's Council. The Provincial Congress defeated an attempt to replace "President" with "Governor." The naming practices, reflecting precedents under the royal government, were done quite deliberately. According to David Ramsay, "the inhabitants had long been in the habit of receiving laws from a general assembly and council. The administration of the government in times past, on the demise of the governor, had been uniformly committed to one of the council, under the title of president. The people felt themselves secure in their persons and properties, and experienced all the advantages of law and government. These benefits were communicated under old names, though derived from a new sovereignty."[10]

Although the forms and names remained the same as under the royal government, the constitution of 1776 represented substantive change. Elections were held biennially and the General Assembly's membership remained large and included representatives from all parts of the state. The thirteen-member upper house was chosen from the members of the lower house who would then vacate their seats. Both houses elected the president and vice president by joint ballot. Each chamber selected three members of the privy council, which was chaired by the vice president. The constitution provided for suffrage for adult white males, retaining the same qualifications found under the colonial act of 1721, which required ownership of fifty acres of land or paying a twenty shilling tax. It also provided exceptionally strong powers to the executive. While the president could not adjourn or dissolve the legislature, he could veto legislation without the possibility of a legislative override. The constitution provided no mechanism for impeachment, and the constitutionally fixed salary of the president gave him freedom unavailable to royal governors. The legislature chose judges who served during good behavior but could be removed by address, an alternative process for removing judges for offenses that did not rise to the level of impeachment. The constitution made no provision for term limits and did not prohibit dual office holding. Legislators who accepted offices would lose their seats but could continue to serve if reelected in a special election.

Four South Carolinians—Edward Rutledge, Thomas Heyward, Jr., Thomas Lynch, Jr., and Arthur Middleton—signed the Declaration of Independence in Philadelphia. On 5 August 1776, President John Rutledge along with the state's civil and military leadership marched down Broad Street in Charleston, where the newly arrived Declaration was publicly read for the first time in the state. With news of independence, soon there were calls for a new state constitution. Judge Henry Pendleton charged grand juries in the low country and upcountry with making recommendations for constitutional change. Presbyterians and Baptists, who heavily populated the upcountry, petitioned for disestablishment of the Anglican Church, protesting the taxes they paid for its support.

The Constitution of 1778

The General Assembly considered various proposals for constitutional revisions between the fall of 1776 and March 1778 when a new constitution was adopted. The new constitution recognized the changes that had taken place since 4 July 1776. It declared South Carolina a state, not a colony, and changed the names of the two legislative chambers to the House of Representatives and Senate while reserving the term

General Assembly for the legislature as a whole. The president and vice president were now known as the governor and lieutenant governor, and the oath of officeholders required acknowledgment that "*the State of South-Carolina to be a free, independent, and sovereign State, and that the People thereof owe no Allegiance or Obedience to George the Third, King of Great-Britain.*"[11] On 5 March 1778, President John Rutledge surprised the legislature by vetoing the new constitution and then resigning. In his veto speech, he cited the popular election of the Senate and his oath to support the constitution of 1776 among the reasons for his opposition. He maintained that "the situation of publick affairs is in this respect the same as when the constitution was established; and though indeed, since the declaration of independence, the style of this country is somewhat altered, having been heretofore one of the United Colonies, and being now one of the United States of America; yet is exercised, and constitutionally, the same supreme power before as it has since that period. Such declaration therefore cannot make it necessary to change the form of government." Rutledge was also concerned about the democratic elements in the new form of government. He argued that the "people also preferred a compounded or mixed government to a simple democracy, or one verging towards it, perhaps because, however unexceptionable democratic power may appear at the first view, its effects have been found arbitrary, severe and destructive."[12] The General Assembly accepted Rutledge's resignation, elected Rawlins Lowndes to replace him, and Lowndes signed the new constitution into law on 19 March 1778.

The constitution of 1778 shifted power away from the governor to the legislature. The governor lost the veto power, the salary was no longer set by the constitution but subject to the will of the legislature, and the governor could be impeached. The governor now was limited to a two-year term and then became ineligible to hold the office for the next four years. The governor had to be a Protestant, a state resident for ten years, and own an estate worth at least £10,000 free of debt. The apportionment of the House of Representatives remained the same as under the constitution of 1776, although reapportionment was required in 1785 and then every fourteen years thereafter. The Senate, which replaced the Legislative Council, no longer would be selected out of the membership of the lower house, but was to be popularly elected. The size of the Senate was increased from thirteen to twenty-nine, with one senator from each parish or district and two from Charleston. Only the House could initiate money bills, and the Senate could not amend them.

Although not spelled out in the constitution, the legislature enacted law in the form of acts, ordinances, and resolutions. (Acts had to be read on three separate days in each house, whereas ordinances could be read multiple times on the same day and could thus be passed more quickly.) Joseph Brevard, a South Carolina Supreme Court judge, wrote in 1814 that "in this state the difference between an act and ordinance consisted in this, that the first was passed with more deliberation than the latter; and required three several readings in each house, or branch of the legislature; whereas the latter might be passed by one or two readings in each house. Ordinances were usually passed concerning subjects of minor importance, and were temporary, or local, or private in their nature; but acts were generally permanent, and concerning subjects of consequences and high import."[13] Prior to 1778, acts and ordinances became law upon the signature of the president. Under the 1778 constitution, acts and ordinances became operative after a formal ratification ceremony, usually held on the last day of the session, when the speaker of the House and president of the Senate signed the engrossed acts. The legislature also could quickly pass legislation through a concurrent resolution, which required only a single reading in each house. The legislature used all three forms—acts, ordinances, and resolutions—to call a ratifying convention in 1788 and pay the delegates to it.

The constitution contained new restrictions on legislative membership. A senator had to be a free white male and a Protestant, thirty years old, and a state resident for five years, and have an estate of at least £2,000 free of debt in the district. (Nonresidents could also represent a district if they owned property in the district worth £7,000.) A House member had to be a Protestant, at least twenty-one years old, a state resident for three years, and own an estate of at least five hundred acres and twenty slaves or other property of at least £1,000 free of debt. (Nonresidents could sit in the House if they owned property in the district free of debt worth £3,500.)[14] Ministers of the Gospel were prohibited from service as governor or lieutenant governor or from seats in the legislature and privy council. Only free white males, twenty-one years old, who had been state residents for one year and had owned a freehold of 50 acres for six months before the election or paid a similar tax could vote. An individual could vote in the parish where he resided or in any other parish where he owned a freehold.

The legislature elected the state's judges and could also remove them by address. There was no prohibition on judges serving as members of the legislature, and it was common under the constitution of 1778 for most of the state's judges to also hold seats in either the House or

Senate. The legislature also elected a variety of executive officers, such as commissioners of the treasury, attorney general, secretary of state, sheriffs, registers of mesne conveyances, surveyor general, powder receiver, and customs officers. These officials had the same term limits as the governor, and legislators had to relinquish their seats if elected to these posts. The governor with the consent of the privy council appointed all other officers.

The constitution of 1778 disestablished the Anglican Church, allowing all Protestant churches to share the benefits of the state's broad establishment of the Protestant religion. It allowed witnesses in court cases the right to affirm in place of swearing an oath and established the people's right to elect their own clergy and to refuse to support a church to which they did not belong. The constitution provided other civil liberties, such as the right to trial by jury in criminal cases and freedom of the press. The constitution also affirmed that the military was subordinate to civil authorities and laid out goals for the future by calling for reform of penal laws and the creation of counties and county courts. Unlike the 1776 constitution, the constitution of 1778 had an amendment process by vote of a majority of the legislature.

What remained unsaid in the constitution was that enumerated rights, such as the right to a jury trial, only applied to whites. By 1775 blacks constituted sixty percent of the population and were governed under the slave code of 1740. The law established a separate court system which required one or two justices of the peace and two to five freeholders to hear cases. The system not only tried slaves but also free blacks.[15]

One clause in the constitution was possibly aimed at the Rutledge family. In 1778, while John Rutledge was the state's president, his brothers Edward and Thomas sat in the General Assembly. Another brother Hugh was an admiralty judge and speaker of the Legislative Council. Article IX of the new constitution explicitly prohibited the "Father, Son, or Brother to the Governor for the Time being, be elected in the Privy Council during his Administration."[16]

Family ties were important in South Carolina political alignments. The principal elite families created alliances by blood or marriage, and many political leaders were related. For instance, in the final three years of the Commons House of Assembly (1773–75), 51 of 69 members had some familial relationship to at least one other member, and John Rutledge was related to eighteen percent of the Assembly by blood or marriage. The political leadership of South Carolina has been described as "a vast cousinage that extended to all levels of society."[17] To fully grasp the political dynamics of the state, one had to understand the ways in which leading families were tied to each other. Ralph Izard, Sr., the

patriarch of an important political alliance in St. James Parish, Goose Creek, served in the state ratifying Convention with his son, Ralph, Jr., and his two sons-in-law, Gabriel Manigault and William Loughton Smith, and they voted together on issues in the Convention. Henry Laurens, Sr., was the father-in-law of both Charles Pinckney and David Ramsay, and served in the ratifying Convention with them and his son, Henry Laurens, Jr. The Pinckneys were related by blood or marriage to the Middleton, Horry, and Laurens families. The Rutledges were similarly tied to the Mathews, Laurens, Kinloch, and Middleton families.

Postwar Challenges

Making the rules of a government was easier than managing it during a violent revolution. In South Carolina, the Revolution was as much a civil war as a rebellion against the British. In February 1780, the British fleet approached Charleston under the command of Sir Henry Clinton and on 12 May Charleston surrendered. Around two hundred Charleston citizens betrayed their fellow patriots by signing an address of congratulations to Clinton. Prominent low country leaders who switched sides and took British protection included Rawlins Lowndes and Colonel Charles Pinckney (the father of the Charles Pinckney who served in the Constitutional Convention of 1787). Patriots who refused to support the British, such as Charles Pinckney, son of the turncoat Colonel Pinckney, were held in abysmal conditions as prisoners-of-war on British warships in Charleston harbor. Some Patriot leaders were banished from the state and exiled to St. Augustine, Florida, or Philadelphia. Paroled citizens who failed to support the British occupiers were banned from their occupations, creating conflicts between artisans and mechanics who remained loyal to the Revolution and those who did not. Merchants who refused to swear allegiance to the Crown faced ruin from British merchants who set up shop in Charleston. The hard feelings from the era of the British occupation shaped political and family relations in the decade after the war. The divisions in the upcountry were even worse than those in Charleston. Loyalist and Patriot militias were formed, and old grievances were sometimes resolved through vicious treatment, torture, and plunder. Former Patriot soldiers, released from their parole, were forced to swear allegiance to the Crown, which made them liable to British military service.

By the summer of 1781, most of South Carolina, although not Charleston, was back in Patriot hands. Due to the British occupation, the legislature could not meet in Charleston in 1781 or 1782 and was called to meet in session in January 1782 in the tiny village of Jacksonborough, thirty-five miles west of Charleston. Due to the war, the election turnout was low. For instance, the election for British-occupied Charleston was held outside of the city and only fifteen voters showed up and

elected thirty representatives and two senators. The election for St. Andrew's Parish had to be held in St. John's Parish, Berkeley, where four voters selected seven legislators. The Jacksonborough legislature took revenge on those who shifted alliances or supported the British. It passed laws confiscating the estates of 237 Tories, who were mentioned by name, and about 140 others, who fell into certain categories and were unnamed in the act. Other Tories were amerced (or fined) twelve percent of the value of their estates. A second confiscation act, providing for the seizure of additional estates, was passed in 1783. Relief from confiscation and amercement laws was a political issue in the postwar period. While some individuals obtained relief from confiscation, proposals for total repeal continued to be made unsuccessfully into the 1790s. Vigilantes meted out additional retribution against Tories. A mob lynched at least one Tory who returned to the state, while others were killed or driven from the state.

On 14 December 1782, British troops evacuated Charleston and later that afternoon Governor John Mathews, who had been elected at Jacksonborough, marched into the city and civil government in the capital resumed. Recovery from a devastating war occupied the attention of the state's political leadership over the next five years. State government struggled to restore civil order in both Charleston and the upcountry and deal with a slumping economy, massive private debt, and the lack of a circulating currency.

The confiscation acts punished South Carolinians who were deemed disloyal in the war but did not deal with the more than four dozen British merchants who had come to Charleston during the two and a half year British occupation. Because Charleston merchants who refused to swear allegiance to Britain had been banned from practicing their business during the occupation and, unlike British merchants, had no access to new stores of goods, Charleston merchants rightly believed that they were competing at a disadvantage. After the British evacuation, British merchants were granted until 1 March 1784 to collect their debts and dispose of their stock, but many chose to stay in South Carolina and applied for citizenship. With the end of the war, low country planters spent heavily, borrowing to rebuild their plantations and replacing slaves lost in the war. British merchants were ready to supply their needs on credit. Patriot artisans and local merchants opposed the British merchants and formed the Marine Anti-Britannic Society under the leadership of Alexander Gillon. During 1783–1784 the city saw street demonstrations, which sometimes turned violent. Charleston had been incorporated as a city in 1783, and in the following year additional powers were given to the intendant (i.e., mayor)

and wardens to help quell the unrest. Critics of incorporation believed that the city's powers blended legislative, judicial, and executive functions; wardens both enacted the laws and tried and sentenced violators without jury trials. While street violence eventually ended, strong democratic polemics and politics continued with verbal criticism of political elites. The Rutledges and their allies were referred to in the press as "the NABOBS of this State, their servile *Toad-eaters*, the BOBS,—and the servilely-servile tools and lick-spittles of Power to *both*, the BOBBETS."[18] Arthur Bryan, a Philadelphia merchant who set up shop in Charleston, saw 1784 as a turning point in South Carolina politics, with small merchants and artisans no longer deferring to the low country planters. "Before the year '84 the great people had an entire sway, the latter end of it, a violent opposition took place in this City, when all was confusion equal to the sacking of a town—but being an opposition without a head the great soon subdued it—it had however a Tendency to totally ruin the Aristocracy for if they now carry any thing in the assembly it is by deception."[19]

Outside of Charleston, bad harvests compounded problems caused by the closing of the British West Indies to American exports. Planters who had rebuilt their war-ravaged property on credit were unable to pay their debts. State revenues fell precipitously as citizens could not pay their taxes. Hard currency no longer circulated, and both small and larger planters faced ruin. Their property could be seized for debt, but when sold would rarely recover the value of the debt because of the lack of a circulating currency. The upcountry was marked by violence and disorder. Debtors forcibly closed the courts in Camden, halted sheriff's sales in Cheraw, and set the courthouse on fire in Winton. Violence was not restricted to upcountry districts. In 1784 a deputy sheriff tried to serve a writ for a debt in rural Charleston District on Hezekiah Maham, who had served in the state legislature and later in the ratifying Convention. Maham "took wrath and gave to the deputy the alternative of eating four Copies of the Writs or of being instantly put to death," a task that the deputy completed only after bystanders had obtained "some thing liquid to help him to swallow them."[20]

The legislature responded to the financial crisis with various measures. Taxes on land had been previously assessed based on acreage rather than value, and so a tract of undeveloped upcountry land was taxed at the same rate as a profitable low country rice plantation. In 1784, the state replaced the flat rate with one based on assessed value. The collection of prewar debts was postponed by legislation passed in 1782, 1783, and 1784. As new debts were incurred in the postwar period, the demand for stronger legislation arose and a special session of

the legislature was called to meet in late September 1785 to address the issue. A valuation act (or pine barren law) allowed debtors to offer property at three-quarters of its appraised value as satisfaction for debts. Because the land was often appraised at substantially more than it would fetch at a sheriff's sale, creditors declined payment and debtors received more time to pay their debt. The same session authorized the issuing of £100,000 in paper money to be loaned at seven percent interest with land or gold or silver plate as collateral. The loans were to be repaid by 1790.

In January 1787, the South Carolina Court of Common Pleas declared the valuation law inoperative, and the legislature responded by passing an installment act, which allowed debts contracted before 1 January 1787 to be paid in three annual installments starting on 1 March 1788. A moratorium on the African slave trade was included in the act, in deference not to moral concerns but to prevent more borrowing by overextended planters who wanted to buy more slaves. Finally, the law provided penalties for individuals, such as Hezekiah Maham, who interfered with state officials collecting debts.

The role of the upcountry and the need for constitutional reform also festered during the 1780s. During the years of royal control, low country elites blamed the lack of upcountry civil institutions on the Crown. During the Revolutionary War, the exigencies of survival could explain the slow pace of change. With peace, upcountry leaders demanded what they felt was their due with mixed results. The legislature created county government and courts in the upcountry in 1785. The following year, in a bitter fight, the legislature agreed to move the state capital from Charleston to the newly created town of Columbia in the center of the state, a move that low country leaders unsuccessfully tried to overturn. Although the provincial congresses and constitutions of 1776 and 1778 improved representation for the upcountry compared to the colonial period, the upcountry believed that, with almost eighty percent of the white population and only forty percent of the representation, the revolutionary solution was temporary. The constitution of 1778 called for reapportionment starting in 1785 and then every fourteen years thereafter. The failure to obtain reapportionment led to the introduction of legislation calling for a state constitutional convention. The House of Representatives approved legislation calling a convention in 1784, 1785, and 1787, but the Senate rejected it each time. In 1788, Charles Pinckney's effort to have the ratifying Convention serve as a state constitutional convention failed. The upcountry would not get constitutional reform until 1790 and would have to wait until 1808 for substantive reapportionment.

Efforts to Strengthen Congress

South Carolina's leadership supported efforts to strengthen Congress under the Confederation while regularly raising concerns about issues of race and slavery. On 5 February 1778, the state instructed its delegates to Congress to ratify the Articles of Confederation. It offered twenty-one amendments to the Articles, all of which were rejected by Congress. One of the state's concerns was the requirement in Article IV providing mutual recognition of the rights of citizenship granted by the states. Concerned that this might mean that South Carolina would have to recognize the rights of free black citizens of other states, the legislature requested that "between the words 'free inhabitants,' to insert, 'White.'" South Carolina's congressional delegates—Henry Laurens, Sr., William Henry Drayton, John Mathews, Richard Hutson, and Thomas Heyward, Jr., signed the Articles on 9 July.[21]

South Carolina supported efforts to provide Congress with an independent source of revenue. On 8 February 1781, Congress sent a proposal to the states to give Congress the power to levy a duty on imports. Because of the British occupation of Charleston, the legislature could not meet in 1781, but the legislature meeting at Jacksonborough ratified it on 26 February 1782. Congress submitted another plan to the states for providing an independent revenue for Congress on 18 April 1783, which South Carolina approved on 21 March 1784. In response to British restrictions on American trade in the West Indies, South Carolina, also on 21 March, granted Congress power to prohibit British ships carrying British West Indian goods from harboring and trading in the United States. Congress formally requested power to regulate commerce on 30 April 1784, and South Carolina ratified it on 11 March 1786, with the important proviso that "nothing shall be contained in any of the said regulations which may affect the slave trade."[22] South Carolina declined to send delegates to the Annapolis Convention. According to Pierce Butler, they declined, "Assigning for a reason, that as they had given powers to Congress to regulate all matters respecting Trade, it woud be inconsistant, and have an appearance of either revoking or infringing on those powers."[23]

During the postwar years, Charles Pinckney, one of South Carolina's delegates to Congress, actively called for strengthening the national government. On 13 March 1786, Pinckney addressed the New Jersey legislature as part of a congressional delegation dealing with the state's refusal to comply with the congressional requisition of 1785. In his speech Pinckney argued that, if New Jersey was dissatisfied with the Confederation, she should "urge the calling of a general convention of the states for the purpose of increasing the powers of the federal

government, and rendering it more adequate to the ends for which it was instituted."[24] While the Constitutional Convention was meeting, a revised version of Pinckney's speech appeared in the July 1787 issue of the widely circulated Philadelphia *American Museum.*

South Carolina and the Constitutional Convention

The Annapolis Convention adopted a report on 14 September 1786 calling for a convention "to devise further provisions as shall appear to them necessary to render the constitution of the Foederal Government adequate to the exigencies of the Union."[25] Virginia, followed by several other states, responded to the call, and on 21 February 1787 Congress passed its own resolution calling for a convention. The South Carolina legislature, unaware of Congress' action, ratified an act on 8 March appointing delegates to a convention. News of the congressional resolution did not arrive in South Carolina until 14 March. The South Carolina act noted that the powers in Congress were "greatly inadequate to the weighty purposes they were originally intended to answer," that "other and more ample powers in certain cases should be vested in and exercised by the said united states in congress assembled," and that the Articles of Confederation should be revised. The act provided for "five commissioners" to be elected by joint ballot of the legislature to meet with the delegates of the other states "in devising and discussing all such alterations, clauses, articles and provisions as may be thought necessary to render the fœderal constitution entirely adequate to the actual situation and future good government of the confederated states." The act also provided that the delegates join in reporting "such an act to the united states in congress assembled, as when approved and agreed to by them, and duly ratified and confirmed by the several states, will effectually provide for the exigencies of the union."[26]

On the evening of 8 March the legislature elected John Rutledge, Charles Cotesworth Pinckney, Henry Laurens, Sr., Charles Pinckney, and Pierce Butler to serve as delegates. A week later the legislature learned that Laurens declined the appointment due to ill health. The House twice asked the Senate to elect a replacement for Laurens, but the Senate declined both times. The four delegates sent by South Carolina were men of wealth, had served in the state House of Representatives, were slaveholders, and came from the area near Charleston. Rutledge and the two Pinckneys were lawyers and born in South Carolina. Butler, a native of Ireland, was a former British Army officer who had resigned his commission in 1773 after becoming a wealthy planter by marrying into the Middleton family. Rutledge, at 47 the oldest of the state's delegation, had served as the state's wartime president and

governor, while the other three delegates had served in the military during the Revolution. Charles Pinckney, at 29 the youngest of his state's delegates, had been a prisoner aboard a British prison ship in Charleston harbor. All but Charles Cotesworth Pinckney had served in the Confederation Congress. The four members shared common anxieties over the weakness of the Confederation government, a concern over popular unrest, and an insistence that slavery be protected. Charles Pinckney and John Rutledge first attended the Constitutional Convention in Philadelphia on 17 May 1787. The other two delegates attended beginning on 25 May, the day a quorum was obtained.

In the Convention, John Rutledge carried the heaviest load in terms of committee service, with membership on five committees, including the chairmanship of the important Committee of Detail. The other three delegates combined served on five. Pierce Butler and Charles Cotesworth Pinckney each served on two committees, and Charles Pinckney served on one. On the floor of the Convention, Charles Pinckney was the most frequent speaker in the delegation. He was also the one most likely to make or second a motion. Charles Cotesworth Pinckney was the least loquacious of the state's delegates, as well as the member least likely to offer or second a motion. William Pierce, a delegate from Georgia, described the speaking abilities of the delegates. Pierce found Rutledge to be "too rapid in his public speaking to be denominated an agreeable Orator"; Butler had "no pretensions" as "a politician or an Orator," though Pierce praised his "many excellent virtues"; and Pierce described Charles Cotesworth Pinckney as "an indifferent Orator." Pierce praised only the oratory of Charles Pinckney who "speaks with great neatness and perspicuity, and treats every subject as fully, without running into prolixity."[27]

Despite being the fourth youngest member of the Convention, Charles Pinckney's age did not inhibit a display of self-confidence in the early days of the meeting. On 29 May, after Governor Edmund Randolph of Virginia submitted fifteen resolutions that became the basis of the Virginia Plan, Pinckney laid before the Convention an outline of a plan for a new government, which was referred to the Committee of the Whole. The original plan has never been found, although notes on it survive in James Wilson's papers and in an October 1787 pamphlet that Pinckney published containing his speech outlining the plan (RCS:S.C., 12–31n). According to Thomas Lowndes, a fellow South Carolinian, Pinckney's plan "agrees in a great measure with the one adopted."[28] Pinckney's proposal called for a bicameral legislature with both houses apportioned on white population plus three-fifths of blacks. The House would elect the Senate (as had been the practice in the South Carolina

constitution of 1776), and both houses would elect a president (which also mirrored the South Carolina constitutions of 1776 and 1778). The president would serve seven years. Congress would retain the right to approve or veto all state laws, a feature that Pinckney pursued unsuccessfully with James Madison in the convention. On 25 June 1787, in a reply to Alexander Hamilton, Pinckney rejected modeling government on Great Britain, arguing that Americans had "fewer distinctions of fortune & less of rank, than among the inhabitants of any other nation," and divided citizens into three classes: professional, commercial, and landed. Pinckney's opening speech at the South Carolina ratifying Convention on 14 May 1788 repeated some of the same language and concepts.[29]

While denying the significance of distinctions of wealth and rank, Pinckney and his South Carolina colleagues believed that only men of great wealth should hold key positions in the new government. Charles Cotesworth Pinckney opposed compensation for members of the Senate, contending that the Senate "ought to be composed of persons of wealth; and if no allowance was to be made the wealthy alone would undertake the service."[30] On 10 August 1787, Charles Pinckney, seconded by John Rutledge, moved to insert property qualifications into the Constitution. Pinckney argued that "He was opposed to the establishment of an undue aristocratic influence in the Constitution but he thought it essential that the members of the Legislature, the Executive, and the Judges—should be possessed of competent property to make them independent & respectable. It was prudent when such great powers were to be trusted to connect the tie of property with that of reputation in securing a faithful administration. . . . Were he to fix the quantum of property which should be required, he should not think of less than one hundred thousand dollars for the President, half of that sum for each of the Judges, and in like proportion for the members of the Natl. Legislature." According to James Madison's notes, the Pinckney motion "was rejected by so general a *no*, that the States were not called."[31]

In making their points in the Convention, the South Carolinians cited precedents from their home state. In opposing the popular election of the House of Representatives, Pierce Butler argued that "an election by the people [was] an impracticable mode."[32] Charles Pinckney moved that the members of the House of Representatives be elected by the state legislatures "contending that the people were less fit Judges."[33] His motion was seconded by John Rutledge and supported by Charles Cotesworth Pinckney, who argued that "An election of either branch by the people scattered as they are in many States, particularly in S.

Carolina was totally impracticable." He added that "A majority of the people in S. Carolina were notoriously for paper money as a legal tender; the Legislature had refused to make it a legal tender. The reason was that the latter had some sense of character and were restrained by that consideration."[34]

The South Carolinians opposed restricting the introduction of money bills to the House. John Rutledge argued "The experiment in S. Carolina—where the Senate cannot originate or amend money bills, has shown that it answers no good purpose; and produces the very bad one of continually dividing & heating the two houses. Sometimes indeed if the matter of the amendment of the Senate is pleasing to the other House they wink at the encroachment; if it be displeasing, then the Constitution is appealed to. Every Session is distracted by altercations on this subject. The practice now becoming frequent is for the Senate not to make formal amendments; but to send down a schedule of the alterations which will procure the bill their assent." Indeed, Rutledge would have preferred giving the exclusive right to propose money bills to the Senate "being more conversant in business." "Having more leisure," the Senate would "digest the bills much better," which followed the model in the Fundamental Constitutions of 1669.[35]

Protection of the slave trade was critical to members of the state's delegation. All four delegates spoke strongly against proposed congressional power to tax or prohibit the African slave trade. Charles Pinckney defended slavery, arguing "South Carolina can never receive the plan if it prohibits the slave trade." He also noted that, in approving an amendment to the Articles of Confederation regulating trade, the South Carolina legislature "expressly & watchfully excepted that of meddling with the importation of negroes."[36] Charles Cotesworth Pinckney made it clear that South Carolina would not accept restrictions on slave importations. John Rutledge affirmed that North Carolina, South Carolina, and Georgia would never agree to restrictions on importation, noting that "The people of those States will never be such fools as to give up so important an interest."[37] He rejected arguments from morality, stating that "Religion & humanity had nothing to do with this question—Interest alone is the governing principle with Nations—The true question at present is whether the Southn. States shall or shall not be parties to the Union."[38]

The unity of the delegation on slavery was broken only by the compromise between the Northern and Southern states allowing bills dealing with the regulation of commerce to pass by a simple majority rather than a two-thirds vote in exchange for prohibiting Congress from stopping the importation of slaves before 1808. Southerners were generally

wary of a Northern-dominated Congress enacting commercial measures favorable to Northern interests that were detrimental to the interests of Southern planters. On 29 August Charles Pinckney made a motion requiring a two-thirds vote to pass bills regulating commerce, arguing that "States pursue their interests with less scruple than individuals."[39] His three fellow delegates made it clear that they had already accepted a deal with the Northern states. Charles Cotesworth Pinckney referred to his Northern colleagues and "their liberal conduct towards the views of South Carolina."[40] Pierce Butler indicated that he would vote against Pinckney's motion since he was "desirous of conciliating the affections" of the Northern States.[41] John Rutledge stated that he was "agst. the motion of his colleague. It did not follow from a grant of the power to regulate trade, that it would be abused."[42]

In the end, the South Carolina delegation, like most of the other states' delegations, recognized the Constitution for what it was—a product of compromise in which groups sought common ground. When the delegates returned to South Carolina, they joined forces in defending their handiwork. When criticized for their compromises on slavery, Charles Cotesworth Pinckney referred to "a spirit of concession," adding "I confess I did not expect that we should have been told on our return, that we had conceded too much to the Eastern states." "In short, considering all circumstances," Pinckney argued, "we have made the best terms for the security of this species of property it was in our power to make." Although referring to slavery, Pinckney's remarks could have been said by nearly any of the delegates and could have been applied to the Constitution as a whole. "We would have made better if we could, but on the whole I do not think them bad."[43]

1. David Ramsay, *History of the Revolution of South-Carolina, from a British Province to an Independent State* (2 vols., Trenton, N.J., 1785) (Evans 19211), I, 128.

2. For the House order, see Michael E. Stevens and Christine M. Allen, eds., *Journals of the House of Representatives, 1789–1790* (The State Records of South Carolina, Columbia, S.C., 1984), 286. For a description of the gown, see Charleston *City Gazette*, 18 January 1791.

3. Mattie Erma Edwards Parker, ed., *North Carolina Charters and Constitutions, 1578–1698* (Raleigh, N.C., 1963), 150.

4. *Ibid.*, 164.

5. Thomas Nairne, *A Letter from South Carolina; giving an account of the Soil, Air, Product, Trade, Government, Laws, Religion, People, Military Strength, &c. . . .* (London, 1710), 21–22.

6. Address of the Provincial Congress, 15 June 1775, in William Edwin Hemphill and Wylma Anne Wates, eds., *Extracts from the Journals of the Provincial Congresses of South Carolina, 1775–1776* (The State Records of South Carolina, Columbia, S.C., 1960), 52.

7. JCC, III, 326–27.

8. *South-Carolina. In a Congress, Begun and Holden at Charles-Town, on Wednesday the first day of November one thousand seven hundred and seventy-five, and continued, by divers adjournments, to Tuesday the twenty-sixth day of March, one thousand seven hundred and seventy-six. A*

Constitution or Form of Government, Agreed to, and Resolved upon, by the Representatives of South-Carolina (Charleston, 1776) (Evans 15092), 8.

9. *Ibid.*, 4.

10. Ramsay, *History of the Revolution of South-Carolina*, I, 128.

11. See Appendix I (RCS:S.C., 502).

12. Ramsay, *History of the Revolution of South-Carolina*, I, 136–37.

13. Joseph Brevard, *An Alphabetical Digest of the Public Statute Law of South-Carolina* (3 vols., Charleston, 1814), I, 315n–16n.

14. Eligibility provisions for membership in the House were established partly in the constitution of 1778 and partly in section 3 of the 1759 act amending the Election Act of 1721. See Thomas Cooper and David J. McCord, comps., *The Statutes at Large of South Carolina . . .* (10 vols., Columbia, S.C., 1836–1841), IV, 99.

15. Under the U.S. Constitution, three-fifths of the slaves were counted for the purpose of apportioning seats in the House of Representatives. In 1791, three free black men—a bricklayer named Thomas Cole and two butchers, P. B. Mathews and Matthew Webb—petitioned the South Carolina Senate, arguing that because the federal Constitution counted them as free persons toward representation, they and other free men of color should be entitled to testify and bring suit in the state's courts. They also argued that if charged with crimes, they should be tried by juries rather than the juryless magistrates and freeholders court. The Senate refused to accept the petition.

16. See Appendix I (RCS:S.C., 495).

17. Walter B. Edgar et al., eds., *Biographical Directory of the South Carolina House of Representatives* (5 vols., Columbia, S.C., 1974–1992), II, 5.

18. *Gazette of the State of South Carolina*, 29 April 1784.

19. Arthur Bryan to George Bryan, 9 April 1788 (RCS:S.C., 252).

20. Memorial of Aedanus Burke, 1 March 1786, in Michael E. Stevens, "'Wealth, Influence or Powerful Connections': Aedanus Burke and the Case of Hezekiah Maham," *South Carolina Historical Magazine*, 81 (1980), 167.

21. CDR, 121.

22. *Acts, Ordinances, and Resolve, of the General Assembly, of the State of South-Carolina. Passed in March, 1786* (Charleston, 1786) (Evans 19998), 16.

23. Butler to Thomas FitzSimons, 30 May 1786 (1380 Sweet, ScHi).

24. Smith, *Letters*, XXIII, 188.

25. CDR, 184.

26. "Act Authorizing the Election of Delegates," 8 March 1787, Appendix II (RCS:S.C., 508–9).

27. Farrand, III, 96–97.

28. Lowndes to Robert Goodloe Harper, 10 November 1787 (RCS:S.C., 38).

29. Farrand, I, 398, 402–3. See "Opening Convention Speech of Charles Pinckney," 14 May 1788 (RCS:S.C., 326–28).

30. Farrand, I, 426–27.

31. Farrand, II, 248–49.

32. Farrand, I, 50.

33. Farrand, I, 132.

34. Farrand, I, 137.

35. Farrand, II, 279–80.

36. Farrand, II, 364.

37. Farrand, II, 373.

38. Farrand, II, 364.

39. Farrand, II, 449.
40. Farrand, II, 449.
41. Farrand, II, 451.
42. Farrand, II, 452.
43. House of Representatives Debates, 17 January 1788 (RCS:S.C., 121, 124).

Note on Names of South Carolina Governmental Jurisdictions

At the time of the ratification debate, South Carolina used a variety of place names depending on whether the writer was referring to legislative, judicial, or administrative districts. With overlapping jurisdictions, similar names for different locations, and the use of ecclesiastical districts, such as parishes, for civic purposes like voting, South Carolina place names can be confusing. In addition, a different naming system and a new court system were used in the upcountry but not implemented in the low country.

Until 1778, the Anglican Church was the established church of South Carolina and its parishes served both ecclesiastical and governmental functions. Even after disestablishment, low country Anglican parishes continued to serve as the election districts for the state House of Representatives, the Senate, and the ratifying Convention. In some cases, church wardens managed the elections; in other cases, the legislature named the election managers. Some Anglican parishes in the low country shared the name of the same saint, such as St. John or St. James. In these cases a geographic designator was added to distinguish one parish from another. Thus, St. John's Parish located in what was formerly Colleton County under the Lords Proprietors was referred to as St. John's Parish, Colleton, to distinguish it from St. John's Parish in the former Berkeley County, which was called St. John's Parish, Berkeley. Similar geographical additions were used to distinguish two St. James parishes from each other and to avoid confusion between St. George's Parish, Dorchester, and Prince George's Parish, Winyah. One parish named after two saints, St. Thomas and St. Dennis, was both a single ecclesiastical parish and election district. In the city of Charleston, the parishes of St. Philip and St. Michael functioned as a single election district but served as separate parishes for ecclesiastical purposes.

In the upcountry, three election districts used the names of parishes (St. David's, St. Matthew's, and Orange). Districts in the rest of the upcountry used either descriptive names (such as Saxe Gotha District or New Acquisition District) or geographic boundaries (such as the District Eastward of the Wateree River or the District between the Savannah River and the North Fork of Edisto).

South Carolina used a different naming system for judicial purposes. Prior to the Revolutionary War, South Carolina was divided into seven

judicial districts. The low country was divided into Beaufort, Charleston, and Georgetown districts, while the upcountry was divided into Camden, Cheraw, Ninety Six, and Orangeburg districts. In response to demand from the upcountry for more local courts, the legislature divided the state into counties in 1785. Courts were established and courthouses built in much of the upcountry, while the law was largely ignored in the low country and in part of Orangeburg District, which continued to use the old judicial district. Thus, in this volume there are documents from grand juries in Beaufort District (low country district system) and Lancaster County (upcountry county system).

In the 1780s and 1790s, the new county names began to displace the older district names in the upcountry. In 1788, the District between the Broad and Catawba Rivers was a single district for legislative elections but was divided into separate delegations for Chester, Fairfield, and Richland counties for the purposes of the Convention. By 1790, in both the new state constitution and the U.S. Census, the old election district names in the upcountry had largely disappeared and were replaced by the new county names. In the low country, most of the old parish names survived as election districts until after the Civil War.

Note on Sources

Legislative Records

The official record for the 1787 session (1 January–28 March) and the two 1788 sessions (8 January–29 February and 7 October–4 November) of the South Carolina legislature are in the Records of the General Assembly in the South Carolina Department of Archives and History in Columbia, South Carolina. The records include the rough and engrossed journals of the House of Representatives and Senate as well as various loose documents such as governors' messages, committee reports, resolutions, and petitions. The House journals for the period covered in this volume were published as Michael E. Stevens and Christine M. Allen, eds., *Journals of the House of Representatives, 1787–1788* (The State Records of South Carolina, Columbia, S.C., 1981). The legislative roster for the House can be found in volume one (*Session Lists, 1692–1973*) of Walter B. Edgar et al., eds., *Biographical Directory of the South Carolina House of Representatives* (5 vols., Columbia, S.C., 1974–92). The Senate journals for 1787–1788 have not been published. The legislative roster for the Senate can be found in volume three of N. Louise Bailey et al., eds., *Biographical Directory of the South Carolina Senate, 1776–1985* (3 vols., Columbia, S.C., 1986).

The journals recorded only official actions but not debates. The Charleston *City Gazette* provided extensive reporting of the debates on the Constitution in the state House of Representatives, 16–18 January 1788. Between 18 January and 1 February, the paper published speeches on the Constitution delivered in the House taken by former *Gazette* editor Robert Haswell. The editors of the *Gazette* apologized to their readers for the amount of space consumed by the speeches, noting that the report "has been spun out to a most unreasonable length" (*City Gazette*, 31 January). Even so, the notes were incomplete. The published debates of 18 January missed Pierce Butler's opening speech, "the reporter of those debates unfortunately not being in the house." When the speeches were later reprinted as a pamphlet, the compiler noted that he intended to include some additional remarks made by Rawlins Lowndes, but could not do so "owing to the loss of a note book in the fire which consumed the State-House" on 5 February.

A pamphlet version of the speeches, with revisions and some additions, was published on 27 March. The fifty-five-page pamphlet, *Debates which Arose in the House of Representatives of South Carolina, on the Constitution Framed for the United States, by a Convention of Delegates, Assembled*

at Philadelphia (Charleston, 1788) (Evans 21470), also included the roll-call vote on the location of the convention and the text of the Constitution. (See RCS:S.C., 88–89, for a discussion of the variations between the newspaper and pamphlet versions.) The 1788 pamphlet version of the debates was reprinted by A. E. Miller in Charleston in 1831 as a ninety-nine-page pamphlet entitled *Debates Which Arose in the House of Representatives of South-Carolina, on the Constitution framed for the United States, by a Convention of Delegates Assembled at Philadelphia Together with Such Notices of the Convention as Could Be Procured.* Jonathan Elliot included much of this pamphlet in his expanded second edition of *The Debates in the Several State Conventions on the Adoption of the Federal Constitution . . .* , which was published in 1836 (Vol. IV, pp. 253–342). The first edition of Elliot's *Debates* had appeared in 1827–1830 without the South Carolina material. Charles Cotesworth Pinckney's notes used for his 17 January speech and his notes of a speech by Rawlins Lowndes on the same day are in the Pinckney Family Papers at the Library of Congress (RCS:S.C., 139–42). Notes made by Henry Pendleton on 18 January are in the Records of the General Assembly (RCS:S.C., 160–61).

The engrossed acts and ordinances of the General Assembly are in the Records of the General Assembly. The legislature published its public acts and ordinances as a pamphlet shortly after each session. Legislative acts and ordinances related to the Constitution can be found in *Acts, Ordinances, and Resolves, of the General Assembly of the State of South-Carolina: Passed in March, 1787* (Charleston, 1787) (Evans 20715), *Acts and Ordinances of the General Assembly of the State of South-Carolina, Passed in February, 1788* (Charleston, 1788) (Evans 21468), and *Acts and Ordinances of the General Assembly of the State of South-Carolina, Passed in October and November 1788* (Charleston, 1789) (Evans 22152). The acts and ordinances were eventually gathered and published in Thomas Cooper and David J. McCord, eds., *The Statutes at Large of South Carolina* (10 vols., Columbia, S.C., 1836–41). None of these publications included legislative resolutions, such as those calling the state ratifying Convention. The legislature ordered the resolutions calling the convention to be published in the state's newspapers and separately as a broadside (Bristol B6811) by Ann Timothy's printing shop (see Resolutions Calling a State Convention, 18 February 1788, RCS:S.C., 185–90n).

Personal Papers

Only a very few South Carolinians who participated in the ratification debate left extensive manuscript collections, and consequently their letters are largely found in the papers of their correspondents. The

materials published in this volume came from multiple collections in thirty-two repositories in the United States, France, Switzerland, and the United Kingdom.

The largest source of private manuscripts published in this volume is the John Kean Papers at Kean University, Union, New Jersey. The collection remained in the family's hands until 2007 when it was opened to the public. The sixteen items published from this collection include correspondence, a manuscript speech by Kean, and notes taken by Kean during the state ratifying Convention. Three letters are drawn from the Henry Laurens Papers at the South Carolina Historical Society. Other items held by the Society printed here are a letter from the Eliza Lucas Pinckney Letterbook and four other items from three collections. A modern print edition of the Laurens Papers is published as Philip M. Hamer et al., eds., *The Papers of Henry Laurens* (16 vols., Columbia, S.C., 1968–2003), and a digital edition of the Eliza Lucas Pinckney letters are published in Constance B. Schulz, ed., *The Papers of Eliza Pinckney and Harriott Pinckney Horry Digital Edition* (Charlottesville: Rotunda, University of Virginia Press; http://rotunda.upress.virginia.edu/PinckneyHorry/).

Other letters from South Carolinians commenting on the Constitution are found in multiple collections. David Ramsay's eleven letters to seven recipients are found in collections in six different repositories, including three letters from the Benjamin Rush Papers at the Library Company of Philadelphia and three letters from the Benjamin Lincoln Papers at the Massachusetts Historical Society. Some of Ramsay's letters were collected and published in Robert L. Brunhouse, ed., "David Ramsay, 1749–1815: Selections from His Writings," *Transactions* of the American Philosophical Society, new series, Vol. 55, Part 4 (Philadelphia, 1965). Three items printed here are from the Pinckney Family Papers and the Pinckney Papers at the Library of Congress. A digital edition of The Papers of the Revolutionary Era Pinckney Statesmen is in progress. Another sixteen items from seven other collections at the Library of Congress are found in this volume.

Other repositories represented in this volume include the Historical Society of Pennsylvania (13 items from 8 collections); the New-York Historical Society (11 items from 6 collections); the Massachusetts Historical Society (6 items from 3 collections); the South Caroliniana Library at the University of South Carolina (4 items from 4 collections); and the College of William and Mary (3 items from 2 collections). Repositories in Europe contributed important materials, with the Archives Nationales and Archives du Ministére des Affaires Étrangères in Paris providing nine letters by French diplomats in the United States

containing insightful reporting and analysis of American politics. Three repositories in the United Kingdom provided five items, and a repository in Switzerland provided two. Eighteen other repositories in the United States provided 25 other items.

Newspapers

Four newspapers, all in Charleston, were published in South Carolina between September 1787 and June 1788. The *Charleston Morning Post*, which was renamed the *City Gazette* on 6 November 1787, was the only daily paper in the state. The *Columbian Herald* and the *State Gazette of South Carolina* were published twice weekly, and the *South Carolina Weekly Chronicle* was published weekly.

Antifederalist Aedanus Burke claimed that South Carolina newspapers did not print Antifederalist material. "The printers are, in general, British journeymen, or poor Citizens who are afraid to offend the great men, or Merchants, who could work their ruin. Thus, with us, the press is in the hands of a junto, and the Printers, with most servile insolence discouraged Opposition, and pushed forward publications in its [i.e., the Constitution's] favour; for no one wrote against it" (to John Lamb, 23 June 1788, RCS:S.C., 469). Burke's analysis regarding the publication of original material appears to be largely correct, although Charleston's press reprinted nationally circulated Antifederalist pieces.

The City Gazette, and the Daily Advertiser provided the most extensive local coverage of the ratification debate, not surprisingly, because as a daily it had the most space to fill. The paper, published by Robert Haswell and John McIver, was a continuation of *The Charleston Morning Post, and Daily Advertiser*, which had been published in Charleston under that name since 18 January 1786. On 1 January 1788, John Markland replaced Haswell as publisher of the paper, although Haswell (d. 1791) remained active with the *Gazette*, publishing notes of House debates on the Constitution in the paper and later as a pamphlet through the *Gazette's* office. McIver (1764–1801) was the son of a planter in what is now Darlington County and had been in the newspaper business since 1785. Markland (d. 1837), along with his partner Thomas B. Bowen, established the Charleston *Columbian Herald* in November 1784. He retired in November 1786. Markland had served as an officer in the Continental Army during the Revolutionary War and was an original member of the South Carolina Society of the Cincinnati. Markland and McIver intended to report in great detail on political matters. On 29 December 1787, the two announced that they would publish "the proceedings in both houses of the legislature, debates on every interesting question, all laws ratified, of a public nature; the yeas and nays

on material questions; and should a convention be appointed, the deliberations at large, if permitted."

Few issues of the *Morning Post/City Gazette* survive from the period between the adjournment of the Constitutional Convention on 17 September 1787 and November. Only the 17 October issue of the *Morning Post* has been found (which contains a report of the calling of a ratifying convention in Pennsylvania) and less than half of the issues of the *Morning Post/City Gazette* remain for November. Starting in December 1787 through 1788, most numbers of the *City Gazette* are available.

The *City Gazette* published essays by Federalist "Caroliniensis" and Antifederalist "Philo-Centinel." The paper's editors refused to print Antifederalist "Cato" (later published in the *State Gazette of South Carolina*) because the author would not identify himself, noting "*the printers still continue of opinion, that they have no right to lay before the public insinuations against characters, without knowing from what source they originate. To act otherwise, would render the* liberty *of the press* licentiousness" (17 November 1787). The paper specialized in coverage of the state legislature and the ratifying convention. As noted above and below, speeches in the House debates on the Constitution in January 1788 and in the state Convention in May were printed in the *City Gazette*. The *Gazette* also reprinted speeches from the Massachusetts and Connecticut ratifying conventions. Peter Fayssoux, an Antifederalist leader in the state Convention, believed that the *City Gazette* reported one of his speeches in the Convention in "a very partial and false manner." The editors of the *Gazette* replied that they thought the "*epithets ungenerous and undeserved.*" (See "Newspaper Reports of Peter Fayssoux's Comments in the South Carolina Convention," 19 May, RCS:S.C., 357–58.)

The *City Gazette* reprinted nationally circulated Federalist essays, such as Tench Coxe's "An American Citizen" (CC:100–A, 109, 112, 183–A); Benjamin Rush's speech to the Pennsylvania ratifying Convention (CC: 357); "Foederal Constitution's" reply to Pennsylvania Antifederalists (CC:150); Francis Hopkinson's "A.B." (CC:504); "Old Man" (CC:407); and "A Yankee" (CC:552). It also reprinted several Antifederalist items, such as the first two numbers of "Centinel" (CC:133, 190); Richard Henry Lee's letter to Gov. Edmund Randolph (CC:325); and Gov. George Clinton's speech to the New York legislature (CC:439).

Ann Timothy (c. 1727–1792) published *The State Gazette of South-Carolina* on Mondays and Thursdays. Members of the Timothy family had published the paper, with starts and stops, under variations of the name since 1734. Ann and her husband Peter were exiled to Philadelphia during the British occupation of Charleston. Ann returned to Charleston after her husband's death and on 16 July 1783 resumed

publication of the *The Gazette of the State of South-Carolina.* The paper changed its name to the *The State Gazette of South-Carolina* on 28 March 1785. Ann Timothy served as the state's printer from 1785 until her death. Most of the issues during the debate over the Constitution have survived.

More so than the other Charleston papers, the *State Gazette* opened its pages to both Antifederalist and Federalist writings. The paper published the local Federalist "Mæcenas" and "A Steady and Open Republican" (Christopher Gadsden?) as well as Antifederalist "Cato," which the *City Gazette* refused to print. It also reprinted a mixture of nationally circulated items both favoring and criticizing the Constitution. Federalist reprinted items included the first number of "Curtius" (CC:111); Oliver Ellsworth's "Landholder" X (CC:588); John Dickinson's "Fabius" I (CC:677); "One of the People" (CC:377); and "A Yankee" (CC:552). Important Antifederalist pieces reprinted in the *State Gazette* included George Mason's objections (CC:276–A); Richard Henry Lee's letter to Gov. Edmund Randolph (CC:325); the Dissent of the Pennsylvania Minority (CC:353); and eight installments of Luther Martin's "Genuine Information" (see Editors' Note, RCS:S.C., 255–56).

Thomas B. Bowen, James Vandle, and S. Andrews published *The Columbian Herald, or the Independent Courier of North-America* on Mondays and Thursdays. On 3 January 1788, Andrews dropped out of the partnership. Bowen (1742–1804), a native of Ireland who had served in the Pennsylvania Continental Line during the Revolutionary War, had established the paper in 1784 with John Markland (who later published the *City Gazette*) and, like Markland, was an original member of the Society of the Cincinnati. Most issues of the *Herald* during the debate over the ratification of the Constitution have survived. The *Herald* reprinted more nationally circulated Federalist items than the other Charleston papers and was David Ramsay's preferred place of publication, printing Ramsay's "Civis" as well as his undelivered speech from the South Carolina celebration of ratification. The *Herald* reprinted nationally circulated Federalist items such as two of James Wilson's speeches (CC:134, 289); Tench Coxe's "An American to Richard Henry Lee" (CC:392–A); "Philanthropos" (CC:454); two spurious Centinels (CC:471, 534); Francis Hopkinson's "The New Roof" (CC:395); "An Old Man" (CC: 407); "New England" (CC:372); Hugh Williamson's speech in Edenton, N.C. (CC:560); and "The Fabrick of Freedom" (CC:608–A). It also reprinted items from the Massachusetts ratifying Convention. Antifederalist items reprinted by the *Herald* included George Mason's objections (CC:276–A); a letter from Richard Henry Lee to Gov. Edmund Randolph (CC:325); Gov. George Clinton's speech to the New York

legislature (CC:439); and the report of Robert Yates and John Lansing, Jr., New York's Antifederalist Delegates to the Constitutional Convention (CC:447).

John Markland, who until November 1786 had been a publisher of the *Columbian Herald*, established *The South Carolina Weekly Chronicle* in May 1787. Only the issue of 9 October survives. The paper, which published its weekly edition on Tuesdays, likely halted publication sometime in late 1787, when Markland became a publisher of the *City Gazette*.

Broadsides, Handbills, and Pamphlets

Three pamphlets relating to the ratification of the Constitution were printed in South Carolina. In addition to the pamphlet version of the House debates on the Constitution (described above under "Legislative Records"), two pamphlets by David Ramsay were published in Charleston. Both originally appeared in the *Columbian Herald* and then later were printed as pamphlets by the *Herald's* printing office. "Civis," originally published in the *Columbian Herald* on 4 February 1788, was reprinted as a twelve-page pamphlet entitled *An Address to the Freemen of South-Carolina, on the Subject of the Fœderal Constitution, Proposed by the Convention, which Met in Philadelphia, May 1787* (Evans 21414). A second pamphlet contained an undelivered speech that Ramsay intended to give at the celebration of ratification. The speech was first printed in the *Columbian Herald* on 5 June 1788 and later was published as a twelve-page pamphlet entitled *An Oration, Prepared for Delivery before the Inhabitants of Charleston, Assembled on the 27th May, 1788, to Celebrate the Adoption of the New Constitution by South-Carolina* (Evans 45319).

Pamphlets that originated in other states also circulated in South Carolina. Shortly after the Constitutional Convention adjourned on 17 September 1787, Charles Pinckney prepared his comments on the plan he had introduced in the Convention. Published in New York by Francis Childs, the twenty-seven-page pamphlet was entitled *Observations on the Plan of Government Submitted to the Federal Convention, in Philadelphia, on the 28th of May, 1787. By Mr. Charles Pinckney, Delegate from the State of South-Carolina. Delivered at different Times in the course of their Discussions* (Evans 20649). The *State Gazette of South Carolina* reprinted the pamphlet in installments in the fall of 1787. Federalist Noah Webster's pamphlet, written under the name "A Citizen of America," circulated in Charleston and was entitled *An Examination into the Leading Principles of the Federal Constitution Proposed by the Late Convention Held at Philadelphia. With Answers to the Principal Objections that Have Been Raised Against the System. By a Citizen of America* (Philadelphia, 1787) (Evans 20865) (CC: 173; Mfm:Pa. 142). The pamphlet was reportedly in "brisk circulation"

among David Ramsay's friends (Ramsay to Webster, 10 November 1787, RCS:S.C., 40). Thomas Lloyd's edition of the Pennsylvania Convention *Debates* went on sale in Charleston starting on 3 April 1788 (CC:511; RCS:Pa., 322–616; Mfm:Pa. 237, 239, 263–65, 266; and Editors' Note, RCS:S.C., 242–44) at the offices of the *Columbian Herald.*

The pamphlet version of Antifederalist Luther Martin's *Genuine Information* was advertised for sale by the *State Gazette of South Carolina* on 22 May 1788, a day prior to the state's ratification of the Constitution (see Editors' Note, RCS:S.C., 255–56). New York Antifederalist John Lamb sent to South Carolina Antifederalists *An Additional Number of Letters from the Federal Farmer to the Republican* (CC:723). The pamphlet, however, did not arrive until after the ratifying Convention adjourned (see Lamb to Aedanus Burke, Rawlins Lowndes, and Thomas Sumter, 19 May, RCS:S.C., 287–88).

Antifederalist pamphlets circulated in the South Carolina upcountry. According to Jean-Baptiste Petry, the French consul in Charleston, "The minority in Philadelphia, My Lord, has spared neither money nor effort in order to flood this state and its neighbors with its pamphlets and writings against this Constitution" (to Comte de Montmorin, 12 January 1788, RCS:S.C., 205). Charles Cotesworth Pinckney likewise reported that "Pamphlets, Speeches & Protests from the disaffected in Pennsylvania were circulated throughout the State, particularly in the back Country" (to Rufus King, 24 May, RCS:S.C., 445).

Several broadsides and handbills printed in South Carolina survive, including locally printed copies of the Constitution (RCS:S.C., 6–7). For the broadside version of the legislative resolutions calling elections for a state Convention, see "Legislative Records" (above). The text of a no longer extant handbill of 24 May 1788 detailing the order of procession for the celebration of ratification in Charleston was reprinted in the *Gazette of the State of Georgia,* 29 May (see "The Federal Procession," 27 May, RCS:S.C., 424–30n). A broadside containing the Form of Ratification without the recommendatory amendments (Evans 45364) was dated 26 May and appears below (RCS:S.C., 448). In January 1788 the legislature ordered that 1,000 copies of the report of the Constitutional Convention be printed, and in May the Convention also ordered that 1,200 copies of the Constitution be printed along with the recommended amendments. No copies of these broadsides have been located.

Convention Sources

The official records for the South Carolina Convention are in Constitutional and Organic Papers in the South Carolina Department of Archives and History. The records include the rough and engrossed

journals of the Convention, election returns, draft and final committee reports, correspondence regarding an alternate meeting place for the Convention, and the Convention rules. The Historical Commission of South Carolina published a facsimile version of the journal in 1928 as *Journal of the Convention of South Carolina which ratified the Constitution of the United States, May 23, 1788.* The records also include a small number of payroll vouchers for the delegates to the Convention. Like the House of Representatives journals, the Convention journals only recorded official actions and did not record debates. The Charleston *City Gazette* provided extensive reporting on Convention debates through the session of 14 May. On 21 May, the *Gazette* announced "*A continuation of the proceedings in the convention is postponed until the house breaks up.*" With few exceptions, the *City Gazette* no longer printed debates on a regular basis. After the adjournment of the Convention, the *Gazette* printed a few selected additional speeches between 26 May and 26 June.

Only four speeches (two by Charles Pinckney and one each by Patrick Dollard and Alexander Tweed) from the *City Gazette* were reprinted by A. E. Miller in Charleston in 1831 as part of a ninety-nine-page pamphlet, *Debates Which Arose in the House of Representatives of South-Carolina, on the Constitution framed for the United States, by a Convention of Delegates Assembled at Philadelphia Together with Such Notices of the Convention as Could Be Procured.* Jonathan Elliot included this material in his expanded second edition of *The Debates in the Several State Conventions on the Adoption of the Federal Constitution . . .*, which appeared in 1836 (see "Legislative Records," above). In addition, the papers of John Kean contain notes taken by Kean of speeches delivered in the Convention on 21 May. Kean's papers also include a document entitled "Notes on the New Constitution" (RCS:S.C., 408–10).

The South Caroliniana Library at the University of South Carolina holds a list of Convention delegates in the same handwriting as the copyist of the Convention journal with various check marks before or after the names of the delegates. The list was made prior to 15 May 1788, when John Cook, whose name does not appear on the list, was seated in the Convention. The list was also made before Rawlins Lowndes declined his seat. Lowndes' name is listed among the delegates for St. Bartholomew's Parish but is struck out.

The Form of Ratification forwarded to the Confederation Congress is in RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, at the National Archives.

Secondary Accounts

Jerome J. Nadelhaft, *The Disorders of War: The Revolution in South Carolina* (Orono, Maine, 1981), provides a solid history of South Carolina's

political development during and after the American Revolution. Nadelhaft is supplemented by Rachel N. Klein, *Unification of a Slave State: The Rise of the Planter Class in the South Carolina Backcountry, 1760–1808* (Chapel Hill, N.C., 1990). Other useful sources on South Carolina and the drafting and ratification of the Constitution are Ernest M. Lander, Jr., "The South Carolinians at the Philadelphia Convention, 1787," *South Carolina Historical Magazine*, 57 (1956), 134–55; George C. Rogers, Jr., "South Carolina Ratifies the Federal Constitution," South Carolina Historical Association *Proceedings*, XXXI (1961), 41–62; Nadelhaft, "South Carolina: A Conservative Revolution," 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), 153–79; Michael E. Stevens, " 'Their Liberties, Properties and Priviledges': Civil Liberties in South Carolina, 1663–1791," in Conley and Kaminski, eds., *The Bill of Rights and the States: The Colonial and Revolutionary Origins of American Liberties* (Madison, Wis., 1992), 398–423; Robert M. Weir, "South Carolinians and the Adoption of the United States Constitution," *South Carolina Historical Magazine*, 89 (1988), 73–89; Weir, "South Carolina: Slavery and the Structure of the Union," in Michael Allen Gillespie and Michael Lienesch, eds., *Ratifying the Constitution* (Lawrence, Kans., 1989), 201–34; Mark D. Kaplanoff, "How Federalist Was South Carolina in 1787–88?" in David R. Chesnutt and Clyde N. Wilson, eds., *The Meaning of South Carolina History: Essays in Honor of George C. Rogers, Jr.* (Columbia, S.C., 1991), 67–103; and United States Constitution Bicentennial Commission of South Carolina, *With Liberty and Justice: Essays on the Ratification of the Constitution in South Carolina* (Columbia, S.C., 1989).

There are a number of valuable biographies of individuals who participated in the ratification debate that provide important details on South Carolina political and constitutional history. Among the best are James Haw, *John and Edward Rutledge of South Carolina* (Athens, Ga., 1997); George C. Rogers, Jr., *Evolution of a Federalist: William Loughton Smith of Charleston (1758–1812)* (Columbia, S.C., 1962); Marty D. Matthews, *Forgotten Founder: The Life and Times of Charles Pinckney* (Columbia, S.C., 2004); Marvin R. Zahniser, *Charles Cotesworth Pinckney: Founding Father* (Chapel Hill, N.C., 1967); John C. Meleney, *The Public Life of Aedanus Burke: Revolutionary Republican in Post-Revolutionary South Carolina* (Columbia, S.C., 1989); Arthur H. Shaffer, *To Be an American: David Ramsay and the Making of the American Consciousness* (Columbia, S.C., 1991); and Carl J. Vipperman, *The Rise of Rawlins Lowndes, 1721–1800* (Columbia, S.C., 1978).

The most recent comprehensive history of South Carolina is Walter Edgar, *South Carolina: A History* (Columbia, S.C., 1998). George C. Rogers, Jr., *Charleston in the Age of the Pinckneys* (2nd ed., Columbia, S.C., 1980), remains the best book on the early history of that city. Two indispensable biographical sources for South Carolina's political leadership are Walter B. Edgar et al., eds., *Biographical Directory of the South Carolina House of Representatives* (5 vols., Columbia, S.C., 1974–1992), and N. Louise Bailey et al., eds., *Biographical Directory of the South Carolina Senate, 1776–1985* (3 vols., Columbia, S.C., 1986).

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
GHi	Georgia Historical Society
MHi	Massachusetts Historical Society
NHi	New-York Historical Society
NjUN	Kean University, Union, N.J.
PHi	Historical Society of Pennsylvania
PPL	Library Company of Philadelphia
Sc-Ar	South Carolina Department of Archives and History
ScHi	South Carolina Historical Society
ScU	University of South Carolina

Short Titles

Abbot, *Washington, Confederation Series*	W. W. Abbot, ed., *The Papers of George Washington: Confederation Series* (6 vols., Charlottesville, Va., 1992–1997).
Blackstone, *Commentaries*	Sir William Blackstone, *Commentaries on the Laws of England. In Four Books.* (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., *The Papers of Thomas Jefferson* (Princeton, N.J., 1950–).

Bristol	Roger P. Bristol, *Supplement to Charles Evans' American Bibliography* (Charlottesville, Va., 1970).
Brunhouse, "Ramsay"	Robert L. Brunhouse, ed., "David Ramsay, 1749–1815: Selections from His Writings," *Transactions* of the American Philosophical Society, new series, Vol. 55, Part 4 (Philadelphia, 1965).
DHFFE	Merrill Jensen, Robert A. Becker, and Gordon DenBoer, eds., *The Documentary History of the First Federal Elections, 1788–1790* (4 vols., Madison, Wis., 1976–1989).
Evans	Charles Evans, *American Bibliography* (12 vols., Chicago, 1903–1934).
Farrand	Max Farrand, ed., *The Records of the Federal Convention of 1787* (3rd ed., 3 vols., New Haven, 1927).
Hamer, *Laurens*	Philip M. Hamer et al., eds., *The Papers of Henry Laurens* (16 vols., Columbia, S.C., 1968–2003).
JCC	Worthington C. Ford et al., eds., *Journals of the Continental Congress, 1774–1789* . . . (34 vols., Washington, D.C., 1904–1937).
Montesquieu, *Spirit of Laws*	Charles, Baron de Montesquieu, *The Spirit of Laws* (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).
Ramsay, *History*	David Ramsay, *The History of the American Revolution* (2 vols., Philadelphia, 1789) (Evans 22090).
Rutland, *Madison*	Robert A. Rutland et al., eds., *The Papers of James Madison*, Volumes VIII–XVII (Chicago and Charlottesville, Va., 1973–1991).
Smith, *Letters*	Paul H. Smith, ed., *Letters of Delegates to Congress, 1774–1789* (26 vols., Washington, D.C., 1976–2000).
Stevens, *House Journals, 1787–1788*	Michael E. Stevens and Christine M. Allen, eds., *Journals of the House of Representatives, 1787–1788* (The State Records of South Carolina, Columbia, S.C., 1981).
Thorpe	Francis N. Thorpe, ed., *The Federal and State Constitutions* . . . (7 vols., Washington, D.C., 1909).

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

CC	References to *Commentaries on the Constitution* are cited as "CC" followed by the number of the document. For example: "CC:25."
CDR	References to the first volume, titled *Constitutional Documents and Records, 1776–1787*, are cited as "CDR" followed by the page number. For example: "CDR, 325."
RCS	References to the series of volumes titled, *Ratification of the Constitution by the States*, are cited as "RCS" followed by the abbreviation of the state and the page number. For example: "RCS:S.C., 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:S.C. 25." All supplemental documents will be placed on the University of Wisconsin-Madison Libraries website at http://library.wisc.edu. Supplemental documents will also be published in printed volumes by the Wisconsin Historical Society Press.

South Carolina Chronology, 1663–1790

	1663
24 March	Charles II grants Carolina charter to Lords Proprietors
	1669
21 July	Lords Proprietors adopt first version of the Fundamental Constitutions of Carolina
	1670
15 March	*Carolina*, first ship with European settlers, makes landfall thirty miles from modern Charleston
	1712
	South Carolina and North Carolina recognized as separate colonies
	1719
16 December	Commons House declares itself a convention of the people and overthrows the proprietary government
	1720
20 September	British government commissions royal governor for South Carolina
	1765
7–25 October	Christopher Gadsden, John Rutledge, and Thomas Lynch attend Stamp Act Congress in New York
	1769
29 July	Act authorizing courts in upcountry signed into law
	1774
6–8 July	First General Meeting in Charleston with delegates from across the colony; elects delegates to First Continental Congress
	1775
11–17 January, 1–22 June	First Provincial Congress meets in Charleston
15 September	Lord William Campbell, last royal governor of South Carolina, flees to British warship in Charleston harbor
1–29 November	First session of Second Provincial Congress
3–4 November	John Rutledge asks for and receives advice from Continental Congress on establishing a new government in South Carolina

1776

1 February–26 March	Second session of Second Provincial Congress
26 March	Second Provincial Congress adopts new state constitution, dissolves, and reconvenes as General Assembly
28 June	British warships attack Charleston and are repelled
5 August	Declaration of Independence publicly read in Charleston

1778

5 February	South Carolina legislature ratifies Articles of Confederation with twenty-one proposed amendments
5 March	President John Rutledge vetoes new state constitution and resigns
19 March	President Rawlins Lowndes signs new state constitution (see Appendix I)
25 June	Congress considers and rejects South Carolina's twenty-one amendments to the Articles of Confederation
9 July	South Carolina delegates to Congress sign Articles of Confederation

1780

12 May	British troops start two and a half year occupation of Charleston
16 August	British victory at Camden
7 October	American victory at Kings Mountain

1781

17 January	American victory at Cowpens

1782

8 January–26 February	General Assembly meets at Jacksonborough
26 February	General Assembly confiscates Loyalist property
26 February	General Assembly adopts Impost of 1781
14 December	British troops evacuate Charleston

1783

	Periodic street demonstrations and rioting in Charleston
6 January	General Assembly meets in Charleston for first time since 1780
16 March	General Assembly repeals adoption of Impost of 1781
17 March	Legislature passes act providing for additional confiscations of Loyalist properties
13 August	Charleston incorporated as a city

1784

	Periodic street demonstrations and rioting in Charleston
21 March	South Carolina grants Congress independent source of revenue and power to regulate trade

1785

17 March	General Assembly adopts act establishing county courts
May	Debtors close courts in Camden District to prevent recovery of debts
12 October	General Assembly adopts valuation act and paper-money act in response to concerns of debtors

1786

11 March	South Carolina grants Congress power to share expenses according to population
11 March	South Carolina grants Congress temporary power to regulate commerce
22 March	General Assembly adopts act to move capital to upcountry

1787

January	South Carolina Court of Common Pleas declares valuation act inoperative
8 March	General Assembly appoints delegates to Constitutional Convention
28 March	General Assembly passes installment act
2 October	U.S. Constitution first printed in South Carolina

1788

9 January	Gov. Thomas Pinckney sends message asking General Assembly to call a state convention
14 January	South Carolina Senate thanks delegates to Constitutional Convention; House of Representatives postpones thanking delegates
16–18 January	House of Representatives debates Constitution
17 January	Senate adopts resolutions calling for elections on 21–22 February for a convention to convene on 3 March
19 January	House of Representatives votes 76–75 to hold convention in Charleston; adopts resolutions to hold elections 11–12 April to a convention to convene on 12 May; accepts, rejects, and modifies Senate resolutions of 17 January calling elections and convention
24 January	House of Representatives defeats resolution by Charles Pinckney calling for ratifying convention to serve as state constitutional convention
5 February	State House destroyed by fire
6–9 February	General Assembly meets at St. Michael's Episcopal Church and City Tavern
7 February	House of Representatives adopts resolutions calling for elections on 11–12 April for a convention to meet on 12 May
9 February	Senate defeats motion to hold convention in Camden and proposes amendments to House resolutions
11 February	General Assembly meets in Exchange Building
12 February	House of Representatives concurs in Senate amendments to resolutions calling a state convention

13 February	Senate adopts House resolutions calling a state convention
16, 18 February	Final approval and signing of resolutions calling a state convention
20–21 February	House of Representatives rejects additional debtor relief
29 February	Ordinance providing privilege to electors and members of state convention signed
10–12 April	Election for delegates to state convention
12–24 May	South Carolina Convention meets in Charleston
21 May	Convention rejects motion by Thomas Sumter to adjourn to 20 October, 135–89
23 May	South Carolina Convention ratifies Constitution, 149–73, with four recommendatory amendments
24 May	President Thomas Pinckney of the South Carolina Convention signs Form of Ratification
27 May	Federal procession celebrating South Carolina ratification in Charleston
4 November	General Assembly adopts acts providing additional debtor relief, paying the expenses of the Convention, and calling elections to the first federal Congress

1790

19 January	General Assembly ratifies twelve amendments to U.S. Constitution

Officers of the State of South Carolina 1787–1788

The constitutional officers (governor, lieutenant governor, privy counsellors), senators, and representatives served two-year terms. Four privy counsellors were elected each year. Judges served during good behavior. When electing other officers the General Assembly often, but not always, specified a two-year term. One of the two commissioners of the treasury was elected each year. The date of election (or service) is given for officers who served only a portion of the period between September 1787 and September 1788.

Governor
Thomas Pinckney

Lieutenant Governor
Thomas Gadsden

Privy Council
Pierce Butler
John Lewis Gervais
Edward Rutledge
William Washington
Term Expired Feb. 1788
Daniel Bourdeaux
John Huger
John Julius Pringle
Thomas Tudor Tucker
Elected Jan. 1788
Thomas Bee*
Ralph Izard, Sr.
Charles Pinckney
Thomas Waties
*Declined and not replaced

Clerk of the Privy Council and Secretary to the Governor
Stephen Drayton

Attorney General
Alexander Moultrie

Secretary of State
Peter Freneau

Printer to the State
Ann Timothy

Commissioners of the Treasury (two positions)
Peter Bocquet (elected March 1787)
John Edwards, Jr.
(elected February 1788)
James Mitchell (elected October 1785)[1]

Auditor
James McCall

Surveyor General
Ephraim Mitchell
(elected March 1786)
Francis Bremar
(elected February 1788)

Court of Chancery
Judges
John Rutledge
Richard Hutson
John Mathews
Master in Chancery
William Hasell Gibbes
Register
John Neufville, Jr.

Courts of Sessions and Pleas
Judges
Henry Pendleton
Aedanus Burke
Thomas Heyward
John F. Grimké
Clerk of the Court of Common Pleas
William Mason
Clerk of the Court of General Sessions
Thomas Hall

Court of Admiralty
Judge
William Drayton
Register
James Ballantine
Marshal
Edward Weyman

Collector of Customs
For Charleston
George Abbot Hall

For Georgetown
John Cogdell
For Beaufort
Andrew Agnew

Commissioners of the Loan Office
John Huger
Thomas Jones
John Postell

Commandant of Fort Johnson
Francis Marion

State Engineer
Christian Senf

Physician for the Port of Charleston
George Logan

Powder Inspector and Arsenal Keeper
Albert Aerny Muller

Delegates to Congress
November 1786–November 1787
Thomas Bee*
Pierce Butler
Daniel Huger
John Kean
John Parker
November 1787–November 1788
Pierce Butler*
Daniel Huger
John Kean*
John Parker
Thomas Tudor Tucker
*Did not attend

Constitutional Convention
Pierce Butler
Henry Laurens, Sr. (declined)
Charles Pinckney
Charles Cotesworth Pinckney
John Rutledge

1. Dead by 22 January 1788 when House of Representatives began process to replace him.

General Assembly of South Carolina

First session: 1 January–28 March 1787
Second Session: 8 January–29 February 1788
Special Session: 7 October–4 November 1788

Individuals who were elected but declined to serve are excluded from the Senate and House of Representatives rosters. Individuals who died in office or resigned and the men who replaced them are indicated by footnotes. Several seats remained vacant due to individuals' unwillingness or inability to serve.

Senate

President: John Lloyd
Clerk: Felix Warley

Christ Church Parish
Isaac Legare[1]
Arnoldus Vanderhorst[2]

District between the Broad and Catawba Rivers
Thomas Taylor

District between the Broad and Saluda Rivers
Little River District
Jonathan Downs
Lower District
John Hampton
Upper or Spartan District
Zachariah Bullock

District between the Savannah River and the North Fork of Edisto
William Dunbar

District Eastward of the Wateree River
Benjamin Waring

New Acquisition District
William Hill

Ninety Six District
Nicholas Eveleigh

Prince Frederick's Parish
Daniel Tucker

Prince George's Parish, Winyah, and All Saints' Parish
Peter Horry[3]
William Alston[4]

Prince William's Parish
Thomas Middleton

St. Andrew's Parish
William Scott

St. Bartholomew's Parish
John Lloyd

St. David's Parish
William Thomas

St. George's Parish, Dorchester
David Oliphant

St. Helena's Parish
John Barnwell

St. James's Parish, Goose Creek
Benjamin Smith

St. James's Parish, Santee
Anthony Simons

St. John's Parish, Berkeley
William Moultrie

St. John's Parish, Colleton
Daniel Jenkins

St. Matthew's Parish and Orange Parish
William Thomson

St. Paul's Parish
Melcher Garner

St. Peter's Parish
John Bull

St. Philip's and St. Michael's Parishes
Daniel DeSaussure
Daniel Bourdeaux

St. Stephen's Parish
Hezekiah Maham

St. Thomas and St. Dennis's Parish
John Huger

Saxe Gotha District
Richard Hampton

1. Died 18 March 1788.
2. Seated 14 October 1788.
3. Resigned 6 March 1787.
4. Seated 10 January 1788.

HOUSE OF REPRESENTATIVES

Speaker: John Julius Pringle
Clerk: John Sandford Dart

All Saints' Parish
Francis Gottier DeLesseline[1]
Robert Heriot
Daniel Morrall[2]

Christ Church Parish
John Hatter
Joseph Manigault
Charles Pinckney
William Read
John Rutledge
Plowden Weston

District between the Broad and Catawba Rivers
Thomas Baker
John Cooke
James Craig
John Gray
Henry Hunter[3]
James Knox
Edward Lacey
Aromanus Lyles
James Pedian[4]
John Turner
Minor Winn

District between the Broad and Saluda Rivers
Little River District
Angus Campbell
Levi Casey
John Hunter
James Mayson
Lower District
John Lindsey
George Ruff
William Wadlington
Philemon Waters
Upper or Spartan District
John Blassingame[5]
Thomas Brandon
John Henderson
William Kennedy[6]
Samuel McJunkin

District between the Savannah River and the North Fork of Edisto
Isaac Bush
William Davis
James Fair
Daniel Greene
John Carraway Smith
John Wyld

District Eastward of the Wateree River
Isaac Alexander
Andrew Baskin
John Chesnut
George Cooper
Benjamin Cudworth
Samuel Dunlap
Joseph Lee
Thomas McFaddin
Thomas Sumter
Hugh White

New Acquisition District
William Bratton
John Drennan
William Fergus
Andrew Love
James Martin

Alexander Moore
Joseph Palmer
Robert Patton
James Powell
James Ramsay

Ninety Six District
Robert Anderson
William Anderson
William Butler
Patrick Calhoun
LeRoy Hammond
Adam Crain Jones
James Lincoln
Andrew Pickens
John Purvis
Arthur Simkins

Orange Parish
John Dantignac
Lewis Lesterjette
William Robinson

Prince Frederick's Parish
John Dickey
John Thompson Greene
John McCauley
Robert Paisley
James Pettigrew
Benjamin Porter

Prince George's Parish, Winyah
Thomas Dunbar
Matthew Irvine[7]
Thomas Waties
James Withers
Archibald Young[8]

Prince William's Parish
Stephen Bull
Pierce Butler
John Alexander Cuthbert
John Lightwood
John McPherson
William Murray

St. Andrew's Parish
Charles Drayton
Glen Drayton
Thomas Farr[9]
Ralph Izard, Jr.[10]
James Ladson
John Rivers
William Scott, Jr.

St. Bartholomew's Parish
William Day
Daniel D'Oyley
William Ferguson
John North
William Clay Snipes
Peter Youngblood

St. David's Parish
Robert Baxter
Lemuel Benton
Morgan Brown
Andrew Hunter
Calvin Spencer
William Strother

St. George's Parish, Dorchester
John Bell
John Glaze
Matthias Hutchinson
Walter Izard[11]
William Postell
Thomas Tudor Tucker
Thomas Waring, Jr.[12]

St. Helena's Parish
Robert Barnwell
Barnard Elliott
John Jenkins
John Joyner
Benjamin Reynolds
William Hazzard Wigg

St. James's Parish, Goose Creek
John Deas, Jr.
Ralph Izard, Sr.
Gabriel Manigault
John Parker, Jr.
Peter Smith
William Loughton Smith

St. James's Parish, Santee
John Barnett[13]
John Bowman[14]
William Douxsaint
Thomas Horry
Jacob Bond I'on
John Mayrant[15]
Lewis Miles
James Wakefield[16]

St. John's Parish, Berkeley
Peter Fayssoux
Theodore Gourdin

Gideon Kirke
Robert McKelvey
Thomas Simons
James Gray Weare

St. John's Parish, Colleton
Isaac Holmes
Isaac Jenkins
Ephraim Mikell
William Smelie
Hugh Wilson[17]

St. Matthew's Parish
John Frierson
Derrill Hart[18]
Thomas Sabb
Paul Warley[19]

St. Paul's Parish
George Haig
Paul Hamilton
Roger Parker Saunders
Joseph Slann
William Washington
Jehu Wilson

St. Peter's Parish[20]
John Chisolm
John Fenwicke
Samuel Maner
Peter Porcher, Jr.
James Thompson

St. Philip's and St. Michael's Parishes
Thomas Bee
Edward Blake
John Blake
John Budd
Aedanus Burke
Daniel Cannon
Edward Darrell
John Edwards, Jr.[21]
John Edwards, Sr.[22]
George Flagg
Thomas Gadsden[23]
John Lewis Gervais[24]
John F. Grimké
Thomas Heyward, Jr.
William Johnson
Thomas Jones
Michael Kalteisen
Francis Kinloch
Edward Lightwood[25]
Rawlins Lowndes
Richard Lushington
James Lynah[26]
John Mathews
Isaac Motte
Charles Cotesworth Pinckney
Thomas Pinckney[27]
John Julius Pringle
David Ramsay
Jacob Read
Edward Rutledge
Hugh Rutledge[28]
William Somersall
Daniel Stevens
Anthony Toomer

St. Stephen's Parish
Thomas Cooper
Thomas Cordes[29]
John Couturier
Thomas Palmer
Peter Sinkler

St. Thomas and St. Dennis's Parish
Robert Daniel
Lewis Fogartie
Thomas Karwon
Isaac Parker, Jr.
Thomas Screven
Thomas Shubrick[30]

Saxe Gotha District
Joseph Culpepper
William Fitzpatrick
Alexander Gillon
Henry Pendleton
Daniel Tateman[31]
John Threewits
Llewellyn Threewits[32]

1. Replaced Daniel Morrall and seated 10 October 1788.
2. Died August 1788.
3. Resigned following election as sheriff on 6 March 1787.
4. Replaced Henry Hunter and seated 11 January 1788.
5. Resigned following appointment as sheriff on 4 September 1787.
6. Replaced John Blassingame and seated 15 October 1788.

7. Replaced Archibald Young and seated 8 January 1788.
8. Died 23 March 1787.
9. Died February 1788.
10. Replaced Thomas Farr and seated 9 October 1788.
11. Died July 1788.
12. Replaced Walter Izard and seated 9 October 1788.
13. Died May 1787.
14. Replaced James Wakefield and seated 26 January 1788.
15. Filled seat vacated by John Barnett and seated 13 October 1788.
16. No evidence he ever took his seat; died before 26 November 1787.
17. Replaced a member who declined to serve and seated 13 February 1788. One seat remained vacant because members elected declined to serve.
18. Resigned following election as sheriff on 6 March 1787.
19. Replaced Derrill Hart and seated 8 January 1788.
20. One seat remained vacant because members elected declined to serve.
21. Resigned following appointment as commissioner of the treasury on 28 June 1787.
22. Died 6 December 1787.
23. Elected lieutenant governor 20 February 1787.
24. Replaced Thomas Gadsden and seated 4 February 1788.
25. Replaced John Edwards, Sr., and seated 10 January 1788.
26. Replaced John Edwards, Jr., and seated 24 January 1788.
27. Elected governor 20 February 1787.
28. Replaced Thomas Pinckney and seated 7 March 1787.
29. Seated 12 January 1788 after initially declining to serve. One seat remained vacant.
30. Replaced a member who declined to serve and seated 8 January 1788.
31. Died 13 April 1787.
32. Replaced Daniel Tateman and seated 8 January 1788.

The Ratification of the Constitution by the States

SOUTH CAROLINA

I.
THE DEBATE OVER THE CONSTITUTION IN SOUTH CAROLINA 29 September 1787–11 January 1788

Introduction

Because it took up to two weeks for a vessel to travel from Philadelphia to Charleston, South Carolina did not receive news about the Constitution until Sunday, 30 September. News took even longer to travel to the upcountry where most of the state's white population lived and where no newspapers were published. The Constitution first appeared in a Charleston newspaper on 2 October, and within a week a locally printed broadside version was available. Relatively little original material was published in South Carolina or has survived from October and early November. The *South Carolina Weekly Chronicle* published a Federalist piece ("A Federal Centinel") and an Antifederalist piece ("A Drayman") both on 9 October. Charles Pinckney's *Observations on the Plan of Government Submitted to the Federal Convention* (Evans 20640) appeared as a pamphlet about 14 October in New York and was then serialized in six installments in the semiweekly *State Gazette of South Carolina* between 29 October and 19 November.

Starting in late November through mid January, original South Carolina pieces began to appear more frequently in Charleston newspapers. Two Antifederalist essays by "Cato" and a response by "Mæcenas" appeared in the *State Gazette of South Carolina.* Federalist "Caroliniensis" contributed two essays to the Charleston *City Gazette* and received a response from "Philo-Centinel" in the same paper. A short extract from an essay by "Caroliniensis" also appeared in the Charleston *Columbian Herald.* "Drousea" appeared in the *State Gazette of South Carolina.* The Charleston *Columbian Herald,* 3 December, published a fictitious "Letter from Dorchester" that criticized Antifederalist writers and which was reprinted nationally.

Nationally circulated Federalist essays primarily from Philadelphia that were reprinted in South Carolina include Tench Coxe's "An American Citizen" I–IV (CC:100–A, 109, 112, 183–A), which were reprinted in the *City Gazette,* 6, 7, 10 December. On 1 November the *Columbian Herald* published James Wilson's Speech of 6 October before a Philadelphia public meeting (CC:134 and Editors' Note, RCS:S.C., 35–36). Wilson's speech of 24 November in the Pennsylvania Convention (RCS:Pa., 334–36, and CC:289) appeared in the *Columbian Herald,* 20 December. The

State Gazette of South Carolina, 22, 25 October, published the first essay by "Curtius" (CC:111), and the *City Gazette*, 23 November, and the *State Gazette of South Carolina*, 6 December, reprinted excerpts from "Foederal Constitution" (CC:150), which replied to Pennsylvania Antifederalists.

Antifederalist essays reprinted in South Carolina include George Mason's Objections to the Constitution, published in the *Columbian Herald*, 27 December, and the *State Gazette of South Carolina*, 7 January 1788 (CC:276–A and Editors' Note, RCS:S.C., 59–60). The *State Gazette of South Carolina*, 24 December 1787, published a short piece praising Mason (CC:204). Antifederalist Richard Henry Lee's letter of 16 October to Virginia Governor Edmund Randolph (CC:325) was published in the *Columbian Herald* and the *City Gazette* on 7 January 1788 and in the *State Gazette of South Carolina* on 14 January. According to Margaret Izard Manigault, daughter of lowcountry planter Ralph Izard, Sr., some of the Antifederalist "Centinel" essays (CC:133) were published from 8 to 10 November 1787 in Charleston, probably in no longer extant issues of the *City Gazette*. The *City Gazette*, 4 December, published the satirical Antifederalist "Blessings of the New Government" under the heading "ANTI FEDERALISM" (CC:136) along with the Federalist reply by "A Slave" under the heading "FEDERALISM" (CC:197–A).

Twenty-five private letters are printed in this section. The text of five of the letters are taken from newspapers in Rhode Island and Pennsylvania. (The manuscript versions and the authors have not been identified.) Because it took time for letters to travel from South Carolina to the north, they are printed on the dates of their composition rather than the dates of publication. Most letters were supportive of the Constitution. Fifteen letters were written from Charleston. In addition, three letters were written by South Carolinians in either New York City or Philadelphia, four from lowcountry plantations, two from unidentified locations in South Carolina, and one from Beaufort. Letters from two South Carolina women—Eliza Lucas Pinckney and Margaret Izard Manigault—provide news about the circulation of the Constitution or the publication of articles critical of it. Two letters are from the French consul stationed in Charleston. There is also one printed form letter from the governor to the members of the legislature.

Charles Cotesworth Pinckney to Sir Matthew White Ridley New York, 29 September 1787 (excerpt)[1]

Yesterday Congress passed the Constitution agreed on by the Fœderal Convention, and resolved to transmitt it to the several States for the

assent & Ratification of State Conventions to be chosen in each State.[2] This is done that it may be paramount to all State Constitutions, & that all Laws made in pursuance thereof may be the supreme Law of the Land. A Gentleman who is going to London has promised to take charge of this Letter, and to put it into the post there; as I understand you pay no inland postage I shall enclose an authentic Copy of the Constitution, which both as a Philosopher & a Politician you may wish to peruse. I do not suppose it will meet your entire approbation, but when you consider the different Interests & Habits of the several States & that this plan of government was the result of mutual concession & Amity, it will account for the introduction of some clauses that may appear to you exceptionable. You should read the Letter from the Convention to Congress[3] before you read the Constitution, as we have there briefly stated our Reasons for having made it such as it is. I make no doubt but that it will be very soon adopted by a large Majority of the States; and I shall set out for Carolina tomorrow that I may be present when it is considered by our State. When you are at leisure be so obliging as to favour me with your remarks on it. . . . be assured I am with unfeigned regard & affection your sincere Friend

1. RC, Ridley (Blagdon) MSS, Northumberland County Record Office, Newcastle-upon-Tyne, England. For the entire letter, see Constance B. Schulz, Robert Karachuk, and Mary Sherrer, eds., *The Papers of the Revolutionary Era Pinckney Statesmen Digital Edition* (Charlottesville: Rotunda, University of Virginia Press, 2016; <http://rotunda.upress.virginia.edu/>). Ridley (1745–1813), a baronet, was a lawyer and a member of Parliament for Newcastle-upon-Tyne. Ridley and Pinckney had been classmates at Christ Church, Oxford. Two sentences of Pinckney's letter to Ridley were printed in "Extract of a letter from an eminent Member of the late Convention at Philadelphia, dated New-York, Sept. 29, 1787," Charleston *Columbian Herald*, 14 February 1788 (RCS:S.C., 226).

2. Federalists in Congress wanted to transmit the Constitution to the states with congressional approbation. Antifederalists wanted to transmit the Constitution with an indication that the delegates to the Constitutional Convention had violated Congress' resolution of 21 February 1787 calling the Convention and their state instructions, both of which called for only amendments altering the Articles of Confederation (CDR, 187). Antifederalists also called for amendments to the proposed Constitution including a bill of rights proposed by Richard Henry Lee of Virginia. Despite their large majority, Federalists (wanting the image of unanimity) compromised with Antifederalists. The Constitution was transmitted without congressional approbation, and all dissent, including Lee's bill of rights, was deleted from Congress' journals. Federalists, however, inserted the word "unanimously" in transmitting the Constitution to the states in its resolution of 28 September thus giving the impression of approbation (see CC:95).

3. See the letter from George Washington as president of the Constitutional Convention to the president of Congress, 17 September (Appendix III, RCS:S.C., 512–13).

Editors' Note
The Publication of the Constitution in South Carolina
2 October 1787–26 May 1788

The Constitutional Convention adjourned on 17 September. Dunlap and Claypoole, the publishers of the *Pennsylvania Packet*, quickly printed a six-page broadside of the Convention's report that included: (1) the Constitution, (2) the Convention's two resolutions of 17 September, and (3) a letter dated 17 September from George Washington, the Convention's president, to the president of Congress. (See CC:76 for this imprint.) The first South Carolina printings of the Convention's report were derived from a copy of the report that arrived in Charleston aboard the *Philadelphia* on Sunday, 30 September. The vessel left Philadelphia on 18 September. The Dunlap and Claypoole broadside was available the morning of the 18th; by evening of that day the Convention report might have appeared in the no longer extant Philadelphia *Evening Chronicle* (Leonard Rapport, "Newspaper Printings of the Constitution: An Unresolved Mystery," *Manuscripts*, 39 [1987], 333–34).

The Charleston *Columbian Herald* normally published four-page issues on Mondays and Thursdays. On Tuesday, 2 October, the *Herald* published a special two-page "EXTRAORDINARY" issue that contained the Constitution and the additional items found in the Dunlap and Claypoole broadside. The *Herald* also advertised on 8 and 15 October that "*A few Copies* OF THE Fœderal Constitution, TO BE SOLD *At the* Printing Office." This was a broadside prepared from the plates used for the special issue but with the masthead replaced by "CONSTITUTION OF THE United States of America, AS PROPOSED BY THE FEDERAL CONVENTION." Both the extraordinary issue and the broadside had an identical colophon: "*Charleston:* Printed by *Bowen, Vandle & Andrews*, Franklin's Head, No. 31, Bay." A photographic facsimile of this broadside is in the Parke-Bernet Galleries' auction catalogue of 25 May 1971 (see Mfm:S.C. 4).

The *State Gazette of South Carolina*, also a semiweekly, published the same version of the Convention report in its regular issue of Thursday, 4 October, and also advertised copies for sale on 18, 25, and 29 October. It is likely that the *Charleston Morning Post*, a daily which had extensive political coverage, printed the Constitution, but there are no surviving issues from the last two weeks of September and first two weeks of October 1787. The only other known 1787 South Carolina printing of the Constitution appeared in *The Palladium of Knowledge; or, the Carolinian and Georgian Almanac, for the Year of our Lord, 1788 . . .*

(Charleston, 1787) (Evans 20905), which included the Constitution, the two resolutions, and Washington's letter. It was advertised for sale in the Charleston *City Gazette* on 24 December.

On 11 January 1788 the South Carolina House of Representatives ordered 1,000 copies of "the Report of the Convention lately assembled in Philadelphia be immediately printed" and three copies were given to each member of the House (House of Representatives Proceedings, 11 January [RCS:S.C., 79]). On 16 January Ann Timothy, editor of the *State Gazette of South Carolina* and the state printer, was paid £25 for printing "1000 copies of Federal Constitution on large Gazette paper, both sides, gazette type." There is no extant copy of this broadside (Christopher Gould and Richard Parker Morgan, comps., *South Carolina Imprints: A Descriptive Bibliography, 1731–1800* [Santa Barbara, 1985], no. 871).

The Constitution and the Convention's resolutions and Washington's letter were included in *Debates which Arose in the House of Representatives of South Carolina, on the Constitution Framed for the United States, by a Convention of Delegates, Assembled at Philadelphia* (Charleston, 1788) (Evans 21470), which appeared on 27 March. The debates were collected and edited by Robert Haswell and the pamphlet was published at the Charleston *City Gazette* printing office. (See "South Carolina House of Representatives Debates the Constitution," 16–18 January, RCS:S.C., 88–90.)

On 12 May, the date that the state Convention was scheduled to meet in Charleston, the *State Gazette of South Carolina* printed the Constitution and the two 17 September 1787 resolutions of the Convention, indicating that "*The remainder in our next.*" On the 15th the *State Gazette* printed a letter dated 17 September from George Washington, the Convention's President, to the President of Congress, and the 28 September resolution of Congress transmitting the Constitution to the states for ratification (CC:95, p. 241). On 26 May, three days after the South Carolina Convention ratified the Constitution, the *State Gazette* again printed all of the items.

On 23 May the state Convention ordered the state printer to print 1,200 copies of the Constitution that the Convention had just ratified along with the amendments proposed by the Convention. Each member of the Convention was to receive six copies of this imprint (RCS: S.C., 397–98). On 30 May state printer Ann Timothy received £1 15 shillings "for paper, for printing 1200 new constitution" (Gould and Morgan, *Imprints*, no. 879). No copy of this printing of the Constitution has been located.

Eliza Lucas Pinckney to Daniel Huger Horry
2 October 1787[1]

My dear Child

I have wrote so often to you that I intended to pause till your mother[2] or my self heard from you, tis now about a year since we have had a line from you, but as I can never doubt your country's being dearer to you(!) & that you must be desirous to be acquainted with transactions so essential to her happiness as her constitution, I take this early opportunity of inclosing you the Federal Constitution arrived two days ago from Phila.

All your friends here are well. Your Mother & sister & Cousin desire their love, & believe me unalterably your affte. Parent

1. Copy made in the nineteenth century likely by Mrs. A. Hamilton Seabrook (Phoebe Caroline Pinckney), "Letters of Eliza Pinckney/2d Vol 1745 to 178," Pinckney Family Papers, ScHi. The letter has no addressee, but internal evidence indicates that it was written to Eliza Lucas Pinckney's grandson, Daniel Huger Horry. Pinckney (1722–1793) managed plantations since the age of sixteen and introduced indigo as a cash crop into South Carolina. She was the mother of Convention delegate Charles Cotesworth Pinckney, South Carolina Governor Thomas Pinckney, and Harriott Pinckney Horry, widow of Daniel Horry. Daniel Huger Horry (1769–1828), who later changed his name to Charles Lucas Pinckney Horry, was a student at Cambridge University in England at the time of the letter.

2. Harriott Pinckney Horry (1748–1830).

Letter from Charleston, 6 October 1787 (excerpt)[1]

Extract of a letter from Charlestown, South-Carolina, Oct. 6, 1787.

"The grand secret is out and we have the new system laid open for the examination of the public—In general I am much pleased to find it approved of—The sentiments of our country party we have not yet heard, but in town flatter ourselves it will meet the hearty approbation of the Assembly. . . ."

1. Printed: *Newport Herald*, 1 November. Reprinted in fifteen newspapers by 5 December: Vt. (1), N.H. (1), Mass. (9), Pa. (2), Md. (2). The second paragraph of this letter indicates that the Georgians under General Elijah Clarke fought and lost a battle with Indians.

Pierce Butler to Weeden Butler
New York, 8 October 1787 (excerpt)[1]

. . . After four Months close Confinement We closed, on the 17th of last Month, the business Committed to Us.[2] If it meets with the approbation of the States, I shall feel myself fully recompensed for my share of the trouble, and a Summer's Confinement, which injured my health

much. As yet, the System We had the honor of submitting to the States, meets with general approbation. A few designing, Intrigueing, Men, of desparate Circumstances, may be opposed to; but the bulk of the People, I am of opinion, like it. The Change, in my judgement, was well timed. A Body so Constituted as Congress, are quite unequal to govern so Extensive a Country, as the thirteen States. All Ranks of Men saw the Necessity of a Change. they wisely had recourse to Reason, and not Arms, for the Accomplishment of it. In this Instance America has sett a laudable Example to Civilized Europe. It might be well for the United Provinces, and perhaps, France, to follow it; for I think the latter appears to be verging towards a Change. If Our publick Prints speak truth, the former is like to experience the miseries attendant on the very worst of Wars. The hour of their greatness, & perhaps wealth in my Judgement, is past; they will probably, sooner, or later, be swallowd up by the great Empires. If I can hear of any person going to London, I will send You a Copy of the result of Our deliberations; it is not worth the expence of postage, or I woud now inclose it to You. We, in many instances, took the Constitution of Britain, when in its purity, for a model and surely We cou'd not have a better. We tried to avoid, what appeared to Us, the weak parts of Antient, as well as modern Republicks. How well We have succeeded, is left for You, and other Letterd Men to determine. It is some what singular, yet so the fact is, that I have never met with any Dutch Man, who understood the Constitution of his own Country. It is, certainly a very complex, unwieldy piece of business. I have read different Histories of it, with attention, and to this hour, I have but a very inadequate idea of it. Pray give me Your opinion, freely of the One I had some small hand in frameing; after You have read it. In passing judgement on it, You must call to mind, that We had Clashing Interests to reconcile—some strong prejudices to encounter, for the same spirit that brought settlers to a certain Quarter of this Country, is still alive in it. View the System then, as resulting from a spirit of Accommodation to different Interests, and not the most perfect One that the Deputies cou'd devise for a Country better adapted to the reception of it, than America is at this day, or perhaps ever will be. It is a great Extent of Territory to be under One free Government: the manners and modes of thinking, of the Inhabitants, differing nearly as much, as in different Nations of Europe. If We can secure tranquility at Home, and respect from abroad, they will be great points gain'd—

We have, as You will see, taken a portion of power from the Individual States, to form a General Government for the whole, to preserve the Union. The General Government, to Consist of two Branches of Legislature and an Executive, to be Vested in One person, for four Years,

but Elligible again. the first Branch of the Legislature, to be Elected by the People, of the different States, agreeable to a Ratio of Numbers & wealth; to serve for two Years. the Second to Consist of two Members from each state, to be appointed by the Legislatures of the States, to serve for six Years, One third to go out every two Years, but to be Elligible again, if their state think proper to appoint them. A Judiciary to be Supreme in all matters relating to the General Government, and Appellate in State Controversies. The powers of the General Government are so defined, as not to destroy the Sovereignty of the Individual States. These are the Outlines, if I was to be more minute, I shoud test your patience—

. . . Believe me to be, Dear Sir, Yr Affecte and sincere friend, . . .

1. RC, Additional Manuscripts, 16603, Letters of Major Pierce Butler of South Carolina, Department of Manuscripts, British Library, London, England. The Reverend Weeden Butler (1742–1823) was master of a classical school in Chelsea, England, where Pierce Butler's son, Thomas, was a student. Pierce and Weeden Butler were not related.

2. The Constitutional Convention.

Henry Laurens, Sr., to Edward Bridgen
Mepkin Plantation, 8 October 1787 (excerpt)[1]

My dear friend,

. . . Before this arrives, you will have seen the System produced by the late Convention of the States. It is infinitely better than our present Confederation, liable I think to a very few exceptions, but it has to pass thro' the Ordeal of thirteen Assemblies, & I am very sure some of them will not like it, because it is calculated to make them honest. . . .

1. FC, Letterbook, 16 July 1785–7 December 1787, Laurens Papers, ScHi. The letter was sent to Bridgen in London "By the Mersey McDowall for Liverpool." Henry Laurens, Sr., (1724–1792), a planter and merchant, was president of Congress from 1 November 1777 to 10 December 1778. He was elected to the Constitutional Convention, but declined to attend. He represented the parish of St. John, Berkeley, in the state Convention, where he voted to ratify the Constitution. Bridgen (d. 1787) was a London merchant.

A Federal Centinel
South Carolina Weekly Chronicle, 9 October 1787[1]

To the Printer of the Weekly Chronicle.

Sir, Conceiving it to be my duty as a citizen of these states, to admonish the people in general of certain combinations which are now hatching, against the establishment of the federal constitution; and being impressed with a just abhorrence of such atrocious proceedings, silence would be unpardonable at so perilous a juncture,—for on the adoption of this admirable system of government the national existence

of America depends. A swarm of paltry scribblers, possessing posts of high emolument, under the legislatures of individual states,—the confirmed tools and pensioners of foreign courts,—and a certain description of men interested in securing a monopoly of our markets and carrying trade, are uniformly conspiring against the majesty of the people, and are at this moment fabricating the most traiterous productions which human depravity can devise. Presuming that certain clauses of the federal constitution (how salutary soever such clauses may really be, in the security and extension of civil liberty to the person and property of every citizen) will militate against their respective interests and designs, they have formed the diabolical intention of effecting their sinister purposes in scurrilous, colloquial invectives,—in desultory gazette publications,—and in pamphlets deceptively written, to decry the wisdom of that august body, and the plan of government they have so judiciously arranged for the tranquility, happiness and glory of this country.

Many of those latent incendiaries fill honorable departments, to which they are conscious the impartiality and superior discernment of the federal head will deem them unequal; they are therefore determined to frustrate the best measures which the wisdom of the united councils of America could suggest. The true American,—the sagacious and enlightened federal citizen, will easily see through the selfishness and designs of such productions. He will perhaps, from circumstances of unequivocal designation, discover those very scribblers of interestedness and self exaltation; he will guard his fellow citizens by liberal arguments and writings, against the pestilent tendency of those publications; and he will (instead of consigning them to the hands of a hangman) nail them up to the more opprobrious gibbet of popular execration, odium and infamy.

1. Reprinted: *Newport Herald*, 15 November; *New Hampshire Spy*, 23 November.

A Drayman
South Carolina Weekly Chronicle, 9 October 1787

Mr. Printer. After having put up my horse and dray, I went to my hut, and taking up the news paper found it contained the constitution proposed by the convention, I read it over and over with pleasure, excepting the 5th sect. by which I find that each house shall judge of the qualification of its members,—now, Mr. Printer, I have two sons, and mean to give them an education at least as good as my own; and should it happen that their friends would choose them as senators or representatives, they may probably be rejected for not knowing French and

Latin, or wearing scarlet and gold. I likewise find, that both the president of the United States and the members of the Senate may be in for life, as there is no [– – –] reverse.

P.S. Should you print this you [– – –] [– – –] from me soon.

Henry Laurens, Sr., to William Bell
Mepkin Plantation, 11 October 1787 (excerpt)[1]

. . . I have one capital objection to the System of our late convention, they have given the intended President no coercive power in the passing of Laws, therefore they had better have left his name entirely out, upon that point, the Shadow of Authority which he is at present vested with may at times produce bickerings & animosity, but can never answer any good end, they should either have given power, or entirely have omitted his name on that Subject. all the rest of the Articles amount to a great improvmt. . . .

1. FC, Letterbook, 16 July 1785–7 December 1787, Laurens Papers, ScHi. Printed: Hamer, *Laurens*, XVI, 737–39. The letter was sent "By the Philadelphia Capt. Jones." Bell (c. 1739–1816) was a Philadelphia merchant. On 31 October, the *Pennsylvania Gazette* stated that "A letter from Henry Laurens, Esq; of South-Carolina, an old, modest and inflexible friend of the people, speaks in the most exalted terms of the new fœderal government, and laments, only, that the President General has not greater powers given to him in it" (CC:151–B). The *Pennsylvania Gazette* item was reprinted in the Charleston *City Gazette*, 23 November. See Laurens to Bell, 29 November (RCS:S.C., 49–50) for Laurens' remarks on the publication of his sentiments and additional comments on the Constitution.

Letter from Charleston, 13 October 1787[1]

Extract of a letter from Charleston, (S.C.) Oct. 13.

"Upon the arrival of Capt. Jones with the New Constitution, people seemed universally disposed to *swallow it down.* I find, however, there will be some considerable opposition from several characters by no means despicable in point of ability.—I am sorry to hear there is likely to be a great party against it in Philadelphia."

1. Printed: Philadelphia *Freeman's Journal*, 31 October, and reprinted in whole or in part eight times by 29 November: N.H. (1), Mass. (1), Conn. (3), N.Y. (1), Penn. (1), Md. (1).

Charles Pinckney: Observations on the Plan of Government Submitted to the Federal Convention
New York, Pre-14 October 1787

On 29 May the journals of the Constitutional Convention record that Charles Pinckney "laid before the House . . . the draught of a fœderal government to

be agreed upon between the free and independent States of America." The plan was not discussed by the delegates but was turned over to the Committee of Detail on 24 July (Farrand, I, 16; II, 98). The manuscript written by Pinckney has never been found, but a document in James Wilson's handwriting has been identified as a synopsis. This document is printed in CDR, 245–47. For a discussion of the Pinckney Plan, see J. Franklin Jameson, "Studies in the History of the Federal Convention of 1787," American Historical Association *Annual Report . . . 1902* (2 vols., Washington, D.C., 1903), I, 111–32; [Andrew C. McLaughlin], "Sketch of Pinckney's Plan for a Constitution, 1787," *American Historical Review*, IX (1903–1904), 735–47; and Farrand, III, 595–609.

Shortly after the Convention adjourned, Pinckney published a twenty-seven-page pamphlet in New York containing his comments on the plan he had introduced in the Convention. Published by Francis Childs, the pamphlet was entitled *Observations on the Plan of Government Submitted to the Federal Convention, in Philadelphia, on the 28th of May, 1787. By Mr. Charles Pinckney, Delegate from the State of South-Carolina. Delivered at different Times in the course of their Discussions* (Evans 20649. See also Evans 20650.). The pamphlet had been published no later than 14 October, because on that date James Madison sent a copy to George Washington (CC:159). In Washington's 22 October reply, he noted that "Mr. C. Pinkney is unwilling . . . to loose any fame that can be acquired by the publication of his sentiments" (Rutland, *Madison*, X, 204). Childs advertised in his *Daily Advertiser* on 16 October that he had "a Copy" of the pamphlet for sale for two shillings.

Because Pinckney refers to numbered sections of his plan, contemporary readers found the arguments difficult to follow. A writer in the Philadelphia *Freeman's Journal*, 24 October, notes "As Mr. *Pinckney* constantly refers to his plan, without giving a copy of it, these observations, generally, are not intelligible to a common reader" (Mfm:Pa. 153). Some newspaper editors, however, thought that their readers would find parts of Pinckney's piece helpful due to similarities between it and the Constitution. The *Pennsylvania Gazette*, 24 October, justified the printing of the first seven paragraphs of the pamphlet with a preface, stating "*The following speech delivered in Convention, by the Honorable* CHARLES PINCKNEY, *Esquire, of Carolina (with a plan of government not much unlike the proposed Fœderal Constitution) we hope will not be unacceptable to our readers.*" These seven paragraphs were also reprinted with the same or similar prefaces in the Boston *American Herald*, 5 November; *Massachusetts Gazette*, 6 November; *Maryland Gazette*, 6 November; and the New York *Daily Advertiser*, 7 November.

The *State Gazette of South Carolina* was the first newspaper to print Pinckney's pamphlet in its entirety. It did so in six installments on 29 October, 1, 5, 8, 12, and 19 November 1787. The *Newport Herald* was the only paper outside of South Carolina to reprint the full pamphlet, which it did in its issues of 6, 13, and 20 December. While *Observations* did not discuss the Constitution adopted by the Convention, it is important in that it represents the first signed, published South Carolina commentary on the federal government to appear after the Convention presented the Constitution. Some of Pinckney's proposals were similar to those that appeared in the Constitution, and his *Observations* could be read as a defense of the Constitution. Perhaps equally important, it represented a full-throated defense of the need for a strong central government.

Pinckney did not mince words in making his strong nationalist beliefs clear. In defending the need for a federal veto over state laws, an idea not in the Constitution, Pinckney stated: "The idea which has been so long and falsely entertained of each being a sovereign State, must be given up; for it is absurd to suppose there can be more than one sovereignty within a Government."

On 22 July 1788, Mathew Carey, editor of the Philadelphia *American Museum*, asked Pinckney for a copy of his plan, presumably for publication. On 10 August, Pinckney replied "I would with pleasure send you a copy of my system on which those Observations are founded—(or rather it was a *Speech at opening the* System & erroneously termed Observations) but I have not one.—the original being laid before the convention, & the copy I gave to a gentleman at the northward.—if you think the copy of the System is indispensable to the publication, I am sorry it is not in my power to procure it for you.—the System was very like the one afterwards adopted with this important addition—that it proposed to give to the federal government an absolute negative on all the laws of the States" (Pinckney to Carey, 10 August 1788, RC, Pinckney Family Papers, DLC).

OBSERVATIONS, &c.

Mr. President, It is, perhaps, unnecessary to state to the House the reasons which have given rise to this Convention. The critical and embarrassed situation of our public affairs is, no doubt, strongly impressed upon every mind. I well know, it is an undertaking of much delicacy, to examine into the cause of public disorders, but having been for a considerable time concerned in the administration of the Federal System, and an evidence of its weakness, I trust the indulgence of the House will excuse me, while I endeavor to state with conciseness, as well the motives which induced the measure, as what ought, in my opinion, to be the conduct of the Convention.

There is no one, I believe, who doubts there is something particularly alarming in the present conjuncture. There is hardly a man, in, or out of office, who holds any other language. Our government is despised—our laws are robbed of their respected terrors—their inaction is a subject of ridicule—and their exertion, of abhorrence and opposition—rank and office have lost their reverence and effect—our foreign politics are as much deranged, as our domestic œconomy—our friends are slackened in their affection—and our citizens loosened from their obedience. We know neither how to yield or how to enforce—hardly any thing abroad or at home is sound and entire—disconnection and confusion in offices, in states and in parties, prevail throughout every part of the Union. These are facts, universally admitted and lamented.

This state of things is the more extraordinary, because it immediately follows the close of a war, when we conceived our political happiness was to commence; and because the parties which divided and were opposed to our systems, are known, to be in a great measure, dissolved.

No external calamity has visited us—we labor under no taxation that is new or oppressive, nor are we engaged in a war with foreigners, or in disputes with ourselves. To what then, are we to attribute our embarrassments as a Nation? The answer is an obvious one.—To the weakness and impropriety of a government, founded in mistaken principles—incapable of combining the various interests it is intended to unite and support—and destitute of that force and energy, without which, no government can exist.

At the time I pronounce in the most decided terms, this opinion of our Confederation, permit me to remark, that considering the circumstances under which it was formed—in the midst of a dangerous and doubtful war, and by men, totally inexperienced in the operations of a system so new and extensive, its defects are easily to be excused. We have only to lament the necessity which obliged us to form it at that time, and wish that its completion had been postponed to a period better suited to deliberation. I confess myself in sentiment with those, who were of opinion, that we should have avoided it if possible, during the war. That it ought to have been formed by a Convention of the States, expressly delegated for that purpose, and ratified by the authority of the people. This indispensible power it wants; and is, therefore, without the validity a federal Constitution ought certainly to have had. In most of the States it has nothing more, strictly speaking, than a legislative authority, and might therefore be said, in some measure, to be under the controul of the State Legislatures.

Independent of this primary defect, of not having been formed in a manner that would have given it an authority paramount to the Constitutions and laws of the several States, and rendered it impossible for them to have interfered with its objects or operations, the first principles are destructive, and contrary to those maxims of government which have been received, and approved for ages.

In a government, where the liberties of the people are to be preserved, and the laws well administered, the executive, legislative and judicial, should ever be separate and distinct, and consist of parts, mutually forming a check upon each other. The Confederation seems to have lost sight of this wise distribution of the powers of government, and to have concentered the whole in a single un-operative body, where none of them can be used with advantage or effect. The inequality of the principle of Representation, where the largest and most inconsiderable States have an equal vote in the affairs of the Union; the want of commercial powers; of a compelling clause to oblige a due and punctual obedience to the Confederation; a provision for the admission of new States; for an alteration of the system, by a less than unanimous

vote; of a general guarantee, and in short of numerous other reforms and establishments, convince me, that upon the present occasion, it would be politic in the Convention to determine that they will consider the subject de novo. That they will pay no farther attention to the Confederation, than to consider it as good materials, and view themselves as at liberty to form and recommend such a plan, as from their knowledge of the temper of the people, and the resources of the States, will be most likely to render our government firm and united. This appears to me, far more proper than to attempt the repair of a system, not only radically defective in principle, but which, if it was possible to give it operation, would prove absurd and oppressive. You must not hesitate to adopt proper measures, under an apprehension the States may reject them. From your deliberations much is expected; the eyes, as well as hopes of your constituents are turned upon the Convention; let their expectations be gratified. Be assured, that, however unfashionable for the moment, your sentiments may be, yet, if your system is accommodated to the situation of the Union, and founded in wise and liberal principles, it will, in time, be consented to. An energetic government is our true policy, and it will at last be discovered, and prevail.

Presuming that the question will be taken up de novo, I do not conceive it necessary to go into a minute detail of the defects of the present Confederation, but request permission, to submit with deference to the House, the Draught of a Government which I have formed for the Union. The defects of the present will appear in the course of the examination I shall give each article that either materially varies or is new. I well know the Science of Government is at once a delicate and difficult one, and none more so than that of Republics. I confess my situation or experience have not been such, as to enable me, to form the clearest and justest opinions. The sentiments I shall offer, are the result of not so much reflection as I could have wished. The Plan will admit of important amendments. I do not mean at once to offer it for the consideration of the House, but have taken the liberty of mentioning it, because it was my duty to do so.

The first important alteration is, that of the principle of Representation, and the distribution of the different Powers of Government. In the federal Councils, each State ought to have a weight in proportion to its importance; and no State is justly entitled to a greater. A Representation is the sign of the reality. Upon this principle, however abused, the parliament of Great-Britain is formed, and it has been universally adopted by the States in the formation of their Legislatures.[1] It would be impolitic in us, to deem that unjust, which is a certain and beneficial truth. The abuse of this equality, has been censured as one of the most

dangerous corruptions of the English Constitution; and I hope we shall not incautiously contract a disease that has been consuming them. Nothing, but necessity, could have induced Congress to ratify a Confederation upon other principles. It certainly was the opinion of the first Congress, in 1774, to acquire materials for forming an estimate of the comparative importance of each State; for, in the commencement of that session, they gave as a reason, for allowing each colony a vote, that it was not in their power, at that time, to procure evidence for determining their importance. This idea, of a just Representation, seems to have been conformable to the opinions of the best writers upon the subject, that, in a confederated system, the members ought to contribute according to their abilities, and have a vote in proportion to their importance. But if each must have a vote, it can be defended upon no other ground, than that of each contributing an equal share of the public burdens: either would be a perfect system. The present must ever continue irreconcileable to justice. Montesquieu, who had very maturely considered the nature of a confederated Government, gives the preference to the Lycian, which was formed upon this model.[2] The assigning to each State its due importance in the federal Councils, at once removes three of the most glaring defects and inconveniencies of the present Confederation. The first is, the inequality of Representation: the second is, the alteration of the mode of doing business in Congress; that is, voting individually, and not by States: the third is, that it would be the means of inducing the States to keep up their delegations by punctual and respectable appointments. The dilatory and unpleasant mode of voting by States, must have been experienced by all who were members of Congress. Seven are necessary for any question, except adjourning, and nine for those of importance. It seldom happens that more than nine or ten States are represented. Hence it is generally in the power of a State, or of an individual, to impede the operations of that body. It has frequently happened, and indeed, lately, there have rarely been together, upon the floor, a sufficient number of States to transact any but the most trifling business. When the different branches of Government are properly distributed, so as to make each operate upon the other as a check, the apportioning the Representation according to the weight of the members, will enable us to remove these difficulties, by making a majority of the Houses, when constituted, capable of deciding in all, except a few cases, where a larger number may be thought necessary. The division of the legislative will be found essential, because, in a government where so many important powers are intended to be placed, much deliberation is requisite. No possibility of precipitately adopting improper measures ought to be admitted, and

such checks should be imposed, as we find, from experience, have been useful in other governments. In the Parliament of Great-Britain, as well as in most, and the best instituted legislatures of the States, we find, not only two Branches, but in some, a Council of Revision, consisting of their executive, and principal officers of government.[3] This, I consider as an improvement in legislation, and have therefore incorporated it as a part of the system. It adds to that due deliberation, without which, no act should be adopted; and, if in the affairs of a State government, these restraints have proved beneficial, how much more necessary may we suppose them, in the management of concerns, so extensive and important?

The Senate, I propose to have elected by the House of Delegates, upon proportionable principles, in the manner I have stated, which though rotative, will give that body a sufficient degree of stability and independence. The districts, into which the Union are to be divided, will be so apportioned, as to give to each its due weight, and the Senate, calculated in this, as it ought to be in every Government, to represent the wealth of the Nation. No mode can be devised, more likely to secure their independence, of, either the people, or the House of Delegates, or to prevent their being obliged to accommodate their conduct to the influence or caprice of either. The people, in the first instance, will not have any interference in their appointment, and each class being elected for four years, the House of Delegates, which nominate, must, from the nature of their institution, be changed, before the times of the Senators have expired.

The executive should be appointed septennially, but his eligibility ought not to be limited: He is not a branch of the legislature, farther, than as a part of the Council of Revision, and the suffering him to continue eligible, will, not only be the means of insuring his good behaviour, but serve to render the office more respectable. I shall have no objection to elect him for a longer term, if septennial appointments are supposed too frequent or unnecessary. It is true, that in our Government, he cannot be cloathed with those Executive authorities, the Chief Magistrate of a Government often possesses; because they are vested in the Legislature, and cannot be used or delegated by them in any, but the specified mode. Under the New System, it will be found essentially necessary to have the Executive distinct. His duties, will be, to attend to the execution of the acts of Congress, by the several States; to correspond with them upon the subject; to prepare and digest, in concert with the great departments, such business as will come before the Legislative, at their stated sessions: To acquire, from time to time, as perfect a knowledge of the situation of the Union, as he possibly

can, and to be charged with all the business of the Home Department. He will be empowered, whenever he conceives it necessary, to inspect the Departments of Foreign Affairs, of War, of Treasury, and when instituted, of the Admiralty. This inspection into the conduct of the Departments will operate as a check upon those Officers, keep them attentive to their duty, and may be the means in time not only of preventing and correcting errors, but of detecting and punishing mal-practices. He will have a right to consider the principals of these Departments as his Council, and to require their advice and assistance, whenever the duties of his Office shall render it necessary. By this means our Government will possess what it has always wanted, but never yet had, a Cabinet Council. An institution essential in all Governments, whose situation or connections oblige them to have an intercourse with other powers. He will be the Commander in Chief of the Land and Naval Forces of the United States; have a right to convene and prorogue the Legislature upon special occasions, when they cannot agree, as to the time of their adjournment; and appoint all Officers, except Judges and Foreign Ministers. Independent of the policy of having a distinct Executive, it will be found that one, on these principles will not create a new expence: The establishment of the President of Congress's Hous[e]hold will nearly be sufficient; and the necessity which exists at present, and which must every day increase, of appointing a Secretary for the Home Department, will then cease. He will remain always removable by impeachment, and it will rest with the Legislature, to fix his salary upon permanent principles.

The mode of doing business in the Federal Legislature, when thus newly organized, will be the Parliamentary one, adopted by the State Legislatures. In a Council so important, as I trust the Federal Legislature will be, too much attention cannot be paid to their proceedings. It is astonishing, that, in a body, constituted as the present Congress, so few inaccuracies are to be seen in their proceedings; for certainly, no Assembly can be so much exposed to them, as that, wherein a resolution may be introduced, and passed at once. It is a precipitancy which few situations can justify, in deliberative bodies, and which the proposed alteration will effectually prevent.

The 4th article, respecting the extending the rights of the Citizens of each State, throughout the United States; the delivery of fugitives from justice, upon demand, and the giving full faith and credit to the records and proceedings of each, is formed exactly upon the principles of the 4th article of the present Confederation, except with this difference, that the demand of the Executive of a State, for any fugitive, criminal offender, shall be complied with. It is now confined to treason,

felony, or other high misdemeanor; but, as there is no good reason for confining it to those crimes, no distinction ought to exist, and a State should always be at liberty to demand a fugitive from its justice, let his crime be what it may.[4]

The 5th article, declaring, that individual States, shall not exercise certain powers, is also, founded on the same principles as the 6th of the Confederation.[5]

The next, is an important alteration of the Federal System, and is intended to give the United States in Congress, not only a revision of the Legislative acts of each State, but a negative upon all such as shall appear to them improper.[6]

I apprehend the true intention of the States in uniting, is to have a firm national Government, capable of effectually executing its acts, and dispensing its benefits and protection. In it alone can be vested those powers and prerogatives which more particularly distinguish a sovereign State. The members which compose the superintending Government are to be considered merely as parts of a great whole, and only suffered to retain the powers necessary to the administration of their State Systems. The idea which has been so long and falsely entertained of each being a sovereign State, must be given up; for it is absurd to suppose there can be more than one sovereignty within a Government. The States should retain nothing more than that mere local legislation, which, as districts of a general Government, they can exercise more to the benefit of their particular inhabitants, than if it was vested in the Supreme Council; but in every foreign concern, as well as in those internal regulations, which respecting the whole ought to be uniform and national, the States must not be suffered to interfere. No act of the Federal Government in pursuance of its constitutional powers ought by any means to be within the control of the State Legislatures; if it is, experience warrants me in asserting, they will assuredly interfere and defeat its operation. That these acts ought not therefore to be within their power must be readily admitted; and if so, what other remedy can be devised than the one I have mentioned? As to specifying that only their acts upon particular points should be subject to revision, you will find it difficult to draw the line with so much precision and exactness as to prevent their discovering some mode of counteracting a measure that is disagreeable to them. It may be said, that the power of revision here asked, is so serious a diminution of the State's importance, that they will reluctantly grant it.—This, however true, does not lessen its necessity, and the more the subject is examined, the more clearly will it appear. It is agreed that a reform of our Government is indispensable, and that a stronger Federal System must be adopted; but it will ever be

found, that let your System upon paper be as complete, and as guarded as you can make it, yet still if the State Assemblies are suffered to legislate without restriction or revision, your Government will remain weak, disjointed, and inefficient. Review the ordinances and resolutions of Congress for the last five or six years, such I mean as they had a constitutional right to adopt, and you will scarcely find one of any consequence that has not, in some measure, been violated or neglected. Examine more particularly your treaties with foreign powers; those solemn national compacts, whose stipulations each member of the union was bound to comply with. Is there a treaty which some of the States have not infringed? Can any other conduct be expected from so many different Legislatures being suffered to deliberate upon national measures? Certainly not. Their regulations must ever interfere with each other, and perpetually disgrace and distract the Federal Councils. I must confess, I view the power of revision and of a negative as the corner stone of any reform we can attempt, and that its exercise by Congress will be as safe as it is useful. In a Government constituted as this is, there can be no abuse of it.—The proceedings of the States which merely respect their local concerns, will always be passed as matters of form, and objections only arise where they shall endeavour to contravene the Federal Authority. Under the British Government, notwithstanding we early and warmly resisted their other attacks, no objection was ever made to the negative of the King. As a part of his Government it was considered proper. Are we now less a part of the Federal Government than we were then of the British? Shall we place less confidence in men appointed by ourselves, and subject to our recall, than we did in their executive? I hope not. Whatever views we may have of the importance or retained sovereignty of the States, be assured they are visionary and unfounded, and that their true interests consist in concentering as much as possible, the force and resources of the union in one superintending Government, where alone they can be exercised with effect. In granting to the Federal Government certain exclusive national powers, you invest all their incidental rights. The term exclusive involves every right or authority necessary to their execution. This revision and negative of the laws is nothing more than giving a farther security to these rights. It is only authorising Congress to protect the powers you delegate, and prevent any interference or opposition on the part of the States. It is not intended to deprive them of the power of making such laws as shall be confined to the proper objects of State legislation, but it is to prevent their annexing to laws of this kind, provisions which may in their nature interfere with the regulations of the Federal Authority. It will sometimes happen that a general regulation which is beneficial to the Confederacy

may be considered oppressive or injurious by a particular State. In a mixed Government, composed of so many various interests, it will be impossible to frame general systems, operating equally upon all its members. The common benefit must be the criterion, and each State must, in its turn, be obliged to yield some of its advantages. If it was possible, compleatly to draw the distinguishing line, so as to reserve to the States, the Legislative rights they ought to retain, and prevent their exceeding them, I should not object, but it will be found exceedingly difficult; for as I have already observed, leave them only a right to pass an act, without revision or controul, and they will certainly abuse it. The only mode that I can think of, for qualifying it, is to vest a power somewhere, in each State, capable of giving their acts a limited operation, until the sense of Congress can be known. To those who have not sufficiently examined the nature of our Federal System, and the causes of its present weakness and disorders, this curb upon the State Legislatures may perhaps appear an improper attempt to acquire a dangerous and unnecessary power. I am afraid the greater part of our Citizens are of this class, and that there are too few among them, either acquainted with the nature of their own Republic, or with those of the same tendency, which have preceded it. Though our present disorders must be attributed in the first instance, to the weakness and inefficacy of our Government, it must still be confessed, they have been precipitated by the refractory and inattentive conduct of the States; most of which, have neglected altogether, the performance of their Federal Duties, and whenever their State-policy, or interests prompted, used their retained Sovereignty, to the injury and disgrace of the Federal Head. Nor can any other conduct be expected, while they are suffered to consider themselves as distinct Sovereignties, or in any other light, than as parts of a common Government. The United States, can have no danger so much to dread, as that of disunion; nor, has the Federal Government, when properly formed, any thing to fear, but from the licentiousness of its members. We have no hereditary monarchy or nobles, with all their train of influence or corruption, to contend with; nor is it possible to form a Federal Aristocracy. Parties may, for a time prevail in the States, but the establishment of an aristocratic influence in the Councils of the Union, is remote and doubtful. It is the anarchy, if I may use the term, or rather worse than anarchy of a pure democracy, which I fear. Where the laws lose their respect, and the Magistrates their authority; where no permanent security is given to the property and privileges of the Citizens; and no measures pursued, but such as suit the temporary interest and convenience of the prevailing parties, I cannot figure to myself a Government more truly degrading; and yet such has

been the fate of all the antient, and probably will be, of all the modern Republics. The progress has been regular, from order to licentiousness; from licentiousness to anarchy, and from thence to despotism. If we review the ancient Confederacies of Greece, we shall find that each of them in their turn, became a prey to the turbulence of their members; who, refusing to obey the Federal Head, and upon all occasions insulting, and opposing its authority, afforded an opportunity to foreign powers, to interfere and subvert them. There is not an example in history, of a Confederacy's being enslaved or ruined by the invasions of the supreme authority, nor is it scarcely possible, for depending for support and maintenance upon the members, it will always be in their power to check and prevent its injuring them. The Helvetic and Belgic Confederacies, which, if we except the Gryson league, are the only Governments that can be called Republics in Europe, have the same vices with the ancients. The too great and dangerous influence of the parts—an influence, that will sooner or later subject them to the same fate. In short, from their example, and from our own experience, there can be no truth more evident than this, that, unless our Government is consolidated, as far as is practicable, by retrenching the State authorities, and concentering as much force and vigour in the Union, as are adequate to its exigencies, we shall soon be a divided, and consequently an unhappy people. I shall ever consider the revision and negative of the State laws, as one great and leading step to this reform, and have therefore conceived it proper, to bring it into view.

The next article, proposes to invest a number of exclusive rights, delegated by the present Confederation; with this alteration, that it is intended to give the unqualified power of raising troops, either in time of peace or war, in any manner the Union may direct. It does not confine them to raise troops by quotas, on particular States, or to give them the right of appointing Regimental Officers, but enables Congress to raise troops as they shall think proper, and to appoint all the officers. It also contains a provision for empowering Congress to levy taxes upon the States, agreeable to the rule now in use, an enumeration of the white inhabitants, and three fifths of other descriptions.[7]

The 7th article invests the United States, with the compleat power of regulating the trade of the Union, and levying such imposts and duties upon the same, for the use of the United States, as shall, in the opinion of Congress, be necessary and expedient. So much has been said upon the subjects of regulating trade, and levying an impost, and the States have so generally adopted them, that I think it unnecessary to remark upon this article. The intention, is to invest the United States with the power of rendering our maritime regulations uniform and efficient,

and to enable them to raise a revenue, for Federal purposes, uncontrolable by the States. I thought it improper to fix the per centage of the impost, because it is to be presumed their prudence will never suffer them to impose such duties, as a fair trade will not bear, or such as may promote smuggling. But as far as our commerce, will bear, or is capable of yielding a revenue, without depressing it, I am of opinion, they should have a right to direct. The surrendering to the Federal Government, the complete management of our commerce, and of the revenues arising from it, will serve to remove that annual dependence on the States, which has already so much deceived, and will, should no more effectual means be devised, in the end, fatally disappoint us. This article, will, I think, be generally agreed to by the States. The measure of regulating trade, is nearly assented to by all,[8] and the only objections to the impost, being from New-York, and entirely of a constitutional nature,[9] must be removed by the powers being incorporated with, and becoming a part of the Federal System.

The 8th article only varies so far from the present, as in the article of the Post-Office, to give the Federal Government a power, not only to exact as much postage, as will bear the expence of the Office, but also, for the purpose of raising a revenue.[10] Congress had this in contemplation, some time since, and there can be no objection, as it is presumed, in the course of a few years, the Post-Office, will be capable of yielding a considerable sum to the Public Treasury.

The 9th article respecting the appointment of Federal Courts, for deciding territorial controversies between different States, is the same with that in the Confederation;[11] but this may with propriety be left to the Supreme Judicial.

The 10th article gives Congress a right to institute all such offices as are necessary for managing the concerns of the Union; of erecting a Federal Judicial Court, for the purposes therein specified; and of appointing Courts of Admiralty for the trial of maritime causes in the States respectively. The institution of a Federal Judicial upon the principles mentioned in this article, has been long wanting. At present there is no Tribunal in the Union capable of taking cognizance of their officers who shall misbehave in any of their departments, or in their ministerial capacities out of the limits of the United States; for this, as well as the trial of questions arising on the law of nations, the construction of treaties, or any of the regulations of Congress in pursuance of their powers, or wherein they may be a party, there ought certainly to be a Judicial, acting under the authority of the Confederacy; for securing whose independence and integrity some adequate provision must be made, not subject to the controul of the Legislature. As the power

of deciding finally in cases of Appeal and all Maritime Regulations are to be vested in the United States, the Courts of Admiralty in the several States, which are to be governed altogether by their Regulations, and the Civil Law, ought also to be appointed by them; it will serve as well to secure the uprightness of the Judges, as to preserve an uniformity of proceeding in Maritime Cases, throughout the Union.

The exclusive right of coining Money—regulating its alloy, and determining in what species of money the common Treasury shall be supplied, is essential to assuring the Federal Funds. If you allow the States to coin Money, or emit Bills of Credit, they will force you to take them in payment for Federal Taxes and Duties, for the certain consequence of either introducing base Coin, or depreciated Paper, is the banishing Specie out of circulation; and though Congress may determine, that nothing but Specie shall be received in payment of Federal Taxes or Duties, yet, while the States retain the rights they at present possess, they will always have it in their power, if not totally to defeat, yet very much to retard and confuse the collection of Federal Revenues. The payments of the respective States into the Treasury, either in Taxes or Imposts, ought to be regular and uniform in proportion to their abilities;—no State should be allowed to contribute in a different manner from the others, but all alike in actual Money.[12] There can be no other mode of ascertaining this, than to give to the United States the exclusive right of coining, and determining in what manner the Federal Taxes shall be paid.

In all those important questions where the present Confederation has made the assent of Nine States necessary, I have made the assent of Two-Thirds of both Houses, when assembled in Congress, and added to the number, the Regulation of Trade, and Acts for levying an Impost and raising a Revenue:[13]—These restraints have ever appeared to me proper; and in determining questions whereon the political happiness and perhaps existence of the Union may depend, I think it unwise ever to leave the decision to a mere majority; no Acts of this kind should pass, unless Two-Thirds of both Houses are of opinion they are beneficial, it may then be presumed the measure is right; but when merely a majority determines, it will be doubtful, and in questions of this magnitude where their propriety is doubtful, it will in general be safest not to adopt them.

The exclusive right of establishing regulations for the Government of the Militia of the United States, ought certainly to be vested in the Federal Councils. As standing Armies are contrary to the Constitutions of most of the States, and the nature of our Government, the only immediate aid and support that we can look up to, in case of necessity,

is the Militia. As the several States form one Government, united for their common benefit and security, they are to be considered as a Nation—their Militia therefore, should be as far as possible national—an uniformity in Discipline and Regulations should pervade the whole, otherwise, when the Militia of several States are required to act together, it will be difficult to combine their operations from the confusion a difference of Discipline and Military Habits will produce. Independent of our being obliged to rely on the Militia as a security against Foreign Invasions or Domestic Convulsions, they are in fact the only adequate force the Union possess, if any should be requisite to coerce a refractory or negligent Member, and to carry the Ordinances and Decrees of Congress into execution. This, as well as the cases I have alluded to, will sometimes make it proper to order the Militia of one State into another. At present the United States possess no power of directing the Militia, and must depend upon the States to carry their Recommendations upon this subject into execution—while this dependence exists, like all their other reliances upon the States for measures they are not obliged to adopt, the Federal views and designs must ever be delayed and disappointed. To place therefore a necessary and Constitutional power of defence and coercion in the hands of the Federal authority, and to render our Militia uniform and national, I am decidedly in opinion they should have the exclusive right of establishing regulations for their Government and Discipline, which the States should be bound to comply with, as well as with their Requisitions for any number of Militia, whose march into another State, the Public safety or benefit should require.

In every Confederacy of States, formed for their general benefit and security, there ought to be a power to oblige the parties to furnish their respective quotas without the possibility of neglect or evasion;—there is no such clause in the present Confederation, and it is therefore *without this indispensable security.* Experience justifies me in asserting that we may detail as minutely as we can, the duties of the States, but unless they are assured that these duties will be required and enforced, the details will be regarded as nugatory. No Government has more severely felt the want of a coercive Power than the United States; for want of it the principles of the Confederation have been neglected with impunity in the hour of the most pressing necessity, and at the imminent hazard of its existence: Nor are we to expect they will be more attentive in future. Unless there is a compelling principle in the Confederacy, there must be an injustice in its tendency; It will expose an unequal proportion of the strength and resources of some of the States, to the hazards

of war in defence of the rest—the first principles of Justice direct that this danger should be provided against—many of the States have certainly shewn a disposition to evade a performance of their Federal Duties, and throw the burden of Government upon their neighbours. It is against this shameful evasion in the delinquent, this forced assumption in the more attentive, I wish to provide, and they ought to be guarded against by every means in our power. Unless this power of coercion is infused, and exercised when necessary, the States will most assuredly neglect their duties. The consequence is either a dissolution of the Union, or an unreasonable sacrifice by those who are disposed to support and maintain it.

The article impowering the United States to admit new States into the Confederacy is become indispensible, from the separation of certain districts from the original States, and the increasing population and consequence of the Western Territory. I have also added an article authorising the United States, upon petition from the majority of the citizens of any State, or Convention authorised for that purpose, and of the Legislature of the State to which they wish to be annexed, or of the States among which they are willing to be divided, to consent to such junction or division, on the terms mentioned in the article.—The inequality of the Federal Members, and the number of small States, is one of the greatest defects of our Union. It is to be hoped this inconvenience will, in time, correct itself; and, that that the smaller States, being fatigued with the expence of their State Systems, and mortified at their want of importance, will be inclined to participate in the benefits of the larger, by being annexed to and becoming a part of their Governments. I am informed sentiments of this kind already prevail; and, in order to encourage propositions so generally beneficial, a power should be vested in the Union to accede to them whenever they are made.

The Federal Government should also possess the exclusive right of declaring on what terms the privileges of citizenship and naturalization should be extended to foreigners. At present the citizens of one State, are entitled to the privileges of citizens in every State.[14] Hence it follows, that a foreigner, as soon as he is admitted to the rights of citizenship in one, becomes entitled to them in all. The States differ widely in their regulations on this subject. I have known it already productive of inconveniences, and think they must increase. The younger States will hold out every temptation to foreigners, by making the admission to offices less difficult in their Governments, than the older.—I believe in some States, the residence which will enable a foreigner to hold any

office, will not in others intitle him to a vote. To render this power generally useful it must be placed in the Union, where alone it can be equally exercised.

The 16th article proposes to declare, that if it should hereafter appear necessary to the United States to recommend the Grant of any additional Powers, that the assent of a given number of the States shall be sufficient to invest them and bind the Union as fully as if they had been confirmed by the Legislatures of all the States. The principles of this, and the article which provides for the future alteration of the Constitution by its being first agreed to in Congress, and ratified by a certain proportion of the Legislatures, are precisely the same; they both go to destroy that unanimity which upon these occasions the present System has unfortunately made necessary—the propriety of this alteration has been so frequently suggested, that I shall only observe that it is to this unanimous consent, the depressed situation of the Union is undoubtedly owing. Had the measures recommended by Congress and assented to, some of them by eleven and others by twelve of the States, been carried into execution, how different would have been the complexion of Public Affairs? To this weak, this absurd part of the Government, may all our distresses be fairly attributed.

If the States were equal in size and importance, a majority of the Legislatures might be sufficient for the grant of any new Powers, but disproportioned as they are, and must continue for a time; a larger number may now in prudence be required—but I trust no Government will ever again be adopted in this Country, whose Alteration cannot be effected but by the assent of all its Members. The hazardous situation the United Netherlands are frequently placed in on this account, as well as our own mortifying experience, are sufficient to warn us from a danger which has already nearly proved fatal. It is difficult to form a Government so perfect as to render alterations unnecessary; we must expect and provide for them:—But difficult as the forming a perfect Government would be, it is scarcely more so, than to induce Thirteen separate Legislatures, to think and act alike upon one subject—the alterations that nine think necessary, ought not to be impeded by four—a minority so inconsiderable should be obliged to yield. Upon this principle the present Articles are formed, and are in my judgment so obviously proper, that I think it unnecessary to remark farther upon them.

There is also in the Articles, a provision respecting the attendance of the Members of both Houses; it is proposed that they shall be the judges of their own Rules and Proceedings, nominate their own Officers, and be obliged, after accepting their appointments, to attend the

stated Meetings of the Legislature; the penalties under which their attendance is required, are such as to insure it, as we are to suppose no man would willingly expose himself to the ignominy of a disqualification: Some effectual mode must be adopted to compel an attendance, as the proceedings of the Government must depend on its formation—the inconveniencies arising from the want of a sufficient representation have been frequently and severely felt in Congress. The most important questions have on this account been delayed, and I believe I may venture to assert, that for six months in the year they have not lately had such a representation as will enable them to proceed on business of consequence. Punctuality is essential in a Government so extensive; and where a part of the Members come from considerable distances, and of course have no immediate calls to divert their attention from the Public business, those who are in the vicinity should not be suffered to disappoint them; if the power of compelling their attendance is necessary, it must be incorporated as a part of the Constitution which the States will be bound to execute; at present it is contended that no such authority exists; that the Members of Congress are only responsible to the State they represent, and to this may be attributed that shameful remissness in forming the Federal Council, which has been so derogating and injurious to the Union. The Article I have inserted is intended to produce a reform, and I do not at present discover a mode in which the attendance of the Members can be more effectually enforced.

The next Article provides for the privilege of the Writ of Habeas Corpus—the Trial by Jury in all cases, Criminal as well as Civil—the Freedom of the Press, and the prevention of Religious Tests, as qualifications to Offices of Trust or Emolument: The three first essential in Free Governments; the last, a provision the world will expect from you, in the establishment of a System founded on Republican Principles, and in an age so liberal and enlightened as the present.

There is also an authority to the National Legislature, permanently to fix the seat of the general Government, to secure to Authors the exclusive right to their Performances and Discoveries, and to establish a Federal University.

There are other Articles, but of subordinate consideration. In opening the subject, the limits of my present observations would only permit me to touch the outlines; in these I have endeavoured to unite and apply as far as the nature of our Union would permit, the excellencies of such of the State Constitutions as have been most approved. The first object with the Convention must be to determine on principles—the most leading of these are, the just proportion of representation,

and the arrangement and distribution of the Powers of Government. In order to bring a system founded on these principles, to the view of the Convention, I have sketched the one which has just been read.—I now submit it with deference to their Consideration, and wish, if it does not appear altogether objectionable, that it may be referred to the examination of a Committee.

There have been frequent but unsuccessful attempts by Congress to obtain from the States the grant of additional powers,[15] and such is the dangerous situation in which their negligence and inattention have placed the Federal concerns, that nothing less than a Convention of the States could probably prevent a dissolution of the Union. Whether we shall be so fortunate as to concur in measures calculated to remove these difficulties, and render our Government firm and energetic, remains to be proved. A change in our political System is inevitable; the States have wisely foreseen this, and provided a remedy. Congress have sanctioned it. The consequences may be serious, should the Convention dissolve without coming to some determination.—I dread even to think of the event of a convulsion, and how much the ineffectual assemblage of this body may tend to produce it. Our citizens would then suppose that no reasonable hope remained of quietly removing the public embarrassments, or of providing by a well formed Government, for the protection and happiness of the People. They might possibly turn their attention to effecting that by force, which had been in vain constitutionally attempted.

I ought again to apologize for presuming to intrude my sentiments upon a subject of such difficulty and importance. It is one that I have for a considerable time attended to. I am doubtful whether the Convention will at first be inclined to proceed as far as I have intended; but this I think may be safely asserted, that upon a clear and comprehensive view of the relative situation of the Union, and its Members, we shall be convinced of the policy of concentering in the Federal Head, a compleat supremacy in the affairs of Government; leaving only to the States, such powers as may be necessary for the management of their internal concerns.

1. Pinckney is incorrect here. Most of the states had equal representation of their cities, towns, or counties in their state legislatures.

2. Montesquieu, *Spirit of Laws*, I, Book IX, Chapter III, 188–89.

3. New York had a Council of Revision, consisting of the governor, the chancellor, and the three justices of the Supreme Court, which had ten days to review bills. If the majority of the Council agreed on a report objecting to the bill, the bill and the objections would be returned to the legislature for reconsideration, which could override the Council's objection by a two-thirds vote of each house (RCS:N.Y., 501).

4. For Article IV, see CDR, 87.

5. For Article VI, see CDR, 88–89.

6. On 31 May, the Constitutional Convention's Committee of the Whole agreed to a provision giving Congress a negative (or veto) over unconstitutional state laws or laws violating any federal treaty. Pinckney, seconded by James Madison, moved on 8 June to broaden that authority to veto all state laws judged "improper," which the Committee of the Whole rejected. The limited veto that had been adopted on 31 May was removed by the Convention on 17 July. Pinckney again sought to introduce a congressional veto of state laws on 23 August, requiring a two-thirds vote of Congress, but this, too, was defeated. See Farrand, I, 54, 164–68; II, 27–28, 390–92, and Charles F. Hobson, "The Negative on State Laws: James Madison, the Constitution, and the Crisis of Republican Government," *William and Mary Quarterly*, 3rd Series, XXXVI (1979), 215–35.

7. Pinckney's article is similar 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.

8. The 1784 amendment to the Articles of Confederation to grant Congress the power to regulate commerce for fifteen years had been ratified by all states, but they had been approved in different forms that needed to be reconciled before the grant of power could be effective. The amendment therefore never went into effect. See CDR, 153–54, for the amendment.

9. The 1783 amendment to the Articles of Confederation granting Congress the power to collect import duties for twenty-five years had been approved by all states by August 1786, but Congress refused to accept New York's reservations over the removal of state-appointed collectors. See CDR, 146–48, and RCS:N.Y., Vol. 1, pp. xxxvi–xl.

10. Article IX of the Articles of Confederation allowed Congress to establish and regulate post offices, "exacting such postage on the papers passing thro' the same as may be requisite to defray the expences of the said office" (CDR, 91).

11. Article IX of the Articles of Confederation provided for courts to settle disputes between two or more states and disputes over the right to land claimed under grants of two or more states. See CDR, 89–91.

12. The Confederation Congress resolved on 18 September 1786 to prohibit the payment of congressional requisitions in state paper money. Charles Pinckney chaired the committee that reported the resolution (JCC, XXXI, 662–64).

13. Article IX of the Articles of Confederation specified that the approval of nine states was required to engage in war, grant letters of marque and reprisal, enter into treaties or alliances, coin or regulate money, determine the funds needed for defense and welfare, emit bills, borrow money on credit, appropriate money, build or purchase vessels, raise an army or navy, or name a commander in chief of the army or navy. See CDR, 92.

14. Article IV of the Articles of Confederation (CDR, 87).

15. For the various attempts to grant additional powers to Congress under the Articles of Confederation, see CDR, 139–56, 163–68.

Charleston Morning Post or South Carolina Weekly Chronicle 23 October 1787 (excerpt)[1]

. . . Daily, remarks a correspondent, have we pointed out to us, even by Britons (unintentionally) the necessity of a uniform and general

system of government, which appears to be amply provided for in the new federal plan offered us by that distinguished and long honoured band of worthies, the convention lately convened in Philadelphia. Though foreign enemies do and will—and a few narrow, purblind politicians among us, may and do carp at the new government now before the people, yet we are happy in notifying to our readers, that both letters and newspapers, from every part of the States, evince and proclaim the cordial disposition of their real sons to receive and ratify the same—for taking the proposed government collectively, *It is the most unexceptionable under the sun.*

1. This article appeared in a no longer extant issue of either the *Charleston Morning Post* or the *South Carolina Weekly Chronicle*, 23 October. The transcription is taken from the *Salem Mercury*, 27 November, where it was reprinted under the dateline "CHARLESTON, Oct. 23." It was also reprinted in the Lansingburgh, N.Y., *Northern Centinel*, 4 December.

Jean Pierre Le Mayeur to George Washington
Charleston, 24 October 1787 (excerpt)[1]

I hope your Excellency by this time has recovered the fatigue of your Great work in the Convention which must afford the Greatest satisfaction when his Excellency hears as I have done for five hundred miles where the people seems so well satisfied of the new form of Governement—principly in the Expectation to have at their head the *first legislature!* . . .

1. RC, Washington Papers, DLC. Printed: Abbot, *Washington, Confederation Series*, V, 386–87. Mayeur (b. 1752), a Frenchman, practiced dentistry in Richmond, Virginia, and had done work on Washington's teeth. He arrived in Charleston in October 1787, where he planned to stay until January 1788, when he hoped to travel to Cuba. Washington (1732–1799), a Virginia planter, was Commander-in-Chief of the Continental forces, 1775–83; president of the Constitutional Convention, 1787; and U.S. President, 1789–97.

Francis Kinloch to Johannes von Müller
Charleston, 26 October 1787 (excerpt)[1]

. . . Had I remained the subject of a monarch, I might have pushed my fortune at a Court, but Nature never calculated me to make a figure in a republic, & I have aspired at nothing more than honorable mediocrity. You will no doubt have seen published the plan of government was proposed to the people of the united states in consequence of a convention held at Philadelphia, & though it has faults, I think you will approve of it—Without it, we are in the road to misery, & confusion, for the Revolution having broken, & confounded the political ideas of

men, we have found it impossible to support a government, which neither honour, fear, or virtue could attach us to, or keep us quiet under, & are now reverting in some measure to the principles of that excellent constitution, which the folly of the British Ministry, & our precipitation deprived us of—Each state will give up more of its sovereignty than the Cantons do, & it is necessary we should, as we have no common enemy at hand to unite us in a general defence in case we should quarrel.—the liberty & property of individuals will be under the protection of the Fœderal head, for no state will be able to make unjust laws about debts, as has been so frequently done, & we shall have one general system of trade. . . .

1. RC, Kinloch Correspondence, Stadtbibliothek of Staffenhausen, Switzerland. Kinloch (1755–1826), a Charleston attorney, planter, and literary figure, served in the state House of Representatives, 1779–80, 1787–91, and was a delegate to the Continental Congress in 1780. He represented the parishes of St. Philip and St. Michael in the state Convention, where he voted to ratify the Constitution. Müller (1752–1809) met Kinloch in Geneva in 1774 when he was Kinloch's tutor. They became lifelong friends and corresponded until Müller died. Müller was the most prominent Swiss historian of the eighteenth century.

Christopher Gadsden to Thomas Jefferson
Charleston, 29 October 1787 (excerpts)[1]

. . . I take the Freedom to congratulate You on the Noble Constitution agreed upon by our late Convention, & farther, on its seeming to give general Satisfaction, from whence tis hardly doubted it will be adopted; if so, & it is firmly & efficiently carried into Execution, a new & important Epocha must arise in our Affairs; The Apprehensions Strangers were under for some Time past, discouraging them from dealing with us so largely as many Wish'd, will then diminish greatly & in a short Time cease altogether, as our Trade wou'd soon be on a safe, proper & respectable Footing, unsubjected in future to Frauds from paper Tenders, & other too common unjustifyable Practices from unprincipled D[ebto]rs very prejudicial to their C[redito]rs. . . .

I make no doubt the Phylosophic part of Europe will admire the Constitution recommended by our Convention, the Trading part of Gt Bn. perhaps, many of them, may be jealous of it consider'd in a commercial View in its probable Consequences to them by encreasing the Means of opening the Eyes of America & exposing many rooted prejudices to them particularly. I have little doubt[(a)] that part of the Island who so generally & pointedly hung upon our Skirts during the whole War will not be less busy on this Occasion—For my part I bless God to have lived to see this important point in so fair a Way to be accomplish'd, & if I live to see it compleatly so, I shall be apt to cry out with

old Simeon: Now may thy Servant depart in peace for mine Eyes have seen thy Salvation.[2] . . .

> (a) These subtil, dextrous long-train'd, Systematical Opponents will know if the Constitution recommended must be approv'd of in toto, or not at all, therefore wou'd seem to approve of it as highly as any the most Zealous for it, only with an *All But*, which But alter'd wou'd gain they wou'd pretend universal Satisfaction, that it may be defer'd for that mighty reasonable *But* to another Convention hoping that will never happen & so the Bubble burst of Course.

1. RC, Jefferson Papers, DLC. Printed: Boyd, XII, 295–97. Gadsden (1723–1805), was a Charleston merchant-planter who was active in events leading to the American Revolution in the 1760s and 1770s. He served in the Continental Congress, 1774–76; as a brigadier general in the Continental Army, 1776–77; and as South Carolina lieutenant governor, 1780–82. He almost continuously held a seat in the Commons House of Assembly, provincial congresses, and House of Representatives between 1757 and 1784. Gadsden represented the parishes of St. Philip and St. Michael in the state Convention, where he voted to ratify the Constitution. His son, Lieutenant Governor Thomas Gadsden, also served in the Convention and voted for ratification. Jefferson (1743–1826), a Virginia planter, author of the Declaration of Independence, and future secretary of state, vice president, and president, was U.S. minister to France, 1785–89.

2. Luke 2:29-30: "Lord, now lettest thou thy servant depart in peace according to thy word. For mine eyes have seen thy salvation." Gadsden used the same phrase in the state Convention. See "Letter from Charleston to a Friend in New York City," 27 May 1788, and "Letter from Charleston," 20 June (RCS:S.C., 449, 467).

Governor Thomas Pinckney: Circular Letter to Legislators Charleston, 31 October 1787[1]

SIR,

Having received from the Congress of the United States the Constitution formed by the Fœderal Convention, and unanimously recommended by both those honorable Bodies to be submitted by the Legislatures of the respective States to a Convention of Delegates chosen in each State by the People thereof; I have judged it expedient to give you this official Information, not doubting but that the Importance of the Business will be an additional Inducement for your punctual Attendance on the Day to which the Legislature stands adjourned.[2]

I have the Honor to be Sir, Your most obedient humble Servant,

1. Printed Form Letter, Robert Wilson Gibbes Autograph Book of the Revolution, South Caroliniana Library, ScU. This copy was sent to Richard Hampton, who represented the Saxe Gotha District in the state Senate. A letterbook copy of the letter, with only minor variations in spelling, capitalization, and wording, is in the Pinckney Family Papers, DLC.

On 25 December, the *Pennsylvania Packet* printed the following: "Circular letters have been sent by order of his Excellency the Governor of South Carolina to the members of the legislature, requiring them to meet in General Assembly early in January, for the dispatch of public business; and as the new federal constitution will be amongst the first things proposed for their consideration, it is expected there will be a quorum the first day." The *Packet's* account was reprinted in fourteen newspapers by 2 February 1788: Mass. (2), N.Y. (3), N.J. (1), Pa. (6), Va. (2). The *Connecticut Journal*, 26 December, printed a brief summary of this item.

2. The legislature was scheduled to convene on 8 January 1788.

Editors' Note
The South Carolina Reprinting of James Wilson's State House Speech, 1 November 1787

On the evening of 6 October 1787, James Wilson, a Pennsylvania delegate to the Constitutional Convention, "delivered a long and eloquent speech" before "a very great concourse of people" at a public meeting at the Pennsylvania State House yard called to nominate candidates to represent the city of Philadelphia in the Pennsylvania Assembly. Wilson, one of the most frequent speakers in the Constitutional Convention, answered some of the major criticisms made against the Constitution, and his widely circulated speech became one of the most influential and controversial Federalist statements. The most controversial part of his address concerned his concept of reserved powers. Wilson declared that "in delegating fœderal powers . . . the congressional authority is to be collected, not from tacit implication, but from the positive grant expressed in the instrument of union. Hence it is evident, that . . . every thing which is not given, is reserved." Wilson used this idea to demonstrate that a bill of rights was unnecessary. As an example, he declared that the freedom of the press could not be violated by Congress because it had not been given any power over the press (CC:134).

On 9 October Wilson's speech was published in an "extra" issue of the *Pennsylvania Herald* and reprinted in the regular issue of the *Herald* the next day. The Charleston *Columbian Herald* reprinted the speech on 1 November. Wilson's speech was also reprinted in the October issue of the Philadelphia *American Museum*, a monthly magazine that had subscribers in South Carolina. By January 1788, three South Carolinians—Charles Pinckney, Charles Cotesworth Pinckney, and David Ramsay—were subscribers. By 10 May, the number of South Carolina subscribers to the *Museum* had increased to twenty-nine. Ramsay, a Charleston Federalist, commented on the speech, writing "I assent to Mr Wilsons reasoning that all is retained which is not ceded; but think that an explicit declaration on this subject might do good at least so

far as to obviate objections" (Ramsay to Benjamin Rush, 10 November 1787, RCS:S.C., 39).

Edward Rutledge to Samuel Myers
Charleston, 8 November 1787[1]

I have considered if the Messrs Van Staphorst's[2] intended Requisition to the Legislature, to make the Debt due to them a transferable Stock, & I think it is such a requisition as will be readily granted—The Public Creditors, whose Debts have been liquidated, already hold what we call "Indents,"[3] as Evidences of their Demands; & they, by an Act of the State, are transferable Property. They therefore partake at present of the Nature of Stock, & the Public can have no Objection to change the Mode, whilst the Essence remains, for the accommodation of those, to whom they are indebted—But, I stand confirmed in the Opinion which I gave you that, the Legislature will not consent to lay a Duty, on the Exportation of Rice, or any other Produce for the purpose of paying the Interest of the Debt—A Duty on Exports, was at one time proposed in a Committee of ways & means, & it was also mentioned in the Legislature;—the Subject underwent a Discussion, & the general Sense of the House was decidedly against it; as being a Measure, totally impolitic in its own Nature, & extremely so when it is recollected that, in every Article of our Exports, we have Competitors in our Neighbours. Yet, if it was ever so free of Objections on other Accounts, it would doubtless be succesful opposed on the Ground of In-equality. This Country furnishes various articles for Exportation. Rice, & Indico in a considerable Degree, & Tobacco, to a respectable Amount. These Articles are made, in different Divisions of the Country; & scarcely any two of them by one, & the same person. Whichever should be singled out as an Object of Taxation would be oppressive to the person who raised it;—it would be compelling him to contribute, more than his due proportion toward the support of Government—it would be creating an odious Distinction, between Members of the same Community,—it would be establishing a *Precedent*, for throwing the whole Burthens of the State, on a *part* of the Citizens—it might check, & finally put a stop, to the raising of one of our principal Staples—it would therefore, be unjust in its commencement, impolitic, & ruinous in its Issue. Nor indeed, would the passing of such an Act be productive of the wished-for Advantages. It could not be carried thro' the two Houses until the End of January; & would not, I should imagine, commence its operation until the 1st. of next November; were it otherwise, it would not only be unjust, as to the different Members, & Classes of our Citizens, but it would be unequal, & consequently unjust, between Citizens

of the same Class; between those, who had disposed of their Crops, & those, who still retained them. But, if I should be in this Opinion mistaken, its Benefits would be trifling, as its duration would necessarily be short. Because, as soon as the new Confederation is established, the Power of the respective States to lay a Duty on Exports is abolished. And this circumstance, furnishes another Reason, for disagreeing to the Measure. It is the wish of every Man who is a Friend to America, to see a strong efficient Government. That Government, can only be obtained by adopting a Confederation different from that under which we have lived, & the one proposed, is thought in general, to be the best possible, under present Circumstances. It would be therefore highly impolitic in those who wish for the new Confederation, to give their Consent to a Law which militated against that Form of Government, & from whence their Enemies might draw a Conclusion that, in their Opinion that Government was not likely to be soon established—These Sir are the Reasons which have influenced my Judgment, & I have the Honor of submitting them to you very respectfully—

1. RC, Gratz Collection, PHi. Samuel Myers, the agent for the Van Staphorst brothers in their claims against South Carolina, submitted a memorial to the legislature on 30 January 1788 requesting payment of their claims. See Stevens, *House Journals, 1787–88*, 374–75.

2. Nicolaas (1742–1801) and Jacob Van Staphorst (1747–1812) were brothers and partners in an Amsterdam banking firm. During the American Revolution, they extended loans to both the United States and to the State of South Carolina.

3. Beginning in 1783, South Carolina issued interest-bearing certificates called "indents" to the state's creditors for expenses incurred dating back to 1779. The certificates were cut from a book of printed forms in an indented fashion, hence the name. The state promised to pay the principal on the debt, with 7% interest, within two years of issue, but due to the weakness of the state's finances, South Carolina defaulted on payments of both the principal and interest and issued special indents to pay the interest.

Thomas Lowndes to Robert Goodloe Harper
Charleston, 10 November 1787 (excerpt)[1]

. . . I do not Sir give that attention to Study that you do, but dedicate a great part of my time to reading and have made a distribution of hours not unsimilar to yours;—I read Law the Forenoon, and History and less abstruse study employs my Afternoons & Evenings, excepting two or three hours that is devoted every day successively to the Company of a circle of agreeable acquaintances, whom I visit almost in Rotation and in whose conversation I enjoy great delight; it is a recreation to unbind on'self among those who are Esteemed, that is necessary after a days confinement, and which it is natural and agreeable to the Constitution we should indulge, and I would not forego the

Charms of this social intercourse, not to be exalted in Abilities above my Fellow Citizens: an Example opposite to this Opinion has lately arrived from the Northward in Mr. Charles Pinckney who is perfectly wedded to Business and Study, female Company he quite Estranges himself from, and excepting returning formal visits, his whole time and Care is sequest[er]ed and immersed within the walls of his Closet; it is said he acted a very conspicuous part in the late Convention and the projector of a very great part of the recommended Constitution, he did present one of his own framing,[2] which agrees in a great measure with the one adopted whether this application is the consequence of an Aspiring Ambition to which he chooses to sacrifice, or whether he is not in an uncommon degree devoid of that sensibility which the generality of Mankind are susceptible of, and which obstructs many in their pursuits, I can not determine, but in either case are content to be exempt, in the first case it is giving up too much of the ~~happiness~~ Pleasure of Life, and in the second I am far from wishing to be divested of those feelings, that is the most abundant source of happiness. . . .

1. RC, Miscellaneous Manuscripts, 1st Series, Acc. 5421, ScHi. Lowndes (1766–1843), son of Antifederalist Rawlins Lowndes, was a law student in Charleston. He later served in the South Carolina House of Representatives, 1792–99, and in the U.S. House of Representatives, 1801–5. Harper (1765–1825) also studied law in Charleston in 1785–86 and was an attorney in Ninety Six District. He later served in the South Carolina House of Representatives, 1790–95, U.S. House of Representatives, 1795–1801 (representing South Carolina), and U.S. Senate (representing Maryland), 1816.

2. See "Charles Pinckney: Observations on the Plan of Government Submitted to the Federal Convention," Pre-14 October (RCS:S.C., 12–31).

David Ramsay to Benjamin Rush
Charleston, 10 November 1787[1]

In this letter Ramsay suggests two different ways in which the Constitution might be amended without endangering or significantly delaying the adoption of the Constitution: (1) the state conventions could propose amendments that would be submitted to the Confederation Congress for its approval and the adoption by the people and (2) "trust to the mode of alteration proposed in it," i.e., Article V of the Constitution.

Governor Edmund Randolph, a Virginia delegate to the Constitutional Convention, proposed the first method of amendment in the Constitutional Convention on 15 September (CC:75) and in a letter to the Virginia House of Delegates published as a pamphlet in late December 1787 (CC:385, pp. 131, 133). Randolph said that the submission of amendments by state conventions to the Confederation Congress for its approval and then the approval by the people in a second general convention was similar to how the Second Continental Congress sent the draft Articles of Confederation to the states for their approval in which some states proposed amendments that were then considered but then rejected by Congress.

The Massachusetts Convention on 6 February 1788 recommended Ramsay's second method of ratifying the Constitution unconditionally but with nine recommendatory amendments to be considered by the first federal Congress under the provisions of Article V of the Constitution.

As I suppose your convention is about convening & that you are a member I shall take the liberty of suggesting my wishes on the subject.

I am ready & willing to adopt the constitution without any alteration but still think objections might be obviated if the first state convention after accepting in its present form would nevertheless express their approbation of some alterations being made on the condition that Congress & the other States concurred with them. I think this would cause no delay nor would it endanger the acceptance of the constitution. If the clause which gives Congress power to interfere with the State regulations for electing members of their body[2] was either wholly expunged or altered so as to confine that power simply to the cases in which the States omitted to make any regulations on the subject, I should be better pleased. I wish also that there might be added some declaration in favor of the liberty of the Press & of trial by Jury. I assent to Mr Wilsons reasoning that all is retained which is not ceded;[3] but think that an explicit declaration on this subject might do good at least so far as to obviate objections. Should your State adopt this line of conduct (as it will doubtless take the lead) it would probably be followed by the others. The necessity of another convention would be obviated. I would not make these alterations conditions of acceptance: I would rather trust to the mode of alteration proposed in it than hazard or even delay the acceptance of the proposed plan. I think it ought to be matter of joy to every good citizen that so excellent a form of government has passed the convention. It promises security at home & respectability abroad I do not think any people could be long happy without ballances & checks in their constitutions: nor do I concieve it possible to organise a government with the three necessary checks on more unexceptionable principles out of homogeneous materials than has been done by the convention. It is an apt illustration of the Trinity. The whole power is from one source that is the people & yet that is diversified into three modifications with distinct personal properties to each. Its origin is the voice & its end the good of the people.

1. RC, Rush Papers, Library Company of Philadelphia. Rush (1745–1813), a Philadelphia physician, liberal reformer, and a signer of the Declaration of Independence, was a member of the Pennsylvania Convention, where he voted to ratify the Constitution, and wrote newspaper articles on behalf of ratification.

2. Article I, section 4, clause 1.

3. See "The South Carolina Reprinting of James Wilson's State House Speech," 1 November 1787 (RCS:S.C., 35–36).

David Ramsay to Noah Webster
Charleston, 10 November 1787[1]

Many thanks to you for your ingenious pamphlet.[2] I have read it with pleasure & it is now in brisk circulation among my friends. I have heard every person who has read it express his high approbation of its contents. It will doubtless be of singular service in recommending the adoption of the new constitution. With us I flatter myself it will be generally accepted. I feel myself much honored by your politeness in furnishing me with the copy & shall rejoice in every opportunity of evincing that

1. RC, Noah Webster Collection, New York Public Library. The author's signature was clipped but the letter is endorsed "Dr Ramsay." Webster (1758–1843) was a Connecticut-born lexicographer who had published his first speller in 1783. He lived in Philadelphia since 1786 and was an ardent advocate of a strong central government. In late November 1787 he moved to New York City to edit *The American Magazine.*

2. The pamphlet by Webster is "A Citizen of America," *An Examination into the Leading Principles of the Federal Constitution Proposed by the Late Convention Held at Philadelphia. With Answers to the Principal Objections that Have Been Raised Against the System* (Philadelphia, 1787) (Evans 20865). See CC:173 for a discussion of the pamphlet's contents, circulation, and favorable and unfavorable reactions to it. See also Mfm:Pa. 142 for a photographic facsimile of the pamphlet annotated by Webster.

Margaret Izard Manigault to Gabriel Manigault
Charleston, 12 November 1787 (excerpt)[1]

. . . There have been some pieces in the Newspapers for these three days past against the new government. My Father[2] thinks them very clever & knows the man who is supposed to have written them. I enquired a great deal about him that I might have the pleasure of telling it to you again, but have since thought that you will be much better informed by my Father himself; Dont forget to ask him—The pieces are signed Centinel[3]—But I believe I had better send you the papers—I will. . . .

1. RC, Manigault Family Papers, ScHi. Margaret Izard Manigault (1768–1824) was the wife of Gabriel Manigault (1758–1809) and daughter of Ralph Izard, Sr. Gabriel Manigault was a lowcountry planter and architect who designed a number of prominent Charleston buildings. He represented the parish of St. James, Goose Creek, in the South Carolina House of Representatives, 1785–93, and in the state Convention, where he voted to ratify the Constitution.

2. Ralph Izard, Sr.

3. "Centinel" I and II (thought at the time to be written by Philadelphia Antifederalist leader George Bryan but later attributed to Samuel Bryan) appeared in Philadelphia newspapers, broadsides, and pamphlets. See CC:133. The essays probably appeared in the no longer extant issues of the Charleston *City Gazette.*

Jean-Baptiste Petry to le Maréchal de Castries
Charleston, 16 November 1787 (excerpt)[1]

. . . The Constitution, Sir, framed by the Convention of deputies from the different states at philadelphia arrived here last month. It has been read with eagerness and seems generally approved of by the principal inhabitants of this City, although they are very aware of the sacrifices to their own interests made by the southern states to those of the North and of the preponderance that the latter will gain in the new government by the number of votes, there is no doubt that this state will ratify this covenant, nonetheless the planters observe with anguish that in twenty years the new government will prohibit the importation of negroes and may emancipate those born in this country after that time.[2] This provision will give rise to most of the debates in the legislature.

If the Prince of Luxembourg does not wish to accept the calculation decided on by the commissioners of this state, I think it would be better to wait until the new Constitution is adopted, because then, according to section 2 of article 3 he would be able to bring the discussion of his rights before the federal court.[3] I have been assured, moreover, that the convention of delegates in philadelphia considered making a general mass sum of all the private debts contracted by the different states during the last war and bringing them to the account of the United States, seeing that they had been for the Good and advantage of all. The resolution on this motion did not pass because it was objected that the convention couldn't decide on this question and that a similar discussion rested with the new government.

1. RC (Tr), Correspondance Politique, États-Unis, Supplement, Vol. 4, ff. 315–17, Archives du Ministère des Affaires Étrangères, Paris. Petry was appointed vice consul at Charleston in August 1783, and shortly thereafter he was made vice consul at Wilmington, N.C. In July 1786 he became consul *ad interim* at Charleston, a position he held until 1792 when he left America. Petry returned to the United States as French consul in Philadelphia in 1794 and served until 1798. Le Maréchal de Castries (1727–1801) was the French Minister of Marine until August 1787 when he was replaced by the Comte de Montmorin.

2. Starting with Pennsylvania in 1780, most Northern States enacted gradual emancipation acts that provided that any child born to a slave mother would be free. The child was to remain with the mother until he or she reached adulthood, an age that varied by state.

3. In 1780, during the Revolutionary War, Commodore Alexander Gillon of the South Carolina Navy secured from the Chevalier Luxembourg the loan of the French frigate *L'Indien*, which Gillon renamed the *South Carolina*. The ship was captured by the British in 1782, and the debt owed by the state of South Carolina was not settled until 1855.

Thomas Tudor Tucker to St. George Tucker
Philadelphia, 21 November 1787 (excerpts)[1]

My beloved Brother

The Accident of meeting with Colo. Grayson furnishes me an Opportunity of informing you that I this day arrived here from Charleston on my way to New York. . . . This seems to be a very critical Period of American Politics, & I must confess myself ixtreamly anxious about the Event. The grand Question is before us that must decide the Happiness of Millions of Generations, & yet it seems as if we were scarcely left at Liberty to give an impartial Vote upon it. How inconsistent, how *irrational* a Being is Man! How strange the Rage of popular Enthusiasm! We scruple to touch the fairest Fruit whose Qualities are unknown to us, yet we greedily swallow, without a Moment's Thought, what may nourish poison not ourselves only but our Posterity for-ever. I confess I had my Fears from the very Beginning of this Business, but a kind of cowardly Deference to the general Opinion occasion'd them for a while to subside. They are now revived & I begin again to be in doubt whether we have lavish'd the Blood & Substance of our Country for a good or bad Purpose. I have not been at leisure to study the proposed Scheme of Government. At first View it pleased me in most of it's Parts, but a little Consideration presented to me Objections, which I cannot get over, & they multiply upon me the more I think of it. I may be wrong in my Apprehensions, but I have seen so many Instances of general Infatuation in Support of Measures which have turn'd out to be grossly erroneous, that I dare not longer look for Truth in the Opinions even of the most discerning. Such a Variety of Circumstances conspire to warp the Judgment, that very few are left at Liberty to use their own Reason. This is so extensive a Subject that little can be said upon it in the Bounds of a Letter. The proposed Constitution seems to me replete with Danger & I dread it's Consequences. Let me know your Opinion & what is likely to be the Decision of your State [i.e., Virginia] upon it, for she is a large Limb of the Confederation & so situated as to be able to disjoint the whole Business. For my Part, I shall by my present Appointment be every way shut out from a Voice in the matter. I cannot say what our State will do. Our Legislature does not meet until January, which will afford some time for the Glare of Novelty to go off. In Charleston most People are pleased, which I cannot wonder at, as I was myself dazzled with it at first View. . . .

1. RC, Tucker-Coleman Papers, Swem Library, College of William and Mary. Thomas Tudor Tucker (1745–1828), a Charleston physician, was on his way to represent South Carolina in Congress when he wrote this letter to his brother St. George Tucker. Thomas

Tudor Tucker represented the parish of St. George, Dorchester, in the state House of Representatives, 1782, 1785–88. He served in the U.S. House of Representatives from 1789 to 1793 and was Treasurer of the United States from 1801 until his death. St. George Tucker (1752–1827), a Williamsburg lawyer, represented Virginia at the Annapolis Convention in 1786. Two years later he became a judge of the Virginia General Court.

Editors' Note
The Circulation of The Federalist in South Carolina
22 November 1787–20 June 1788

Between 27 October 1787 and 28 May 1788, eighty-five numbers of *The Federalist*—written by "Publius" (Alexander Hamilton, John Jay, and James Madison)—were published in several New York City newspapers and in two volumes published by John and Archibald M'Lean of New York City. The essays were hailed by many Americans as the best defense of the Constitution. (For a full discussion of the authorship, circulation, and impact of *The Federalist*, see CC:201.) In South Carolina, newspaper circulation was minimal. The Charleston *Columbian Herald*, 6 December 1787, reprinted the last half of the first paragraph of *The Federalist* 1 (CC:201 and RCS:Mass., 208). In its 14 January 1788 issue, the *Herald* reprinted the last three-fourths of the last paragraph of *The Federalist* 11 (CC:291). Both reprints originated in items that first appeared as reprints in Massachusetts newspapers and did not indicate that *The Federalist* was the source.

South Carolina readers interested in reading the essays had to obtain copies other ways. Subscribers to the Philadelphia *American Museum* had access to Nos. 1–5, which appeared in the November and December issues of the magazine. John Kean, along with the other South Carolina delegates to Congress, had access to *The Federalist* in several newspapers, including John M'Lean's New York *Independent Journal*, while living in New York City as members of Congress. Two days after his return to South Carolina on 20 November, Kean asked his wife, Susan Livingston Kean, who had remained in New York, to "Pray send me all McLeans papers that have the Federalist in them" (20, 22 November, John Kean Papers, Liberty Hall Museum, NjUN). John Kean continued to write to his wife about getting copies of *The Federalist* from New York. On 10 February 1788, he reported that he had received the essays through No. 32, but was missing a part of No. 30 (See RCS:S.C., 221). On 11 April, he informed her that he continued to receive copies of newspapers containing *The Federalist* (see RCS:S.C., 256).

South Carolinians might have had access to *The Federalist* in book form. The first volume, which included an introduction by Hamilton and thirty-six essays, was published in New York on 22 March (CC:639)

and could have arrived in Charleston before the Convention, although no advertisements in Charleston newspapers have been found. The second volume, with the forty-nine remaining essays, was not published until 28 May (CC:Vol. 6, pp. 83–87), after the South Carolina Convention had adjourned.

Newspaper writers and speakers in the Convention did not refer to *The Federalist,* although a letter writer from Charleston praised the essays in a 20 June letter sent to New York: "The FEDERALIST does honor to your city, and indeed to the United States. All our patriots and literati, in the year 1773, did not understand the principles of Government as well as that single writer" (RCS:S.C., 467).

John Kean to Susan Livingston Kean
Charleston, 25 November 1787 (excerpt)[1]

. . . I am flattered by my friends here with assurances if the new government takes place which is not doubted that I shall be one of their representatives,[2] if so I may be gratified in the greatest pleasure that my nature is capable of that of continuing my Dear Susan near her friends and relatives & thereby adding to her happiness which is the thing that I most desire and wish to be able to accomplish. . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. John Kean (d. 1795), a Beaufort area planter and merchant, served in the South Carolina House of Representatives, 1782, 1785–86, and the Confederation Congress, 1785–87. He represented St. Helena's Parish in the state Convention, where he voted to ratify the Constitution. After the fall of Charleston in 1780, he was arrested and held briefly on a British prison schooner, where he developed a respiratory disease that would eventually kill him. After the adoption of the Constitution, Kean moved to New York City, where he was named by President Washington as a commissioner to settle accounts between the states and the federal government. In 1791, Kean became cashier of the Bank of the United States in Philadelphia, a position he held until his death. Susan Van Brugh Livingston Kean (1759–1833) was the niece of Governor William Livingston of New Jersey. She met John Kean in New York while he was serving in Congress and the couple married in 1786. After her husband's death, Susan Kean married an exiled Polish count, Julian Ursin Niemcewicz.

2. Kean was said to be a candidate in November 1788 for a seat in the U.S. House of Representatives representing the Beaufort and Orangeburg District. Aedanus Burke was elected. (See DHFFE, I, 172.) For more on Kean's interest in a House seat, see also John Kean to Susan Livingston Kean, 3 January 1788 (RCS:S.C., 60).

Cato
State Gazette of South Carolina, 26 November 1787[1]

———*in discrimen extremum venimus; nihil est jam unde nos resiciamus, aut ubi lapsi resistamus*[2]———

Countrymen and Fellow-Citizens, With you have I shared the dangers of a civil war, where humanity on the side of our invaders was disregarded, and the heart grew callous to the ties of nature. With you have I seen the enemy repelled from our lands, and where oppression formerly waved her iron wand; now does liberty expand her wings in peace. But is your happiness complete for having conquered an enemy, and delivered yourselves from the oppressions of a tyrant? Liberty in all climes is pleasing, and not easily gained: but more hard to be defended, and rendered serviceable to us. Rouse then yourselves to act towards the noble end, of carrying into execution what has been so happily conceived; fix on a sure basis, the constitution of America, and give to your posterity a vigorous and well digested government. Then shall you live in history revered by nations, and blessed by those, who participate the good effects of your counsels. For as the day on which we attain the knowledge of virtue is no less pleasing than when we put her precepts in execution: so those who preserve our liberties and laws, are no less regarded, than those who prepared them for us.

A constitution is at length framed by the federal convention, by men whose names alone give us the ideas of wisdom and integrity. By this constitution if it be approved, is America to be guided, and her sons protected. By it will she either flourish in commerce, or sink in bankruptcy. Be respected by foreign powers, or despised by them. At this momentous crisis when so much is at stake, surely does it become every one, to act towards the general good; but more especially those whose abilities are great, and whose time is unappropriated. 'Till now have I been waiting for others to step forth, comment upon the resolves of the convention, and explain our situation and dependencies. For every subject the greater the lights be in which it may be viewed, the better will it be elucidated. Hence the reason, why I take upon me to touch upon political principles. With pleasure do I view the plan of government offered by the federal convention; as teeming with many blessings; and as being the only one calculated to direct the movements of our rising empire. But let us not be hurried away so much with transport, as to be blind to what our interests commands us to perceive. Let us not approve of laws until we have well considered them, nor ratify hastily what we may never undo! How long have we rioting in liberty cultivated the ideas that each state should be a sovereign power, and that its laws should not be controuled? How long have we seen a succeeding law abrogating a former one, as the prevalence of party, or the gust of passion[3] influenced our assemblies? How long I say have we seen treaties unattended to, recommendations from congress unavailing, and their laws contracted by the operations of the state legislatures?

And after these sad events shall we still foster the wild ideas of liberty, which teach us to give up as little as possible of our power, to influence the spring of our confederated government? No: with a generous effort let us shake off our libertinism, and wish only to be free so far, as well regulated laws will permit and defend. Inconsistent is it to have one sovereignty within an other, or that more power should be vested in a part, than is consistent with the union and welfare of the whole. Hence the excellence of our new plan of government shews itself, as taking away the ensigns of royalty from every state, and leaving them only powers which are useful and beneficial. But even in this way of thinking let us not be too generous, for by giving to others too much, we shall make them haughty and overbearing. With a jealous eye are we to observe the proposed president in the resolves of the convention; as one who will be possessed of power, royalty, and interest. The name of king, to be sure he will not have; but many of his qualities will be inherent in him. As commander of the army and navy of the United States, we see him invested with great power. Power which in the hands of a good man will be respected, but in those of a bad one will be feared.—During the recess of the senate he is allowed to fill up all vacancies, by granting commissions. This is what if perverted may be attended with serious consequences. And in particular cases he is allowed to adjourn both houses to an indefinite time. After this, is it to be doubted, whether he shall be eligible when his term of four years shall be expired? Reason and experience forbid it, then let your determinations be fixed accordingly. It may be objected by some, that the resolves of the federal convention, do not say that he may be eligible again. But do they say that he shall never enjoy the office but once? This is not mentioned: he *may* enjoy it for his life, he *may* transmit it to his children—when I take a view of past transactions, and adapt them to our present times, my mind informs me that the present crisis demands our most serious consideration. When I consider what is now agitated in Europe, I am to believe that my fears are not badly founded. Thrice happy people if your government be regulated by reason and experience, by rectitude and patriotism! If no ambition be admitted into your councils, but a laudable emulation acting towards the general good—Then shall we see each day productive of some good, and each year strengthen the sinews of the commonwealth. Then shall we see America rise triumphant, and shine with unborrowed splendour—When Rome was so governed, when merit was the guide to offices, and a jealous patriotism reigned throughout each breast; then conscious of her own importance, she was happy; and respected around, she was proclaimed the mistress of the world. We see at that time, no offices of

importance (except the dictatorship) were made; but what were restricted in time. The consulship and the tribuneship, those bulwarks of Roman liberty, and springs of Roman actions were confined in duration: and the highest Roman office (the consulship) which was amenable to the laws, was allowed to be possessed only for one year. That jealousy which we should have, and which then the Romans had, would not suffer them to put it in a man's power to be dishonest; would not lull them so much, as to permit their country to be ruined. For many reasons they would only have consuls, from year to year. Should they continue them longer, they feared that their interest and power encreasing with their duration of office, would in the end be subversive of their own liberty. On the other hand, should, they be eligible only for a small time; they imagined the consuls could not have leisure to act against their country: but their desires would be to excell each other, and thereby act for the general good. And as long as Rome was governed by Consuls, so long did she continue to rise in power and reputation. So long did dictators who were even superior to the laws, not forfeit the trust reposed in them. For they were actuated by honor, and restricted by shame. But as soon as a decree of the Senate suffered a Dictator to be perpetual, we see a Cæsar arise; enslave his country, and trample upon those whose credulity he had imposed upon. Suffer me now to return to our present situation; suffer yourselves to think unprejudiced of the matter before you. And surely you will conclude that the office of President should not continue longer than four years.—But then shall he not be eligible again? By no means—It has been urged already, and it may be so again; that if he be re-eligible, it will be an incitement to good behaviour. Futile is that reasoning which tends to advance that only one, or a few, are fit for the office. America indeed would be poor, if for every year in a century, she had not a different citizen deserving of the presidentship. Should he be eligible for life, or during good behaviour; what room is there left for men equal to him in abilities or integrity, to hope they may arrive at that office? And certainly in a republic, there should be a free access to every high station. It is a right each individual has to exact, because he supports and defends the constitution by which he is governed. Ungenerous is it in that mind which wishes to grasp every honor, impolitic in those who wish to confine them to a few. If a President by the constitution which we are about to make, should be re-eligible; does not the rashness of the design, strike every thinking observer? He may be a good man, and may extend his country's glory: but an end must be put to his career, and if nothing else can, death certainly will. Then if he should not have fixed his power in his family, as I have said may

happen: yet a new election which must follow, would probably cause great convulsions; because great interest would be made to attain to an office, which might be enjoyed for life—If we but turn our eyes to the government of Poland, we will see that the openings given for commotions after the demise of her King, are great, and much to be feared. We will see that whole kingdom, then divided into parties; which are equally impelled by interested motives, and wandering from the line of rectitude and patriotism. We will then see, her blood and strength exhausted: not in the prosecution of her own interests, but in basely forwarding the views of surrounding powers. If we turn them from thence to the United Provinces, we will *now* see them involved in tumult and confusion: we will *now* see sad effects arising from the cause, of continuing an high officer in his power. We will see him striving to encroach upon the people his constituents, and them endeavouring to bind him faster than he now is—If the President shall hold his office for four years only, and never again: then shall we see each man obey his proper calling, and every thing be placid and serene. He who is chosen will be happy, because he is not envied; and they who have chosen will be also content, because they may arrive to the same station. We shall then see a laudable emulation, predominant among us; and every new Presidentship swell the annals of our country's fame—But that we may view in a proper light some powers of the President, let us revert to the 3d section, of the 2d article, in the proposed constitution. There we will find his unlimited power in adjourning both houses when they disagree "to such time as he shall think proper." A power which when misused will be productive of the most fatal consequences. And to believe that the case of disagreement may not happen, that the members of either house may not be influenced; is to leave ourselves open to a slight contingency. Is to imagine that mankind are not the same at present, as they were eighteen hundred years ago; or that greater patriotism is vested in Americans, than in any other race of men—After Cromwell had in a great measure broken the springs of British government, was not the adjournment of Parliament, *sine die*, the stroke by which he effectually trampled upon the liberties of Great-Britain?[4] And shall we, when our President is to be possessed of this power by law, add still to his authority, by permitting him to be *long* in office? I trust my friends, that this will not be the case. I trust that the fear of our own misery, the hope of our own exaltation, and the experience which we have gained from the calamities of others, will so influence our councils, and determine our opinions; as that the reason of what has been advanced, will be evident and alluring—Then shall we see our President, enter upon his office with satisfaction. And as the rising sun adds joy

to the creation, so shall his commencement extend the rays of happiness upon all men: and his career be not only productive of honor to himself, but serve that empire for whose welfare he was exalted.

1. On 17 November, the editors of the Charleston *City Gazette* reported "*Notwithstanding* CATO*'s angry epistle, the printers still continue of opinion, that they have no right to lay before the public insinuations against characters, without knowing from what source they originate. To act otherwise, would render the* liberty *of the press* licentiousness." For a reply to "Cato," see "Mæcenas," *State Gazette of South Carolina*, 6 December (RCS:S.C., 51–54).

2. Latin: "We have come to the ultimate limit. There are no resources from which we may renew our strength." Cicero, *Pro L. Murena Oratio.*, xxxix, 84.

3. See "Cato," *State Gazette of South Carolina*, 10 December, at note 3 (RCS:S.C., 55).

4. Oliver Cromwell dissolved the Rump Parliament on 20 April 1653.

Philadelphia Independent Gazetteer, 27 November 1787

A correspondent informs us, that a gentleman of veracity who arrived here (from Charleston) last Friday on his way to New-York, brings the following intelligence, viz. That trade is now in a very good way there, and that though great quantities of rice and indigo is raised, yet such is the demand from foreign markets for these articles, that they bare a great price; for before the war the price of rice was but six shillings their currency (which is near sterling) and now it brings from twelve to fourteen shillings per cwt. which is more than double; and that they had received the new constitution—that their newspapers had been employed this some time past by foreign and domestic essays against it—and that it was not expected that a convention would be called till May or June, and that only for revising and amending it—as it had few advocates of any consequence in its present shape.

Henry Laurens, Sr., to William Bell
Mepkin Plantation, 29 November 1787 (excerpt)[1]

. . . Is it you my friend who have paid me an unmerited Compliment in the News paper respecting my Sentiments of the new fœderal System?[2] It would not have been so if I had added a few words which were upon the point of my Pen, "*but the whole requires a serious Revision.*"

According to that System, two houses are necessary to pass a Law, & the President is authorized to interpose his objections, why should We rashly embrace the System itself, the operation only of one House? None of your writers I think have remarked that the Delegates are exempt from being amenable for their conduct, at their respective Courts, this in my humble opinion is a great Blemish. I have much more to say on the Subject, but won't trouble you; don't advertise me again—Little harm or little good can the System do to me as an Individual, I am

hastening out of its reach, my wishes are for posterity, yet I acknowledge the System is an "*Improvement,*" upon the present Confœderation, I do not see all the Bugbears in it which some of your writers have depicted, nevertheless in a work of such vast Importance, 'tis our duty to proceed with cautious & wise deliberation. . . .

1. FC, Letterbook, 16 July 1785–7 December 1787, Laurens Papers, ScHi. Printed: Hamer, *Laurens,* XVI, 744–46.

2. See Laurens to Bell, 11 October (RCS:S.C., 12).

Letters from Charleston, 3, 4 December 1787[1]

Extract of a letter from a gentleman in Charleston, South-Carolina, to his friend in this city, dated December 3, 1787.

"The fœderal system, as it has been just presented to us, meets with general approbation, though several pieces have appeared in the newspapers against it. I shall, in common with the most worthy and respected part of the citizens of this state, most sincerely rejoice at the adoption of a form of government, calculated to preserve the states from certain ruin."

Extract of another letter from the same place, dated Dec. 4, 1787.

"I am glad to hear that you are disposed to adopt the new government in your and the adjacent states. I am not much of a politician, but my anxiety for the prosperity and happiness of my country leads me to wish sincerely that the system, in its original form, may be adopted in *toto* by all the states. South-Carolina, I trust, will not hesitate. Very little is said against it here, but by such as we regard as the rotten part of our community, and God knows we have too many of that worthless unprincipled tribe amongst us, who no doubt are secretly devising mischief in their dark and hidden places. They have not, however, as yet had either the candour or effrontery to avow themselves before men who live and move in open day-light."

1. Printed: *Pennsylvania Gazette,* 2 January 1788. Both letters were reprinted in the *Pennsylvania Mercury* on 3 January, and again on 7 February; *Maryland Journal,* 8 January; and Annapolis *Maryland Gazette,* 10 January. The first letter by itself was also reprinted in the *Virginia Journal* on 29 January.

Charleston Columbian Herald, 3 December 1787[1]

Extract of a letter from Dorchester. S. C.

["]I have the pleasure to inform you, that a gold mine of extraordinary richness has been lately discovered, one hundred miles west of

the city, by a gentleman of the faculty.—Several experiments, have already been made on the ore, and each process has hitherto proved successful beyond the most sanguine expectation.—It is remarkably ponderous, of a black colour, and exhibits an infinitude of shining particles; & if we may judge from recent experience, will yield seventy-five pounds of gold from one hundred weight of ore.

"The discoverer is a gentleman of resplendent professional eminence, from whose generosity there is every reason to presume that this grand source of opulence will diffuse its salutary influence throughout the community.—What an advantage will not America derive from this unexpected blessing?

"It will prevent war and carnage, and eventually be the means of consolidating the union into one indissoluble mass of empire.

"Our warriors will have no occasion to disturb the tranquility of South America, to sack and storm towns in quest of fame and plunder, when they can acquire both without toil or danger. Those persons, who from sordid motives of interest, oppose the Federal Constitution, will now dwindle into silence.—The mouth of *CENTINEL*[2] shall be *locked* with a *Golden Key*—and the *poor, unfortunate, half-starv'd scribler,* who writes under the signature of *PH[I]LO-CENTINEL,*[3] shall be *no longer Pennyless.*"

1. Reprinted in nineteen newspapers by 29 January 1788: Vt. (1), N.H. (2), Mass. (8), Conn. (3), R.I. (1), N.Y. (3), Md. (1). The *New Haven Gazette,* 10 January, reprinted only the first paragraph.

2. For the circulation of "Centinel" in South Carolina, see Margaret Izard Manigault to Gabriel Manigault, 12 November, note 3 (RCS:S.C., 40).

3. No article signed "Philo-Centinel" has been found in the extant issues of Charleston newspapers before 3 December. For a later piece under that pseudonym, see "Philo-Centinel," Charleston *City Gazette,* 5 January 1788 (RCS:S.C., 65–66).

Mæcenas

State Gazette of South Carolina, 6 December 1787[1]

To be or not to be?
That is the Question![2]

Whether the new constitution is to be adopted is the present topic of conversation, and the doubt is whether it sufficiently secures to the citizens of America their liberties—several writers have lately appeared against it, and I must acknowledge they have displayed great ingenuity—but ingenuity is not argument, and false reasoning, however varnished over with wit, is false reasoning still.

I mean at present to take into consideration the production of a writer[3]—who in a very long and elaborate essay, has endeavoured to

prove that the powers of the intended President General are too extensive—he admits the necessity of a fœderal government and the excellency of the new plan, but, he says, he considers with a jealous eye the President who is to be cloathed with *Power, Royalty*, and *Interest*.

That the intended President is to be invested with some Power and Interest is beyond all doubt, and the necessity of it is as evident—but that he is to be cloathed with the Robes of Royalty I totally deny, and any man who reads the constitution must be evidently struck with the falsity of the assertion—To determine this point, let us enquire, What is the principle of Monarchy? The celebrated Montesquieu says "it supposes Pre-eminences, Rank, and likewise a Noble descent."[4] Is this the language of the constitution? Does it admit of Pre-eminences, Ranks, and Noble Descents? Does it not, on the contrary, expressly declare in the 9th Sect. of the 3d Art. That no title of Nobility shall be granted by the Congress, and no person holding any office under Congress shall accept any title from any foreign King, State or Empire;[5] if it does, (and I refer every reader to the constitution itself) how contemptible must the insinuations of those men appear to the Freemen of Carolina! but says CATO, "during the recess of the Senate, he is allowed to fill up all vacancies—by granting commissions"—but the commissions are to expire at the end of the next Session of the Senate, which he has not mentioned—that this is a power too extensive, is to me most extraordinary—if an officer dies during the recess of the Senate—Who is to appoint his successor? Must this office remain unexecuted till the meeting of the Congress, merely because the President may make an improper choice? or can the serious consequences which he mentions, be put in competition with the confusion and disorder which would otherwise ensue? "And in *particular cases* (says the same writer) he may adjourn the House to an indefinite time." It would have been more candid if he had mentioned the particular cases—for my part—I have read the constitution with attention, and can find but *one case* in which the President has this authority, i. e. In case of disagreement between the two Houses with respect to the time of adjournment—and if this power was not vested in some body—there would be no one to determine the controversy between them—the necessity of such a Power must appear evident to a judicious observer.

Frequency of election is the great preservative of the people's liberties—whether the President is eligible or not, at the expiration of four years—is totally immaterial, if the people have it in their power to displace him if they think proper—he says *Reason and Experience* convince us of the contrary, and in proof of his assertion, produces the

Stadtholder of the United Provinces—*an hereditary Prince*, the total dissimilarity of the comparison is so striking that it needs no comment—but says CATO, he may transmit it to his children, he *may* enjoy for life; this puerile argument deserves a puerile answer, *The Sky may fall, and we shall catch Larks.*[6]

To shew the dangerous consequences that will ensue from the President's being vested with the power of adjourning the two Houses to what time he thinks proper, he brings forward *Oliver Cromwell*—I have already shewn that the President has this power only in *one case*—how the gentleman meant to apply the case of Cromwell to the one under consideration, I cannot possibly discern—The parliament had driven the King from the Throne, then had demanded conditions, which would have been dishonorable for him to have complied with[7]—they raised a numerous army, and appointed Cromwell their General—after the murder of their Sovereign, this man, by the force of arms, took the government into his own hands—Virtue is the principle of a Republic—but at that period the people were totally devoid of it—In proof of this, I will refer you to Montesq.—Spirit of Laws. P. 21.—"A very curious spectacle it was in the last century to behold the impotent efforts the English made for the establishment of Democracy, as they who had a share in public affairs *were void of all virtue*, as their ambition was inflamed by the success of one of their most daring members—(Cromwell) as the spirit of faction was suppressed only by a succeeding faction, the people amazed at so many revolutions, sought every where for a Democracy, without being able to find it, at length, after a series of tumultuary motions and shocks, they were obliged to have recourse to the very government which they had so odiously proscribed."[8]—But in America, which is composed of several confederate Republics, 'tis next to an impossibility, that such a case should happen—I shall give the same author, p. 134.—"This form of government (a Confederate Republic) is a convention by which several small Estates agree to become members of a larger one, which they intend to form—If a *single member* should attempt to usurp the supreme authority, he could not be supposed to have equal authority and credit in all the confederate Estates, were he to have too great an influence over one, this would alarm the rest; were he to subdue a part that which would still remain free, might oppose him with forces independant of those which he had usurped, and over power him before he could be settled in his usurpation."[9]—

From what I have said, I think 'tis clear the intended President will have no powers but which are essentially necessary for the executive

department. Let the Americans be virtuous—let them be firm supporters of Republicanism—let them have confidence in their representatives—then their Liberties will be secured to them, and peace and prosperity will ensue.

1. Reprinted *New York Morning Post*, 12 January 1788. The *State Gazette of South Carolina*, 3 December 1787, reported "The piece signed MÆCENAS is received, and will be inserted in our next."

2. William Shakespeare, *Hamlet*, Act III, scene 1, line 55.

3. See "Cato," *State Gazette of South Carolina*, 26 November (RCS:S.C., 44–49).

4. Montesquieu, *Spirit of Laws*, I, Book III, chapter 7, 36.

5. "Mæcenas" is paraphrasing Article I, Section 9, which reads: "No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State." "Cato," *State Gazette of South Carolina*, 10 December (immediately below), criticized Mæcenas for not including the phrase "without the consent of the Congress."

6. An English proverb that appeared in print as early as 1546.

7. The Nineteen Propositions presented to Charles I in 1642 would have stripped the king of many prerogative powers. The rejection of the Nineteen Propositions by Charles I led to the English Civil War.

8. Montesquieu, *Spirit of Laws*, I, Book III, chapter 3, 29. Montesquieu refers to the restoration of the English monarchy and House of Lords in 1660.

9. Montesquieu, *Spirit of Laws*, I, Book IX, chapter 1, 185–87.

Cato
State Gazette of South Carolina, 10 December 1787[1]

Having already made some observations upon the resolves of the Federal Convention, I hoped to have rested in tranquility. The truths which I spread forth to the general view lately, were self-evident; and do not call upon me now to defend them. So that in vain should Mæcenas attempt to draw me forth into action, or his weak insinuations provoke me to a reply; were I not prompted to take notice of his opposition, more by what the Public might imagine by my silence, than the fear that his arguments had done away my positions, or that his aspersions would rest with generous breasts. When I saw so respectable a Signature in a paper to day, I cannot but confess that

> ————. *Jure perhorrui*
> *Late conspicuum tollere verticem,*
> *Mæcenas equitum decus!*[2]

I was afraid lest I had left myself open to the confutations of so shrewed a Judge, or advanced doctrines not tenable, when opposed by so great an observer of mankind—However, after having run his scribling over,

I am led to believe, that his hopes will be compleatly frustrated; and his work, like the baseless fabrick of a vision, pass away, without any good thing to recommend it, besides an empty name. He says "he means to take into consideration the production of a writer, &c." Have his reasonings tended to do away the main point of that writer's address, (viz.) that the President should not be re-eligible? Or have they only shewn a malevolence, which cannot be pardoned, although it may be overlooked? Are his arguments pointing to one mark, or are they wandering and unconnected?—He opposes Cato, but he asserts that "Frequency of election is the great preservative of the people's liberties." How contradictory then is he to himself? Cato has written for no other cause, than to investigate the nature and consequences of elections; and to prove by conclusions drawn from good premises, the impolicy of re-electing the President.—But it is asserted, that "Virtue is the principle of a Republic." In Plato's imaginary one, perhaps such an assertion might have had its weight; but in other Republics, and in modern times, I deny that Virtue alone is adequate to tumultuous operations—I say that mankind are more actuated by the fear of punishment, than the hope of reward; consequently that laws inflicting penalties, and providing against exigencies, are more forcible, than sweet allurements to the general good. Even supposing that the present age were entirely virtuous, and patriotic; are we to rest so supine with that conviction, as to pay no regard to the calls of posterity? Much has been done already, to snatch us from the oppressions of a Tyrant; but still a great deal is unfinished. We are obligated to defend to our children, by our wisdom, what we have gained by our valour; and to hand down to them a well regulated government. If we let slip this opportunity, and do not protect our constitution from every advantage being taken of it, in a future day we will surely repent our folly. We will see what a miserable thing it is when a law is vague and improperly penned. And as a learned Marquis expresses himself, we shall not enjoy the benefit of being governed by the letter of the law, but be led along according to the prevalence of faction, or the gust of passion.[3] And I dare assert, that although the other parts of the intended constitution be wisely determined; yet if the Presidentship be heedlessly attended to, as trusting to virtuous Citizens, and he be re-eligible; if ever America be enslaved by any fault in her constitution, it will be by the ambition of a President.

It is denied, and that *boldly* by my opponent, that the President would be cloathed with the robes of Royalty—Well may he deny, what has never been asserted—If Cato said that he would be possessed of Royalty, he afterwards informed the Public how he would be understood.

He pointed out regal qualities with which the President would be invested, and so far he would be cloathed with Royalty. But in order to give some colour to his assertions, Mæcenas has quoted Montesquieu, and shewn the shallowness of his reasoning. Truth is ever apparent, it requires no borrowed garb, no authorities to support her intrinsick grandeur; but falshood ever resorts to what she thinks will protect, and which in the end, like an ungrateful friend, will desert her when she has most need of assistance. The proper definition of Royalty is "the administration of certain powers appertaining to the most exalted station," and whoever possesses any of these, is possessed in a greater or less degree of Royalty. But my oppugner says "that no title of nobility shall be granted by the Congress, and no person holding any office under Congress shall accept any title from any foreign King, State, or Empire." As he has given me permission, I will refer, and beg him to do so likewise, to the 9th Sect. of the 1st Art. of the resolves of the convention: where he will find there is still an opening for dignities and titles *with the consent of Congress*, which he has artfully skipped over, and forgotten to mention.[4] When a writer of this sort steps forth, giving one half of the Text he comments upon, and suppressing the other if it be not for his purpose; are we not to conclude that his intent is more to puzzle with opposition, than to convince with fair reasoning? Are we not to imagine that his desire is more to thwart public measures, than to be actuated by generous motives to the public weal? With regard to what Cato advanced in a former paper, what was the end he had in view? Was it not proving the dangers attending the re-election of a President? Has Mæcenas by his false conclusions, and badly applied arguments, weakened his reasons tending to that point? No. As waves following waves are nevertheless broken, and turned aside by the opposing rock; so have all Mæcenas's arguments been foiled by truths, and his every effort rendered feeble, and ineffectual. His writing is half filled up with quotations, which prove nothing even in his own favor: And his conclusion takes away even what ground he might have gained: for it shews that he did not know what he intended to confute. And he finishes with saying, "that from what he has said, the President will have no powers, but which are essentially necessary for the executory department." Is it not distressing that I must inform this new warrior in the lists of opposition, that Cato never opposed any of the President's powers; for he saw that an officer without power, would be *corpus sine capite*.[5] His only endeavours were to set forth those powers, in such a light: as to persuade his countrymen of the necessity of restricting the President in the enjoyment of his office. It was to that point his whole attention was bent, and there he hopes now to come off victorious. So

that notwithstanding his opponents thoughtful motto, and asserting style; his solecisms and his sophistical reasoning, he has wandered from his mark, and *Parturient montes, nasutur-ridiculus mus.*[6]

Of the Public, now do I take my leave; hoping that I have advanced nothing, which modesty did not dictate, and patriotism support. And trusting that if any thing unguarded may have escaped me, it will be imputed to the impetuosity of passions eager to advance my Country's good; than to any sinister views, which can never find a resting place in the breast of CATO.

December 6, 1787.

1. "Cato" responds to "Mæcenas," *State Gazette of South Carolina*, 6 December (immediately above), who had responded to "Cato," *State Gazette of South Carolina*, 26 November (RCS:S.C., 44–49).

2. Latin: "Maecenas, good knight, the more a man denies himself, the more the gods will give him." Horace, *Odes*, Book III, Ode 16, lines 18–20.

3. *Memoirs of the Most Renowned James Graham, Marquis of Montrose, Translated from the Latin Of the Rev. Doctor George Wishart . . .* (Edinburgh, 1756). "Gust of passion" appears on page 204. James Graham, Marquis of Montrose (1612–1650), was a Scottish nobleman and soldier who initially opposed and then supported King Charles I during the civil wars in Scotland in the 1640s.

4. See "Mæcenas," *State Gazette of South Carolina*, 6 December, at note 5 and note 5 (immediately above).

5. Latin: "A body without a head."

6. Latin: "The mountains will be in labor, and a ridiculous mouse will be brought forth." Horace, *Ars Poetica or Epistle to the Pisos*, line 139.

Drousea

State Gazette of South Carolina, 10 December 1787

MRS. TIMOTHY. I will be obliged to you for inserting the following Act of Parliament[1] for establishing free ports in Jamaica, Grenada, Dominica, and New-Providence; the attentive reader thereof must be struck with the great care that is taken to exclude the United States from any benefit of these free ports. The words, *Any Foreign, European Sovereign or State, and Colonies or Plantations in America, under the dominion of any Foreign, European Sovereign or State*, are carefully inserted in almost every enacting clause on purpose to make a distinction between the citizens of the United States, and all other inhabitants of Europe and America. The well known policy of Great-Britain towards these infant states, points out the wisdom of our adopting such an efficient federal government, as will put it in our power, to retaliate for such invidious discriminations. At the same time, we must lament our own folly in treating extensively with a country so inimical to our navigation, without our having first secured some equivalent advantages by a liberal commercial treaty.

1. The *State Gazette* published the text of the 1787 British "An Act for allowing the importation and exportation of certain goods, wares and merchandize in the ports of Kingston . . . under certain regulations and restrictions" immediately following this piece. The act lifted restrictions on the West Indian trade for most products except for American vessels, which were still prohibited under the British Order in Council of 2 July 1783.

Philadelphia Independent Gazetteer, 14 December 1787[1]

⟨*Extract of a letter from a gentleman in South-Carolina, to his friend in this city,*

"Do send me every curious print and paper respecting the new government. There exists not a single doubt but that in this state it will be adopted, as well as in those of Georgia and North-Carolina. The conventional system has, in my opinion, but ONE GREAT and ESSENTIAL DEFECT in its frame; and it appears to me, that this very ESSENTIAL DEFECT was overlooked from DESIGN. This defect is, that THE SACRED LIBERTY OF THE PRESS remains without any constitutional *federal* protection;⟩[2] so that should a citizen write, as he now has a right to do, against any unconstitutional or despotic exertion of the *legislative, executive,* or *judicial* powers (blended and complicated as they are) of the new Congress, or of their *General President,* the *writer,* as well as the *printer* (should he be base enough to betray the secrets of his business) becomes instantly amenable, not to the *local* laws of his own state, which have no cognizance of *federal* delinquencies, but to those of a *partial* and *interested* FEDERAL COURT, which, in this one point, has no law to restrict the TYRANNY of their sentence.

"Another defect is, that against *supposed* federal imprisonments, the benefit of an *habeas corpus* has not been provided."

1. Reprinted: *New York Morning Post,* 21 December; Poughkeepsie, N.Y., *Country Journal,* 26 December; Richmond *Virginia Gazette,* 29 December. The *Salem Mercury,* 1 January 1788, reprinted all but the first two sentences of the first paragraph under the heading "LIBERTY OF THE PRESS."

2. The text within angle brackets was reprinted in the *Massachusetts Centinel,* 29 December 1787; Boston *American Herald,* 31 December; *New Hampshire Spy,* 1 January 1788; and Portland, Maine, *Cumberland Gazette,* 3 January.

Pierce Butler to Simpson and Davison 26 December 1787 (excerpt)[1]

. . . You have doubtless seen our deliberations at Philadelphia. How is it liked in Britain? I am certain it will be adopted in the States. If I may be allowd to offer an opinion on the subject, it is in my judgement better suited to our situation than any of the constitutions of Antient or Modern Republicks[.] If carried into effect it will insure tranquility

at home, and Respectability from abroad. Our Legislature are to meet early next Month[.] I think they will agree to call the convention. What other business Our Governor may have to lay before us I am a stranger to, as I have scarce been in the Town since my return to the state.

1. FC, Letterbook, Pierce Butler Papers, PHi. The letter contains no information on where it was written, but was possibly written at Mary-Ville, Butler's plantation on the Ashley River in South Carolina. London merchants Crawford Davison and his nephew John Simpson (d. 1803) were partners in the firm of Simpson & Davison.

Jean-Baptiste Petry to Comte de Montmorin
Charleston, 26 December 1787 (excerpt)[1]

. . . Everyone here, sir, is keeping the greatest silence on the new Constitution. The opposition waits to reveal itself only to gather a sufficient number of supporters to succeed and, does not want by showing itself to become excluded from the convention of the people, the tribunal to which it is to be submitted. The 8th of next month the legislature is to assemble; then the partisans of this Constitution will possibly compel the opposers to offer their objections.

A new issue of paper money, an extension of the law which fixes the periods for payment of debts, as well as the repeal of the clause which prohibits the importation of Negroes are the big matters which will likely be brought forth and discussed in this legislature. The probability of the ratification of the new Constitution will clear up a great number of difficulties which the motions will likely be met with. . . .

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 372, Charleston, ff. 258–60, Archives Nationales, Paris. Montmorin (1745–1792) was France's Minister of Foreign Affairs and Minister of Marine.

Editors' Note
The South Carolina Reprinting of George Mason's Objections to the Constitution, 27 December 1787–7 January 1788

During the two months after the Constitutional Convention adjourned, manuscript copies of George Mason's objections to the Constitution circulated in Pennsylvania, New York, Virginia, and New Hampshire. Mason himself was largely responsible for the dissemination. (For a more detailed description of the circulation and impact of the manuscript copies of Mason's objections, see CC:138.) To offset the influence of the objections, Federalists decided to publish them so that the general public could read them and Federalists could publish their own replies. On 21 November the staunchly Federalist *Massachusetts Centinel* printed the objections, which had allegedly been obtained from a New

York correspondent, to gratify the public and to demonstrate that freedom of discussion and investigation was not being restrained. The *Centinel's* version omitted a paragraph attacking the Constitution for allowing a simple majority of Congress to enact navigation laws and arguing that this was detrimental to the Southern States. The paragraph was later printed in the 19 December issue of the *Centinel*. The version printed in the Alexandria *Virginia Journal* on 22 November included the paragraph.

The *Massachusetts Centinel* version of Mason's objections was reprinted in South Carolina in the Charleston *Columbian Herald*, 27 December 1787, and the *State Gazette of South Carolina*, 7 January 1788. "Caroliniensis" commented on the objections in the Charleston *City Gazette* on 11 January (RCS:S.C., 67–71). For the text of Mason's objections and a discussion of their publication history, see CC:276.

John Kean to Susan Livingston Kean
Beaufort, 3 January 1788 (excerpt)[1]

. . . I feel myself at a loss how to determine, should the appointment take place that we hoped-for by accepting it perhaps I might throw myself out of the representation[2] & thereby lose a permanency & on the other hand I doubt whether the allowance to the representatives will be such as to make it worth acceptance & it cannot possibly take place allowing that nine States accede to the New government in a shorter time than twelve months, which will ill accord with the present state of our finances. . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. Kean began the letter on 25 December 1787 and continued on 3 and 7 January 1788.

2. See Kean to Susan Livingston Kean, 25 November 1787, note 2 (RCS:S.C., 44).

Caroliniensis
Charleston City Gazette, 3 January 1788[1]

Messrs. Printers, It does not a little serve to illustrate the excellence of the new federal government, to observe the weakness of the arguments that are made use of against it. Even Centinel,[2] the mighty battering ram of the opposition in Philadelphia, has attempted arts that are unworthy of him. In his third number[3] is a pitiful address to that respectable body of citizens called quakers; and his only argument with them is that, in the federal government, *they* will be but a *dust in the balance*, whereas, they are now a very important weight in the political scale of Pennsylvania. Suppose he had said, it will be improper to adopt

this new plan of government, because under it there will not be so many places of profit for needy expectants, and posts of honor for the ambitious, as there are under our present system; would not the argument have had equal weight? And yet no person, in his senses, would call it reasoning upon the propriety or impropriety of adopting it. But the insinuation is false: for the quakers will not only retain their influence and importance in the state government of Pennsylvania but, as there will be no religious test, they will have weight, in proportion to their numbers, in the great scale of continental government.[4] It is a striking mark of the enlightened and liberal views of the legislators of the present age, that there is no religious test whatever in the proposed plan of government. We have at length learned this important truth, that the liberty of thinking for ourselves in matters of religion is an unalienable right, and that to attempt to controul the consciences of men is invading the prerogative of the deity.

The cause of the Centinel's opposition to the proposed government has at length transpired—he is against any confederation whatever. The truth of this assertion will appear to any one who will take the pains to look over the last clause of his third number. It was what I before suspected—it is now fully proved. I have not that writer's essays now by me, but if my memory serves me, I think he asserts that he could draw arguments, to prove his position from the opinion of some of the greatest writers, &c.[5] Since authorities are deemed of so much importance, I beg leave to quote the opinion of as respectable an authority in favour of a confederate republic, as any that can be produced against it. Montesquieu in his spirit of laws, after observing the danger to which republics both small and great are exposed, adds, "It is therefore very probable that mankind would have been at length obliged to live constantly under the government of a single person, had they not contrived a kind of constitution that has all the internal advantages of a republican, together with the external force of a monarchical government. I mean a *confederate republic*. This form of government is a convention, by which several petty states agree to become members of a larger one, which they intend to establish. It is a kind of assemblage of societies, that constitute a new one, capable of increasing by means of further associations, till they arrive to such a degree of power, as to be able to provide for the security of the whole body. A republic of this kind, able to withstand an external force, may support itself without any internal corruption; the form of this society prevents all manner of inconveniences."[6] Had the learned Baron been inspired with the spirit of prophecy, he could not have written more pointedly in favor

of our proposed plan of government. But he goes on further, and furnishes us with a proper answer to those who are afraid of the powers of the president. "If," says he, "a single member should attempt to usurp the supreme power, he could not be supposed to have an equal authority and credit in all the confederate states. Were he to have too great an influence over one, this would alarm the rest; were he to subdue a part, that which would still remain free might oppose him with forces independent of those which he had usurped, and overpower him before he could be settled in his usurpation. Should a popular insurrection happen in one of the confederate states, the others are able to quell it. Should abuses creep into one part, they are reformed by those that remain sound. The state may be destroyed on one side, and not on the other; the confederacy may be dissolved, and the confederates preserve their sovereignty. As this 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 possesseth all the advantages of large monarchies.["][7] Can any thing be more clear & explicit; or can any thing be more agreeable to experience and the nature of things? I have given, not a single sentence or part of a sentence, from this author, but the substance of one whole chapter written expressly upon the question, in what manner republics provide for their safety. So far *authority* is in favour of such a government. But further, our peculiar situation, in a special manner, demands it.

States are safe from invasion, not more from their positive strength with regard to numbers, &c. than from their relative situation. The Peruvians, before they were visited by the Europeans, owed their safety chiefly to their situation, seperated, as they were, by the almost impassable Andes, from the Mexicans, the most powerful and war like nation besides in America. And this, by the bye, I conceive to be the true cause of their ignorance in the art of war, and can, therefore, be no argument of their want of civilization. They were but little acquainted with the art of war, because they had no powerful neighbours to contend with; and yet they were as safe, and much more happy, than as if they had kept up a standing army of five hundred thousand of the best disciplined troops in the world, till the invasion of the Spaniards. Upon the same principle, suppose the United States to form but one nation, and have one common interest, we should be almost wholly safe from invasion, even without a standing army, because we should have no powerful neighbours to fear. The British dominions on this continent are so remote, and their strength so inconsiderable, that we should have little to fear from that quarter; and from the Spaniards, our southern neighbours, we have still less to fear than from the British.

The strength and resources of both those nations lie at such a distance, that no great preparations could be made against us, without our having information of it in time to prepare for an attack. And as for their quarrels in Europe, we should have nothing to fear, but much to hope from them. Thus happily situated, at a distance from external danger, and united under a *free*, but *efficient* government, we may be safe without the expence and danger of a standing army, that European barometer of power, that enemy to liberty, industry and morality—For, as the militia will ever be the bulwark of this country, our peace establishment will be so small as not to merit the name of a standing army.

Let us now reverse the picture.—Let the states crumble to pieces and form a number of separate governments, and what will follow. Our strength being thus divided, we shall separately fall a prey to some powerful foreign invader, or, what is still more to be feared, to our stronger neighbours; or we shall be formed into one government by conquest, since we would not unite by voluntary compact. It will not then be left to our choice, as it now is, to adopt what government we please—we must accept of one imposed upon us by a conqueror, be it ever so tyrannical or despotic. But suppose we should form, and for a time preserve, a number of distinct governments, we shall create for ourselves, and of ourselves, an exactly equal number of enemies, who must always be in the neighbourhood of each other: and then, like the different powers of Europe, we shall, from our situation, be continually exposed to invasion; and, like them, we must maintain a standing army, to be always ready to repel force by force. We will for a moment suppose, and it is a very reasonable supposition, that Virginia, being a separate government and totally unconnected with us, should suddenly invade North-Carolina—would it not be an easy business, in one campaign, to overrun the whole of that country, so easy of access as it is on every side? Surely, none will deny it and to say they will not, is saying nothing—For mankind are the same in all ages and in all countries. As the different governments would have different, and perhaps opposite interests, it is unreasonable, and contrary to universal experience, to suppose that they would long continue to live upon friendly terms, merely because they were originally united. England and Scotland could never remain long at peace till they were united under one government. What was the reason of this? I believe it was owing primarily and solely to their relative situation. And so it will be with the different governments similarly situated on this continent. Pennsylvania and Maryland will be friends no longer than they are united under one government, and connected by one common interest: and the weaker, in this case, must always fall a sacrifice to the stronger.—How then

should we live in safety, separated into so many distinct governments? To be as safe and happy, as if united, would be impossible—But in order to be in a capacity to protect ourselves against such near neighbours, we must adopt the European policy of eternally keeping up a standing army. Where a line only, without any natural barrier, divides the territories of different states, very trifling causes will often lead to serious quarrels; and standing armies are generally the principal or only peace makers. This is the case in Europe, and this would be the case on this side the atlantic, should the confederacy be dissolved. Some strong connecting bond of union alone can make us, as a nation, respectable, safe and happy.

I purposely omit to mention many important advantages which all expect, and have a right to expect, from the union—I have only given these few hints to shew, that we cannot be safe from foreign invasion, nor even from ourselves, but by a confederation. The foregoing remarks apply equally to all the states in the union, but it is particularly the interest and policy of the three southern states to accede to the proposed federal government.

We must be sensible that if seperated from our northern neighbours, we should be too weak to withstand a powerful invader. We have not yet acquired the strength and firmness of age. This country is still in its infancy, with all its wealth—But our riches would be our misfortune. For wealth, without strength, will never fail to tempt the arms of a conqueror. Let us unite, and we not only prevent our sister states from becoming our enemies, but we make the whole united strength of the confederacy our own. It is needless to enlarge upon the subject; for these truths, upon a moment's reflection, will appear to be self-evident—they will carry conviction to every unprejudiced mind.

1. For a reply to "Caroliniensis," see "Philo-Centinel," Charleston *City Gazette*, 5 January (immediately below).

2. For the authorship, circulation, and impact of "Centinel," see CC:133.

3. See "Centinel" III, Philadelphia *Independent Gazetteer*, 8 November 1787 (CC:243). In this number, "Centinel" points out two issues of importance to Quakers: the power of Congress to call out the militia without an exemption for conscientious objection and the prohibition of Congress banning the African slave trade before 1808.

4. "Centinel" III argued "The general acquiescence of one description of citizens in the proposed government, surprises me much; if so many of the Quakers have become indifferent to the sacred rights of conscience, so amply secured by the constitution of this commonwealth; if they are satisfied, to rest this inestimable privilege on the discretion of the future government; yet in a political light they are not acting wisely; in the state of Pennsylvania, they form so considerable a portion of the community, as must ensure them great weight in the government; but in the scale of general empire, they will be lost in the ballance" (CC:243, p. 61).

5. In the penultimate paragraph, "Centinel" III states that he "intended . . . to have shewn from the nature of things, from the opinions of the greatest writers" that free governments could not exist in large territories, but that "Brutus" had made such an explanation "superfluous" (CC:243, p. 61).

6. Montesquieu, *Spirit of Laws*, I, Book IX, chapter 1, 185–86.

7. Montesquieu, *Spirit of Laws*, I, Book IX, chapter 1, 186–87.

Philo-Centinel
Charleston City Gazette, 5 January 1788

Messrs. Printers, Your correspondent *Caroliniensis*, in your paper of thursday,[1] was pleased to observe that the weakness of those arguments, that are made use of against (*his hobby horse*) the new federal government, as he calls it, is sufficient to illustrate its excellence: therefore, by way of turning the tables upon him, permit me to quote a passage from the debates of the state convention of *Pennsylvania*, which hath been republished in the *Columbian Herald* No. 345,[2] to the following effect "during the course of an argument to prove the dissolution of trials by jury in civil cases, if the proposed system should be adopted, and the consequent sacrafice of the liberties of the people, *Mr. Findlay* observes, that when the trial by jury, which was known in Sweden so late as the middle of the last century, fell in disuse, the commons of the nation lost their freedom, and a tyrannical aristocracy prevailed—*Mr. Wilson* and *Mr. McKean* interrupted *Mr. Findlay*, and called warmly for his authority to prove that the trial by jury existed in Sweden, *Mr. Wilson declaring that he had never met with such an idea in the course of his readings and Mr. McKean asserting that the trial by jury was never known in any other country than England, and the governments descended from that Kingdom. Mr. Findlay* afterwards produced the modern history, and the 3d volume of *Blackstone's Commentaries, which incontrovertibly established his position.* Having read his authorities, he concluded in the following manner:—I am not accustomed, Mr. President, to have my word disputed in public bodies, upon the statement of a fact; but in this convention it has already occurred more than once. It is now evident, however, that I was contradicted on this subject *improperly* and *unjustly* by the learned *chief justice* (*Mr. McKean*[)] and *counceller* from the city (*Mr. Wilson*)—That the account given in the universal history should escape the recollection or observation of the best informed man, is not extraordinary; but this I will observe, *that if my son had been at the study of the law for six months, and was not acquainted with the passage in Blackstone, I should be justified in whipping him. But the contradiction coming from the quarter known to this convention, I am at a loss whether to ascribe it to the want of veracity, or the ignorance of the learned members.*"

Mr. Wilson, (agreeable to the aforesaid republication,) on finding his cloven foot to be discovered, made the following excuse, "*I am now convinced, says he, that I was mistaken, but do not pretend to remember every thing I read.*"

Yours, &c.

1. See "Caroliniensis," Charleston *City Gazette*, 3 January (immediately above).

2. The Charleston *Columbian Herald*, 27 December 1787, reprinted a piece from the *Pennsylvania Herald*, 12 December, which reported the debates of 8, 10, and 11 December in the Pennsylvania ratifying convention. See Mfm:Pa. 266, pp. 1305, 1306, and 1310 for the quotations from the *Pennsylvania Herald* report. For the debate among James Wilson, Thomas McKean, and William Findley on jury trials in Sweden, see also RCS:Pa., 528, 531n, 532, 549–50, 550–51, 571n.

Charleston Columbian Herald, 10 January 1788

☞*The piece addressed to* R. H. L. *Esq. on the subject of his letter to the Governor of Virginia,*[1] under the signature of Caroliniensis, *is received: and we are sorry, that want of room obliges us to postpone the publication of any more than the following extract:*[2]—

"The grand object you have in view, and to which all others are subordinate, seems to be directed towards the establishment of an opinion, that nothing can be done without calling another convention. This project you are most certainly confident is not only absurd, but impracticable. A penal experience of five years, of the evils inseparable from licentiousness, joined to the iniquity of many legislatures in the formation of laws retrospectively calculated to defraud honest creditors of their just debts,[3] are considerations which carry a ponderous influence with the people, and prove the necessity of energy and union in the continental government, at all events.

"To me it appears very demonstrable, that five years more may elapse before a convention of equal dignity to the *last*, can by any means be assembled.

"Permit me now to appeal to that strength of mind for which you have been distinguished, to be informed whether you can be sincerely of opinion—that such states as have approved of the constitution, will condescend to send members to any new convention, after a solemn ratification of the proceedings of a body of men, for whose virtues and abilities they had the highest veneration?"

1. Richard Henry Lee sent a letter on 16 October 1787 to Virginia Governor Edmund Randolph detailing his criticism of the Constitution and forwarding amendments to Randolph. The letter, which included the amendments, was published in the Petersburg *Virginia Gazette*, 6 December 1787 (CC:325). All three Charleston newspapers reprinted the letter, without the amendments, between 7 and 14 January 1788.

2. The full essay by Caroliniensis has not been located.

3. A reference to paper money, tender laws, and installment acts passed in several states including South Carolina delaying the payment of debts.

Caroliniensis

Charleston City Gazette, 11 January 1788

Messrs. Printers, There is one thing in which the whole body of the people of the United States seem to be perfectly agreed, viz. that there is a want of energy in our federal government. If this assertion stood in need of any proof, we might only examine the acts passed by some of the state legislatures, and we should find enough to silence infidelity itself. Acts have been passed in direct violation of treaties entered into by congress; and, as if to insult the weakness and contemptibility of such a government, a single inconsiderable state has made a shew of complying with the requisition of congress by resolving, in the plenitude of state sovereignty, that congress should take paper bills of credit for their quota of the demand, when, it is well known, that this paper was depreciated at least six for one. This was the conduct of Rhode Island, yet congress could do nothing but recommend and remonstrate.[1] The requisition for power to lay an impost of five per cent on all foreign goods, was likewise rejected by more than one state, or acceded to in a manner that amounted to a refusal[2]—and the state of New York, to this day manifests the same antifederal disposition, as has heretofore disappointed and obstructed the measures of the union. These facts, and others of a similar nature, together with the almost total loss of our credit and character, evinced the necessity of granting more power to congress, to prevent a total dissolution of this shadow of a confederacy; and this necessity gave birth to the late convention. The question now is, whether the plan which they have submitted to us is calculated to give the desired energy to our government and answer the other exigencies of the union.

I would here remark, that we cannot absolutely determine what will be the effect of any system of government till a trial is made. Government itself is so complicated and difficult a science and its operation depends on so many contingent circumstances, such as the state of society, the characters, manners and habits of people, that no system can be devised that would be equally suitable in all cases—and it is by experiment alone that we can determine exactly what theory will be most suitable for ourselves. This will appear, by considering, that the articles of our present confederation were expected to answer all the purposes for which they were entered into; but several years experience has convinced us of our mistake—For although they served us tolerably

well in time of war, while we were united by common danger, they are found in many respects inadequate in time of peace. The human heart is prone to extremes—so, from the oppression of a tyrant we ran into the excess of freedom.—But we have advantages, that no nation ever possessed before, in fixing upon a plan of government. We have not only the accumulated experiences of ages to direct us, but we have also our own experience upon the system which we have tried since our independence—we have discovered its defects, and are therefore better able to correct them, than we should have been without this experience.

It is the opinion of a great number of the best judges, that the defects of our federal government are corrected in the proposed plan. We may however possibly find it expedient, at some future day, to make alterations or amendments—It may not upon trial, in all respects fully answer our expectations. I am not such a blind enthusiastic admirer of this constitution, as to suppose it absolutely perfect, tho' after impartially considering every argument that has been advanced, both for and against it, I cannot help being of opinion that it is the best system of government that was ever given to the world.—But it is made a mighty handle against it, by some, that several respectable characters, particularly Mr. Randolph and Mr. Mason, of Virginia, and Mr. Gerry of Massachusetts, who were members of the convention, did not approve of it.[3]—But is it at all wonderful that, on so important a subject, there should be different opinions? Is it not rather astonishing that there was so great a degree of unanimity as appeared amongst the members of the convention?—Those gentlemen who did not think proper to put their names to the new constitution, are certainly men of very respectable characters—Still, they are but men, and fallible men too—We are not therefore implicitly to receive as truth every thing that comes even from such respectable authorities. Indeed, should we go merely upon this ground, the new constitution must undoubtedly be adopted, for the whole weight of authorities is clearly in favor of it—This appears not only from the votes of the members of the convention, among whom were some of the most illustrious characters in America; but it appears also from the sense of the great body of the people, as far as we are able to collect it. But the opinions of men is not the test by which we ought to determine its merits. Let us examine it with the eye of reason, aided by experience—Let us try it by the touch-stone of truth; and as we would not implicitly accept of what is recommended even by a Washington and a Franklin, altho' we have sufficient proofs of their wisdom and integrity; so, let us not act so very childish a part as to reject a system of government, merely because a few respectable

characters do not wholly approve of it. Their objections merit to be fairly and candidly weighed—This has been done; and it appears to me that they have been satisfactorily answered by different writers. A repetition of their arguments would therefore be superfluous; for tho' some of them may be forgotten, the conviction produced by them must remain.

I cannot help remarking here, that altho' two of the members of convention, namely, Mr. Mason and Mr. Gerry, have published their objections against the proposed constitution, they do not give a single hint, that the majority of that body, from whose opinion they dissented, had any design of depriving the people of their liberties; and yet they must be supposed to have been better acquainted with the views and intentions of that body as they were present to hear all the debates, than those who have been pleased to bring such a weighty and ungenerous charge against them.

There are some people who would persuade us, that the only honest and upright men—the only friends to liberty in the convention, were the three dissenting members mentioned above. Had this been the case—had they discovered a settled design in that body to trample upon the liberties of the people, as friends to their country, they would surely have sounded the alarm—they would have disclosed the designs of tyranny and oppression that had been formed against them; and they would have pointed out the wretches who dared attempt to form chains to bind a country of freemen, that they might feel the resentment of the people which they had so justly merited. But instead of this, as those gentlemen differed only in opinion, they have candidly published their objections, and, as was before observed, they have been answered, I believe, to very general satisfaction. Indeed, I think, upon the whole, it is not to be regretted that there has been opposition, and that it is arisen from so respectable a quarter, since it has led to so full a discussion of this important subject. The people will not now adopt or reject this constitution in the dark. At any rate, it is not surprising that it has been opposed, nor is it a proof that it is not a good one. Had it been given by divine inspiration and borne most evident marks divine wisdom, we have reason to suppose it would have met with the same fate.

I think it would have a tendency to quiet the minds of those who are alarmed at the extensive powers granted in this constitution, would they compare it with the articles of confederation, which met with no opposition on account of their being dangerous to the liberties of the people. It will be found that a number of things that have been objected against in this, are to be found there—It will be found that we

designed to give to congress at first, that power which is represented as being so very dangerous now. Let us compare one or two articles.—A great clamour is made against the laws of congress becoming the supreme law of the land. In a former publication I have endeavoured to obviate this objection.—But we find the same thing expressed in the 13th article of the confederation, though in somewhat a different form. The words are these—"Every state shall abide by the determinations of the United States, in congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed in every state, &c." Surely this article was not designed to be without meaning, as it has been without effect. What then became of the absolute state sovereignty so strenuously contended for? In this article, it seems clearly to have been designed that it should have its limits. Or does it mean only that "every state should abide by the determinations of congress, *if they pleased*, or when it suited their particular interest? The conduct of some of the states, to be sure, seems to justify the last construction, however reason and truth may smile at it. But there is an explanation, or rather a confirmation of this article in the following emphatical language, "and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States in congress assembled, on all questions which by the said confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent; and that the union shall be perpetual."[4] That is, in fact, "We solemnly plight and engage the faith of our respective constituents that the resolves of congress made agreeable to this constitution, shall be the supreme law of the land."

There is no one article that has been declaimed more against than that which vests the right of taxation in congress. But on examination it will be found that we designed and attempted, in the articles of confederation, to vest congress with the same power in effect. In the 8th article it is declared, that "all charges of war, and all other expences that shall be incurred for the common defence or general welfare and allowed by the United States in congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, *according to such mode as the United States in congress assembled shall from time to time direct and appoint.*" Here we find it was left entirely to the discretion of congress, to say what

sums would be necessary for the general welfare, and likewise to determine what proportion of their demand each state should pay.—Perhaps I shall be told that it is added in the same article that, "the taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states within the time agreed upon by the United States in congress assembled."[5]—This would not have altered the case at all, had the 13th article abovementioned, been strictly observed, which declares that every state shall abide by the determinations of congress.

The fact is, the articles of confederation are replete with inconsistency and absurdity—There is an attempt to give certain necessary powers to congress, and, at the same time, to continue to each state absolute sovereignty. That is, some necessary power is given to congress, and, yet, each state in the union may controul that power at pleasure.—But had every state, in all instances, paid a sacred regard to the spirit and intention of the articles of confederation, there would not have been that necessity for taking those powers wholly out of the hands of the state legislatures, and placing them in the hands of congress. The conduct of some of the states has made this step necessary; and the convention has, I hope, corrected those errors and defects, which were leading us to anarchy and ruin.

1. On 18 September 1786 Congress refused to accept Rhode Island paper money in payment of back requisitions (RCS:R.I., Vol. 1, p. xxxii).

2. See CDR, 146–48, for the 1783 proposed grant of power to Congress to collect a five percent impost on imported goods. All states, except New York, had complied with the proposal. New York ratified the request in 1786 with conditions that Congress was unwilling to accept (RCS:N.Y., Vol. 1, pp. xxxvi–xl).

3. Constitutional Convention delegates Edmund Randolph and George Mason of Virginia and Elbridge Gerry of Massachusetts refused to sign the Constitution. For Mason's objections, see "The South Carolina Reprinting of George Mason's Objections to the Constitution," 27 December 1787 (RCS:S.C., 59–60) and CC:138, CC:276. For Gerry's objections, see CC:227–A. Although Randolph declined to sign the Constitution, he voted to ratify it in the Virginia Convention in June 1788. For Randolph's explanation of his position on the Constitution, see CC:385.

4. See CDR, 93, for Article XIII, paragraphs 1 and 2.

5. See CDR, 89, for Article VIII.

II.
THE SOUTH CAROLINA GENERAL ASSEMBLY CALLS A STATE CONVENTION
8 January–29 February 1788

Introduction

When the South Carolina General Assembly convened on 8 January 1788, the calling of a ratifying convention would be one of their highest priorities. Governor Thomas Pinckney had taken the unusual step of sending a printed circular letter to each member asking for his "punctual Attendance" because of the importance of the convention to consider the Constitution ("Governor Thomas Pinckney: Circular Letter to Legislators," 31 October 1787, RCS:S.C., 34–35n). Prompt attendance was a concern because the previous legislative session had been delayed twenty-two days, from 1 January until 23 January 1787, before the House attained a quorum (Stevens, *House Journals, 1787–1788*, 3–9). Governor Pinckney, in his opening message to the legislature on 9 January, praised the "punctuality you have manifested in meeting precisely at the time of adjournment" and made "Considering the Fœderal union as an object of the first magnitude" the subject of his message (RCS:S.C., 77).

The House and Senate took prompt action and immediately appointed committees to work on calling a convention. Committees were the lifeblood of the legislature; almost no legislation reached the floor of the chambers without their endorsement. While each chamber began work on legislation that would call the convention, legislation originating in the House, the chamber of preference for the state's most prominent political leaders, served as the basis for the final resolutions and acts. Federalists structured the House's actions, using public debate to garner support for ratification of the Constitution. Edward Rutledge (brother of Constitutional Convention delegate John Rutledge) chaired the House committee that considered the governor's opening message. The committee, appointed on 10 January, met the following morning and submitted its report to the full House later the same day. Normally, the House would take up a committee report in a day or two, but chairman Rutledge suggested that, because all four delegates to the Constitutional Convention (Pierce Butler, John Rutledge, Charles Pinckney, and Charles Cotesworth Pinckney) had seats in the House, the report of his committee should be referred to a committee of the whole

House. In this way, the Convention delegates could provide information to the members without being restricted by the House's more rigid standard rules. Antifederalist Rawlins Lowndes recognized that Rutledge's move would provide a stage for the Constitutional Convention delegates to promote their views and consequently opposed the measure. He urged the House to proceed to the business of naming when and where the convention should meet. Federalists, however, carried the day, and the House set Wednesday, 16 January, to begin debating the committee's report.

On Monday, 14 January, two days prior to the opening of the debates, Federalists planned their strategy. On the previous Friday, the House had unanimously approved a resolution setting the 14th for a ceremony in which House Speaker John Julius Pringle would thank the delegates to the Constitutional Convention "for their attentive and able discharge" of their duties. The Senate followed the House's lead, and on the 14th also voted unanimously to thank the delegates. At the end of the House's legislative day, just before the scheduled ceremony, Charles Cotesworth Pinckney (a delegate) rose and asked that the ceremony be postponed until after the debate in the House on the Constitution was completed. He argued that if the members approved the document, then they should be thanked; if not, they should be censured. Antifederalists recognized the ploy in tying approval of the Constitution to the prestige of the great men of South Carolina and opposed postponement. Alternatively, Antifederalists suggested that the House simply thank the delegates for their attendance, but Edward Rutledge argued that this might hurt the cause of the Constitution in other states since others might think that South Carolina was "cold in adopting this constitution." Federalists prevailed and the ceremonial thanks was postponed.

According to the published record of the debate, eighteen House members spoke in the debates of the 16, 17, and 18 January. Federalists Charles Cotesworth Pinckney and Charles Pinckney and Antifederalist Rawlins Lowndes dominate the surviving record, which remains the most extensive single documentation of the debate on the Constitution in South Carolina (RCS:S.C., 88–90, 91–115, 116–38, 144–60). The Charleston *City Gazette* published the debates between 18 January and 1 February and in March published a revised version as a pamphlet.

After the conclusion of the debate, the House on Saturday, 19 January, unanimously approved the report of the committee of the whole to call a convention "for the purpose of Considering and of *Ratifying* or *rejecting* the Constitution." The House next turned to the report of Edward Rutledge's committee on the governor's opening message. The

House agreed to the provisions for holding elections on 11–12 April, with a convention to meet in Charleston on 12 May. The most controversial vote took place on Charles Cotesworth Pinckney's motion to locate the convention in Charleston, which carried by one vote, 76–75. In 1786, the legislature had voted to move the state capital to the new city of Columbia in the center of the state, and some expected that the legislature would meet there for its 1789 session. Aedanus Burke, an Antifederalist leader, later stated his belief that the selection of Charleston, "where there are not fifty Inhabitants who are not friendly" to the Constitution, was a major reason for its ratification. "The Merchants and leading Men kept open houses for the back and low country Members during the whole time the Convention sat" (Aedanus Burke to John Lamb, 23 June 1788, RCS:S.C., 470).

While the House was moving forward with its resolutions, the Senate had adopted its own plan on 17 January for calling a convention and sent it to the House for its agreement. The Senate's plan called for elections to be held on 21–22 February instead of 11–12 April and a convention to be held on 3 March instead of 12 May. It also set strict eligibility requirements for Convention delegates. Those elected would have to have been eligible for a seat in the House (free, white, male Protestants with a freehold of at least 50 acres or a town lot and not a minister) and have been citizens at the time of the Definitive Treaty between the United States and Great Britain (1783). When the House considered the Senate resolutions on 19 January, it agreed to a Senate provision that the state treasury would pay convention delegates the same expenses as paid to members of the General Assembly and a general statement of principle about calling a convention, but refused to accept the remaining Senate resolutions as drafted. As a result, the Senate resolutions died and the House resolutions served as the basis for the legislation that called the convention.

While the House committee worked on its revised resolutions, Charles Pinckney attempted to use the ratifying convention to accomplish another longstanding goal—a new state constitution. The constitution of 1778, with its skewed apportionment in the legislature in favor of the low country, had been a persistent annoyance to the upcountry. The House approved legislation to call a state constitutional convention in 1784, 1785, and 1787, but each time the resolutions failed in the Senate. Pinckney sought to require the ratifying convention to double as a state constitutional convention. The House rejected his proposal on 24 January 1788. (The legislature in March 1789 called a state constitutional convention to meet in May 1790.)

Disaster disrupted the business of the state when fire broke out in the Senate chamber in the State House on the evening of 5 February, and the building was reduced "to a pile of ruins." The legislature briefly met at St. Michael's Episcopal Church on the morning of 6 February, adjourning later that day and moving to the City Tavern where it met for four days, from 6 to 9 February. While meeting in the City Tavern, Edward Rutledge's House committee, to which the earlier convention resolutions had been recommitted, delivered a new report. On 7 February the House agreed to the new resolutions setting the framework of the election. Anyone who was eligible to vote for the General Assembly (free, white, adult males with a freehold of at least 50 acres or a town lot who had been a resident of South Carolina for at least one year and who acknowledged the being of a God) could vote for delegates. Unlike the Senate resolutions, no qualifications were established for Convention delegates. Parishes and districts could send the same number of members as they had in the House and Senate combined, with the exception of six additional members for those parts of former Indian lands in Ninety Six District, which later became Pendleton and Greenville counties. The resolutions named election managers, specified the oaths, and set Friday and Saturday, 11–12 April, between 10:00 A.M. and 5:00 P.M. for the elections except for three upcountry districts. Ninety Six District would hold its elections on Thursday and Saturday, 10 and 12 April, and both the District Eastward of the Wateree and St. David's Parish would hold their elections on Thursday through Saturday, 10–12 April. The resolutions provided that notice would be printed in the state's newspapers and included the same language as the Senate resolution providing for the expenses of Convention delegates. When the Senate considered the House resolutions, it added additional polling places and election managers and the House promptly agreed to the changes. A motion was introduced in the Senate on 9 February to change the location of the Convention from Charleston to the upcountry town of Camden, but the effort failed. By 13 February the core resolutions had passed both houses.

No sooner had the House passed its original resolutions and sent them to the Senate than some members recognized that the resolutions had not addressed contingencies in the event of the death, resignation, or inability of delegates to attend the convention. On 8 February, even before the Senate adopted the original resolutions, the House appointed a new committee chaired by Judge John F. Grimké to prepare supplemental resolutions. The House moved from the City Tavern to the Exchange on 11 February, and the next day adopted the supplemental

resolutions. The supplemental resolutions spelled out how special elections would be called in the event of vacancies and required election managers to report to the governor the names of all candidates with the votes received. The Senate objected to requiring managers to return lists of all vote tallies (as opposed to just a list of those elected) and requested on 13 February that the House delete this provision. By 18 February both chambers agreed on the revised supplemental resolutions. The resolutions (original and supplemental) were distributed as a broadside as well as printed in the state's newspapers.

One other matter remained—providing privilege from arrest to electors traveling to and from elections and to convention delegates during the convention similar to that provided to the General Assembly. Between 27 and 29 February, the House and Senate passed a bill that provided that privilege to electors and delegates. At the same time, another resolution compensating federal delegates for the loss in exchanging South Carolina paper money for specie in Philadelphia, was adopted and passed both houses.

Although the legislature authorized payment to state convention delegates, it did not appropriate funds to pay their expenses nor those of the secretary, messenger, and door keeper. When the legislature reconvened for a special session in October 1788, this final matter was resolved. Between 25 October and 4 November both the House and Senate agreed to an act to make these payments. (See RCS:S.C., 478–81.)

The South Carolina legislature considered many other matters other than calling a state Convention during the 1788 session. As the members debated other business, they considered the likelihood of ratification and how it would affect state issues. See "Newspaper Report of House of Representatives Debates," 15 January and 20 February (RCS: S.C., 87–88, 190–91), and "Newspaper Report of House of Representatives Proceedings," 21 January (Mfm:S.C. 12), for examples of the attitude of members on the impact of ratification on the state.

The South Carolina General Assembly Tuesday, 8 January 1788

House of Representatives Proceedings, 8 January 1788 (excerpt)[1]

. . . Mr. Speaker laid before the House a letter that he had Received from His Excellency Edmond Randolph Esquire Governor of the State of Virginia inclosing the Resolutions of the Legislature of that State Concerning the Fœderal Constitution[2] which letter and Resolutions were received and read for information . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 309–10. The proceedings were printed in the Charleston *City Gazette*, 10 January. A separate article in the same issue of the *City Gazette* reported, "A motion was made on Tuesday, by commodore Gillon, that thanks should be given to the members of the convention, who represented this state, but the motion was withdrawn until the delegates have made a report." The withdrawn motion does not appear in the House journal of 8 January. See House of Representatives Proceedings, 11 January (RCS:S.C., 79), for the introduction and adoption of Alexander Gillon's motion.

2. For the 14 November 1787 letter of Governor Randolph and the 31 October resolutions of the Virginia legislature calling a state convention, see RCS:Va., 118–19.

The South Carolina General Assembly
Thursday, 10 January 1788

House of Representatives Proceedings, 10 January 1788 (excerpt)[1]

. . . A Message from His Excellency the Governor by his Secretary in the following words Vizt.

Mr. Speaker & Gentlemen of the House of Representatives

Gentlemen

The importance of the Various business which will require your attention during the present Sitting of the General Assembly renders the punctuality you have manifested in meeting precisely at the time of Adjournment essentially beneficial to your Country as no doubt can be entertained but that you will exhibit equal Zeal and Assiduity in the Continuance and Completion of your Legislative functions—

I shall immediately proceed to lay before you such material Occurrences as have taken place during your recess, and Considering the Fœderal Union as an object of the first magnitude, I have Selected the Constitution framed by the late Convention of the States with the resolution of Congress accompanying it, as the Subject of the present Communication

Thomas Pinckney

Charleston 9th January 1788[2]

Ordered That the Message with the papers accompanying the same be referred to a Member from each Parish and District, the following Gentlemen were accordingly appointed Vizt.

	Mr Edward Rutledge	
Mr. Bee	Mr. Horry	Mr Justice Pendleton
Mr. Jos: Manigault	Mr Waties	Colonel Waters
Doctr Fass [i.e., Fayssoux][3]	Colonel Heriot	Colonel Mayson
Mr. Farr	Mr Thompson Greene	Mr. Henderson

Mr. Walter Izard	Mr. Holmes	Mr. Winn
Mr. [Ralph] Izard [Sr.]	Colonel Thompson	Colonel Bratter
Mr. Karwon	General Bull	Mr. Warley
Doctr. Haig	Mr. Senkler	Mr. Lesterjette
Mr Dayley	General Sumter	Mr Baxter
Mr. Barnwell	Mr Calhoun	Mr Bush . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 310–12.

2. Manuscript copies of Pinckney's message are in Records of the General Assembly, Governor's Messages, 1788, Sc-Ar. Pinckney enclosed a letter of 28 September 1787 from Charles Thomson, secretary of Congress, and a congressional resolution of the same date asking that the Constitution be submitted to state ratifying conventions (CDR, 340). The message, taken from the Senate proceedings of 11 January (RCS:S.C., 82), was printed in the Charleston *City Gazette*, 14 January 1788.

3. The rough journal correctly reads Fayssoux (Stevens, *House Journals, 1787–1788*, 311n).

Newspaper Report of House of Representatives Proceedings 10 January 1788 (excerpt)[1]

. . . His excellency the governor sent down yesterday a message to the house of representatives, the material part of which contained a recital of the proposed federal constitution.

On motion, a committee, consisting of a member from each parish and district, was appointed to consider and report thereon.

Mr. E. Rutledge, as chairman, gave notice, that the committee will meet this morning at half after nine o'clock.

1. Printed: Charleston *City Gazette*, 11 January. Reprinted: *Norfolk and Portsmouth Journal*, 6 February.

The South Carolina General Assembly Friday, 11 January 1788

House of Representatives Proceedings, 11 January 1788 (excerpts)[1]

. . . Mr. Edwd. Rutledge reported from the Committee to whom the message of His Excellency the Governor of 9th. instant was referred which he read in his place and afterwards delivered it in at the Clerks Table where it was again read for information

[For the "House of Representatives Committee Report on the State Convention," 11 January, which appears here, see immediately below.]

Ordered That it be taken into Consideration on Wednesday next

On Motion

Ordered That one Thousand Copies of the Report of the Convention lately assembled in Philadelphia be immediately printed and that Three Copies thereof be given to each member of this House . . .

On Motion of Commodore Gillon and Seconded

Resolved nem: con: That Mr. Speaker do return the Thanks of this House on Monday next the 14th. instant to the Honorable John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney and Pierce Butler Esquires the Delegates at the late Convention of the United States Assembled in Philadelphia for their attentive and able discharge of the Duties of that appointment[2] . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 312–16.

2. See also House of Representatives Proceedings, 8 January, note 1 (RCS:S.C., 77n).

House of Representatives Committee Report on the State Convention, 11 January 1788[1]

The Commẽee to whom was refer'd the Message of his Excellency the Governor with the Constitution framed by the late Convention of the States Report that they have considered the same & are Unanimously of Opinion that the House should come to the following Resolution

Resolved That it be recommended to such of the Inhabitants of this State as are entitled to vote for Representatives to the General Assembly that they choose suitable Persons to serve as Delegates in a State Convention for the purpose of considering, and of *approving*[2] or *rejecting* the Constitution framed for the United States by a Convention of Deputies assembled at Philadelphia in May last—

1. MS, Records of the General Assembly, Reports, 1788, No. 59, Sc-Ar.

2. The word "ratifying" was added in the margin for insertion to replace the word "approving." This change was likely made when the resolution was adopted by the committee of the whole house on 19 January (RCS:S.C., 161).

House of Representatives Debates, 11 January 1788 (excerpt)[1]

. . . ⟨Mr. E[dward] Rutledge, as chairman of a committee appointed to consider the governor's message, reported, that they had deliberated upon the new federal constitution, and were unanimously of opinion to recommend that the house should come into a resolution for calling a convention of the people to consider the new federal constitution, which was ratified at Philadelphia, in May last, by delegates appointed from different states.⟩

The honorable gentleman took occasion to observe, that although it could not be supposed the house would reject the proposition, from a sense of delicacy due to Congress, who had thought proper to lay this federal constitution before each individual for mature deliberation—from a recollection too that a very large part of the wisdom and patriotism of America was for a considerable portion of time devoted to this momentous task,—yet there might be points on which information necessarily would be wished for; if from gentlemen belonging to the convention, time certainly was essentially necessary to realize this great object, and therefore there was an obvious propriety in deferring a second investigation of this business until Wednesday next, in a committee of the whole house.

Mr. [Rawlins] Lowndes did not want to procrastinate this business; but to maturate it; because it must in the event go to a convention of the people, even if that house should be unwilling to promote it. For the recommendation was worded in such an unexceptionable manner, that it must be complied with as to calling a convention; when that body met, then it would be an open time for disquisition.

Doctor [David] Ramsay was with the committee, so far as they had gone, but wished they had also brought forward an opinion of proper time and place for meeting.

Mr. E. Rutledge wished to narrow this business to a point at present. The ground work being established, little difficulty would obtain in the adjustment of necessary steps as to form of meeting—the time and place he understood would produce much debate.

Mr. Lowndes wished to be understood as pressing forward nothing more, than that the proposition of the committee should be agreed to, and then to take up the other material points.

Col. [Philemon] Waters[2] was with those who proposed a committee of the whole house on Wednesday, for on that day valuable information might be received from those who were capable of giving it.

Chancellor [John] Matthews[3] was at first of opinion for delay, but on more mature consideration thought this was unnecessary, to substantiate this he set out some forcible reasons.

Agreed on to take up the new federal constitution on Wednesday next.

Chancellor [John] Rutledge observed, that he did intend to report a progress made by the delegates of South Carolina, in the general convention of the United States, held at Philadelphia, but as his excellency the governor had been pleased to take notice of it in his message to that house, it therefore was unnecessary.

⟨Commodore [Alexander] Gillon moved, that the thanks of that house should be given to their delegates in federal convention, for their attention and care to the interests of their country. Agreed to unanimously.

Mr. Speaker asked on what day.

Motion made for monday next, which was agreed to.

On motion, Ordered, That 600 of the new constitution be printed and dispersed for information.⟩

1. Printed: Charleston *City Gazette*, 12 January. The paragraphs in angle brackets were reprinted in the Charleston *Columbian Herald*, 14 January. The *Columbian Herald* replaced the text between the material in angle brackets with: "After some conversation it was agreed on to take up the new federal constitution on Wednesday next." The Massachusetts *Salem Mercury*, 5 February, reprinted (from the *Columbian Herald*) the text in angle brackets with the following introductory paragraph: "Sunday a vessel arrived here from Southcarolina, by which we have been favoured with several Charleston papers—The following extracts therefrom shew the favourable opinion entertained of the New Constitution by the Legislature of that State." Seven other newspapers reprinted the *Mercury's* version by 17 March: Vt. (1), Mass. (1), Conn. (3), N.Y. (2). The first paragraph alone was reprinted in the February issue of the Philadelphia *American Museum* and in four additional newspapers by 26 February: R.I. (1), Pa. (2), Md. (1).

2. Waters (1734–1796), a large landowner in Newberry County, was a militia captain during the Revolution and a colonel thereafter. He served in the South Carolina House of Representatives, 1779–80, 1782, 1786–88, 1792–94, and the Senate, 1783–84. He represented the Lower District between the Broad and Saluda Rivers in the state Convention, where he voted against ratification.

3. Mathews (1744–1802), a lawyer and planter, served in the South Carolina Commons House of Assembly, 1767–68, 1772; Provincial Congress, 1775–76; House of Representatives, 1776–80, 1782, 1785–90 (speaker, 1776–77); and the Continental Congress, 1778–81. Mathews also held a number of other South Carolina offices including governor, 1782–83; circuit court judge, 1776; court of chancery judge, 1784; and court of equity judge, 1791–97. He represented the parishes of St. Philip and St. Michael in the state Convention and voted to ratify the Constitution.

Private Commentary on House of Representatives Proceedings 11 January 1788

Jean-Baptiste Petry to Comte de Montmorin
Charleston, 12 January 1788 (excerpt)[1]

. . . The legislature of South Carolina, My Lord, assembled on the 8th of this month. The committee appointed to consider the Governor's message regarding the new Constitution recommended unanimously yesterday that the house draft a resolution calling a convention of the people in order to examine it. It was agreed that the house would turn its attention to this on Wednesday next.

The minority in Philadelphia, My Lord, has spared neither money nor effort in order to flood this state and its neighbors with its pamphlets and writings against this Constitution. One fears their effect in the back country which is not very learned in politics and in matters of government. Some propose, under the pretext of enlightening the people, compelling the opposition to show itself in broad daylight next wednesday and combatting their objections with the same reason which convinced the deputies of the several states at Philadelphia. . . .

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 372, Charleston, ff. 266–67, Archives Nationales, Paris. This dispatch was number 47.

Senate Proceedings, 11 January 1788 (excerpt)[1]

. . . A Message from His Excellency the Governor by the Master in Chancery Vizt.

[The text of Governor Thomas Pinckney's message of 9 January appears here. See House of Representatives Proceedings, 10 January (RCS:S.C., 77).]

Read the Letter from the Secretary of Congress, addressed to His Excellency the Governor of South Carolina dated the 28th September 1787, and also the Resolution of Congress respecting the Report of the Convention lately assembled in Philadelphia.[2]
Ordered.

That the Message and the papers which accompanied the same be referred to a Committee.

And a Committee was appointed accordingly. Vizt.

Mr. DeSaussure.

General Moultrie.	Doctor Olyphant.
Colonel Eveleigh.	Colonel Hampton.
Colonel Huger.	Mr. Bull.

And then the House adjourned until to Morrow Morning 10. o'Clock.

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar. The Senate proceedings, without the names of the committee members, were printed in the Charleston *City Gazette*, 14 January.

2. See CDR, 340.

The South Carolina General Assembly
Monday, 14 January 1788

House of Representatives Proceedings, 14 January 1788 (excerpts)[1]

. . . Mr. Charles Pinckney being in his place gave notice that he would on Wednesday next the 16th instant make the following Motion Vizt

That it be recommended to the Convention immediately after determining upon the Fœderal Constitution, to frame a new Constitution or form of Government for this State upon such principles as shall appear to them best calculated to preserve the Happiness of the people and insure the Strict Administration of the Laws.[2] . . .

On Motion

Resolved That the Order of the day for returning the Thanks of this House to the Delegates at the late Convention of the United States assembled in Philadelphia for their attentive and able discharge of the Duties of that appointment, be postponed

And then the House Adjourned
'till to morrow Morning 10 O'Clock

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 317–21.

2. See House of Representatives Proceedings, 24 January (RCS:S.C., 168), for action on Pinckney's motion.

House of Representatives Debates, 14 January 1788 (excerpt)[1]

. . . Read an order of the day for returning thanks to Hon. John Rutledge, Charles-Cotesworth Pinckney, Charles Pinckney, and Pierce Butler, Esquires, for the services which they had rendered to their country by their attendance at a convention lately held in Philadelphia.

Gen. [Charles Cotesworth] Pinckney said, that in his mind there was not any honor which he could receive of a superior degree to the approbation of his fellow citizens when expressed by their representatives in that house: But in the present case he wished that the order of the day might be postponed until what had been the great object of their deliberation was fully discussed; for, should that house, upon the time appointed for considering this constitution, deem it an improper one for their future government; then in that case, instead of the delegates being entitled to thanks, they would become objects of censure. If this constitution appeared capable of producing tranquility at home, and respect abroad, upon mature investigation of its merits, then, and not before, in his opinion, there would be a propriety in exercising their pleasure with regard to those delegates they had appointed to meet in federal convention. He then moved, that the order of the day should be postponed.

In which he was seconded by Mr. C[harles] Pinckney.

Mr. [Rawlins] Lowndes thought that thanks must now be given, otherwise the house would be disorderly, according to parliamentary usage. Indeed he confessed himself at a loss to understand the propriety of several objections, as the thanks were to the point of attendance. Gen-

tlemen might perhaps think this a light cause, but he viewed it in a different light. Was it nothing that the delegates had left their families—their local business, &c. for the fulfilling what the house had directed? He did not suppose that any gentleman would consider himself precluded from uttering his sentiments.

Major [Pierce] Butler felt himself oppressed by diffidence in speaking on this subject; he was with his honorable colleague in opinion that to receive thanks from his fellow citizens was a supreme gratification. Yet he wished for postponement until the house considered the constitution. If there had appeared any thing in that instrument inimical to the interests of this country, he would have objected; but on the contrary it had his entire approbation. Should the house at present confine their thanks to the mere point of attendance in convention he professed himself grateful, and if at a future period the house thought proper to go farther, he, and his colleagues, would consider themselves greatly honored.

Mr. E[dward] Rutledge opposed thanks being rendered on such a narrow scale, because thereby an idea might go abroad that the house were cold in adopting this constitution; after it had been investigated, should we not approve of it, the vote of applause could fairly be taken as nothing. Weak thanks carried with them a natural suggestion that those who gave them were not well affected to the cause; not that he expected much opposition in this state to the new federal constitution, but in other states men eminent for abilities had exerted themselves with uncommon ardor to widen the field of dissention. We were indeed taking up this business almost at the tail, for four other states had already adopted this constitution. Should we also agree to receive it, then to send it forth to the people, accompanied with approbation of their delegates, could not fail to promote a tendency for co operating with our federal friends.

Mr. Lowndes opposed procrastination—would the house be more competent to decide on this question after Wednesday? Certainly not; for the question how far this new constitution was proper lay with the convention. The honorable member threw out sentiments of disapprobation towards the new constitution.

Mr. P[atrick] Calhoun[2] thought they should proceed agreeable to the order of the day. As to so much praise for what has been done in this convention, he wished rather that their proceedings might endure the test of time. It was an old saying, that *the proof of the pudding was in the eating*; and when this new constitution was realized, if it turned out agreeable to the expectations of its friends, the names of those who framed it would be handed down to posterity—if it failed, those thanks

would, in fact, be dispraise; thanks were at best little more than shadows, and he believed few gentlemen could make a dinner on them. One reason why he pressed this matter now was this, that the gentlemen appeared to decline the proffered honor—This was a delicacy often attendant on merit, for those who were most ready to receive public approbation frequently deserved it least.

Agreed to postpone the report of the day.

1. Printed: Charleston *City Gazette*, 15 January.

2. Calhoun (1727–1796), born in Ireland, was a surveyor and planter in Ninety Six District, and served in the South Carolina Commons House of Assembly, 1769–71; Provincial Congress, 1775–76; House of Representatives, 1776–82, 1785–88; and Senate, 1791–95.

Senate Proceedings, 14 January 1788 (excerpt)[1]

. . . Read a Letter from the Delegates of this State in the federal Convention holden last year at Philadelphia, addressed to Mr. President, dated the 11th January 1788. inclosing a Copy of the Constitution formed by a Convention of the States; and a Resolution of Congress thereupon.

Ordered.

That the said Letter, and the papers which accompanied the same, do lie upon the Table for the information of the Members.

Resolved unanimously.

That the thanks of this House be given to the Delegates of this State in the Convention holden last year at the City of Philadelphia, for their great attention to, and[2] faithful discharge of the duties of their appointment.[3]

Ordered.

That Mr. President do acquaint the Delegates therewith. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar. The proceedings were printed in the Charleston *City Gazette*, 16 January. The resolution thanking the delegates was reprinted in the Charleston *Columbian Herald*, 17 January, *State Gazette of South Carolina*, 21 January, the February issue of the Philadelphia *American Museum*, and eight other newspapers by 17 March: Vt. (1), Mass. (2), Conn. (1), N.Y. (1), Pa. (1), Md. (1), Ga. (1). See also Senate Proceedings, 19 January, note 3 (RCS:S.C., 168n), for additional printings of the text of the resolution.

2. The words "great attention to, and" were omitted in the newspaper printings of the 14 January proceedings.

3. The *Pennsylvania Gazette*, 13 February, commented on the resolution: "It is remarked with pleasure, that the unanimous vote of thanks to their deputies in convention, resolved on by the Senate of South-Carolina, is an happy omen of its adoption by that valuable and flourishing state." This comment was reprinted in the *Massachusetts Gazette* on 29 February. On 15 February, Tench Coxe wrote to James Madison that he was "gratified . . . by the unanimous Vote of thanks by the Senate of S. Carolina" (CC:531).

The South Carolina General Assembly
Tuesday, 15 January 1788

Senate Proceedings, 15 January 1788 (excerpt)[1]

. . . Mr. DeSaussure from the Committee, to whom was referred His Excellency the Governor's Message of the 9th. Instant, accompanied with a Copy of the Constitution formed by the late Convention of the States at Philadelphia, and a Resolution of Congress thereupon, informed the House that the Committee had prepared a Report, which they had directed him to report to the House, he read the said Report in his place and afterwards delivered it in at the Clerk's table, where the same was again read and is as followeth, Vizt:

That your Committee having given the same all the consideration which the importance of the subject required, are of opinion that the House should adopt the following Resolutions, Vizt.

Resolved.

That the proceedings of the federal Convention be submitted to a Convention of the people of this State 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 Members of the General Assembly to meet on in their respective parishes and Districts, at the several places appointed for holding the last Elections for Members of the General Assembly, to choose as many persons as they have Members in the Senate, and House of Representatives, to serve in the State Convention for the purpose of taking into 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 of Elections for Members of the General Assembly.

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 eligible to a seat in the House of Representatives.

Resolved.

That do give immediate notice by Advertisements to the people in their several parishes and Districts of the time, place and purpose of the Elections aforesaid, and do transmit printed Copies of these Resolutions, to the persons who conducted the last Elections of Members for the General Assembly, for their direction and government, and who are hereby authorized and required to carry the said Resolutions into effect.

Resolved.

That the persons so elected to serve in the said Convention do assemble on and may adjourn from day to day until a majority shall be assembled, when they shall take into consideration the aforesaid Constitution, and if approved of by them, or a majority of them, finally to ratify the same in behalf of this State, and make Report thereof to the United States in Congress assembled.

Ordered.

That the said Report be taken into consideration on Thursday next. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar. The Charleston *City Gazette*, 16 January, reported, "Yesterday in the Senate, the committee appointed to consider his Excellency the Governor's message, and the papers accompanying it, reported that writs should be issued for holding elections on the 22d and 23d days of February for delegates to meet in convention the 3d day of March in Charleston, to consider the proposed federal constitution." This report was reprinted in the Charleston *Columbian Herald*, 17 January; *State Gazette of South Carolina*, 21 January; the February issue of the New York *American Magazine*; and in thirteen other newspapers by 17 March: Vt. (1), Mass. (3), Conn. (3), N.Y. (2), Pa. (3), Ga. (1).

Newspaper Report of House of Representatives Debates 15 January 1788 (excerpt)[1]

The ratification of the Constitution was one of many subjects that the South Carolina legislature dealt with during its first 1788 session. As the members debated other business, they considered the likelihood of ratification and how it would affect other legislation they were considering. On 15 January, the day before the scheduled debate on the Constitution, the House was considering a motion to appoint a committee to revise import duties (Stevens, *House Journals, 1787–1788*, 322). David Ramsay expressed concern about how the loss of state import duties would impact state finances and urged that duties be increased during the remaining months while the state still retained that power. Thomas Farr raised concerns that South Carolina might not be able to import slaves after 1808 and called for the state's ban on importation to be lifted. See also "Newspaper Report of House of Representatives Proceedings," 21 January (Mfm:S.C. 12), and "Newspaper Report of House of Representatives Debates," 20 February (RCS:S.C., 190–91), for additional concerns about the effect of the Constitution on state laws.

. . . Dr. Ramsay called the attention of the house to a circumstance of much consequence, relative to the new constitution, which he supposed would be carried into effect in about ten months; after that period the house ceased to have power any longer of imposing duties. In the intermediate space perhaps there might be a propriety, in order to relieve public exigencies, to raise the duties from three to five per cent.

Mr. Farr[2] said, that as the new federal constitution was likely to be adopted, every advantage that this country stood in need of should be

taken, he will therefore, on monday next, move for leave to bring in a bill for taking off the prohibition against the importation of negroes.[3]. . .

1. Printed: Charleston *City Gazette*, 16 January.

2. Thomas Farr (d. 1788), a Charleston merchant and planter from St. Andrew's Parish, had served as clerk of the South Carolina Commons House of Assembly, 1765–66, 1774–75, commissary general of the provisional government, 1775–76, and as a member of the House of Representatives, 1776–80, 1784–88 (speaker, 1779–80).

3. Article I, Section 9, of the Constitution prohibited Congress from banning the African slave trade before 1808. Farr made his promised motion for a bill to lift the state's ban on the importation of slaves on 23 January, which was debated and defeated by a vote of 93 to 40 (Charleston *City Gazette*, 24 January).

South Carolina House of Representatives Debates the Constitution, 16–18 January 1788

The South Carolina House of Representatives held a three-day debate on the Constitution as part of the calling of a ratifying convention. Both Federalists and Antifederalists agreed that the state should call a convention, but because all four delegates to the Constitutional Convention were members of the House, it provided an opportunity for other House members, especially upcountry members where opposition to the Constitution was strong, to hear directly from the men who helped draft it. The House, therefore, on Friday, 11 January, agreed to convene on the following Wednesday, 16 January, as a committee of the whole where full debate could take place without the interruption of other legislative business and normal House rules would not apply.

Over three days, eighteen members of the House were recorded as speaking. All four delegates to the Constitutional Convention spoke in favor of the Constitution with Charles Pinckney and Charles Cotesworth Pinckney speaking most frequently and John Rutledge and Pierce Butler playing lesser roles. Robert Barnwell, Alexander Gillon, Ralph Izard, Sr., John Mathews, John Julius Pringle, David Ramsay, Jacob Read, and Edward Rutledge also spoke on behalf of the Constitution. Antifederalist Rawlins Lowndes spoke largely alone in opposition to the Constitution with the assistance of James Lincoln. In addition, Patrick Calhoun, Henry Pendleton, and Arthur Simkins raised concerns about the Constitution. James Mayson made the closing remarks and thanked the members of the House for the information given in the debate.

All speakers represented low country parishes, with the exception of Calhoun, Lincoln, Mayson, Pendleton, and Simkins, who were upcountry representatives. The remarks of the two Pinckneys and Lowndes make up about three-quarters of the debate. Lowndes raised concerns about the Constitution's threat to slavery, state sovereignty, and domination by the Northern States. Charles Cotesworth Pinckney parried in a lawyerly fashion with replies addressing Lowndes' concerns and argued that the idea "that each state is separately and individually independent" was "a species of political heresy."

The Charleston *City Gazette* printed the House debates between 18 January and 1 February 1788. The debates ran longer than expected, for in its issue

of 31 January, the paper's editors apologized by noting "This debate, for we anticipate objections, has been spun out to a most unreasonable length, yet a desire to give it in the most faithful manner possible will, we hope, be allowed as a plea in abatement. It will be most certainly compleated to-morrow."

While no other newspaper reprinted the debates in full, reports of Federalist and Antifederalist speeches as found in the *City Gazette* received national attention. Speeches or excerpts of speeches delivered by James Lincoln, Rawlins Lowndes, John Mathews, James Mayson, Charles Pinckney, and Charles Cotesworth Pinckney were reprinted in newspapers in Connecticut, Massachusetts, New Hampshire, New York, Pennsylvania, and Rhode Island. Reprint information can be found in the footnotes.

Robert Haswell, a former editor of the *City Gazette*, announced on 18 February that "*At the particular request of a number of gentlemen, speedily will be published*, THE DEBATES IN THE House of Representatives ON THE PROPOSED *Federal Constitution*, As inserted in the City Gazette. . . . *With additions.*" The 55-page pamphlet, *Debates which Arose in the House of Representatives of South Carolina, on the Constitution Framed for the United States, by a Convention of Delegates, Assembled at Philadelphia* (Charleston, 1788) (Evans 21470), also included the 19 January roll-call vote on the location of the Convention and the report of the Constitutional Convention. Haswell apparently intended to include some additional Antifederalist material in the pamphlet, noting at the end of the text that "There will appear some omissions in what fell from Mr. Lowndes, which could not be supplied, owing to the loss of a note book in the fire which consumed the State-House." (See "State House Fire and Meeting Places of General Assembly," 5–11 February, RCS:S.C., 170–73.) In its issue of 11 April, the *City Gazette* published the pamphlet version of Charles Cotesworth Pinckney's speech of 18 January; it had previously published a truncated version on 1 February. The *City Gazette* repeated Haswell's 18 February advertisement sixteen times by 15 March. On 27 March the *City Gazette* announced the pamphlet version of the debates was "*This Afternoon* WILL BE READY FOR SALE" at the paper's printing office. Two days later the advertisement was changed to indicate that the pamphlet was "*JUST PUBLISHED, and for sale*" and that the Federal Constitution was annexed to the debates. This advertisement ran twelve additional times by 30 May.

The text of the House debates, printed under 16, 17, and 18 January, is taken from the *City Gazette*. Most of the speeches printed in the pamphlet are similar or identical to the versions that appeared in the *City Gazette*. Others were edited or rewritten between the newspaper and pamphlet printings. Many of these changes are stylistic. For instance, the *City Gazette* reported Jacob Read as referring to "the boasted efficiency of Congress in a most contemptible point of view," while the pamphlet revised it to read "the boasted efficiency of Congress to be farcical." The newspaper version reported John Mathews as "astonished at hearing the panegyrics on the old constitution," whereas the pamphlet reported him as "astonished at hearing such encomiums on the articles of confederation." In other cases, substantive additions were made to the speeches. Variations from the newspaper version are not noted here unless the pamphlet included material that substantively expanded upon the newspaper version. In these cases, the text from the pamphlet is inserted within angle brackets. For the pamphlet, see Mfm:S.C. 11. Charles Cotesworth Pinck-

ney's notes for his 17 January speech and his notes of a speech by Rawlins Lowndes of the same day are printed below (RCS:S.C., 139–42). Notes of the debates on 18 January made by Henry Pendleton are printed below (RCS:S.C., 160–61).

The debates were reprinted by A. E. Miller in Charleston in 1831 as a 99-page pamphlet, *Debates Which Arose in the House of Representatives of South-Carolina, on the Constitution framed for the United States, by a Convention of Delegates Assembled at Philadelphia Together with Such Notices of the Convention as Could Be Procured.* An advertisement at the beginning of the volume noted: "*The Publisher of this volume finding that the Compiler of* ELLIOTT'S DEBATES, *in his third volume—with which he closes his collection—had omitted the Debates on the adoption of the Federal Constitution, which took place in the Legislature and Convention of South-Carolina, has, with the aid of a friend, collected what could be procured, and presents it to the public as an Appendix, with a view of handing to posterity, as matter of historical record, the opinions of the distinguished men of South-Carolina, on that important question.*" In addition to the debates and roll-call vote on whether the state convention should meet in Charleston taken from the 1788 pamphlet, the 1831 pamphlet contained a brief account of the proceedings of the House on calling a convention, the proceedings of the Convention and speeches by Charles Pinckney, Alexander Tweed, and Patrick Dollard in the Convention, and some miscellaneous material. Jonathan Elliot included much of this pamphlet in his expanded second edition of *The Debates in the Several State Conventions on the Adoption of the Federal Constitution . . .* , which appeared in 1836 (Vol. IV, pp. 253–342). The first edition of Elliot's *Debates* had appeared in 1827–1830.

The South Carolina General Assembly Wednesday, 16 January 1788

House of Representatives Proceedings, 16 January 1788 (excerpt)[1]

. . . Agreeably to the Order of the Day the House proceeded to take into consideration the Report of the Committee to whom was referred the Message of His Excellency the Governor with the Constitution framed by the late Convention of the United States assembled at Philadelphia, which Report and Constitution being read—A Motion was made and Seconded that the House resolve itself into a Committee of the whole to take into Consideration the above Report after Some Debate thereon it was agreed to—

Mr. Speaker left the Chair
Mr. Bee[2] took the Chair of the Committee
Mr. Speaker resumed the Chair

Mr. Bee from the Committee of the whole House reported that they had made some progress in the said Report Committed to them, and that he was desired to move the House that leave be given for the Committee to Sit again

Resolved That this House will resolve itself into a Committee of the Whole House to morrow morning, after the Reading of the Journals—
And then the House Adjourned
'till to morrow Morning 10 OClock

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 322–24.

2. Thomas Bee (1739–1812), a low country planter and Charleston lawyer and judge, served in the South Carolina Commons House of Assembly, 1762–68, 1772–75; Provincial Congress, 1775–76; House of Representatives, 1776–78, 1783–88 (speaker, 1776–78); Confederation Congress, 1780–82; and South Carolina Senate, 1789–90. He also served as lieutenant governor, 1779–80, and as a federal district judge, 1790–1812. Bee represented the parishes of St. Philip and St. Michael in the state Convention and voted to ratify the Constitution.

Newspaper Report of House of Representatives Proceedings 16 January 1788[1]

The house of representatives proceeded yesterday to read the order of the day, for taking the report of a committee appointed to consider a message received from his excellency the governor, accompanied with a copy of the new federal constitution: the report being read, after some debate the house resolved itself into a committee of the whole; Mr. Bee in the chair. A warm debate arose, which was adjourned until this day. An account of this business will be given to morrow.

1. Printed: Charleston *City Gazette*, 17 January. The Charleston *Columbian Herald*, 17 January, reported "Yesterday the House of Representatives, in a Committee of the whole, debated on the Federal Constitution till 4 o'clock.—Mr. Lowndes stood alone in disapprobation of it." The *Columbian Herald* report was reprinted in the *State Gazette of South Carolina*, 21 January, in the February issue of the Philadelphia *American Museum*, and in fourteen other newspapers by 17 March: Vt. (1), N.H. (2), Mass. (2), Conn. (3), N.Y. (2), Pa. (4).

House of Representatives Debates, 16 January 1788

Read the order of the day for taking the report of a committee appointed to consider a message from his excellency the governor, accompanied with a copy of the new federal constitution—after which, the house resolved itself into a committee of the whole, Mr. [Thomas] Bee in the chair.

Mr. C[harles] Pinckney rose in his place and said, that although the principles and expediency of the measures proposed by the late convention, will come more properly into discussion before another body, yet as their appointment originated with them, and the legislature must be the instrument of submitting the plan to the opinion of the people,

it became a duty in their delegates[1] to state with conciseness the motives which induced it.

It must be recollected, that upon the conclusion of the definitive treaty[2] great inconveniencies were experienced, as resulting from the inefficacy of the confederation—the one first and most sensibly felt, was the destruction of our commerce, occasioned by the restrictions of other nations, whose policy it was not in the power of the general government to counteract: the loss of credit, an inability in our citizens to pay taxes, the langour of government were, as they ever must be, the certain consequence of the decay of commerce. Frequent and unsuccessful attempts were made by congress to obtain the necessary powers—the states too individually attempted, by navigation acts and other commercial provisions, to remedy the evil: these, instead of correcting, served but to increase it—their regulations interfered not only with each other, but in almost every instance with treaties existing under the authority of the union. Hence arose the necessity of some general and permanent system which should at once embrace every interest, and by placing the states upon firm and united ground, enable them effectually to assert their commercial rights. Sensible that nothing but a concert of measures could effect this, Virginia proposed a meeting of commissioners at Annapolis, from the legislature of each state, who should be empowered to take into consideration the commerce of the union—to consider how far an uniform system in their commercial regulations might be necessary to their common interest; and to report to the states such an act, as when unanimously ratified by them would enable congress effectually to provide for the same. In consequence of this, ten states appointed delegates, by accident or otherwise, they did not attend, five states only being represented.[3] The gentlemen present, not being a majority of the union, did not conceive it adviseable to proceed; but in an address[4] to their constituents, which was also transmitted to the other legislatures, acquainted them with the circumstances of their meeting—that there appeared to them to be other and more material defects in the federal system than merely those of commercial powers—that these, upon examination, might be found greater than even the acts of their appointments implied, was at least so far probable from the embarrassments which mark the present state of national affairs, foreign and domestic, as to merit, in their opinions, a deliberate and candid discussion in some mode which would unite the sentiments and councils of all the states: they therefore suggested the appointment of another convention under more extensive powers, for the purpose of devising such further provisions as should appear to them necessary to render the federal government adequate to the exigencies of the

union. Under this recommendation the late convention assembled, for most of the appointments had been made before the recommendation of congress[5] was formed or known. He thought proper concisely to mention the manner of the convention's assembling, merely to obviate an objection which all the opposers of the federal system had used; namely, that at the time the convention met, no opinion was entertained of their departing from the confederation—that merely the grant of commercial powers and the establishment of a federal revenue were in agitation; whereas nothing can be more true than that its promoters had, for their object a firm national government. Those who had seriously contemplated the subject, were fully convinced that a total change of system was necessary—that however the repair of the confederation might for a time avert the inconveniencies of a dissolution, yet it was impossible a government of that sort could long unite this growing and extensive country. They also thought that the public mind was fully prepared for the change, and that no time could be more proper than to introduce it than the present. That the total want of government—the destruction of commerce—of public credit, private confidence and national character, were surely sufficiently alarming to awaken their constituents to a true sense of their situation. Under these impressions the convention met—the first question that naturally presented itself to the view of almost every member, although it was never formally brought forward, was the formation of a new, or the amendment of the existing system. Whatever might have been the opinions of a few speculative men, who either did, or pretended to confide more in the virtue of the people than prudence warranted. Mr. Pinckney said, he would venture to assert, that the states were unanimous in prefering a change. They wisely considered, that though the confederation might possess the great outlines of a general government, yet that it was in fact nothing more than a federal union, or strictly speaking a league founded in paternal and persuasive principles, with nothing permanent and coercive in its construction—where the members might or might not comply with their federal engagements as they thought proper. That no power existed of raising supplies but by the requisitions or quotas on the states—that this defect had been almost fatally evinced by the experience of the states for the last six or eight years, in which not one of the states had completely complied; but few had even paid up their specie proportions, others very partially, and some he had reason to believe had not to this day contributed a shilling to the common treasury since the union was formed.[6] He should not then go into a detail of the conduct of the states, or the unfortunate and embarrassing situation to which their inattention has reduced the union: these

have been so often and so strongly represented by congress, that he was sure there could not be a member on the floor unacquainted with them. It was sufficient to remark that the convention saw and felt the necessity of establishing a government upon different principles, which instead of requiring the intervention of thirteen different legislatures between the demand and the compliance should operate upon the people in the first instance. He repeated that the necessity of having a government which should at once operate upon the people and not upon the states, was conceived to be indispensable by every delegation present—that however they may have differed with respect to the quantum of power, no objection was made to the system itself. They considered it however highly necessary that, in the establishment of a constitution possessing extensive national authorities, a proper distribution of its powers should be attended to.—Sensible of the danger of a single body, and that to such a council the states ought not to intrust important rights, they considered it their duty to divide the legislature into two branches, and by a limited revisionary power to mingle in some degree the executive in their proceedings—a provision that he was pleased to find meets with universal approbation. The degree of weight which each state was to have in the federal council became a question of much agitation. The larger states contended, that no government could long exist, whose principles were founded in injustice—that one of the most serious and unanswerable objections to the present system, was the injustice of its tendency in allowing each state an equal vote, notwithstanding their striking disparity. The smaller replied, and perhaps with reason, that as the states were the pillars upon which the general government must ever rest, their state governments must remain—that however they may vary in point of territory or population, as political associations, they were equal—that upon these terms they formally confederated, and that no inducement whatsoever should tempt them to unite upon others—that if they did, it would amount to nothing less than throwing the whole government of the union into the hands of three or four largest states. After much anxious discussion, for had the convention seperated without determining upon a plan, it would have been upon this point, a compromise was effected, by which it was determined that the first branch should be so chosen as to represent in due proportion the people of the union—that the senate should be the representatives of the states, where each should have an equal weight.[7] Though he was at first opposed to this compromise, yet he was far now from thinking it an injudicious one. The different branches of the legislature being intended as checks upon each other,

it appeared to him they would more effectually restrain their mutual intemperences under this mode of representation, than they would have done if both houses had been formed upon proportionable principles; for let us theorize as much as we will it will be impossible so far to divest the majority of the federal representatives of their state view & policy as to induce them always to act upon truly national principles—men do not easily wean themselves of those preferences and attachments which country & connexions invariably create; and it must frequently have happened, had the larger states acquired that decided majority which a proportionable representation would have given them in both houses, that state views and policy would have influenced their deliberations. The ease with which they would upon all occasions have secured a majority in the legislature, might in times less virtuous than the present, have operated as temptations to designing & ambitious men to sacrifice the public good to private views—this cannot be the case at present, the different mode of representation in the senate will, as has already been observed, most effectually prevent it.—The purpose of establishing different houses of legislation was to introduce the influence of different interests and principles, and he thought that we should derive from this mode of separating the legislature into two branches, those benefits which a proper complication of principles is capable of producing; and which must, in his judgement, be greater than any evils that may be produced by their temporary dissentions. The judicial he conceived to be at once the most important & intricate part of the system. That a supreme federal jurisdiction was indispensable cannot be denied. It is equally true, that in order to insure the administration of justice, it was necessary to give it all the powers original as well as appellate, which the constitution has enumerated; without it we could not expect a due observance of treaties—that the state judiciaries would confine themselves within their proper sphere, or that general sense of justice pervade the union which this part of the constitution is intended to introduce and protect. That much however would here depend upon the wisdom of the legislature who are to organize it. That from the extensiveness of its powers it may be easily seen, that under a wise management the department might be made the keystone of the arch—the means of cementing and binding the whole together—of preserving uniformity in all the judicial proceedings of the union.—That in republics much more in time of peace would always depend upon the energy and integrity of the judicial, than on any other part of the government—that to ensure these extensive authorities were necessary; particularly so were they in a tribunal constituted as this is,

whose duty it would be not only to decide all national questions which should arise within the union, but to controul and keep the state judicials within their proper limits, whenever they shall attempt to interfere with its power. The executive he said, though not constructed upon those firm and permanent principles which he confessed would have been pleasing to him, is still as much so as the present temper and genius of the people will admit. Though many objections had been made to this part of the system, he was always at a loss to account for them—that there can be nothing dangerous in his powers even if he was disposed to take undue advantages, must be easily discerned from reviewing them. He is commander in chief of the land and naval forces of the union, but he can neither raise or support forces by his own authority—he has a revisionary power in the making of laws—but if two thirds of both houses afterwards agree, notwithstanding his negative, the law passes—he cannot appoint to an office, without the senate concurs—nor can he enter into treaties; or, in short, take a single step in his government without their advice. He is also to remain in office but four years.—He might ask then, from whence are the dangers of the executive to proceed? It may be said from a combination of the executive and the senate, they might form a baneful aristocracy.

He had been opposed to join in the executive and the senate in the discharge of those duties, because their union and his opinion destroyed that responsibility which the constitution should in this respect have been careful to have established; but he had no apprehensions of an aristocracy. For his part he confessed, that he ever treated all fears of aristocracies or despotisms in the federal head as the most childish chimeras that could be conceived. In an union as extensive as this is, composed of so many different state governments, and inhabited by a people characterized as our citizens are, by an impatience under any act which even looks like an infringement of their rights—an invasion of them by the federal head, appeared to him the most remote of all our public dangers—so far from supposing a change of this sort at all probable, he confessed his apprehensions were of a different kind—he rather feared that it is impossible while the state systems continue, to construct any government upon republican principles sufficiently energetic to extend its influence through all its parts. Near the federal seat its influence may have compleat effect, but he much doubted its efficacy in the more remote districts—the state governments will too naturally slide into an opposition against the general one, and be easily induced to consider themselves as its rivals. They will after a time resist the collection of a revenue, and if the general government is obliged

to concede in the smallest degree on this point, they will of course neglect their duties, and despise its authority; a great degree of weight and energy is necessary to enforce it; nor is any thing to be apprehended from them. All power being immediately derived from the people, and the state governments being the basis of the general one; it will easily be in their power to interfere, and prevent its injuring or invading their rights. Though at first he considered some declaration on the subject of trial by jury in civil cases, & the freedom of the press necessary, and still thinks it would have been as well to have had it inserted, yet he acquiesced in the reasoning which was used to shew that the insertion of them was not essential.[8] The distinction which has often been taken between the nature of a federal and state government appeared to be conclusive—that in the former no powers could be executed or assumed but such as were expressly delegated, and in the latter the indefinite power was given to the government, except upon points that were by express compact reserved to the people.[9]

On the subject of juries, in civil cases, the convention were anxious to make some declaration; but when they reflected that all courts of admiralty and appeals being governed in their proceedings by civil law and the laws of nations, never had or ought to have juries, they found it impossible to make any precise declaration upon the subject; they therefore left it as it was, trusting that the good sense of their constituents would never induce them to suppose, that it could be the interest or intention of the general government to abuse one of the most invaluable privileges a free country can boast, in the loss of which themselves—their fortunes and connections must be so materially involved, to the deprivation of which, except in the cases alluded to, the people of this country would never consent. When we reflect that the exigencies of the union require that a general government upon other principles should be established than the present, when we contemplate the difference between a federal union and a government operating upon the people, and not upon the states, we must at once see the necessity of giving to it the power of direct taxation; without this it must be impossible for them to raise such supplies as are necessary to discharge the debts, or support the expences of the union—to provide against common danger, or afford that protection to its members which they have a right to expect from the federal head. But here he begged leave to observe that so far from apprehending danger from the exercise of this power, few or no inconveniencies are to be expected. He had not a doubt, that except in time of war, or pressing necessity, a sufficient sum would always be raised by impost, to defray the general

expences. As to the power of raising troops, it was unnecessary to remark upon it further than merely to say, that this is a power the government at present possesses and exercises; a power so essential, that he should very much doubt the good sense or information of any man that should conceive it improper—it is guarded by a declaration, that no grants for this purpose shall be longer than for two years at a time. For his own part, notwithstanding all that had been said upon this popular topic, he could not conceive that either the dignity of a government could be maintained—its safety ensured—or its laws administered, without a body of regular forces to aid the magistrate in the execution of his duty. All government is a kind of restraint, we may be told a free government imposes no restraint upon the private wills of individuals, which does not conduce in a greater degree to the public happiness. But all government is restraint, & founded in force. We are the first nation who have ever held a contrary opinion, or even attempted to maintain one without it. The experiment has been made, and he trusted there would hereafter be few men weak enough to suppose that some regular force ought not to be kept up, or that the militia can ever be depended upon as the support or protection of the union. Upon the whole, he could not but join those in opinion, who have asserted that this is the best government that has ever been offered to the world; and that instead of being alarmed at its consequence, we should be astonishly pleased that one so perfect could have been formed from such discordant and unpromising materials. In a system founded upon republican principles—where the powers of government are properly distributed, and each confided to a separate body of magistracy, a greater degree of force and energy will always be found necessary, than even in a monarchy. This arises from the natural spirit of union being stronger in monarchies than in republics. It is said to be naturally strong in monarchies, because in the absence both of manners and principles, the compelling power of the sovereign collects and draws every thing to a point, and thereby, on all common situations effectually supplies their place. But in free countries it is naturally weak unless supported by public spirit; for as in most cases, a full national union will require that the separate and partial views of private interest be on every occasion sacrificed to the general welfare; so when this principle prevails not, and it will only prevail in moments of enthusiasm, the national union must ever be destroyed by selfish views and private interest. He said, that with respect to the union, this can only be remedied by a strong government, which while it collects its powers to a point, will prevent that spirit of disunion from which the most serious consequences are to be apprehended. He begged leave for a moment to examine

what effect this spirit of disunion must have upon us, as we may be affected by any foreign enemy. It weakens the consistency of all public measures, so that no extensive scheme of thought can be carried into action, if its accomplishment demands any long continuance of time— It weakens not only the consistency, but the vigor and expedition of all public measures; so that while a divided people are contending about the means of security or defence, an united enemy may surprize and invade them. These are the apparent consequences of disunion. Mr. Pinckney confessed, however, that after all that had been said upon the subject, our constitution was in some measure but an experiment,— nor was it possible yet to form a just conclusion as to its practicability.

It had been an opinion long established, that a republican form of government suited only the affairs of a small state; which opinion is founded in the consideration that unless the people in every district of the empire be admitted to a share in the national representation, the government is not to them as a republic—that in a democratic constitution, the mechanism is too complicated, the motions too slow for the operations of a great empire; whose defence and government require execution and dispatch in proportion to the magnitude, extent and variety of its concerns. There was weight no doubt in these reasons, but much of the objections, he thought would be done away by the continuance of a federal republic, which distributing the country into districts, or states of a commodious extent, and leaving to each state its internal legislation, reserves to a general superintending government the adjustment of their relative claims, the compleat direction of the common force and treasure of the empire. To what limits such a republic might extend, or how far it is capable of uniting the liberty of a small commonwealth with the safety of a peaceful empire; or, whether amongst co-ordinate powers, dissentions and jealousies would not be likely to rise, which for want of a common head might proceed to fatal extremities, are questions upon which he did not recollect the example of any nation authorizes us to decide; because the experiment has never yet been fairly made. We are now about to make it upon an extensive scale, and under circumstances so promising, that he considered it the fairest experiment that had been ever made in favor of the rights of human nature. He concluded with expressing a thorough conviction that the firm establishment of the present system is better calculated to answer the great ends of public happiness than any that has yet been devised.

A long debate arose for reading the constitution in paragraphs, but on a division there appeared to be a majority against it. [Charleston *City Gazette*, 18 January][10]

Mr. [Robert] Barnwell[11] hoped gentlemen would confine themselves to the principles of this constitution; an honorable member had already given much valuable information as reasons that operated in the convention, so that they were now able to lay before their constituents the necessity of bringing forward this constitution.

Judge [Henry] Pendleton[12] read a paragraph from the constitution, which says, "the senate shall have the sole power of impeachment." In the British government, and all governments, where power is given to make treaties of peace or war, there had been found a necessity to annex responsibility: In England particularly ministers that advised illegal measures were liable to impeachment, for advising the king; now if justice called for punishment of treachery in the senate on account of giving bad advice, before what tribunal could they be arraigned? Not surely before themselves, that was absurd to suppose. Nor could the president be impeached for making treaties, he acting only under advice of the senate, in a case where he had not a negative.

Major [Pierce] Butler was one of a committee that drew up this clause,[13] & would endeavor to recollect those reasons by which they were guided. It was at first proposed to vest the sole power of making peace or war, in the senate but this was objected to as inimical to the genius of a republic, by destroying the necessary balance they were anxious to preserve. Some of the members were inclined to give this power to the president, but it was objected as throwing into his hands the influence of a monarch, having an opportunity of involving his country in a war, whenever he wished to promote her destruction. The house of representatives was then named, but an unsurmountable objection appeared against this proposition, which was, that negociations generally required the greatest secrecy, not probable to be expected in a large body. The hon. gentleman then gave a clear, concise opinion on the propriety of the proposed constitution.

Gen. [Charles Cotesworth] Pinckney observed, that the honorable judge [Henry Pendleton], from his great penetration, had hit upon one of those hard points that for a long time occasioned much debate in the convention. Indeed, this subject appeared of so much magnitude, that a committee of all the states was appointed to digest it. {They came happily to a unanimous conclusion, although much difference of opinion took place; some members were for a sole power in the executive, because he was a man not so interested as a king. The honorable general differed here—kings never were known so corrupt as to take bribes in any one instance, which had fallen within his knowledge, excepting that of Charles IId. who sold Dunkirk;[14] and the reason of this was obvious, a king who betrayed or lost his country could not

expect to find another; but a president only appointed for four years, might be bribed so highly as to betray his trust and sell his country.}[15]

⟨His honorable friend (Major Butler) was on the committee for this state. Some members were for vesting the power of making treaties in the legislature, but the secrecy and dispatch which are so frequently necessary in negotiations evinced the impropriety of vesting it there. The same reason shewed the impropriety of placing it solely in the house of representatives. A few members were desirous that the president alone might possess this power, and contended that it might safely be lodged with him, as he was to be responsible for his conduct, and therefore would not dare to make a treaty repugnant to the interests of his country; and from his situation he was more interested in making a good treaty than any other man in the united states. This doctrine general Pinckney said he could not acquiesce in. Kings, he admitted, were in general more interested in the welfare of their country than any other individual in it, because the prosperity of the country tended to increase the lustre of the crown, and a king could never receive a sufficient compensation for the sale of his kingdom, for he could not enjoy in any other country so advantageous a situation as he permanently possessed in his own. Hence kings are less liable to foreign bribery and corruption than any other set of men, because no bribe that could be given them could compensate the loss they must necessarily sustain for injuring their dominions: Indeed he did not at present recollect any instance of a king who had received a bribe from a foreign power, except Charles the second, who sold Dunkirk to Louis the fourteenth. But the situation of a president would be very different from that of a king—he might withdraw himself from the united states, so that the states could receive no advantage from his responsibility; his office is not to be permanent, but temporary; and he might receive a bribe which would enable him to live in greater splendor in another country than in his own, and when out of office he was no more interested in the prosperity of his country than any other patriotic citizen; and in framing a treaty he might perhaps shew an improper partiality for the state to which he particularly belonged. The different propositions made on this subject the general observed occasioned much debate; at last it was agreed to give the president a power of proposing treaties, as he was the ostensible head of the union, and to vest the senate, (where each state had an equal voice) with the power of agreeing or disagreeing to the terms proposed. This in some measure took away their responsibility, but not totally; for, though the senate were to be judges on impeachments, and the members of it would not probably condemn a measure they had agreed to confirm, yet as they were not

a permanent body, they might be tried hereafter by other senators, and condemned if they deserved it. On the whole, a large majority of the convention thought this power would be more safely lodged where they had finally vested it than any where else. It was a power that must necessarily be lodged somewhere—Political caution and republican jealousy rendered it improper for us to vest it in the president alone; the nature of negociation, and the frequent recess of the house of representatives rendered that body an improper depository of this prerogative. The president and senate joined were, therefore, after much deliberation, deemed the most eligible corps in whom we could with safety vest the diplomatic authority of the union.⟩

Mr. [Rawlins] Lowndes said that he could not consider the representation of two thirds in the senate was equal to the former one under the old constitution of nine states. By this new constitution a quorum in the senate might consist only of 14; two thirds of which were ten: now was this any thing like a check equal to that at present? Were the house willing to give so much power into the hands of any set of men, that they might supercede every existing law in the union? Here he read the 2d clause in the 6th article of the proposed constitution, viz. "This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the constitution or laws of any state to the contrary notwithstanding." Now in the known world was there ever a history of a republic that gave its rulers such an extensive latitude as this; even the most arbitrary kings possessed nothing like it. The tyrannical Henry VIII indeed had power given him by a supple parliament to issue proclamations that should be obeyed as laws: but this execrable, this severe, this unjustifiable conduct had been universally reprobated.[16] The king of France, though a despotic Prince (he meant no reflection on this monarch, his opinion on this subject was well known) his edicts were never of force until they had been registered in parliament. In England, they proceed with diffidence in making treaties; far from being considered as legal without a parliamentary sanction, the preamble always stated that his majesty would endeavor to obtain a law for ratifying this treaty—this was the language even of a monarch. He thought the southern states would have very little choice of a president, for the first indeed was generally looked to [i.e. George Washington], but for any other, he feared Carolina or Georgia would know very little of him. He observed, that the clause entirely did away the instalment law; for when this constitution came to be established, the treaty might be pleaded

against any application for relief which that law afforded.[17] He did not oppose this constitution from whim or caprice, but because he was anxious to see one brought forward that would ensure peace, happiness and prosperity to his country.

Gen. [Charles Cotesworth] Pinckney rose to obviate the objections made by the honorable gentleman who sat down, and who was, as he thought, intent on taking members by surprise ⟨and whose arguments he thought were calculated *ad capitandum*,[18] and did not coincide with that ingenuous, fair mode of reasoning he in general made use of.⟩ The treaty had been construed as if liable when in full force to change the operation of our laws; now this certainly was not so, the treaty being considered in full force, so long as we did not make by law any distinctions between our own citizens and foreigners. Had not the treaty been enrolled by express order of the judges, as the law of the land; and was it not allowed whenever pleaded at bar? Suppose any individual state had an option to refuse ratifying a treaty agreed to by congress, what nation would think of entering into one with us? The comparison made between kings and our president, did not by any means apply, because kings are hereditary, where the people have no election; whereas in the appointment of the senate, South-Carolina has an equal vote with other states, so has Georgia; and we have a thirteenth part in the election for president ⟨and if we have a man as fit for the office of president in this state as in the others, he did not think the being a southern man could be an objection. More than one president of Congress had been taken from this state.⟩[19] If unfortunately we are not represented, we may impute the blame to ourselves. ⟨If we should not be represented in the senate it would be our own fault; the mode of voting in that body *per capita*, and not by states as formerly, would be a strong inducement to us to keep up a full representation; the alteration was approved by every one of the convention who had been a member of Congress.⟩ He recited several instances of difficulties which occurred in congress, to conclude questions of vast importance to the union. He did not think the southern states were likely to be backward in representation. Our legislature were to elect members for the senate in the same manner they had hitherto done for the delegates to congress. Experience proved that the eastern and the southern states were most punctual in attendance—it was the middle ones principally that had neglected this essential duty.[20]

Chancellor [John] Rutledge thought the gentleman mistaken as to law and fact; for every treaty was law paramount, and must operate. (Read part of 9th art. confed.)[21] In England treaties are not necessarily ratified—was not this sufficiently proved when the British parliament

took up the last treaty of peace, a vote of disapprobation dispossessed lord Shelburne,[22] the minister, of his place; the commons only addressed the king for having concluded a peace, yet this treaty is binding in our courts, and in England. In that country any American citizen can recover debts due to him; and in this, but for the treaty, what violences would have taken place? What other security had violent tories, stealers of horses, and a number of lawless men, but a law which we passed for recognizing the treaty. There might have been some persons punished, but if they had sued out a habeas corpus no doubt but that legal assistance could have been received. There was an obvious difference between treaties of peace and those of commerce, because commercial treaties generally clashed with the laws upon that subject; and therefore it was absolutely necessary to be ratified. As a proof that our present articles of confederation were paramount, it was there expressed that France should enjoy certain privileges.[23] Now supposing any law had passed to take those privileges away, would not the treaty be a sufficient bar to any local or municipal laws? What sort of a power is that which leaves individuals in full power to reject or approve? Suppose a treaty was unexpectedly concluded between two nations at war, could individual subjects ravage and plunder under letters of marque and reprisal? certainly not. The treaty concluded even secretly would be a sufficient bar to the establishment of such conduct. Pray what solid reasons could be urged to support gentlemen's fears that our new governors would wish to promote measures hostile to their native land? Was it not more reasonable for them to fear that if every state in the union had a negative voice, a single state might be tampered with, and thus defeat every wise purpose. Adverting to the objection relative to the installment act being done away, he asked, suppose a person gave security conformable to that law, whether judging from precedent, the judges would permit any further proceedings contrary to it. He scouted an idea that only ten members would ever be left to manage the business of the senate; yet even if so, our delegates might be part of that ten, and consequently our interest securely guarded. He described difficulties experienced in congress in 1781 and 1782; in those times business of vast importance was thrown aside because nine states could not be kept together. Having proved that the laws stood exactly as they did before, he went on to the powers possessed by the president: he asked whether gentlemen could seriously suppose that a president who had his character at stake,—would combine with a set of people would shew himself such a fool, as well as knave, as to join with ten others to tear up the roots of liberty, when a full senate were competent to impeach him.

Mr. [Ralph] Izard[24] gave a clear account of the nature in which edicts have been registered in France, that were legal without that ceremony; even the king of England had power to make treaties of peace or war. In the congress held at Utrecht, two treaties were agreed upon,[25] one relative to peace, the other of commerce; the latter was not ratified, being found to clash with some laws existing; yet the king's right to make it was never disputed.

Mr. Speaker [John Julius Pringle][26] said, that in general he paid great deference to the opinions of the honorable gentleman, (Mr. Lowndes) as they flowed from good natural sense, matured by much reflection and experience. On this occasion he entirely disagreed with him. The gentleman appeared extremely alarmed by a phantom of his own creation—a phantom like every other, without body or substance, and which will vanish as soon as touched. If the objections which he may have to other parts of the constitution be no better founded than to this article, the constitution will pass through the medium of this house, like gold through the crucible, the purer and with greater lustre. His objections will only serve to confirm the sentiments of those who favour it. All the gentleman's objections may be comprised in the following compass. By this article he says, the president with ten senators if only ten[27] attend, may make treaties to bind all the states—that the treaties have the force of and indeed are paramount to the laws of the land—therefore the president and senate have a legislative power; and then he gives scope to a great deal of declamation on the vast danger of their having such legislative power, and particularly, that they might make a treaty which might thus repeal the installment law. This is a greater power he says than the king of Great Britain, or king of France has, the king of Great Britain must have his ratified by parliament—the treaties of the French king must be registered. But Mr. Speaker conceived, that he was mistaken as to treaties made by those monarchs. The king of France registers his edicts on some occasions to facilitate the execution, but not his treaties. The king of Great Britain's treaties are discussed by parliament not for ratification, but to discover whether the ministers deserve censure or approbation. The making of treaties is justly a part of their prerogative—It properly belongs to the executive part of government, because they must be conducted with dispatch and secrecy, inconsistent with larger assemblies. No such dangers as the gentleman apprehends, can ensue from vesting it with the president and senate. Although the treaties they make may have the force of laws, when made, they have not therefore legislative power. It would be dangerous indeed to trust them with the power of making laws, to effect the rights of individuals. For this might tend to the oppression of individuals, who could not

obtain redress. All the evils, would in that case flow from blending the legislative, executive and judicial powers. This would violate the soundest principles of policy and government. It is not with regard to the power of making treaties, as of legislation in general. The treaties will affect all the individuals equally of all the states. If the president and senate make such as violate the fundamental laws, and subvert the constitution, or tend to the destruction of the happiness and liberty of the states, the evils equally oppressing all, will be removed as soon as felt, as those who are oppressed, have the power and means of redress. Such treaties not being made with good faith and on the broad basis of reciprocal interest and convenience, but by treachery and a betraying of trust, and by exceeding the powers with which the makers were entrusted, ought to be annulled. No nations would keep treaties thus made. Indeed it is too much the practice for them to make mutual interest and convenience, the rule of observation, or period of duration. As for the danger of repealing the instalment law, the gentleman has forgot that one article of the constitution ordains, that there shall be no retrospective law. The president and senate will therefore hardly ever make a treaty that would be of this nature. After other arguments to obviate the objections of the honorable gentleman, Mr. Speaker concluded with saying, that it was not necessary for him to urge, what further occured to him, as he saw several of the honorable members of the convention preparing, whose duty it more particularly was, and who were more able, to confute the honorable gentleman in opposition.

Dr. [David] Ramsay asked if the gentleman meant us ever to have any treaties at all; if not superior to local laws who would trust them. Would not the question then naturally be, did you mean when you made your treaties to fulfil them? Establish once such doctrine, and where will you find ambassadors? If gentlemen had been in the way of receiving similar information with himself, they would have heard letters read from our ambassadors abroad, in which loud complaints were made, that America had become faithless and dishonest—Was it not time that such conduct as this should endure an alteration? Certainly it was. [Charleston *City Gazette*, 19 January 1788]

General [Charles Cotesworth] Pinckney said, that the treaty was considered as law in every court of law in this state—the judge who held the court at Ninety-Six discharged upwards of one hundred recognizances of persons committed for different crimes, which fell within the meaning of this treaty. A man named Love, accused of murder, was liberated. It is true the people enraged at the enormity of his conduct hanged him soon after. But of this the judicial power knew nothing until after its perpetration.[28] Another murderer was allowed to plead the

treaty of peace in bar, who had conducted general Picken[s]'s brother into the hands of the Indians, who soon after put him to death.[29]

Mr. [Rawlins] Lowndes desired gentlemen to remember that his antagonists were mostly gentlemen of the law, who were in the habit of giving favorable explanations to such points as their interests or inclination prompted them to carry. He explained his meaning relative to treaties to be, that no treaty entered into contrary to law could be binding. The king of England, when he concluded one, did not hold himself warranted to go farther than to promise that he will endeavor to influence his parliament to sanction it.—{The security of a republic is jealousy, its ruin is to be expected from indolent serenity; let us not therefore receive this proferred boon with implicit confidence, as if it carried the stamp of perfection; it is better to compare what we possess with what we are going to exchange it for. We are now governed by a most excellent constitution—one which had stood the test of time, and carried us through difficulties supposed to be insurmountable—one that had raised us high in the eyes of all men, and given to us the enviable blessings of liberty & independence—a constitution sent us like a blessing from heaven, yet were we impatient to trample it under foot; and for what? why, to make way for another that give power for a small number of men to pull down the fabric which we have spent our blood to raise. Charters are sacred things; in England an attempt was made to alter the charter of the East India company, but they invoked heaven and earth in their cause—moved lords, nay even the king in their behalf, and in the end proved victorious.[30] It had been said, that this government was to be considered as an experiment; he really was afraid it would turn out to be a most fatal one to our peace and happiness—an experiment! what risque the loss of our political existence on experiment? No; Sir, if we are to make experiments let them be such as may do good, but which cannot possibly do any injury to our own liberties, or those of our posterity.—So far from having any hope of success from such experiments, he sincerely believed that when this new constitution became of force, the sun of those southern states was set never to rise again. To prove this, he observed, that six of the eastern states formed a majority in the house of representatives (in enumerating these he passed Rhode Island, and went on to Pennsylvania.[)] Now was it consonant with reason—with wisdom—with policy, to suppose that in a legislature where a majority sat of persons whose interests were totally different from ours; that we had the smallest chance of receiving adequate advantages? certainly not. He believed the gentlemen that went from this state to represent us in the late convention, possessed as much wisdom, as much integrity, and stood as high in

point of character as any gentlemen that could have been selected; and he believed, that they had procured for us as great a proportion in the interest of this new government as possible: but the very little which they had obtained, proved that in future we might expect still less; and that the influence of the northern states would be so predominent against us, as to divest us of even the shadow of a republic. In the first place, what reason was there for jealousy of our negro trade? Why confine it to a limited period, or rather why lay any restriction? There is a stroke aimed at the prohibition of our negro trade by an ungenerous limitation of twenty years, and this under the specious pretext of humanity. For his part, he thought this sort of traffic justifiable on the principles of religion, humanity and justice, for certainly to translate a set of human beings from a bad country to a better, was fulfilling every part of those principles. But they don't like our slaves, because they have none themselves, and therefore want to exclude us from this great advantage. But should the southern states allow of this without the consent of nine states? (Judge Pendleton observed, that only three states, Georgia, South Carolina, and North Carolina, allowed the importation of negroes, Virginia, and Maryland, even before the war, he believed, were against it.[31] To this Mr. Lowndes said, well, so have we a law prohibiting the importation of slaves for three years, ⟨a law he greatly approved of,⟩[32] but that is no reason why the southern states may not wish to alter their conduct, and open their ports for the importation of negroes.)[33] He went on to observe, that without negroes this state would degenerate into one of the most contemptible in the union, and cited an expression that fell from general [Charles Cotesworth] Pinckney, on a former debate, that whilst there remained one acre of swamp land in South Carolina, he should raise his voice against restricting the importation of negroes.[34] Even in granting the importation for twenty years, care had been taken to make us pay for this indulgence, each negro being liable on importation to pay duty not exceeding ten dollars per head, and in addition to this were liable to a capitation tax. Negroes were our wealth, our only natural resource, yet behold how our kind friends in the north were determined soon to tie up our hands, and in the mean time to drain us of what we had. The Eastern states drew their means of subsistence in a great measure from their shipping, and on this head they had been obviously careful against imposing any burthen—were not to pay tonnage, or duties, no not even the ceremony of clearing out—all ports were free and open to them! Why then call this a reciprocal bargain, which took all away from one party to bestow it on the other? (Major Butler observed, that they were to pay 5 per cent. impost) That will fall upon the consumer.

They are to be the carriers, we pay freightage, they receive it. Mr. Lowndes then proceeded to say, that a great many gentlemen were captivated with this new constitution, because those who were in debt would be compelled to pay; others pleased themselves with the reflection that no more confiscation laws could be passed; but these were small comforts, in proportion to the terrors that naturally arose from an apprehension of what laws might be passed by Congress, whenever there was a majority of representatives from the eastern states, who were governed by prejudices and ideas extremely different from ours. He was afraid in the present instance that so much partiality prevailed for this new constitution, that any opposition from him would be fruitless, however he felt himself so warm with the subject, that the house he hoped would indulge him in a few words in taking a comparitive view of the old constitution and the new one, in point of modesty. Congress, labouring under many difficulties, from too much restraint, in order to relieve the union from those difficulties, asked to regulate our commerce for 21 years, when the power again reverted into the hands of those who gave it;[35] but this infalliable constitution now proposed eased us of any more trouble, for it was to regulate commerce *ad infinitum*; thus calling upon us for to pledge ourselves and posterity forever in support of their measures; so that when our local legislature had dwindled down to the confined powers of a corporation, we shall be liable to taxes and excise; not perhaps receivable in paper, but in specie; however gentlemen should not be uneasy, since every thing would be in future managed by great men—& great men every body knew were incapable of doing wrong—they always were infallible—so that if at any future period we should smart under laws that bore hard upon us, and presume to remonstrate, the answer would probably be—Go, you are totally incapable of judging for yourselves—go, mind your affairs—trouble not yourselves with public concerns—mind your business—this expression was already impressed on some of the coppers in circulation,[36] & in his conscience he sincerely thought it would soon be the style of language held towards the southern states. The honorable member apologized for going into the merits of this new constitution, when it was to be ultimately decided on by another tribunal, but understanding that he differed in opinion from his constituents, who were determined not to elect any person as a member in the convention who was opposed to the proposed plan of government; he should not have had an opportunity of expressing those sentiments by which he was actuated.—But if this constitution should be sanctioned by the people, it would have his hearty concurrence and support. He was very much originally against a declaration of independency—he opposed

the instalment law, but when they were received as laws, it became his duty as a good citizen to promote their due observance.}[37]

Mr. E[dward] Rutledge was astonished to hear the honorable gentleman pass such eulogium on the old confederation, and prefer it as he had done, to the one before the house. For his part, he thought that confederation so very weak, so very inadequate to the purposes of the union, that unless it was materially altered, the Sun of American Independence would indeed soon set—never to rise again! What could be effected for America under that highly extolled constitution? Could it obtain security for our commerce in any part of the world?—Could it enforce obedience to any one law of the union?—Could it obtain one shilling of money for the discharge of the most honorable obligations? The honorable gentleman knew it could not. Was there a single power in Europe that would lend us a guinea on the faith of that confederation, or could we borrow one on the public faith of our own citizens? The people of America had seen these things—they had felt the consequences of this feeble government, if that deserved the name of government which had no power to enforce laws founded on solemn compact; and it was under the influence of those feelings that, with almost one voice, they had called for a different government. But the honorable gentleman had said, that this government had carried us gloriously through the last war; Mr. Rutledge denied the assertion—it was true that we had passed gloriously through the war whilst the confederation was in existence, but that success was not to be attributed to the confederation; it was to be attributed to the firm and unconquerable spirit of the people, who were determined, at the hazard of every consequence, to oppose a submission to British government; it was to be attributed to the armaments of an ally, and the pecuniary assistance of our friends: These were the wings on which we were carried so triumphantly through the war; and not this wretched confederation which is unable, by universal acknowledgment, to obtain a discharge of any part of our debts in the hour of the most perfect domestic tranquility. What benefits then are to be expected from such a constitution in the day of danger?—without a ship[38]—without a soldier—without a shilling in the federal treasury, and without a nervous[39] government to obtain one, we hold the property that we now enjoy at the courtesy of other powers. Was this such a tenure as was suitable to the inclinations of our constituents? it certainly was not—they had called upon us to change their situation, and we should betray their interest, and our own honour, if we neglected it. But the gentleman had said, that there were points in this new confederation which would endanger the rights of the people—that the president and ten senators may make

treaties, and that the balance between the states was not sufficiently preserved—that he is for limiting the power of Congress, so that they shall not be able to do any harm; for if they have the power to do any harm they may. To this Mr. Rutledge observed, that the greatest part of the honorable gentleman's objection was founded in an opinion, that the choice of the people would fall on the most worthless and the most negligent part of the community; but if it was to be admitted, it would go to the withholding of all power from all public bodies. The gentleman would have done well to have defined the kind of power that could do no harm; the very idea of power included a possibility of doing harm; and if the gentleman would shew the kind of power that could do no harm, he would at once discover it to be a power that could do no good. To argue against the use of a thing from the abuse of it, had long since been exploded by all sensible people. It was true, that the president with the concurrence of two thirds of the senate might make treaties, and it was possible that the [i.e., ten] senators *might* constitute the two-thirds, but it was just within the reach of possibility, and a possibility from whence no danger could be apprehended; if the president or the senators abused their trust, they were answerable for their conduct—they were liable to impeachment and punishment, and the fewer there were concerned in the abuse of the trust, the more certain would be the punishment. In the formation of this article, the delegates had done their duty fully—they had provided that two-thirds of the senate should concur in the making of the treaties; if the states should be negligent in sending their senators, it would be their own faults, and the injury would be theirs, not the framers of the constitution; but if they were not negligent, they would have more than their share. Is it not astonishing that the gentleman who is so strenuous an advocate for the powers of the people, should distrust the people the moment that power is given to them, and should found his objection to this article in the corruption of the representatives of the people, and in the negligence of the people themselves. If such objections as these have any weight, they tend to the destruction of all confidence—the withholding of all power—the annihilation of all government. Mr. Rutledge insisted that we had our full share in the house of representatives, and that the gentleman's fears of the northern interest prevailing at all times were ill founded. The constitution had provided for a census of the people, and the number of representatives, was to be directed by the number of the people in the several states: this clause was highly favourable to the southern interest. Several of the northern states were already full of people; it was otherwise with us, the migrations to the south were immense, and we should in the course of a few years, rise high in our

representation whilst other states would keep their present position. Gentlemen should carry their views into futurity, and not confine themselves to the narrow limits of a day when contemplating a subject of such vast importance. The gentleman had complained of the inequality of the taxes between the northern and southern states—that ten dollars a head was imposed on the importation of negroes, and that those negroes were afterwards taxed. To this it was answered, that the ten dollars per head, was an equivalent to the 5 per cent. on imported articles; and as to their being afterwards taxed, the advantage is on our side; or, at least not against us. In the northern states the labor is performed by white people, in the southern by black. All the free people, (and there are few others) in the northern states, are to be taxed by the new constitution; whereas only the free people and two-fifths [i.e., three-fifths] of the slaves in the southern states are to be rated in the apportioning of taxes. But the principal objection is, that no duties are laid on shipping—that in fact the carrying trade was to be vested in a great measure in the Americans, and that the ship-building business was principally carried on in the northern states. When this subject is duly considered the southern states should be among the last to object to it. Mr. Rutledge then went into a consideration of the subject, after which the house adjourned. [Charleston *City Gazette*, 21 January 1788]

1. Pierce Butler, Charles Cotesworth Pinckney, and John Rutledge joined fellow Constitutional Convention delegate Charles Pinckney in speaking on 16 January.

2. A reference to the Treaty of Paris signed on 3 September 1783 which brought to an end the Revolutionary War with Great Britain.

3. Nine, not ten, states elected delegates to the Annapolis Convention. Delegates from New York, New Jersey, Pennsylvania, Delaware, and Virginia attended. The delegates from New Hampshire, Massachusetts, Rhode Island, and North Carolina did not arrive before the convention adjourned.

4. For the report of the Annapolis Convention, 14 September 1786, see CDR, 182–85.

5. For the congressional resolution of 21 February 1787 calling the Constitutional Convention, see CDR, 185–89, and CC:1. Six states appointed delegates before Congress passed its resolution. See CDR, 192–229.

6. A report by the Confederation Board of Treasury indicates that by 31 March 1788 the states had paid the following percentages of their shares of the specie and indents levied by congressional requisitions from October 1781 to October 1787: New York (67), Pennsylvania (57), South Carolina (55), Virginia (44), Massachusetts (39), Delaware (39), Maryland (29), Rhode Island (24), Connecticut (20), New Jersey (19), New Hampshire (12), and North Carolina (3). Georgia had paid nothing. (See PCC, Item 141, Estimates and Statements of Receipts and Expenditures, 1780–88, Vol. I, 75, DNA.)

7. A grand committee of one member from each state reported the compromise on 5 July 1787 (Farrand, I, 524).

8. On 20 August 1787 Charles Pinckney made a motion in the Constitutional Convention that "the liberty of the Press shall be inviolably preserved." The proposal was submitted to the Committee of Detail without "debate or consideration" of the Convention

(Farrand, II, 341–42). Pinckney re-introduced the motion on 14 September. Roger Sherman of Connecticut said that such a provision was unnecessary because "The power of Congress does not extend to the Press." This proposal was rejected by a vote of seven states to four (Farrand, II, 617–18).

On 15 September Pinckney moved to amend Article III, section 2, paragraph 3, by adding: "And the trial by jury shall be Preserved as usual in civil cases," which was unanimously rejected (Farrand, II, 628).

9. In the debate over the ratification of the Constitution, Federalists often argued that Congress only had powers that were expressly enumerated in the Constitution and all other powers were reserved to the states or the people. Antifederalists countered that the Constitution was not as explicit as Article II of the Articles of Confederation, which declared that "each state retains its sovereignty, freedom and independence, and every Power, Jurisdiction and right, which is not by this confederation expressly delegated to the United States, in Congress assembled" (CDR, 86). The proposed Constitution was silent on the question of reserved powers. In its Form of Ratification, the South Carolina Convention asserted "that no section or paragraph of the said Constitution warrants a construction that the states do not retain every power not expressly relinquished by them and vested in the General Government of the Union" ("South Carolina Form of Ratification," 23 May, RCS:S.C., 400). In response to concerns raised by South Carolina and other states, the first federal Congress in September 1789 proposed what would become the Tenth Amendment to the Constitution, which reads "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the States respectively, or to the people." Both houses of Congress, however, rejected efforts to insert the word "expressly" before "delegated." See also "The South Carolina Reprinting of James Wilson's State House Speech," 1 November 1787 (RCS:S.C., 35–36).

For other South Carolina Federalist arguments on this question, see speeches by Charles Cotesworth Pinckney in House Debates, 17, 18 January 1788 (RCS:S.C., 124, 158), and "Caroliniensis," Charleston *City Gazette*, 1, 2 April (RCS:S.C., 241).

10. Reprinted: *New York Journal*, 6, 8, 9 February; New York *Daily Advertiser*, 7 February; *Pennsylvania Packet*, 12, 21 February; *Pennsylvania Herald*, 14 February (1st part; next issues not extant). The substance of the final paragraph was reprinted at the start of the continued account of the debates in the Charleston *City Gazette*, 19 January.

11. Barnwell (1761–1814), a Beaufort planter, served in the militia during the American Revolution. He was a member of the South Carolina House of Representatives, 1787–88, 1790, 1794–1801 (speaker, 1794–97); Senate, 1803–5 (president, 1805); and of the U.S. House of Representatives, 1791–93. Barnwell represented the parish of St. Helena in the state Convention and voted to ratify the Constitution.

12. Pendleton (d. 1788), a native of Virginia, practiced law in Charleston, 1771–76. He was elected a Court of Common Pleas judge in April 1776 and was senior associate judge at the time of his death. He served in the South Carolina House of Representatives, 1783–88, and represented Saxe Gotha District in the state Convention where he voted to ratify the Constitution. See also Charleston *City Gazette*, 26 June (RCS:S.C., 472), for a comment attributed to Pendleton in the House debate.

13. Pierce Butler was a member of the Committee on Postponed Parts (or the Brearly Committee), which was appointed on 31 August 1787 in the Constitutional Convention. On 4 September, the committee proposed that convictions for impeachments would require a two-thirds vote (Farrand, II, 473, 493).

14. King Charles II sold Dunkirk to France for £200,000 in late 1662. The sale was unpopular and Charles's chief minister Henry Hyde, the First Earl of Clarendon, was falsely believed to have received a bribe from Louis XIV to finance building of a lavish town house.

15. The text in braces was replaced by the text in angle brackets in the next paragraph in the pamphlet version of the *Debates*, 10–11.

16. "An Act that proclamations made by the king shall be obeyed" (1539: 31 Henry VIII, c. 8) gave some royal proclamations the force of law. The act was repealed in 1547, following Henry's death in January of that year.

17. In March 1787, the South Carolina legislature enacted an installment law, which permitted the payment of debts contracted before 1 January 1787 in three annual installments starting 1 March 1788. The law also prohibited the importation of slaves for three years and provided additional penalties for delinquent debtors who resisted public officials while they enforced the collection of debts. For more on debtor relief legislation, including the installment law, see the "Introduction" (RCS:S.C., xxxix–xl). For the impact of the Treaty of Paris of 1783 on the installment law, see "Newspaper Report of House of Representatives Debates," 20 February 1788 (RCS:S.C., 190–91).

18. *Ad captandum.* Latin: "to please [the crowd]."

19. Two South Carolinians served as president of Congress: Henry Middleton in 1774 and Henry Laurens, 1777–78. David Ramsey served as chairman of Congress, 1785–86, filling in for the absent president, John Hancock.

20. The text in Pinckney's speech in angle brackets is from the pamphlet version of the *Debates*, 11, 12.

21. Article IX of the Articles of Confederation gave Congress authority to enter into treaties with the approval of nine states and Article XIII made treaties binding on the states (CDR, 89, 92, 93).

22. William Petty, Earl of Shelburne (1737–1805) was prime minister of Great Britain, 1782–83, and under his administration the preliminary articles of peace ending the American Revolution were concluded. He resigned as prime minister in April 1783, largely due to the opposition to how his government negotiated the peace with the United States.

23. Article VI of the Articles of Confederation provided that "No state shall lay any imposts or duties, which may interfere with any stipulations in treaties, entered into by the united states in congress assembled, with any king, prince or state, in pursuance of any treaties already proposed by congress, to the courts of France and Spain" (CDR, 88).

24. Ralph Izard, Sr., (1742–1804) was one of the richest planters in South Carolina. He served as U.S. commissioner to Tuscany, 1776–79, in the Confederation Congress, 1782–83, and in the South Carolina House of Representatives, 1782–89. Izard represented the parish of St. James, Goose Creek, in the state Convention where he voted to ratify the Constitution. He served in the U.S. Senate, 1789–95.

25. In 1713 Great Britain signed several treaties at Utrecht with France and Spain ending the War of Spanish Succession.

26. Pringle (1753–1843), a Charleston attorney, served in the South Carolina House of Representatives, 1785–90, 1792 (speaker, 1787–88); as federal district attorney for South Carolina, 1789–92; and as South Carolina attorney general, 1792–1808. Pringle represented the parishes of St. Philip and St. Michael in the state Convention and voted to ratify the Constitution.

27. Pringle probably meant to say "ten senators if only fourteen attend," which would have been a quorum of the twenty-six Senators.

28. Matthew Love was a Tory partisan who took part in the 1781 massacre of surrendering South Carolina militiamen at Cloud's Creek in Ninety Six District. Love, known for torturing his victims before killing them, fled South Carolina at the close of the war. Love later returned to Ninety Six, where he was arrested and charged for the murders. When he appeared in court in 1784, Judge Aedanus Burke discharged Love on the grounds that the Treaty of Peace with Great Britain prevented his prosecution. After the court adjourned, relatives of those who Love had killed seized and hanged him. (See

Michael E. Stevens, "The Hanging of Matthew Love," *South Carolina Historical Magazine* 88 [1987] 55–61.)

29. In 1781, in the area of what later became Abbeville County, Loyalist militiaman John Crawford captured a number of Patriots, including John Pickens, brother of General Andrew Pickens. Crawford turned Pickens over to the Cherokees who executed him in December 1781. No record of the trial of John Pickens' murderer has been located.

30. The East India Company was chartered by Queen Elizabeth I in 1600 to conduct trade in the East Indies. In late 1783, the House of Commons passed a bill transferring responsibility for the government of India from the East India Company to commissioners appointed by the British government. George III let it be known to the members of the House of Lords that he opposed the bill, which was subsequently defeated in the Lords. The Fox-North coalition fell, and William Pitt the Younger formed a new government, which passed a similar India bill in 1784.

31. Maryland imposed a prohibitive duty on the importation of slaves in 1771 and in 1783 made it illegal to import slaves into the state. Virginia's House of Burgesses unsuccessfully petitioned the king in 1772 to remove restrictions on the passage of laws eliminating the slave trade. In 1778 and 1785 the state legislature prohibited the importation of slaves (see RCS:Va., 1369n).

32. The text in angle brackets is from the pamphlet version of the *Debates*, 16.

33. The installment act passed in March 1787 prohibited the importation of slaves for three years. See note 17 (above).

34. See the speech of Charles Cotesworth Pinckney, 17 January (RCS:S.C., 123, at note 17). Lowndes is referring to speeches that Pinckney had delivered in the South Carolina House of Representatives on 1 and 5 October 1785 in opposition to a proposal to ban the importation of slaves into South Carolina. See Charleston *Evening Gazette*, 1, 18 October 1785.

35. Lowndes probably refers to the congressional request of 30 April 1784 to grant Congress power to regulate trade for fifteen years, not twenty-one years. See CDR, 153–54.

36. In 1787, Congress authorized the production of copper one-cent pieces ("Fugio" cents), which bore the words "MIND YOUR BUSINESS."

37. The text in braces was reprinted in the Providence *United States Chronicle*, 13 March; Boston *American Herald*, 20 March; and *Connecticut Courant*, 14 April. The interruptions in parentheses by Henry Pendleton and Pierce Butler do not appear in the reprints. The *Massachusetts Centinel*, 23 February, printed excerpts from the speech, but rearranged sentences; changed, omitted, or added words; italicized words; and rendered other words in large capital letters (see RCS:Mass., 1357–58n).

38. The Confederation Congress auctioned off the last ship of the Continental Navy in 1785.

39. At this time the word "nervous" meant strong, vigorous, or robust.

The South Carolina General Assembly Thursday, 17 January 1788

House of Representatives Proceedings, 17 January 1788 (excerpt)[1]

. . . Agreeably to the Order of the Day for the House to Resolve itself into a Committee of the whole

Mr. Speaker left the Chair

Mr. Bee took the Chair of the Committee
Mr. Speaker resumed the Chair

Mr. Bee reported from the Committee of the whole House that they had made some further progress on the Report of the Committee to whom was referred the message of his Excellency the Governor with the Constitution framed by the late Convention of the United States assembled in Philadelphia and that he was directed by the Committee to move the House that leave may be given for the Committee to Sit again

Resolved That this House will Resolve itself into a Committee of the whole House to morrow morning

And then the House Adjourned
'till to morrow Morning 10 o'clock

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 324–26.

Newspaper Report of House of Representatives Proceedings 17 January 1788[1]

Yesterday the house of representatives went into a committee of the whole, and resumed their deliberations on the governor's message, & after long debate, the chairman reported some progress, and asked leave to sit again. Granted.

1. Printed: Charleston *City Gazette*, 18 January. Reprinted: *State Gazette of South Carolina*, 21 January.

House of Representatives Debates, 17 January 1788

General [Charles Cotesworth] Pinckney observed, that the honorable gentleman (Mr. Lowndes) who opposed the new constitution, had asserted that treaties made under the old confederation were not deemed paramount to the laws of the land; and that treaties made by the king of Great-Britain required the ratification of parliament to render them valid—the hon. gentleman is surely mistaken in his assertions, his honorable friend (Chancellor Rutledge) had clearly shewn that by the 9th and 18th[1] articles of the old confederation, congress have a power to make treaties, and each state is pledged to observe them; and it appears from the debates of the English parliament that the House of Commons did not ratify but actually censure the peace made by the king of Great Britain with America;[2] yet the very members who censured it, acknowledged it was binding on the nation. (Here the General read

extracts from the parliamentary debates of the 17th and 21st of February, 1783.)[3] Indeed the doctrine that the king of Great Britain may make a treaty with a foreign state, which shall irrevocably bind his subjects, is asserted by the best writers on the laws and constitution of England, particularly by Judge Blackstone, who in the first book of his Commentaries, ch. 7, p. 257, declares that, "it is the king's prerogative to make treaties, leagues and alliances with foreign states and princes, and that no other power in the kingdom can legally delay, resist or annul them."[4] If treaties entered into by congress are not to be held in the same sacred light in America, what foreign nation will have any confidence in us? Shall we not be stigmatized as a faithless unworthy people, if each member of the union may, with impunity, violate the engagements entered into by the federal head? Who will confide in us? Who will treat with us if our practice should be conformable to this doctrine? Have we not been deceiving all nations, by holding forth to the world, in the 9th article of the old confederation, that congress may make treaties, if we at the same time entertain this improper tenet, that each state may violate them? I contend that the article in the new constitution, which says, that treaties shall be paramount to the laws of the land, is only declaratory of what treaties were in fact under the old compact. They were as much the law of the land under that confederation, as they are under this constitution—and we shall be unworthy to be ranked among civilized nations if we do not consider treaties in this view. Vattel, one of the best writers on the law of nations, says, "there would be no more security—no longer any commerce between mankind, did they not believe themselves obliged to preserve their faith and to keep their word. Nations and their conductors ought then to keep their promises and their treaties inviolable. This great truth is acknowledged by all nations. Nothing adds so great a glory to a prince and the nation he governs, as the reputation of an inviolable fidelity to his engagements. By this, and by their bravery, the Swiss have rendered themselves respectable throughout Europe. This national greatness of soul is the source of an immortal glory; upon it is founded the confidence of nations, and it thus becomes a certain instrument of power and splendor."[5] Surely this doctrine is right, it speaks to the heart, it impresses itself on the feelings of mankind, and convinces us that the tranquility, happiness and prosperity of the human race depends on inviolably preserving the faith of treaties. Burlamaqui, another writer of great reputation on political law, says, "that treaties are obligatory on the subjects of the powers who enter into treaties; they are obligatory as conventions between the contracting powers, but they have the force of law with respect to their subjects["]—these are his

very words, "Ils ont force de loi à l'egard des sujits considerés comme tels;"[6] and it is very manifest, continues he, that two sovereigns who enter into a treaty, impose by such treaty, an obligation on their subjects to conform to it, and in no manner to contravene it. It is remarkable, that the words made use of by Burlamaqui, establishes the doctrine recognized by the constitution, that treaties shall be considered as the law of the land—and happy will it be for America if they shall be always so considered; we shall then avoid the disputes, the tumults, the frequent wars we must inevitably be engaged in, if we violate treaties. By our treaty with France we declare she shall have all the privileges in matters of commerce, with the most favoured nation;[7] suppose a particular state should think proper to grant a commercial privilege to Holland, which she refuses to France, would not this be a violation of the treaty with France? it certainly would, and we in this state would be answerable for the consequences attending such violation by another state, for we do not enter into treaties as separate states, but as United States, and all the members of the union are answerable for the breach of a treaty by any one of them. South-Carolina therefore, considering its situation and the valuable produce it has to export, is particularly interested in maintaining the sacredness of treaties, and the good faith with which they should be observed by every member of the union. But the honorable gentleman complains, that the power of making treaties is vested in the president and senate, and thinks it is not placed so safely with them as with the congress under the old confederation. Let us examine this objection—by the old confederation each state had an equal vote in congress, and no treaty could be made without the assent of the delegates from nine states. By the present constitution each state sends two members to the senate, who vote per capita; and the president has power, with the advice and consent of the senate, to make treaties, provided two thirds of the senate present concur. This inconvenience attended the old method, it was frequently difficult to obtain a representation from nine states; and if only nine states were present, they must all concur in making a treaty—a single member would frequently prevent the business from being concluded, and if he absented himself, congress had no power to compel his attendance. This actually happened when a treaty of importance was about to be concluded with the Indians, and several states being satisfied at particular junctures, that the nine states present would not concur in sentiments on the subject of a treaty were indifferent whether their members attended or not, but now that the senators vote individually and not by states, each state will be anxious to keep a full representation

in the senate, and the senate has now power to compel the attendance of its own members, we shall thus have no delay, and business will be conducted in a fuller representation of the states than it hitherto has been. All the members of the convention who had served in congress, were so sensible of the advantage attending this mode of voting, that the measure was adopted unanimously: for my own part I think it infinitely preferable to the old method. So much for the manner of voting. Now let us consider whether the power of making treaties is not as securely placed as it was before. It formerly was vested in congress, who were a body constituted by the legislatures of the different states in equal proportions; at present it is vested in a president, who is chosen by the people of America, and in a senate whose members are chosen by the state legislatures, each legislature chusing two members. Surely there is greater security in vesting this power as the present constitution has vested it, than in any other body. Would the gentleman vest it in the president alone? If he would, his assertion that the power we have granted was as dangerous as the power vested by parliament in the proclamations of Henry the VIIIth[8] might have been perhaps warranted. Would he vest it in the house of representatives? Can secrecy be expected in 65 members? The idea is absurd. Besides, their sessions will probably last only two or three months in the year, and therefore on that account they would be a very unfit body for negociation—whereas the senate, from the smallness of its numbers, from the equality of power which each state has in it, from the length of time for which its members are elected, from the long sessions they may have without any great inconveniency to themselves or constituents, joined with the president, who is the federal head of the United States, form together a body in whom can be best and most safely vested the diplomatic power of the union.

Gen. Pinckney then observed that the honorable gentleman had not conducted his arguments with his usual candor—he had made use of many which were not well founded, and were only thrown out at captandum;[9] why say upon this occasion that every thing would in future be managed by great men, and that great men, could do no wrong? under the new constitution the abuse of power was more effectually checked than under the old one, a proper body immediately taken from the people and returnable to the people every second year are to impeach those who behave amiss or betray their public trust, another body taken from the state legislatures are to try them; no man however great is exempt from impeachment and trial; if the representatives of the people think he ought to be impeached and tried, the President

cannot pardon him, and this great man himself, whom the honorable gentleman pretends to be so much afraid of, as well as the Vice President and all civil officers of the United States, are to be removed from office on impeachment and conviction of treason, bribery or other high crimes and misdemeanors. Then why make use of arguments to occasion improper jealousies and ill founded fears?—Why is the invidious distinction of great men to be reiterated in the ears of the members?—Is there any thing in the constitution which prevents the president and senators from being taken from the poor as well as the rich?—Is there any pecuniary qualification necessary to the holding of any office under the new constitution?—There is not. Merit and virtue, and federal principles, are the qualifications which will prefer a poor man to office, before a rich man who is destitute of them. The gentleman has made a warm panegyric on the old confederation, can he possibly be serious, and does he really think it can secure us tranquility at home or respect abroad? Ask the citizens of Massachusetts if the confederation protected them during the insurrection of Shays? Ask the crews of our vessels captured by the Algerines, if respect for our government hath softened the rigors of their captivity?[10] Enquire of our delegates to Congress if all the dispatches from your public ministers are not filled with lamentations of the imbecility of Congress, and whether foreign nations do not declare they can have no confidence in our government, because it has not power to enforce obedience to treaties? Go through each state of the union, and be convinced that a disregard for law hath taken place of order, and that Congress is so slighted by all of them that not one hath complied with her requisitions. Every state in the union, except Rhode-Island, was so thoroughly convinced that our government was inadequate to our situation, that all, except her, sent members to the convention at Philadelphia. Gen. Pinckney said, it had been alledged, that when there they exceeded their powers, he thought not; they had a right, he apprehended, to propose any thing which they imagined would strengthen the union, and be for the advantage of our country; but they did not pretend to a right to determine finally upon any thing—the present constitution is but a proposition which the people may reject, but he conjured them to reflect seriously before they did reject it, as he did not think our state will obtain better terms by another convention, and the anarchy which would in all probability be the consequence of rejecting this constitution would encourage some daring despot to seize upon the government and effectually deprive us of our liberties. Every member who attended the convention was from the beginning sensible of the necessity of giving greater powers to the federal government; this was the very purpose

for which they were convened. The delegation from Virginia first made propositions on this subject, and in the project which they submitted to the convention the division of the legislature into two branches was an essential part.[11] The delegations of Jersey and Delaware were at first averse to this organization, but they afterwards acquiesced, and the conduct of their delegates has been so agreeable to the people of those states that their respective conventions have unanimously adopted the constitution.[12] As we found it necessary to give very extensive powers to the federal government both over the persons and estates of the citizens, we thought it right to draw one branch of the legislature immediately from the people, and that both wealth and numbers should be considered in the representation. We were at a loss for some time for a rule to ascertain the proportionate wealth of the states; at last we thought that the productive labour of the inhabitants was the best rule for ascertaining their wealth; in conformity to this rule, joined to a spirit of concession, we determined that representatives should be apportioned among the several states, by adding to the whole number of free persons three fifths of the slaves. We thus obtained a representation for our property, and I confess I did not expect that we should have been told on our return, that we had conceded too much to the Eastern states when they allowed us a representation for a species of property which they have not among them.[13]

The numbers in the different states, according to the most accurate accounts we could obtain, were—

In New Hampshire,	102,000
In Massachusetts,	360,000
In Rhode Island,	58,000
In Connecticut,	202,000
In New York,	238,000
In New Jersey,	138,000
In Pennsylvania,	360,000
In Delaware,	37,000
In Maryland,	218,000
(including three fifths of 80,000 negroes)	
In Virginia,	420,000
(including 3 5ths of 280,000 negroes)	
In North Carolina,	200,000
(including three fifths of 60,000 negroes)	
In South Carolina,	150,000
(including three fifths of 80,000 negroes)	
In Georgia,	90,000
(including three fifths of 20,000 negroes)[14]	

The first House of Representatives will consist of sixty-five members, South Carolina will send five of them; each state has the same representation in the Senate that she has at present, so that South Carolina will have under the new constitution a thirteenth share in the government, which is the proportion she has under the old confederation; and when it is considered that the Eastern States are full of men, and that we must necessarily increase rapidly to the southward and southwestward, he did not think that the southern states will have an inadequate share in the representation. {The hon. gentleman alledges, that the southern states are weak, I sincerely agree with him—we are so weak that by ourselves we could not form an union strong enough for the purpose of effectually protecting each other. Without union with the other states South Carolina must soon fall. Is there any one among us so much a Quixotte as to suppose that this state could long maintain her independence if she stood alone, or was only connected with the southern states? I scarcely believe there is. Let an invading power send a naval force into the Chesapeak to keep Virginia in alarm, and attack South Carolina with such a naval and military force as Sir Henry Clinton[15] brought here in 1780, and though they might not soon conquer us they would certainly do us an infinite deal of mischief, and if they considerably encreased their numbers, we should probably fall. As from the nature of our climate, and the fewness of our inhabitants we are undoubtedly weak, should we not endeavour to form a close union with the eastern states who are strong? And ought we not to endeavour to increase that species of strength which will render them of most service to us both in peace and war? I mean their navy—we certainly ought; and by doing this we render it their particular interest to afford us every assistance in their power, as every wound that we receive will eventually affect them. Reflect for a moment on the situation of the eastern states, their country full of inhabitants, and so impracticable to an invading enemy, by their numberless stone walls and a variety of other circumstances, that they can be under no apprehension of danger from an attack. They can enjoy their independence without our assistance. If our government is to be founded on equal compact, what inducement can they possibly have to be united with us if we do not grant them some privileges with regard to their shipping; or supposing they were to unite with us without having these privileges, can we flatter ourselves that such union would be lasting, or that they would afford us effectual assistance when invaded? Interest and policy both concurred in prevailing upon us to submit the regulation of commerce to the general government. But I will also add justice and humanity required it likewise. For who have been the greatest sufferers in the union, by

our obtaining our independence? I answer, the Eastern states;—they have lost every thing but their country, and their freedom: It is notorious that some ports to the Eastward, which used to fit out 150 sail of vessels, do not now fit out 30; that their trade of ship building, which used to be very considerable is now annihilated; that their fisheries are trifling, & their mariners in want of bread; surely we are called upon by every tie of justice, friendship and humanity to relieve their distresses, and as by their exertions they have assisted us in establishing our freedom, we should let them in some measure partake of our prosperity.}[16] The general then said he would make a few observations on the objections which the gentleman had thrown out on the restrictions that might be laid on the African trade after the year 1808—On this point your delegates had to contend with the religious and political prejudices of the Eastern and middle states, and with the interested and inconsistent opinion of Virginia, who was warmly opposed to our importing more slaves. I am of the same opinion now as I was two years ago, when I used the expressions the gentleman has quoted, that while there remained one acre of swamp land uncleared in South Carolina I would raise my voice against restricting the importation of negroes.[17] I am as thoroughly convinced as that gentleman is, that the nature of our climate; and the flat, swampy situation of our country oblige us to cultivate our lands with negroes, and that without them S. Carolina would soon be a desart waste. You have so frequently heard my sentiments on this subject that I need not now repeat them. It was alledged by some of the members who opposed an unlimited importation, that slaves increased the weakness of any state who admitted them; that they were a dangerous species of property that an invading enemy could easily turn against ourselves & the neighbouring states, and that as we were allowed a representation for them in the house of representatives, our influence in government would be increased in proportion as we were less able to defend ourselves. Shew some period, said the members from the Eastern states when it may be in our power to put a stop, if we please, to the importation of this weakness, and we will endeavor for your convenience, to restrain the religious and political prejudices of our people on this subject. The middle states and Virginia made us no such proposition; they were for an immediate and total prohibition. We endeavored to obviate the objections that were made in the best manner we could, and assigned reasons for our insisting on the importation, which there is no occasion to repeat, as they must occur to every gentleman in the house: A committee of the states was appointed in order to accommodate this matter, and after a great deal of difficulty; it was settled on the footing recited in the constitution.[18]

By this settlement we have secured an unlimited importation of negroes for twenty years; nor is it declared that the importation shall be then stopped; it may be continued—we have a security that the general government can never emancipate them, for no such authority is granted, and it is admitted on all hands, that the general government has no powers but what are expressly granted by the constitution; and that all rights not expressed are reserved by the several states.[19] We have obtained a right to recover our slaves in whatever part of America they may take refuge, which is a right we had not before.[20] In short, considering all circumstances, we have made the best terms for the security of this species of property it was in our power to make. We would have made better if we could, but on the whole I do not think them bad. [Charleston *City Gazette*, 24 January 1788]

Dr. [David] Ramsay thought our delegates had made for us a most excellent bargain, by transferring an immense sum of continental debt, which we were pledged to pay, upon the eastern states, some of whom (Connecticut for example) could not expect any advantage from us. He observed that the old constitution must be considered at present as dissolved.

Mr. [Jacob] Read[21] looked upon the boasted efficiency of Congress in a most contemptible point of view; and instanced two cases in proof of his opinion; one was that when the treaty should have been ratified they could not get a sufficient number of members to do it; so that it was necessary to dispatch a frigate, at the expence of 8000 dollars, with particular directions to Mr. Adams to use his endeavors to gain time; in this application our minister proved successful, otherwise very disagreeable consequences must have ensued.[22] The other case was, a party of Indians came to Princeton for the purpose of entering into an amicable treaty with Congress; before it could be concluded, a member went to Philadelphia ⟨to be married⟩,[23] and his secession nearly involved the Western country into all the miseries of a war. Mr. Read urged in the strongest manner the propriety of coincidence with those states that were for the new federal constitution.

Mr. C[harles] Pinckney observed, that the honorable gentleman was singular in his opposition to the new constitution; and equally singular in his animated praise of the old one. He described with much good sense the impracticability of annexing responsibility to the office of president in a republican form of government; the only remedy against despotism being to form a party against those who were obnoxious, and turn them out. He observed that the president's powers did not permit him to declare war.

Mr. [Rawlins] Lowndes declared almost a willingness to give up his post; finding himself opposed to such a phalanx of able adversaries, any one of them of sufficient ability to contend with him; but as a number of respectable members possessed of good sense, though not in the habit of speaking in public, had requested that he would state his sentiments, in order that information might be gained; and being also most perfectly convinced that his opposition was well founded, he should therefore take little notice of what had been opposed to him. ⟨Much had been said from different parts of the house against the old confederation, that it was such a futile, inefficient, impolitic government as to render us the objects of ridicule and contempt in the eyes of other nations; he could not agree to this, because there did not appear any evidence of the fact, and because the names of those gentlemen who had signed the old confederation were eminent for patriotism, virtue and wisdom; as much so as any set of men that could be found in America, and their prudence and wisdom particularly appeared in the care which they had taken sacredly to guarantee the sovereignty of each state.⟩ If the names of men ever gave an honorable sanction to a public act, those annexed to the old constitution were sufficiently respectable to justify any encomiums that he had made use of. But a still better reason operated with him in behalf of the confederation, which was the care taken sacredly to guard the sovereignty of each individual state. The treaty of peace on this point, expressly agreed to acknowledge us as ⟨free⟩ sovereign and independent states; each state had sovereign rights at present, but this new constitution swept all those away, because it would be sovereign over all, and a state individually must dwindle into a shadow. He here read the powers given, which contained every thing necessary for legislation. ⟨[;]its legislative powers would be pared down to little more than those now vested in the corporation; and he should value the honor of a seat in the legislature in no higher estimation than a seat in the city council.⟩ He then adverted to the powers given to the president, which appeared to him enormous; particularly in allowing his interference in electing of representatives: astonishing that we had not this reserved to us when the senators are chosen from that body: Things might be so managed that the state legislatures should have no power beyond that of passing a few laws for regulating fences and roads. The honorable gentleman went into a discussion of the strength of our representation in the new government, which he thought would be merely virtual, similar to what we possessed in England whilst under British government; we were then told we had a representation, and this was just such another. The mode

of choosing senators was exceedingly exceptionable: it had been the practice formerly to chuse senators from that house, and they found it highly inconvenient and oppressive, so that when we framed our present constitution, great care was taken to vest the power of electing that body immediately in the people, as being the best security that their liberties will be honestly attended to.[24] He wished to know how it was intended the five representatives were to be chosen—was it to be done in Charleston—or will some districts return one, and others none at all? A greater difficulty would be experienced in choice of a president, because it was necessary he must have a majority of 91 electors. For the first president there was one man to whom all America naturally looked towards, he meant general Washington ⟨and for whom he most heartily should vote⟩ but after his administration ended, where could they find out another so generally respected as to concenter a majority of 91 persons in his interest, and if no gentleman should be returned, then this omnipotent government would be at a stand. Gentlemen might be very well assured that a president would never be looked for in this state—we should know nothing of him but by name,[25] from the seat of government being fixed in the middle states. He went over much of the ground that he had trod the day before, relative to the eastern states not having given up much to gain the regulation of our commerce, which threw into their hands the carrying trade, and put it in their power to lay us under payment of whatever freightage they pleased: it was the interest of those people to do so, and they would follow it. Why had our delegates not attended to this, and taken care to have had it expressed in this constitution that our ports were open to all nations; instead of putting us in the power of a set of men who may fritter away the value of our produce to little or nothing, by compelling payment of exorbitant freightage. Neither did he believe it was in the power of the eastern states to furnish a sufficient number of ships to carry our produce; it was indeed a common way of talking that the eastern states had a great number of seamen—a vast number of ships, but where were they? Why did they not now come here when ships were greatly wanted; he should always wish to give them a preference, and so no doubt would many other gentlemen, and yet very few ships came here from the eastern states. Another very exceptionable part was, that we were to give up all our power of taxing ourselves. In our connection with Great-Britain, she left us the power of raising money in any way most convenient to ourselves: a sum was only required, but no mode of collecting it ever prescribed. In this new constitution every thing is transferred, not so much power being left us as lord North offered to guarantee to us in his conciliatory plan.[26] Look at the articles

of union between England and Scotland;[27] how cautiously had the latter taken care of her interest in reserving her forms of law—her representation in parliament—the right of taxation—the management of her revenue—and all her local and municipal interests. Why take from us the right of paying our delegates before, and now pay them from the general treasury? He remembered on a former occasion what a flame was raised in Massachusetts, on account of Great-Britain taking upon herself the payment of salaries to judges and officers;[28] and what a general outcry took place at a proposition which had a manifest tendency to destroy the independence of their government. Our local expences had been nearly defrayed by our impost duty, but now this was given away, and thrown into a general fund, for the use of all the states indiscriminately, so that we should be in future obliged to augment our taxes to carry on our government, notwithstanding we were to pay a poll tax for our negroes. Paper money too it seems was another article of restraint, and a popular point with many; but pray what evils had we experienced by issuing a little paper money to relieve ourselves from any contingencies which pressed hard on us. We had now a circulating medium[29] which every body took, we used in former times to issue paper bills every year, and recal them every five, without any person being injured thereby; nay more than this, paper carried us triumphantly through the war, extricated us from our difficulties, and established us in that sovereignty we now were in such haste to throw away, and now every thing is so changed that an entire stop must be put to any future emissions, however great our distresses and difficulties may be. It was true no article of the constitution declared there should not be trials by jury in civil cases; yet this must be implied, because it stated that all crimes, except in cases of impeachment, shall be tried by a jury, but if even jury trials were allowed could any gentleman praise a mode of trial which prevents the parties from being obliged to bring a cause for discussion before a jury of men that were not chosen from the vicinage, in a manner conformable to the present administration of justice, which had under gone the test of time and experience, and ever been highly approved of. Mr. Lowndes expatiated some time on the nature of compacts—the sacred light in which they were ever held by nations, and solemnly called on the house to consider whether it would not be better to add strength to the old constitution, instead of precipitately adopting another: asking whether a man should be looked on as wise, who possessing a magnificent fabric, upon discovering a flaw, instead of repairing the injury should pull it down and build another. Indeed he could not understand with what propriety the convention proceeded to change the old constitution; for every person

with whom he had conversed on this subject concurred with him in opinion, that the sole object of appointing a convention was to enquire what alterations were necessary in the old confederation, in order that it might answer those salutary purposes for which it was at first intended. Mr. Lowndes recommended, that another convention should be called, and as the general sense of America appeared now well understood every objection could be met on fair grounds, and remedies applied where necessary, this mode of proceeding would conciliate all parties because it was candid; and have a more certain tendency to do away all inconveniencies, than the adoption of a government which perhaps might require the bayonet to enforce it; for it could not be reasonably hoped that the people, who had already disregarded the requisitions of congress, although made in language the most forcible and elegant that he ever remembered to have read, would submit until an unresistible force compelled them to do so. Mr. Lowndes then concluded a long speech with a glowing eulogy on the old constitution, and challenged his opponents whilst one state objected, to get over that section which said, "the articles of this confederation shall be inviolably observed in every state, and the union shall be perpetual; nor shall any alteration, at any time hereafter, be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state."[30]

Mr. [Robert] Barnwell said, although he had been opposed to the investigation of the federal constitution at that period and in that house, and foretold the unnecessary expenditure of both time and treasure that would be occasioned by it; yet he acknowledged that if individual information upon its principles could by any means be a compensation for these wastes, he should be extremely indebted to the hon. gentleman for the opposition which he had given. Mr. Barnwell was most decidedly in favor of the constitution as recommended by the convention, and viewed with pleasure, the small sacrifices of interest, which in his opinion, have been made to effect it; the arguments which had been adduced by the hon. gentleman in opposition had rivetted his affections still more firmly to it, and had established in his mind as conviction, what was only approbation before. If he did not view some part of the constitution through a medium different from any of the gentlemen who had spoken before him, he should never have troubled the house; with this idea he rose, and left it to the gentlemen of the house to determine whether he had done his duty as one of their members, or whether he had unnecessarily contributed to the interruption of the business before them. When he found that a gentleman of such acknowledged abilities and of so great experience was opposed

to the constitution, he expected a train of reasoning and a power of argument that would have made the federal fabric totter to its foundation: but to him they rather appeared like those storms which shake the edifice to fix it more firmly upon its basis. To give his reasons for this opinion, he begged the indulgence of the house while he made the following observations upon the principles of the gentleman's opposition. In the first instance it appeared to him that the gentleman had established as the basis of his objections, that the eastern states entertained the greatest aversion to those which lay to the south, and would endeavour in every instance to oppress them. This idea he considered as founded in prejudice, and unsupported by facts; to prove this assertion, Mr. Barnwell requested gentlemen for a moment to turn their attentions to the transactions which the late war has engraved upon the memory of every man. When the arm of oppression lay heavy upon us, were they not the first to arouse themselves? When the sword of civil discord was drawn, were they not the first in the field? When war deluged their plains with blood, what was their language; did they demand the southern troops to the defence of the north? no.—Or, when war floated to the south, did they withhold their assistance, the answer was the same—When we stood with the spirit but weakness of youth, they supported us with the vigor and prudence of age. When our country was subdued—when our citizens submitted to superior power—it was then these states evinced their attachment. He saw not a man who did not know that the shackles of the south were broken asunder by the arms of the north. With the abovementioned supposition of oppression, the gentleman had objected to the formation of the senate; that the confederation required nine states to ratify matters of importance, but by the constitution a majority of fourteen can do almost any thing. That this was the case he did not deny, but the conclusions that he had drawn were by no means consequential. The seven eastern states, the gentleman had said, whose interests are similar, will unite together, and by having a majority in the senate will do what they please. If this was the case, it went against uniting at all. For if he was not mistaken, the interests of nine of the United States are almost the same; New Hampshire, Massachusetts, Rhode Island, Connecticut, New-York, Jersey, Pennsylvania and Delaware, are very similar in their interests—they are most of them entirely carriers for others, and those states which are exporting ones are very nearly equal to the carrying of their products themselves. Supposing then the desire of oppression to exist, he asked whether they could not do it equally as well under the confederation as the constitution? he thought so, and as the gentleman's arguments equally laid against every kind of coercive government, he

was of opinion, that the senate as established by this constitution was the most proper. Upon this head he begged permission to ask these questions; if the majority was in the southern states (which as ten is a majority might be the case) would not objections equally forcible as the gentleman's lay on the side of the eastern states, and yet that in all governments a majority must be somewhere is evident; nothing would be more compleatly farcical than a government compleatly checked. Having commented thus far upon the gentleman's opposition to the federal constitution, he proceeded according to the order of his objections to consider the presiding power—on this he would be extremely concise, for as the only objection which had fallen upon this head from the hon. gentleman was, that we had only a thirteenth part of him; and as this might equally, and in his opinion, with more justice be the objection of many and almost every state, he considered it only as a weight thrown into the scale of other objections, and not a subject for discussion. With respect to the president's responsibility, he could not wish it to be established more firmly than it is by the constitution. When treaties are made, if in the time of prosperity, men seldom think they gain enough—if in the day of adversity, they would be apt to make the president the pillow upon whom they would rest all their resentment. The constitution had then wisely made him as a man responsible by the influence of fame, his character and his feelings; as a citizen they have postponed the period at which he could be tried with propriety until the fervor of party and cool reflection can determine his fate. The gentleman had also objected to the power given to those two branches of making treaties, and that these treaties should become the law of the land. A number of gentlemen have proved this power to be in the possession of the head of every free nation, and that it is within the powers of the present congress; he should only therefore observe, that the most free and enlightened nations of the world had a federal head, in which this power was established, he meant the amphyction council of the Greeks, which was the paladium of their *united* liberties, and until destroyed by the ambition of a few of the states of Greece, was revered by that jealous people as the corner stone of their federal union. Against the representation he generally objects, that they are too few, and not elected immediately by the people. The whole body consists of 65 persons, in the proportion of 1 to 30,000; the British parliament have one to 15,000 in the island of Great Britain, without considering her possessions elsewhere; the numbers of her parliament are fixed, our congressional body may be increased almost *ad infinitum*: Supposing then that a smaller apportionment had been made, in time we should have been oppressed with the number of legislators, and our

government would be as languid and unoperative as it is at present; and he differed so much from the honorable gentleman, that he was apprehensive least we should find that by the constitution their numbers will be too great. As for their not being immediately elected by the people at large, the gentleman would please to observe, that contradictory to our present method of electing delegates to congress—a method laid down by that confederation which he admires, that all the representatives are expressly ⟨elected⟩[31] by the people, so that in this instance the gentleman was very unfortunate in his objection. The gentleman also asked, why we were deprived of the liberty of paying our own delegates, this is another of the gentleman's unfounded suspicions; for the reason is so evident, and the regulation so favorable that he was astonished how it escaped the hon. gentleman's notice: Congress are to have the sole power of laying on imposts; and therefore when that fund is given up, by which we were enabled to pay our delegates, we were also eased of the burthen of doing it. This is so evident that the establishment of this objection takes not a little from the weight of the gentleman's other observations. Mr. Barnwell proceeded to say that the gentleman upon the deprivation of the right to issue a paper medium has altogether made use of an argumentum ad hominum,[32] calculated to seduce, and his eulogium upon it is, in my opinion, misapplied; however, supposing that to be the clue that led us to our liberty, yet the gentleman must acknowledge it was not the state, but the continental money, that brought about the favorable termination of the war. If to strike off a paper medium becomes necessary, congress by the constitution still have that right, and may exercise it when they think proper. [Charleston *City Gazette*, 25 January 1788]

The honorable gentleman asks, why the trial by jury was not established in every instance. Mr. Barnwell considered this right of trial as the birthright of every American, and the basis of our civil liberty, but still most certainly particular circumstances may arise which would induce even the greatest advocates for this right to yield it for a time; and, in his opinion, the circumstances that would lead to this point were those which are specified by the constitution. Mr. Barnwell said, suffer me to state a case, and let every gentleman determine whether, in particular instances, he would not rather resign than retain this right of trial. A suit is depending between a citizen of Carolina and Georgia, and it becomes necessary to try it in Georgia, what is the consequence? why, that the citizen of this state must rest his cause upon the verdict of a jury of his opponent's vicinage, where unknown and unrelated he stands a very poor chance for justice against one whose neighbors, whose friends and relations compose the greater part of his judges. It

is in this case, and only in cases of a similar nature with this, that the right of trial by jury is not established; and judging from myself, it is in this instance only, that every man would wish to resign it, not to a jury with whom he is unacquainted, but to an impartial and responsible individual.

Mr. Barnwell then adverted to the parts of the constitution which more immediately affected our state, namely the right of establishing imposts and granting preferences; and the clause which respects the importation of negroes: upon the first he premised, that in the compacts which unite men into society, it always is necessary to give up a part of our natural rights to secure the remainder; and that in every instance, if the latter could be maintained, without giving up the former, every individual would be willing to keep back his share of those aggregate ties which then would bind the rest of the community; each individual would wish to retain his right to act as he pleases, whilst all but himself were restricted in their conduct. Let us then apply this to the United States, and yet the honorable gentleman supposes that South Carolina should be free herself—surely this is not just and cannot be admissible.

Mr. Chairman, suffer me to make this one other remark, that when the distinctions occasioned by wealth takes place, that the desire of equality and the appetite for property soon renders it necessary that the wealthy weak man should make greater sacrifices than the man who has nothing to lose and consequently nothing to fear. This is the case with us; to secure our wealth and establish our security, perhaps some little sacrifice was necessary, and what is this sacrifice, why that generally American vessels should have a preference in the carrying trade. The gentleman asserts, that by granting this preference we, as a large importing state will suffer greatly. Let us examine the truth of this position: by so doing, says the honorable gentleman, we will destroy all competition, and the carrying states will establish what freight they please. I deny the declaration, and upon this principle, bounties act as encouragements, and this preference may, in a trifling degree, injure us for one or two years, will throw so many capitals into this trade that even if the Eastern states should desire to oppress us this would prevent them, for when this bounty takes place our harbours will most indisputably reduce the freight. The gentleman will perhaps say, that this is conjectural only. I appeal to every author who has written upon the subject for the certainty of this commercial maxim, and will ask the gentleman himself whether an overstock of the market, in every instance, does not reduce the price of the commodity. Thus he had proved,

he thought, that should the Eastern states be desirous to take unfriendly advantages, that their own interest would defeat the intention.

Mr. Barnwell continued to say, I now come to the last point for consideration, I mean the clause relative to the negroes; and here I am particularly pleased with the constitution; it has not left this matter of so much importance to us open to immediate investigation; no, it has declared that the United States shall not at any rate consider this matter for 21 years, and yet gentlemen are displeased with it. Congress has guaranteed this right for that space of time, and at its expiration may continue it as long as they please. This question then arises, what their interest will lead them to do; the Eastern states, as the honorable gentleman says, will become the carriers of America, it will therefore certainly be their interest to encourage exportation to as great extent as possible; and if the quantum of our products will be diminished by the prohibition of negroes, I appeal to the belief of every man, whether he thinks those very carriers will themselves dam up the sources from whence their profit is derived. To think so is so contradictory to the general conduct of mankind that I am of opinion, that without we ourselves put a stop to them that the traffic for negroes will continue for ever.

Mr. Barnwell concluded by declaring that this constitution was, in his opinion, like the laws of Solon, not the best possible to be formed, but the best that our situation will admit of—He considered it as the Panacea of America, whose healing power will pervade the continent, and sincerely believed that its ratification is *a consummation devoutly to be wished.*[33]

Commodore [Alexander] Gillon[34] wished to know what reason the house had to suppose, that if another convention met our interest would be ⟨better⟩[35] taken care of by men of equal abilities with those who went to the other; or if when there they could procure for us superior advantages to those already agreed on. Indeed he could not but consider our negativing the proferred government as an oblique mode of reflecting on the conduct of our delegates, instead of giving them that praise they were so justly entitled to. He called the attention of the house to the late commotions that had happened in Holland, where one part of the citizens had called in the assistance of foreigners,[36] for the sanguinary purpose of cutting the throats of the other: are we more virtuous? If not, may it not happen, that if dissentions unhappily prevail among us, foreign aid will be joined to those enemies already amongst us, and introduce the horrors of a civil war. He was warmly in favour of our sister states becoming the carriers of America, not that he wished

to exclude our employing foreigners; at present two thirds of our produce was carried in American bottoms. ⟨The commodore hoped the gentleman who had approved of our state constitution in 1781[37] would be in time equally pleased with the federal constitution proposed in 1787. He had represented our present situation to be calm and peaceable, but it was such a calm as mariners often experience at sea, after a storm, when one ship rolls against another, and they sink.

Mr. [Rawlins] Lowndes said the honorable gentleman frequently thought proper to level his shot at him, but on the present occasion they were not well pointed.—The reason why he assented unto the constitution in 1781 was because it had been approved of by the people.[38] There had been something said about a ship—the confederation was our old ship, it had cost us a great deal of money, and he hoped we should keep her at sea without having any new commanders.⟩[39]

{Chancellor [John] Mathews confessed himself astonished at hearing the panegyrics on the old constitution, as if it had carried us victoriously through the war, when in fact it was not ratified until the year 1781; and if it had been in force in 1776 this country would inevitably have been lost, because under it Congress had not power to appoint Gen. Washington commander in chief—it was that appointment that saved us from ruin. Surely the honorable gentleman must know that the success of Congress depended entirely upon the implicit confidence of the people; the voice of Congress had the force of law, and was chearfully and readily obeyed. With regard to the carrying trade, when this convention was first appointed, he was afraid that if a navigation act passed, the northern states could not for some time furnish shipping sufficient for the carrying of the produce of America; but on going last year to the northward, he was fully convinced of the contrary; at Rhode Island, he was informed, they could immediately furnish 50,000 ton of shipping; and that in 1788 Massachusetts could furnish 150,000 tons. He then went into a calculation of the produce of the southern states; Virginia raised between 60 and 70,000 hogsheads of tobacco; South Carolina, he supposed, would raise nearly 150,000 barrels of rice; Georgia, 40,000; which, making large allowances for other kinds of produce, still left an excess of shipping. As to any fears that the northern states would so far engross the navigation of America as to lay the southern states under a kind of contribution by charging excessive freightage, we must suppose that they and the middle states would confederate for this purpose, because if this did not a competition would naturally arise between the northern states and the middle ones; and this competition would always secure us against the payment of great and exorbitant freightage.}[40] As to the idea that a senate could overturn

our liberties and establish tyranny, this evil never could take place whilst the president was an honest man, because he possessed the power of putting a negative on the proceedings of the other branches.

Mr. E[dward] Rutledge proved from the act passed last sessions appointing delegates for this state to meet those from other states, in general convention at Philadelphia, that they had not exceeded their powers.[41] He then compared the powers given to the old and new constitutions, and ingeniously argued to prove that they differed in very few points, except in that essential one which empowered the new government to enforce its engagements; and surely there was nothing improper in this for it must appear highly improper to vest in congress a right to borrow money on the faith of the United States, and not give them the ability to perform their engagements for payments. Mr. Rutledge thought very lightly of those fears entertained of bayonets being necessary to enforce obedience in the people towards the laws. When it became a certainty that they could not be broken [with] impunity; but if a spirit of resistance appeared, it must be in the power of government to compel a coercion in the people. He then took some notice of the union between Great-Britain and Scotland,[42] and shewed the analogy between that treaty, and our federal constitution. Great-Britain reserved the power of passing navigation acts and regulating the excise; the rate of taxation was also proportionate, for every two millions of money raised in England, Scotland engaged to raise 45,000l. but in this country we were to be equally taxed, no distinction had been made, and went on all fours. So far from in preferring northern states, by a navigation act it would be politic to encrease their strength by every means in our power, for we had no other resource in the day of danger, than in the naval force of our northern friends, nor could we ever expect to become a great nation until we were powerful on the waters. Look only at the partiality of an act passed in England last year, in which we were excluded from trading to some parts of the West Indies, whilst liberty was given to all European powers.[43] In fact we must hold our country by curtesy, unless we have a navy, for if we are invaded, suppose in the month of July, congress could not send troops 900 miles in time to rescue us from danger, were we to run such risk because it was possible we should be charged a little more freightage for our produce. But if we are a great maritime people what have we to fear? Nothing, because European powers were so far removed from us, that it would be very dangerous to send a considerable force against us, besides, as the West India trade must pass near our coast, it naturally lay at our mercy. The honorable gentleman had said a great deal about establishing an aristocracy, and yet he wanted to give more power to

the old constitution, now did not his own proposition, which tended to establish a precedent for slipping in by degrees additional power appear as likely to promote what he dreaded, as to agree with a constitution that came sanctioned by the voice of the people?

Mr. [Arthur] Simkins[44] asked for information, whether congress had a right to interfere in religion.

General [Charles Cotesworth] Pinckney answered they had no power at all, and explained this point, to Mr. Simkin[s]'s satisfaction.

Mr. [Rawlins] Lowndes saying, that he was much in arrear, the committee rose, reported some progress, and asked leave to sit again. Leave was given. [Charleston *City Gazette*, 26 January 1788]

1. See House of Representatives Debates, 16 January, at note 21 and note 21 (RCS:S.C., 103, 114n). The text should have read "13th" instead of "18th."

2. The House of Commons censured the terms of peace in the Treaty of Peace by a vote of 207 to 190 on 21 February 1783 (*The Parliamentary Register of History of the Proceedings and Debates of the House of Commons . . .*, Vol. 9 [5 December 1782–7 May 1783], 369).

3. Pinckney's notes for the speech (RCS:S.C., 139) indicate that he intended to read from pages 238, 246–48, 289, 319, 369, and 383 of *The Parliamentary Register* (see note 2, immediately above). All these pages deal with censuring the Prime Minister Shelburne for agreeing to the terms of peace with the United States ending the War for Independence.

4. See Blackstone, *Commentaries*, Book I, chapter 7, p. 257.

5. See Emmerich de Vattel, *The Law of Nations; or, Principles of the Law of Nature: Applied to the Conduct and Affairs of Nations and Sovereigns* (Dublin, 1787), Book II, "Treaties of Alliance," Chapter 12, section 163, p. 301. *The Law of Nations* was first published in 1758 in London in a two-volume French edition. These volumes were translated into English and published in 1759 and again 1759–60.

6. See Jean Jacques Burlamaqui, *Principes ou élémens du droit politique* (Lausanne, 1784), 413. First published in French in 1747 and then in English the next year as *The Principles of Natural Law*. The second and third editions of this work, entitled *The Principles of Natural and Political Law*, appeared in 1763 and 1784.

7. A reference to Article II of the 6 February 1778 Treaty of Amity and Commerce with France.

8. See House of Representatives Debates, 16 January, note 16 (RCS:S.C., 114n).

9. See House of Representatives Debates, 16 January, note 18 (RCS:S.C., 114n).

10. Algerine pirates captured two American ships, the *Dauphin* and the *Maria*, in July 1785 and held their crews for ransom for ten years.

11. The Virginia resolutions of 29 May 1787 in the Constitutional Convention stated that "the National Legislature ought to consist of two branches" (CDR, 243–45).

12. The Delaware Convention ratified the Constitution 30–0 on 7 December 1787; the New Jersey Convention ratified 38–0 on 18 December.

13. This paragraph was reprinted in the *Massachusetts Centinel*, 27 February 1788; *New Hampshire Spy*, 4 March; *Norwich Packet*, 13 March; Providence *United States Chronicle*, 13 March; Boston *American Herald*, 24 March; and *Connecticut Courant*, 14 April.

14. On 5 February the New York *Daily Advertiser*, without referring to the source, republished this paragraph, revising the opening sentence to read "The numbers in the different States, according to the most accurate accounts which could be obtained by the late Federal Convention, were as follow." By 3 May the *Daily Advertiser* item containing

Pinckney's estimates was reprinted in the February issue of the Philadelphia *Columbian Magazine* and in twenty-seven newspapers: N.H. (2), Mass. (6), R.I. (2), Conn. (5), N.Y. (3), N.J. (1), Pa. (4), Md. (1), Va. (2), Ga. (1). These estimates were probably used by the Constitutional Convention. See CDR, 297–301 and CC:Vol. 4, pp. 509–10.

15. Henry Clinton, British commander in chief in America 1778–82, led the successful siege of Charleston.

16. The text in braces was reprinted to this point in the *Massachusetts Centinel*, 27 February; *New Hampshire Spy*, 4 March; *Norwich Packet*, 13 March; Providence *United States Chronicle*, 13 March; Boston *American Herald*, 24 March; and the *Connecticut Courant*, 14 April.

17. See speech of Rawlins Lowndes, 16 January, at note 34 and note 34 (RCS:S.C., 108, 115n).

18. The "Committee of eleven" (i.e., all the states then represented) reported this provision (with an 1800 date) on 24 August 1787 (Farrand, II, 396). The date was later changed to 1808.

19. See House of Representatives Debates, 16 January, note 9 (RCS:S.C., 113n).

20. Article IV, section 2, clause 3, of the Constitution provided for the return of fugitive slaves. See Appendix III (RCS:S.C., 522).

21. Read (1752–1816), a Charleston lawyer, served as attorney for the state during the Revolution and was exiled by the British in St. Augustine, Florida, 1780–81. He served in the Confederation Congress, 1783–85, and in the South Carolina House of Representatives, 1782–94 (speaker, 1789–94). Read represented Christ Church Parish in the state Convention where he voted to ratify the Constitution. He later served as a Federalist in the U.S. Senate, 1795–1801.

22. The President of the Confederation Congress presented the peace treaty with Great Britain to Congress on 13 December 1783. The treaty was read, but because nine states were not present no action could be taken on the treaty. On 23 December Congress resolved to send letters to New Hampshire, Connecticut, New York, New Jersey, South Carolina, and Georgia asking for "the immediate attendance of their delegates" because "the ratification of the definitive treaty, and several other matters, of great national concern, are now pending before Congress, which require the utmost despatch, and to which the assent of at least nine states is necessary." On 5 January 1784 Congress approved a letter to the U.S. negotiators in Paris concerning the delay in ratifying the treaty. (John Adams was still in Paris; he had been one of America's peace negotiators.) Finally on 14 January, the first day nine states were represented, Congress unanimously ratified the treaty (JCC, XXV, 812, 836–37; XXVI, 8, 22–23).

23. The text in angle brackets is from the pamphlet version of the *Debates*, 25.

24. The South Carolina constitution of 1776 provided that members of the upper house (called the Legislative Council) be elected by the lower house from its members. The constitution of 1778 provided for popular election of members of the Senate (Appendix I, RCS:S.C., 495).

25. See House of Representatives Debates, 16 January 1788, at note 19 and note 19 (RCS:S.C., 103, 114n).

26. In February 1775, Lord North proposed, and Parliament adopted, a "conciliatory resolution" that provided when a colony made provision to contribute to the common defense of the empire and support its own government, England would not tax the colony. Parliament would still determine an amount to be paid, but the colony could determine the means for raising taxes. The proposal was rejected by the American colonies.

27. The Act of Union, which came into effect on 1 May 1707, united the kingdoms of England and Scotland into the "United Kingdom of Great Britain." The act of twenty-

five articles secured the succession of the Protestant monarchy (Article II), confirmed the kingdom's representation by "One and the same Parliament" (Article III), opened wide trade and navigation to British subjects "to and from any Port or Place" within the kingdom and its dominions (Article IV), and established rules for minting coin and standards of weights and measures (Articles XVI, XVII). The act also imposed a uniform system of taxation and, except where contrary to the act, maintained Scottish law intact (Article XVIII). Though subject to alteration by the new Parliament of Great Britain, Scotland's courts were preserved in the act (Article XIX), and the "Royal Burghs" kept their prerogatives "entire" (Article XXI). The Act of Union also established Scotland's manner of representation in the House of Lords and the House of Commons (sixteen peers and forty-five members at the time of the act) (Article XXII).

28. The news that the Crown planned to assume the payment of the salaries of the judges of the Massachusetts Court of Judicature, rather than allowing the colony to pay them, set off the creation of committees of correspondence in late 1772.

29. South Carolina issued £100,000 in paper money in 1785 as part of a debtor relief program.

30. Article 13 of the Articles of Confederation (CDR, 93). The text in angle brackets in Lowndes' speech is from the pamphlet version of the *Debates*, 25–26.

31. The text in angle brackets is from the pamphlet version of the *Debates*, 30.

32. Latin: "Argument to the man," i.e., appealing to one's prejudices rather than to reason, as by attacking one's opponent rather than debating the issue.

33. William Shakespeare, *Hamlet*, Act III, scene 1, lines 62–63.

34. Gillon (1741–1794), a merchant with interests in Charleston and the upcountry, was born in Holland, immigrated to America in 1764, and had settled in Charleston by 1766. Gillon had strong political support from Charleston mechanics and from the upcountry. In 1778 he was named commodore of the South Carolina Navy. He served in the South Carolina Provincial Congress, 1775–76, House of Representatives, 1776, 1783–91, and in the U.S. House of Representatives, 1793–94.

35. The text in angle brackets is from the pamphlet version of the *Debates*, 32.

36. In 1787, Prussian troops suppressed a revolt in the Dutch Republic against the Stadtholder and restored William V, Prince of Orange, to the throne. News of the Prussian occupation arrived in Charleston by November 1787 (Charleston *Columbian Herald*, 8 November 1787).

37. There is no South Carolina constitution of 1781. From the context, Gillon meant the constitution of 1778.

38. See note 37 (above). President John Rutledge had vetoed the South Carolina constitution of 1778 on 5 March 1778 and then resigned. Lowndes was elected as his successor and two weeks later signed the new constitution into law.

39. The text in angle brackets is from the pamphlet version of the *Debates*, 32.

40. The text in braces was reprinted in the *Massachusetts Centinel*, 12 March, and Providence *United States Chronicle*, 17 April.

41. For the South Carolina act appointing delegates to the federal Convention, see Appendix II (RCS:S.C., 508–9).

42. See note 27 (above).

43. Rutledge is referring to the 1787 British "Act for allowing the importation and exportation of certain goods, wares and merchandize in the ports of Kingston . . . under certain regulations and restrictions." See "Drousea," *State Gazette of South Carolina*, 10 December 1787 (RCS:S.C., 57–58n).

44. Simkins (1742–1826), a planter from Ninety Six District, served in the South Carolina House of Representatives, 1782–90, and the Senate, 1791–1805. He was a Jefferson presidential elector in 1796 and 1800.

Charles Cotesworth Pinckney: Notes on Debates in the South Carolina House of Representatives, 17 January 1788[1]

The following document written by Charles Cotesworth Pinckney includes notes Pinckney used for his speech of 17 January in the House as well as his notes on a speech by Rawlins Lowndes on the same date. The notes for Pinckney's speech are written in ink; his notes of Lowndes' speech are written in pencil. Pinckney subsequently used the penciled notes to inform his speech of 18 January, replying to Lowndes.

The notes allow a comparison of the reports on the speeches as published by the Charleston *City Gazette*. For instance, in reporting on Lowndes' speech of 17 January, the *Gazette* quoted Lowndes as saying "what evils had we experienced by issuing a little money . . . paper carried us triumphantly through the war." The *Gazette*'s version of the debates of 18 January has Pinckney quoting Lowndes as saying " 'What harm had paper money done?' " Pinckney's notes report the remarks as "Paper money—What harm has it done? Carried us thro' the War."

Notes on Speech by Charles Cotesworth Pinckney

The Treaty with America not ratified by Parliament—[– – –]—238—246—7.8—289—319—369—383.

If Treaties are not paramount to the Law of the Land, & saying Congress may make Treaties, & suffering particular States to violate them, we deceive all Nations & committ a fraud—

A treaty gives a certain Nation all the privileges of the most favoured Nation—a State gives indulgences to a particular one, the other Nation complains we are involved in a War—because the Laws of particular States are to be paramount to treaties—

Where could the power of making Treaties be placed so well—Not in the Executive—~~that would make him a despot—& he [might] receive a bribe & get out of [– – –] [– – –]~~ alone the power [would?] be too great—[Diff]erence between the Senate [and?] a Monarch—

The gentlemans Arguments are ad captandum—

My Colleague said the President would not be so foolish as with so small a majority to make a prejudicial treaty and that the person appointed to that high office would deserve confidence in him. Indeed if that that was an argument [favoring a monarch?]—

[Why?] interest great Men says the gentleman, not the poor—

Cannot the President be taken from the poor?—He can—Merit & Virtue alone the qualifications

The gentleman then made a panegyric on the past confederation—Let us consider it— can it insure tranquility at home—can it command respect abroad—

Massachusetts—Great Britain—Portugal—Algiers—[etc]

Every State except Rhode Island was convinced it was inadequate to our Situation by sending Members to the Convention—

Reasons for altering *the form*—necessary to give great powers & to have a government to act immediately on the people—

Old government did not stand the test—All Governments are Experiment[s] to promote the happiness of the people—

Propositions of Virginia—

De [i.e., Delegations of]:

Do: New Jersey & Delaware

Extensive powers necessary to be given—will explain them all if inquire therefore a New Organization necessary—

All single Legislatures tyrannical

All power vested in one [body of?] the Old Constitution—

Those powers could not safely be vested in one—

This government to act immediately on the People—Therefore one branch should be drawn immediately from the People—the others mediately—

Advantage of the Southern States in Representation—shew the list. Negroes represented—S.C. one thirteenth—

The Eastern States full of Men & never can have more—we Must increase largely—to the southward & southwestward prove it—

The gentleman says the Southern States are weak & defenseless—& Therefore we ought [to?] form an Union with the Northern States who are strong—Consider the weakness of the Southern States—That species of strength to the Northward most capable of assisting us—their Navy if we [encourage?] it—

All government—[– – –] [– – –] we were [to] make the best we could—We have [done?] so—

Who has lost most by independence—

The Northern States—Ought we not to give them a preference of our carrying Trade—should we make our own Ships pay duties—theirs are ours—

Negroe Business—Same opinion now Negroes ought to be imported till every single Tree in our Swamps is eradicated—

Given the History of the contest with regard to Negroes & the religious & political prejudices of our Sister States—

Conduct of the Eastern States—of Virginia} Where is the Security of 9 States—

Capitation tax not so much as they lay on their own Whites—

Importation tax—right—Negroes paid for by produce all the goods imported to the [Northward?] paid for by their produce—

[the gentleman says?] the importation shall [be prohibited?]—

They contend the more we import [the?] Weaker we are, & therefore the greater must be their expence in defending us and the weaker we grow the greater is our influence to be in their government by representation of 3/5ths:—Shew some period when it may be in our power to put a stop if we please to the importation of this weakness, & we will endeavour for your convenience to restrain the religious & political prejudices of our People—

Security that our Slaves shall not be free—

Resolution of the former Congress[.] No Slavery after 1780—

Whenever our Slaves are found to be delivered up—

On the whole considering all—the terms relative to Negroes were as good as we could get, & I do not think them bad—

Notes on Speech by Rawlins Lowndes

What does the Gentleman propose in the Room of this Government—

The [name?] to the old Confederation—Before it was tried—

Treaty of Peace acknowledges them to be Sovereign [states]—

Powers of Congress—

Powers of President—

Times, places & manner of holding Elections for Representatives—

This State can fix the place of election in each District—

Senat a secondary remove in Congress at present—

Because the Senators were the Creatures of the House—

Don't know what mode can ascertain the proportion of five—

Enlarge the limits of Election, a Man of most consequence—

Difft. Mode of Electing President of the United States—

What mode would be proper of [Electing?] the President—

Foreign Influence avoided

The fittest Man in America—

Commerce—

Why was it not said that the Shippers of any other Nation shall not be prohibited from coming upon us—

Right of Imposing Duties [– – –] [torn] the British parliament had none we were not represented there—

Members paid by genl government—at present this government pays the money to the members of the [– – –] [– – –]

First Constitution run us in Debt we want one to pay that Debt—

Import duty already granted for 21 years—

Commerce here more than to the Northward—

Paper money—What harm has it done? Carried us thro' the War—raised Fleets & Armies—

Corporation has power to issue paper—No—
Judiciary Department
Trial by Jury—
Why not the Trial of all Cases Civil & Criminal left to a Jury—
Compacts should be binding former Constitution a compact—broken by every State—
Want of power in Congress as it stood, but dangerous to give it more as it stood—
Could not you have given him more power—
Can not give a greater Sanction to the present than you did to the last Constitution—
What is the Advantage for the men who befriend this Constitution—Is it to enforce measures by the bayonet—
Old Confederation not ratified [– – –] [– – –]
Gov has dictatorial powers—Minority ruled before—

1. MS, Pinckney Family Papers, DLC.

Senate Proceedings, 17 January 1788 (excerpt)[1]

. . . Ordered.

That the Order of the day to take into consideration the Report of the Committee to whom was referred His Excellency the Governor's Message of the 9th. Instant accompanied with the proceedings of the federal Convention be now read.

And the same being read accordingly was debated amended & agreed to as followeth Vizt.

The Committee to whom His Excellency the Governor's Message of the 9th Instant, accompanied with the proceedings of the federal Convention was referred.

Report.

That having given it all the consideration which the importance of the subject required, are of opinion, that the House should adopt the following Resolutions Vizt.

Resolved.

That the proceedings of the federal Convention be submitted to a Convention of the people of this State, 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 Members in the General Assembly to meet on Thursday and Friday the Twenty first and Twenty second days of February next, in their respective parishes and Districts, at the several places

appointed for holding the last Elections for Members of the General Assembly to choose as many persons as they have Members in the Senate and House of Representatives, to serve in the State Convention for the purpose of taking into consideration the proposed plan of Government for the United States, and that the said Elections shall be conducted agreeably to the mode and conformably with the Rules and regulations of Elections for Members of the General Assembly.
Resolved.

That the Delegates to be elected to serve in the State Convention shall have been Citizens of the State at the time of the ratification of the Definitive Treaty of Peace between the United States of America and Great Britain and were eligible to a seat in the House of Representatives.
Resolved.

That the Legislature do give immediate notice by Advertisements to the people in their several parishes and Districts of the time, place, and purpose of the Elections aforesaid, and do transmit printed Copies of these Resolutions to the persons who shall be appointed to conduct the said Elections.
Resolved.

That the persons so elected to serve in the said Convention do assemble on Monday the third day of March next at the State House in the City of Charleston, and may adjourn from day to day until a Majority shall be assembled, when they shall take into consideration the aforesaid Constitution and if approved of by them or a majority of them finally to ratify the same in behalf of this State and make report thereof to the United States in Congress assembled.
Resolved.

That the Delegates who shall be elected to serve in the State Convention shall have the same allowance for their attendance as shall be given to the Members of the present General Assembly.
Resolved. That this House do agree with the Report.[2]
Ordered.

That the Clerk do sign and carry the Report and Resolutions to the House of Representatives for their Concurrence. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar. A manuscript copy of the committee report is in Records of the General Assembly, Reports, 1788, Sc-Ar. The resolutions were printed in the Charleston *City Gazette*, 21 January, and the *New York Journal*, 5 February. The House considered the Senate resolutions on 19 January and accepted only the first and last resolutions as passed by the Senate, which were later incorporated into the House resolutions calling the ratifying convention. No further action was taken on the Senate resolutions. See House of Representatives Proceedings, 19 January (RCS:S.C., 164).

2. The text of this paragraph is taken from the manuscript committee report. The paragraph also appeared in the Charleston *City Gazette*, 21 January.

The South Carolina General Assembly
Friday, 18 January 1788

House of Representatives Proceedings, 18 January 1788 (excerpt)[1]

. . . Agreeably to the Order of the Day for the House to Resolve itself into a Committee of the whole

Mr. Speaker left the Chair
Mr. Bee took the Chair of the Committee
Mr. Speaker resumed the Chair

Mr. Bee reported from the Committee of the Whole House to whom the Report of the Committee on the Governors Message, with the Constitution framed by the late Convention of the States was framed, which he read in his place and afterwards delivered it in at the Clerks Table where it was again read for information

Ordered That it be taken into Consideration to Morrow

The Senate sent to this House by their Clerk Sundry Resolutions respecting the calling of a Convention to take into Consideration the Constitution framed by the late Convention of the United States assembled in Philadelphia in May last

And then the House Adjourned
'till to Morrow morning 10 O'Clock

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 327–29.

Newspaper Report of House of Representatives Proceedings 18 January 1788[1]

Yesterday the committee of the house of representatives appointed to consider the governor's message, inclosing the federal constitution, unanimously agreed to report an opinion, that delegates should be chosen to form a convention for considering the new constitution agreeable to recommendation of congress.

1. Printed: Charleston *City Gazette*, 19 January. Reprinted: *State Gazette of South Carolina*, 21 January.

House of Representatives Debates, 18 January 1788

Major [Pierce] Butler opened the debate, (as we understand, the reporter of those debates unfortunately not being in the house) with

several satisfactory answers to some points of objection the preceding day.

General [Charles Cotesworth] Pinckney, in answer to Mr. Lowndes, observed, that though he was ready to pay every tribute of applause to the great characters whose names were subscribed to the old confederation, yet his respect for them could not prevent him from being thoroughly sensible of the defects of the system they had established—sad experience had convinced him that it was weak, inefficient, and altogether inadequate to the purposes of good government; and he understood that most of the framers of it were so thoroughly convinced of this truth, that they were eager to adopt the present constitution. The friends of the new system do not mean to shelter it under the respectability of mere names, they wish every part of it may be examined with critical minuteness, convinced that the more thoroughly it is investigated, the better it will appear. The honorable gentleman, in the warmth of his encomiums on the old plan, had said that it had carried us with success through the war—in this it has been shewn that he is mistaken, as it was not finally ratified till March 1781, and anterior to that ratification congress never acted under it, nor considered it as binding; our success therefore ought not to be imputed to the old confederation, but to the vast abilities of a Washington—to the valour and enthusiasm of our people—to the cruelty of our enemies, and to the assistance of our friends. The gentleman had mentioned the treaty of peace in a manner as if our independence had been granted us by the king of Great-Britain, but that was not the case, we were independent before the treaty, which does not in fact grant, but acknowledges our independence. We ought to date that invaluable blessing from a much older charter than the treaty of peace—from a charter which our babes should be taught to lisp in their cradles[1]—which our youth should learn as a *carmen necessarium*, or, indispensible lesson, which our young men should regard as their compact of freedom, and which our old should repeat with ejaculations of gratitude for the bounties it is about to bestow on their posterity: I mean the declaration of independence made in Congress the 4th of July 1776. This admirable manifesto, which for importance of matter and elegance of composition stands unrivalled, sufficiently confutes the honorable gentleman's doctrine of the individual sovereignty and independence of the several states. In that declaration the several states are not even enumerated, but after reciting in nervous[2] language and with convincing arguments, our right to independence, and the tyranny which compelled us to assert it; the declaration is made in the following words, "We therefore, the representatives of the United States of America, in general congress

assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are and of right ought to be Free & Independent States." The separate independence and individual sovereignty of the several states were never thought of by the enlightened band of patriots who framed this declaration; the several states are not even mentioned by name in any part of it, as if it was intended to impress this maxim on America, that our freedom and independence arose from our union, and that without it we could neither be free nor independent: let us then consider all attempts to weaken this union, by maintaining that each state is separately and individually independent, as a species of political heresy which can never benefit us, but may bring on us the most serious distresses. The general then in answer to Mr. Lowndes's objections, that the powers vested in the general government were too extensive, enumerated all the powers granted, and remarked particularly on each, shewing that the general good of the union required that all the powers specified ought necessarily to be vested where the constitution had placed them; and that as all the powers granted sprung from the people, and were to be exercised by persons frequently chosen either mediately or immediately by the people; and that as we had as great a share in the government, in proportion to our importance, as any other state had, the assertion that our representation would be merely virtual, similar to what we possessed under the British government, was altogether unfounded; that there was no danger of the powers granted being abused while the people remained uncorrupt, and that corruption was more effectually guarded against in the manner this government was constituted than in any other that had ever been formed. From the number of electors who have a right to vote for a member of the House of Representatives little danger can be apprehended of corruption or undue influence, if a small district sent a member there would be frequent opportunities for cabal and intrigue; but if the sphere of election is enlarged, then opportunities must necessarily diminish. The little demagogue of a petty parish or county will find his importance annihilated, and his intrigues useless, when several counties join in an election; he probably would not be known, certainly not regarded out of his own circle; while the man whose abilities and virtues had extended a fair reputation beyond the limits of his county, would nine times out of ten be the person who would be the choice of the people. There will be no necessity, as the honorable gentleman has strangely supposed, for all the freeholders in the state to meet at Charleston to choose five members for the House of Representatives,

for the state may be divided into five election districts, and the freeholders in each election district may choose one representative; these freeholders need not all meet at the same place in the district, they may ballot in their particular parishes and counties on the same day, and the ballots may be thence carried to a central part of the district and opened at the same time, and whoever shall appear to have a majority of the votes of the freeholders of the whole district, will be one of the five representatives for this state.[3] But if any state legislature should attempt to fix a very inconvenient time for the election, and name (agreeable to the ideas of the honorable gentleman) only one place in the state, or even one place in one of the five election districts, for the freeholders to assemble to vote, and the people should dislike this arrangement, they can petition the general government to redress this inconvenience, and to fix the times and places of the election of representatives in the state in a more convenient manner; for as this house has a right to fix the times and places of election in each parish and county for the members of the house of representatives of this state, so the general government has a similar right to fix the times and places of election in each state for the members of the general house of representatives. Nor is there any real danger to be apprehended from the exercise of this power, as it cannot be supposed that any state will consent to fix the election at inconvenient seasons and places in any other state, lest she herself should hereafter experience the same inconvenience; but it is absolutely necessary that Congress should have this superintending power, lest by the intrigues of a ruling faction in a state the members of the house of representatives should not really represent the people of the state, and lest the same faction through partial state views should altogether refuse to send representatives of the people to the general government. The general government has not the same authority with regard to the members of the senate; it would have been improper to have entrusted them with it, for such a power would in some measure have authorised them to fix the times and places when and where the state legislatures should convene, and would tend to destroy that necessary check which the general and state governments will have on each other. The honorable gentleman, as if he was determined to object to every part of the constitution; though he does not approve of the mode of electing representatives immediately by the people, or at least cannot conceive how it is to be effected, yet objects to the constitution of the senate, because the senators are to be elected by the state legislatures, and not immediately by the people. When the constitution says the people shall elect, the gentleman cries out it is chimerical, the election will be merely virtual.

When the constitution determines that the state legislatures are to elect, he exclaims, the people's rights are invaded—the election should be immediately by them, and not by their representatives. How then can we satisfy him, as he is determined to censure in this constitution, that mode of election which he so highly approves in the old confederation. The reason why our present state constitution, made in 1778, changed the mode of electing senators from the mode prescribed by our first constitution, passed in 1776, was, because by the first the senators were elected by this house, and therefore being their mere creatures, they could not be supposed to have that freedom of will as to form a proper check on its proceedings;[4] whereas in the general constitution the house of representatives will be elected immediately by the people, and represent them and their personal rights individually; the senate will be elected by the state legislatures, and represent the states in their political capacity; and thus each branch will form a proper and independent check on the other, and the legislative powers will be advantageously ballanced. [Charleston *City Gazette*, 29 January 1788]

With regard to the objection that had been made to the mode of electing the president of the United States, gen. Pinckney asked what other mode would have been so proper? if he was to be elected by the house of representatives and the senate, as one of them have the power of impeaching and the other of trying him, he would be altogether their creature, and would not have independence enough to exercise with firmness, the revisionary power and other authorities with which he is invested by the constitution? this want of independence might influence his conduct in some degree if he was to be elected by one branch of the legislature alone; but as he is to be elected by the people, through the medium of electors chosen particularly for that purpose, and he is in some measure to be a check on the senate and house of representatives, the election, in my opinion, could not have been placed so well if it had been made in any other mode. In all elections of a chief magistrate, foreign influence is to be guarded against; here it is carefully so, as it is almost impossible for any foreign power to influence thirteen different sets of electors, distributed throughout the states, from New-Hampshire to Georgia; by this mode also, and for the same reason, the dangers of intrigue and corruption are avoided, and a variety of other inconveniencies which must have arisen if the electors from the different states had been directed to assemble in one place, or if either branch of the legislature (in case the majority of electors did not fix upon the same person) might have chosen a president who had not been previously put in nomination by the people. I have before spoken of the policy and justice of vesting the majority of congress with

the power of making commercial regulations, and the necessity there is in all well constituted republics that the majority should controul the minority; and I should have had a very strong objection to the constitution if it had contained the restrictive clause the hon. gentleman appears to be so anxious for, "that Congress should not have it in their power to prevent the ships of any nation from entering our ports." I cannot think it would have been prudent or fitting to have given the ships of all foreign nations a constitutional right to enter our ports whenever they pleased, and this too notwithstanding we might be at war with them, or they may have passed laws denying us the privileges they grant to all other commercial nations; or circumstances not now foreseen, might render it necessary for us to prohibit them. Such a clause would have injured the eastern states exceedingly—would have been eventually detrimental to ourselves—and would have amounted in fact to a declaration that we were resolved never to have a navy—to such a clause general Pinckney declared he never would have consented, and desired the gentleman to produce an instance of any independent power who did not give exclusive advantages to their own shipping. He then took notice that Chancellor Mathews had fully answered what had been alledged concerning the exorbitant freights we should be obliged to pay, and had clearly shewn that no danger was to be apprehended on that subject; and that the eastern states could soon furnish us and all the southern states with a sufficient number of ships to carry off our produce.[5] With regard to the general government imposing internal taxes on us, he contended that it was absolutely necessary they should have such a power; requisitions had been in vain tried every year since the ratification of the old confederation, and not a single state had paid the quota required of her.[6] The general government could not abuse this power, and favor one state and oppress another, as each state was to be taxed only in proportion to its representation; and as to excises, when it is considered how many more exciseable articles are manufactured to the northward than there are to the southward; and the ease and convenience of raising a revenue by indirect taxation, and the necessity there is to obtain money for the payment of our debts, for our common defence, and for the general welfare; he thought every man would see the propriety, and even the necessity of this clause; for his part, he knew of no sum that he would not sooner have consented to have paid if he had had it, rather than have adopted Lord North's conciliatory plan,[7] which seems, by the argument of that gentleman, to be in some respect preferable to the proposed constitution, but in asserting this the gentleman certainly cannot be serious. As to the payment of the members of the legislature out of the federal

treasury gen. Pinckney contended it was right, and it was particularly beneficial to us who were so distant from the seat of the federal government, as we at present paid our members not only while they were actually in Congress, but for all the time they were going there and returning home, which was an expence the middle states felt but in a slight degree; but now that all the members are to be paid out of the public treasury, our remote situation will not be particularly expensive to us. The case of the payment of the Massachusett[s]'s judges under the royal government[8] can by no ingenuity be made applicable to the payment of the members of the federal legislature. With regard to Mr. Lowndes's question, "what harm had paper money done?" Gen. Pinckney answered, that he was surprised that gentleman should ask the question, as he had told the house he had lost fifteen thousand guineas by depreciation; but he would tell the gentleman what further injuries it had done—it had corrupted the morals of the people—it had diverted them from the paths of honest industry to the ways of ruinous speculation—it had destroyed both public and private credit—and had brought total ruin on numberless widows and orphans. As to the judiciary department, Gen. Pinckney observed, that trial by jury was so deservedly esteemed by the people of America, that it is impossible for their representatives to omit introducing it whenever it can with propriety be done; in appeals from courts of chancery it surely would be improper; in a dispute between a citizen of Carolina and a citizen of Georgia, if a jury was to try the cause, from which state are they to be drawn? if from both or either, would the citizens of Carolina and Georgia choose to be summoned to attend on juries 800 miles from home; and if the jury is to be drawn from the state in which Congress shall sit, would these citizens wish that a cause relative to negro property should be tried by the quakers of Pennsylvania, or by the freeholders of those states who have not that species of property among them? Surely not; yet it is necessary that when a citizen of one state cannot obtain an impartial trial in another, that for the sake of peace as well as of justice he should have a right to appeal to the supreme judiciary of the United States to obtain redress; *and as this right of appeal does not extend to citizens of the same state (unless they claim under grants of different states) but only to the causes and persons particularly mentioned in the constitution*, and Congress have power to make such regulations and impose such restrictions relative to appeals as they think proper, it can hardly be supposed that they will exercise it in a manner injurious to their constituents. Trials by jury are expressly secured in all criminal cases, and not excluded in any civil cases whatever. But experience had demonstrated, that it was impossible to adhere to them *in all civil cases*; for

instance, on the first establishment of the admiralty jurisdiction Congress passed an ordinance requiring all causes of capture to be decided by juries;[9] this was contrary to the practice of all nations, and we knew it, but still an attachment to a trial by jury induced the experiment—what was the consequence? the property of our friends was at times condemned indiscriminately with the property of our enemies, and the property of the citizens of one state by the juries of another. Some of our own citizens have severely felt these inconveniencies—citizens of other states and other powers experienced similar misfortunes from this mode of trial; it was therefore by universal consent and approbation laid aside in cases of capture. As the ordinance which regulated these trials was passed by Congress, they had the power of altering it, and they exercised that power; but had the ordinance been part of the confederation, it could not then have been repealed in the then situation of America, and had a clause of a similar tendency been inserted in this constitution it could only be altered by a convention of the people of the different states. This shews at once how improper it would have been to have descended to minutiæ in this particular; and he trusted it was unnecessary, because the laws which are to regulate trials must be made by the representatives of the people chosen as this house are, and as amenable as they are for every part of their conduct. The honorable gentleman says, compacts should be binding, and that the confederation was a compact: it was so, but it was a compact that had been repeatedly broken by every state in the union, and all the writers on the laws of nations agree that when the parties to a treaty violate it, it is no longer binding. This was the case with the old confederation, it was virtually dissolved and it became necessary to form a new constitution to render us secure at home, respectable abroad, and to give us that station among the nations of the world, to which as a free and independent people we are justly entitled.

Mr. [Rawlins] Lowndes observed, that he had been accused of obstinacy in standing out against such a formidable opposition, but he could sincerely assure the house that he was as open to conviction as any gentleman on that floor; yet he never would allow himself to be drawn into the adoption of specious arguments, for such he considered many of those now opposed against him to be. Indeed some gentlemen had departed from their usual candor in giving an interpretation to his arguments which they did not merit. In one instance it had been stated as if he was of opinion that treaties had not the force of law; this was going too far; he did not recollect that he asserted any more than that the king of Great Britain had not a legal power to ratify any treaty which trenched on the fundamental laws of that country. He supposed a case

under the dispensing act of William & Mary,[10] asking, if the king had made a treaty with the Roman Catholics, could that which was excepted by the law ever be considered as paramount. The honorable gentleman again took an ample review of the old confederation, on which he dwelt with fervency for some time, and ridiculed the depraved inconstancy of those who pant for a change. Great stress was laid on the admirable checks which guarded us under this new constitution from the encroachments of tyranny, but too many checks in a political machine must produce the same confusion as in a mechanical one, that of throwing all into confusion. But supposing we considered ourselves so much aggrieved as to reduce us to the necessity of insisting on redress; what probability had we of relief? Very little indeed.—In the revolving on misfortune some little gleam of comfort resulted from an hope of being able to resort to an impartial tribunal for redress; but pray what reason was there for expectancy that in Congress the interests of five southern states would be considered in a preferable point of view to the nine Eastern ones? With respect to migration from the Eastern states to the Northern [i.e. Southern] ones, he did not believe people would ever flock here in such considerable numbers, because our country had generally proved so uncomfortable, from the excessive heats, that our acquaintance during the heats is rather shunned than solicited. The hon. gentleman mentioned that he had sent for a person from Europe, who did not long survive his introduction here, falling a sacrifice to the baneful effects of fogs and swamps, so that from our limitation of importing negroes after the term of twenty years, instead of rising in representation we should gradually degenerate. He treated those fears of our falling a prey to foreigners, as one of those arguments tending to precipitate us into measures inimical to our natural interest; for was it to be supposed that the policy of France would ever suffer America to become an appendage of the crown of Great Britain; or that Great Britain, equally jealous of France, would permit her to reduce us to subjection!—Our danger of ruin should rather be apprehended from dissentions amongst ourselves—from our running into debt without any intention to pay; that was the rock on which we might split, rather than foreign enemies; and therefore all those arguments for establishing the necessity of a navy and standing army were nugatory and entitled to very little attention. [Charleston *City Gazette*, 30 January 1788]

It was urged, that until we had a navy powerful enough to protect us, our liberties and property were held only on courtesy; but if gentlemen adverted where this navy,[11] so necessary, must come from, not from the southern states, but the northern ones, they would easily perceive to whom this country would belong. It was true, the old confederation was

a mere paper defence, but then it was a good proof on our behalf if we were overcome by unmerited wrongs. Some had made this a question, will you join or will you be single? for his part he did not think matters had come to such a crisis; rather let us comply with our federal connection, which not yet being broken, admits of being strengthened. A gentleman had instanced Vattel,[12] in support of his argument, and laid down from that author an opinion, that where parties engaged in the performance of an obligation, should any one of them fly off from his agreement, that then the original compact was null and void. He had ingeniously applied this to our present continental situation, and contended, that as some of the states acted in a refractory manner towards the continental union, and obstinately refused a compliance on their parts with solemn obligations, that of course the confederation was virtually dissolved; but Vattel merely recited such a case as where only a part of a confederation was broken; whereas ours was totally different, every state in the union having been uniform in refusing a compliance with the requisition of Congress. Some gentlemen had advanced a set of assertions to prove that the eastern states had greatly suffered in the war, pray how had they suffered? did they not draw from the continental treasury large sums of money? was not every expence incurred by them defrayed out of the continental coffers? Another great advantage held out was that we should be eased in future from the obligation and difficulty of defraying the expences of delegates, had we gained so much by this, when we had given up the very means of furnishing this sort of supply, formerly in our option? As to the taxes, undoubtedly they must be increased under this new government: we paid at present 2 dollars per head upon our negroes, but the expences attending our pompous government might increase this expence unto six dollars per head, and this enormous sum collected by a sort of foreign power; for did any man that knew America suppose such tax will be easily paid? But if there was such an universal propensity to set up this golden image, why delay its inauguration? Let us at once go plump into adoration of it—let us at once surrender every right which we at present possess. A material objection of his to the offered plan was, that the president would have a power to call both houses at what time and place he thought proper; suppose a political cause for partiality, might he not so arrange things, as to carry a favorite point, by assembling the federal government to the ruin or detriment of those states he meant to crush, and laws be enacted before those in extreme parts of the country knew any thing of their tendency, surely some restrictions as to time of meeting, should have been specified. The president had also the power of adjourning to any day that he thought proper. In our old

constitution no such power was given to the chief magistrate to adjourn or dissolve. On the whole this was the best preparatory plan for a monarchical government that he had read; the constitution of Great-Britain he considered as the best monarchical one that he ever perused, and this new government came so near to it, that instead of our changing from a republic to a monarchy, it was what every body must naturally expect. How easy the transition, no difficulty occurred in finding a king; the president was the man proper for this appointment. The senate hail him king, constituted, according to Mr. Adams's description, from the *well born*,[13] will naturally say to one another, "You see how we are situated, certainly it is for our country's benefit that we shall be all lords and lords they are.["]

Mr. Lowndes concluded his speech with thanking the house for their very great indulgence in permitting him to take up so much time. He hoped that the vast importance of the subject would plead his excuse; he also thanked those gentlemen on the other side of the question for the candid, fair manner in which they had answered his arguments. Popularity was what he never courted but on this point he spoke merely to point out those dangers to which his fellow citizens were exposed; dangers that were so evident, that when he ceased to exist, he wished for no other epitaph than to have inscribed on his tomb, Here lies the man that opposed the constitution, because it was ruinous to the liberty of America.

Chancellor [John] Rutledge declared he had often heard the honorable gentleman with much pleasure, but on the present occasion was astonished at his perseverence; well might he apologize for taking up the time of gentlemen, when in the very outset he declared that this constitution must necessarily be submitted to a future convention of the people. Why then enter so largely in argument on its merits? when the ultimate decision depended on another body. The chancellor then took up an argument relative to treaties not being paramount to the laws of the land. Was not the last treaty contrary to the declaratory act,[14] and a great number of other acts of parliament, yet who ever doubted its validity? The gentleman had declared that his sentiments were so much in contradiction to the general voice of his constituents, that he did not expect to be appointed a member of the convention. The chancellor hoped he would be appointed, and did not hesitate to pledge himself to prove demonstrably, that all those grounds on which he dwelt so much, amounted to nothing more than mere declamation—that his boasted confederation was not worth a farthing, and that if Mr. Chairman was intrenched in such instruments up to his chin, they would not shield him from one single national calamity; so far

from thinking that the sun of this country was obscured by this new constitution, he did not doubt but that whenever it was adopted, the sun of this state, united with twelve other suns, would exhibit a meridian radiance astonishing to the world. The gentleman's obstinacy brought to his recollection a friend to this country, once a member of that house, who said, it is generally imputed to me that I am obstinate, this is a mistake, I am not so, but sometimes hard to be convinced.

Mr. [Patrick] Calhoun made some observations on the too great latitude allowed in religion. [Charleston *City Gazette*, 31 January 1788]

Mr. [James] Lincoln[15] declared, if ever any person arose in a public assembly with diffidence he then did—if ever any person felt himself deeply interested in what he thought a good cause, and at the same time lamented the want of abilities to support it, 'twas he. On a question on which gentlemen whose abilities would do honor to the senate of ancient Rome had enlarged with so much eloquence and learning, who could venture without anxiety and diffidence. He had not the vanity to oppose his opinion to such men—he had not the vanity to suppose he could place this business in any new light, but the justice he owed to his constituents—the justice he owed to his own feelings, which would perhaps upbraid him hereafter, if he indulged himself so far as to give merely a silent vote on this great question, impelled him—reluctantly impelled him to intrude himself on the house. He had for some years past turned his thoughts towards the politics of this country; he long since perceived that not only the federal but the state constitution required much the hand of correction and revision—they were both formed in times of confusion and distress, and it was a matter of wonder they were so free from defects as we found them; that they were imperfect no one would deny, and that something ought to be done to remedy those imperfections was also evident, but great care should be taken, that endeavouring to do some good, we should not do an infinite deal of mischief. He had listened with eager attention to all the arguments in favour of this constitution, but he solemnly declared, that the more he heard the more he was persuaded of its evil tendency. What does this proposed constitution do? it changes, totally changes the form of your present government from a well digested, well formed democratic—you are at once rushing into an aristocratic government. What have you been contending for these ten years past? Liberty! What is liberty? The power of governing yourselves. If you adopt this constitution have you this power? No, you give it into the hands of a set of men who live one thousand miles distant from you. Let the people but once trust their liberties out of their own hands, and what will be the consequence? first, an haughty imperious aristocracy, and

ultimately a tyrannic monarchy. No people on earth are at this day so free as the people of America; all other nations are more or less in a state of slavery—they owe their constitutions partly to chance and partly to the sword; but that of America is the offspring of their choice—the darling of their bosom; and was there ever an instance in the world, that a people in this situation, possessing all that heaven could give on earth—all that human wisdom and valour could procure—was there ever a people so situated as calmly and deliberately to convene themselves together for the express purpose of considering whether they should give away or retain those inestimable blessings. In the name of God were we a parcel of children, who could cry and quarrel for an hobby horse, which when we were once in possession of, we quarrelled with and threw it away? It is said this constitution is an experiment, but all regular bred physicians are cautious of experiments. If the constitution be crazed a little, or somewhat feeble, is it therefore necessary to kill in order to cure it? Surely not. There are many parts of this constitution he objected to, some few of them had not been mentioned, he would therefore request some information thereon. The president holds his employment for four years, but he may hold it for fourteen times four years—in short, he may hold it so long that it will be impossible, without another revolution, to displace him. You dont even put the same check on him that you do on your own state governor;[16] a man from and bred among you—a man over whom you have a continual and watchful eye—a man who from the very nature of his situation, it is almost impossible can do you any injury; this man you say shall not be elected for more than four years, and yet this mighty—this omnipotent governor general may be elected for years and years. He would be glad to know why in this constitution there is a total silence with regard to the liberty of the press, was it forgot? Impossible; then it must have been purposely omitted, and with what design, good or bad, he left the world to judge. The liberty of the press was the tyrant's scourge—it was the true friend and firmest supporter of civil liberty, therefore why pass it by in silence. He perceived, that not till almost the very end of the constitution, was there any provision made for the nature or form of government we were to live under—he contended it should have been the very first article—it should have been as it were, the ground work or foundation on which it should have been built; but how is it, at the very end of the constitution there is a clause which says, "The Congress of the United States shall guarantee to each state a republican form of government["];[17] but pray who are the United States, a president and four or five senators? Pray, sir, what security have we for a republican form of government, when it depends

on the mere will and pleasure of a few men who, with an army, navy, and rich treasury at their back, may change and alter it as they please. It may be said they will be sworn: sir, the king of Great-Britain, at his coronation, swore to govern his subjects with justice and mercy; we were then his subjects and continued so for a long time after. He would be glad to know how he observed his oath? If then the king of Great-Britain forswore himself, what security have we that a future president and four or five senators, men like himself, will think more solemnly of so sacred an obligation than he did.

Why was not this constitution ushered in with a bill of rights? are the people to have no rights? Perhaps this same president and senate would by and by declare them, he much feared they would. He concluded, by returning his hearty thanks to the gentleman who had so ably opposed this constitution—it was supporting the cause of the people, and if ever any one deserved the title of *Man of the People*, he on this occasion most certainly did.

General [Charles Cotesworth] Pinckney answered Mr. Lincoln and Mr. Calhoun on their objections, that the new government possessed no power of interference in religion; that a bill of rights and the freedom of the press were under consideration of the convention, but such danger appeared from an improper enumeration of rights and privileges, that it was considered better to leave untouched those points, which were, in fact ascertained by the state constitutions.

⟨He said that the time for which the president should hold his office, and whether he should be reeligible had been fully discussed in the convention; it had been once agreed to by a majority that he should hold his office for the term of seven years, but should not be re-elected a second time; but upon re-considering that article it was thought that to cut off all hopes from a man of serving again in that elevated station might render him dangerous, or perhaps indifferent, to the faithful discharge of his duty. His term of service might expire during the raging of war, when he might perhaps be the most capable man in America to conduct it, and would it be wise or prudent to declare in our constitution that such a man should not again direct our military operations, though our success might be owing to his abilities? The mode of electing the president rendered undue influence almost impossible, and it would have been imprudent in us to have put it out of our power to re-elect a man whose talents, abilities and integrity were such as to render him the object of the general choice of his country. With regard to the liberty of the press, the discussion of that matter was not forgot by the members of the convention; it was fully debated, and the impropriety of saying any thing about it in the constitution clearly evinced.

The general government has no powers but what are expressly granted to it;[18] it therefore has no power to take away the liberty of the press;—that invaluable blessing which deserves all the encomiums the gentleman has justly bestowed upon it, is secured by all our state constitutions, and to have mentioned it in our general constitution would perhaps furnish an argument hereafter that the general government had a right to exercise powers not expressly delegated to it. For the same reason we had no bill of rights inserted in our constitution, for as we might perhaps have omitted the enumeration of some of our rights, it might hereafter be said we had delegated to the general government a power to take away such of our rights as we had not enumerated; but by delegating express powers we certainly reserve to ourselves every power and right not mentioned in the constitution. Another reason weighed particularly with the members from this state against the insertion of a bill of rights, such bills generally begin with declaring, that all men are by nature born free, now we should make that declaration with a very bad grace, when a large part of our property consists in men who are actually born slaves. As to the clause guaranteeing to each state a republican form of government being inserted near the end of the constitution, the General observed, that it was as binding as if it had been inserted in the first article—the constitution takes its effect from the ratification, and every part of it is to be ratified at the same time, and not one clause before the other; but he thought there was a peculiar propriety in inserting it where it was, as it was necessary, to form the government, before that government could guarantee any thing.〉[19]

Col. [James] Mason[20] thanked Mr. Lowndes for his opposition, by the desire of several gentlemen, members of that house; it had drawn forth from the other side most valuable information, and he thanked those gentlemen for the willingness with which they had given it, with so much good nature; those gentlemen who lived in the country were now enabled to satisfy their constituents. [Charleston *City Gazette*, 1 February 1788][21]

1. A variation on a comment made about George Washington by the Comte de Mirabeau in his *Reflections on the Observations on the Importance of the American Revolution . . . By Richard Price* (Philadelphia, 1786) (Evans 19804). On page three of this translation of his work, Mirabeau stated: "*Begin with the infant in the cradle: Let the first word he lisps be* WASHINGTON!" This became a popular phrase. (See CC:251 and RCS:N.Y., 2550).

2. At this time the word "nervous" meant strong, vigorous, or robust.

3. The South Carolina election law for the first federal elections, held 24–25 November 1788, followed the pattern described by Pinckney. The law divided the state into five congressional districts and voting took place at the regular parish and district locations at the same time that elections for the state legislature were held (see DHFFE, I, 167–69).

4. See House of Representatives Debates, 17 January, note 24 (RCS:S.C., 137n).

5. For Mathews' speech on 17 January (RCS:S.C., 134–35).

6. See House of Representatives Debates, 16 January, note 6 (RCS:S.C., 112n).

7. See House of Representatives Debates, 17 January, note 26 (RCS:S.C., 137n).

8. See House of Representatives Debates, 17 January, at note 28 and note 28 (RCS:S.C., 127, 138n).

9. On 25 November 1775, the Continental Congress recommended to the states to establish admiralty courts "and to provide that all trials in such case be had by a jury." On 15 January 1780, Congress recommended to the states that their admiralty courts "decide without a Jury" (JCC, III, 373–74; XVI, 61–62).

10. The Declaration of Rights (1689), which became the English Bill of Rights by act of Parliament in December 1689, indicted Stuart king James II for dispensing with laws without the consent of Parliament (i.e., allowing exceptions to laws in particular cases). James had used the dispensing power to grant prerogatives to Catholics and Dissenters that were not allowed to them under the Test Act in English law.

11. See Edward Rutledge's speech on 17 January (RCS:S.C., 135).

12. See House of Representatives Debates, 17 January, note 5 (RCS:S.C., 136n).

13. In *A Defence of the Constitutions of Government of the United States of America* . . . (3 vols., [London, 1787–88], I, "Preface," xiii), John Adams wrote "The rich, the well-born, and the able, acquire an influence among the people, that will soon be too much for simple honesty and plain sense, in a house of representatives. The most illustrious of them must therefore be separated from the mass, and placed by themselves in a senate." For more on the *Defence*, see CC:16.

14. When Parliament repealed the Stamp Act on 18 March 1766, it also passed the Declaratory Act asserting its authority over the American colonies "in all cases whatsoever."

15. Lincoln (d. 1791), a planter from Ninety Six District in what later became Abbeville County, served in the South Carolina House of Representatives, 1787–90, and was a county court judge. He represented Ninety Six District in the state Convention where he voted against ratification.

16. Article VI of the South Carolina Constitution of 1778 stated that "That no future Governor and Commander in Chief who shall serve for two Years, shall be eligible to serve in the said Office after the Expiration of the said Term, until the Full end and Term of *Four* Years."

17. Article IV, section 4, of the Constitution reads "The United States shall guarantee to every State in this Union a Republican Form of Government. . . ."

18. See House of Representatives Debates, 16 January, note 9 (RCS:S.C., 113n).

19. Text in angle brackets is from the pamphlet version of the *Debates*, 44–45. Reprinted: Charleston *City Gazette*, 11 April, with this introduction: "The following reply to what fell from Mr. Lincoln, in a debate relative to the federal constitution, has not been before inserted in this paper."

20. Mayson (d. 1799) owned plantations in the upcountry districts of Ninety Six and Little River in what would later become Abbeville and Newberry counties. He was a militia officer in the Revolutionary War, 1775–80. He served in the South Carolina Provincial Congress, 1775–76, and the House of Representatives, 1776, 1780, 1787–88, 1791. He was elected from Little River District to the state Convention, but did not attend.

21. The *City Gazette*'s 1 February report of the speeches of Lincoln, Pinckney, and Mayson were reprinted in the Providence *United States Chronicle*, 21 February; *Massachusetts Gazette*, 26 February; and Boston *American Herald*, 28 February. The *United States Chronicle* introduced its reprinting with the following paragraph:

> Having observed the strictest Impartiality, in handing to the Public, all the Debates, &c. in the several Assemblies and Conventions of the United States, which have come to our Knowledge, on the important Subject of the

new Constitution—with Pleasure, we communicate the following, which are the first we have received from South-Carolina.—They are copied from a Charleston Paper of the 1st Instant.

Henry Pendleton: Notes of Debates in House of Representatives 18 January 1788[1]

A member of the House, most likely Henry Pendleton, used the verso of a naturalization petition for citizenship from John Simpson to make notes on the Constitution on 18 January. According to the House journal, Simpson's petition was submitted to the House of Representatives on the morning of 18 January prior to the House's final day of debate on the Constitution and referred to a committee chaired by Pendleton. On the following day, Pendleton submitted the committee's report to the House clerk and likely returned the petition to the clerk at the same time, thus allowing the dating of the notes to the final day of the House's debate on the Constitution (Stevens, *House Journals, 1787–1788*, 318, 327–28, 330). The notes appear to be in Pendleton's hand and are struck out.

It is unclear if the notes represent an intended speech by Pendleton or if they are notes on the speeches by other House members. Although the notes are brief, they contain the only commentary by a House member concerning Charles Pinckney's proposal of 14 January to have the state ratifying convention also serve as a state constitutional convention. They also touch on the subject of clashing Northern and Southern interests, especially regarding slavery, a subject on which Pendleton had commented two days earlier in a reply to a speech by Rawlins Lowndes.

If convention shoud meet in May—State Constitution cannot be considered—

Federal Constitution shoud be Established before State Constitution can be consolidatd[.] the Latter must be founded on the other.[2]

Danger of a union with the Northern States exclu[sive?] of the 3 largest of the So. [States?] but averse to an appendage to [hole in the page] their abhorrence of [hole in the page] slavery—

the one influence of 8 [hole in the page] Repre[– – –] [hole in the page]

Virg[ini]a [hole in the page] to our In[– – –] [hole in the page] [New?] England for [hole in the page]

5 Southern States called [the?] negro States, and bulky Articles of Exportation [than?] [– – –]

As [– – –] under [– – –] [– – –] [Goods?] from their adjoining Neig[hbors?] [– – –] on the [– – –] & Geo[rgia?]

on fire will he apply for assistance to [night?][.] Neighbours [hole in the page] are also in immediate danger [– – –] distant [ones?] [who?] may be only united by Humanity.

1. Records of the General Assembly, Petitions, 1788, No. 28, Sc-Ar. The petition is badly torn and some of the text is missing.

2. Charles Pinckney proposed that the state ratifying Convention also serve as a state constitutional convention, an idea which the House eventually rejected (see House Proceedings, 14, 24 January, RCS:S.C., 82–83, 168).

The South Carolina General Assembly
Saturday, 19 January 1788

House of Representatives Proceedings, 19 January 1788 (excerpt)[1]

. . . Agreeably to the Order of the Day, the House took into Consideration the Report of the Committee of the Whole House to whom the Report of the Committee on the Governors Message with the Constitution framed by the late Convention of the States was referred which being read through was agreed to and is as follows Vizt.

Report

That on a free and full investigation of the Subject it is the *Unanimous*[2] Opinion of the Committee that the House do Resolve That it be recommended to such of the Inhabitants of this State as are intitl[e]d to Vote for Representatives to the General Assembly that they choose Suitable persons to serve as Delegates in a State Convention for the purpose of Considering and of *Ratifying* or *rejecting* the Constitution framed for the United States by a Convention of Delegates Assembled at Philadelphia in May last

Resolved Unanimously that this House do agree with the Report

The House took into Consideration Sundry Resolutions Submitted to them by the Committee to whom the Message of his Excellency The Governor with the Constitution framed by the late Convention of the United States was referred which being read through the first and Second resolutions were recommitted and the 3rd. and 4th. Resolutions being agreed to are as follows Vizt

3rd. Resolved That the said Election be held on Friday and Saturday the Eleventh and Twelfth days of April next from 10 o'Clock in the morning to Five o'Clock in the afternoon of the respective Days

4th. Resolved That the persons so Elected to serve in Convention shall assemble on Monday the 12th day of May next in Charleston

On the Question being put for the Convention to Assemble in Charleston

The Ayes and Nays were required by Mr. Cannon and Seconded by Doctor Knox are as follows Vizt

Saint Philip & St. Michael's Parishes Charleston		*Saint Andrew's Parish*	
Edward Rutledge	ay	John Rivers	ay
David Ramsay	ay	William Scott Junr.	no
William Johnson	ay	Glen Drayton	ay
Charles C Pinckney	ay	Thomas Farr	ay
Edward Darrell	ay	James Ladson	ay
Thomas Jones	ay	Charles Drayton	ay
Isaac Motte	ay	*Saint George's Parish*	
John Mathews	ay	John Glaze	ay
Daniel Cannon	ay	Walter Izard	ay
Daniel Stevens	ay	William Postell	ay
John Blake	ay	John Bell	ay
Anthony Toomer	ay	*St. James's Parish Goose-Creek*	
John F Grimke	ay	Ralph Izard [Sr.]	ay
Thomas Heyward Junr.	ay	Gabriel Manigault	ay
Richard Lushington	ay	William Smith	ay
Francis Kinloch	ay	John Parker Junr.	ay
Jacob Read	ay	*St. Thomas & St. Dennis's*	
Edward Blake	ay	Thomas Screven	ay
John Budd	ay	Robert Daniel	ay
Rawlins Lowndes	ay	Thomas Shubrick	ay
Michael Kalteisen	ay	*Saint Paul's Parish*	
Thomas Bee	ay	George Haig	ay
Adanus Burke	ay	William Washington	ay
Hugh Rutledge	ay	Paul Hamilton	ay
Edward Lightwood	ay	*St. Bartholomew's Parish*	
Christ Church Parish		William Ferguson	ay
Charles Pinckney	ay	Peter Youngblood	ay
Plowden Weston	ay	William Clay Snipes	ay
Joseph Manigault	ay	John North	ay
John Hatter	ay	*Saint Helena's Parish*	
St. John's Parish Berkley County		William H Wigg	ay
Peter Fayssoux	ay	John Joyner	ay
Robert McKelvey	no	John Jenkins	ay
Gideon Kirke	no	Robert Barnwell	ay
Theodore Gourdine	ay	Benjamin Reynolds	ay
Thomas Simons	ay	Bernard Elliott	ay

Saint James's Parish Santee	
Thomas Horry	ay
Jacob Bond I'on	ay
William Douxsaint	ay
Lewis Miles	ay
Prince George's Parish	
James Withers	no
Thomas Waties	ay
Thomas Dunbar	no
Mathew Irvine	ay
All Saint's Parish	
Robert Heriot	ay
Daniel Morral	ay
Prince Fredericks Parish	
John Thompson Greene	no
John Dickey	no
Benjamin Porter	no
James Pettigrew	no
St. Johns Parish Colleton County	
Isaac Jenkins	ay
William Smelie	ay
Saint Peters Parish	
James Thompson	no
John Chisholm	no
John Fenwicke	no
Samuel Maner	no
Prince William's Parish	
Pierce Butler	ay
John Lightwood	ay
John A. Cuthbert	ay
Stephen Bull	no
William Murray	no
St. Stephen's Parish	
Thomas Palmer	no
John Couturier	no
Thomas Cordes	no
District to the Eastward of Wataree	
Isaac Alexander	no
Thomas Sumter	no
Andrew Baskins	no
Joseph Lee	no
Thomas McFadden	no
George Cooper	no
Benjamin Cudworth	no
Samuel Dunlap	no
Hugh White	no
District of Ninety Six	
Arthur Simpkins	no
Patrick Calhoun	ay
James Lincoln	no
Adam Crain Jones	no
William Butler	no
John Purvis	ay
District of Saxe Gotha	
Joseph Culpeper	no
Henry Pendleton	no
John Threewits	no
Lewellin Threewits	no
District between Broad & Saludy Rivers	
Philemon Waters	no
George Ruff	no
John Lindsey	no
William Wadlington	no
Little River District	
John Hunter	no
Angus Campbell	no
Levi Casey	no
James Mayson	no
Upper or Spartan District	
Thomas Brandon	no
Samuel McJunkin	no
District between Broad & Catawba	
Minor Winn	no
James Craig	no
John Gray	no
James Knox	no
John Turner	no
Aromanus Lyles	no
John Cooke	no
James Pedian	no

District called the New Acquis[it]ion		*Orange Parish*	
Andrew Love	no	William Robinson	no
James Powel	no	Lewis Lesterjette	no
William Fergus	no	*Saint Davids Parish*	
William Bratton	no	Calvin Spencer	no
Robert Patton	no	Robert Baxter	no
James Ramsay	no	Andrew Hunter	no
John Drennan	no	*District between Savannah River and the North Fork of Edisto*	
James Martin	no		
Joseph Palmer	no	William Davis	no
Alexander Moore	no	Isaac Bush	no
Saint Mathew's Parish		James Fair	no
Thomas Sabb	no	Daniel Greene	no
John Frierson	no		
Paul Warley	no	Ayes 76 Noes 75	

So it was Resolved in the Affirmative[3]

The House took into Consideration the Report of the Senate with the Resolutions founded thereon—on the Governor's message of the 9th. instant Accompanied with the proceedings of the Fœderal Convention which being read through[4]

The 1st. Resolution was agreed to it being Substantially Contained in the 1st. Resolution of this House on that Subject

The 2nd. and 3rd. Resolutions were agreed [i.e., disagreed][5] to—

The 4th. Resolution being Amended and agreed to, is as follows

Resolved That notice be given in the Several Gazzettes of this State, of the time, place and purpose of the Election, and that printed Copies of these Resolutions be transmitted to the persons who shall be appointed to Conduct the said Elections

The 6th. Resolution being agreed to is as follows Vizt.

Resolved That the Delegates who shall be Elected to serve in the State Convention shall have the same allowance for their attendance as shall be given to the Members of the present General Assembly . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 329–33.

2. The word "unanimous" was interlineated between "the" and "opinion" in the manuscript copy of the report. See Records of the General Assembly, Reports, 1788, Sc-Ar.

3. This roll call was printed in the *State Gazette of South Carolina*, 28 January.

4. For the Senate resolutions, see Senate Proceedings, 17 January (RCS:S.C., 142–43).

5. The rough journal correctly reads "disagreed." The Senate's second resolution called for elections on 21–22 February while the final resolutions set the dates as 10–12 April. The third resolution provided for stricter eligibility requirements for delegates than eventually became law. See Stevens, *House Journals, 1787–1788*, 332n.

Newspaper Report of House of Representatives Proceedings 19 January 1788[1]

Saturday the house of representatives took up a report from a committee of the whole on the governor's message, accompanied by the federal constitution, which was *unanimously* agreed to.

The house then took up some supplementary articles, when after debate, it was ⟨agreed, that an election for delegates should take place on the 11th and 12th days of April, to meet on the 12th of May in Charleston. Gen. [Charles Cotesworth] Pinckney moved to meet in Charleston, no question in the house of representatives ever ran so close, the yeas being 76, the nays 75.⟩[2]

1. Printed: Charleston *City Gazette,* 21 January. Reprinted: *State Gazette of South Carolina,* 24 January; *Worcester Magazine,* 28 February. The text in angle brackets was reprinted in the *Gazette of the State of Georgia,* 7 February, and *Georgia State Gazette,* 8 March.

2. For the roll call vote, and the newspaper report regarding it, see immediately above.

Senate Proceedings, 19 January 1788 (excerpt)[1]

. . . Mr. President reported to the House that he had in obedience to their commands transmitted by letter the unanimous thanks of this House, to the Delegates of this State, for their great attention to and faithful discharge of the duties of their appointment in the federal Convention, held last year at Philadelphia and that he had received from those Delegates letters in Answer thereto.

Ordered.

That the letter addressed by Mr. President, transmitting the thanks of this House to the Delegates of this State in the late Convention held at Philadelphia, together with their respective letters in answer thereto, be read, and entered in the Journals:

The letters were read accordingly, and are as followeth. Vizt:

Charleston January the 15th. 1788.

Sir.

I cannot sufficiently express my satisfaction to be an instrument of conveying to you the very honorable testimony of the approbation which the Senate of South Carolina have given of your conduct in the federal Convention; and in pursuance of the command which I have received from the House, I do, in their name, give you their unanimous thanks for your great attention to, and faithful discharge of, the duties of your appointment as one of the Delegates of this State in the federal Convention held last year at Philadelphia.

I have the honor to be with the greatest respect Sir. Your most obedient & very humble Servant

John Lloyd, President of the Senate.[2]

Answer from The Honorable John Rutledge Esquire. Vizt:

Charleston January 16th. 1788.

Sir.

I request that you will be pleased to present to the Senate my grateful acknowledgements for the honor of their unanimous vote of thanks for my conduct in the late federal Convention, and to assure the Honorable House in which you preside, that I prize very highly, this testimony of their approbation.

I am with the greatest respect Sir Your most obedient & very humble Servant

J. Rutledge.

The Honorable John Lloyd Esquire. President of the Senate

Answer from The Honorable Brigadier General Charles Cotesworth Pinckney. Vizt:

Charleston January 16th. 1788.

Sir

I must request you to accept my sincere acknowledgements for the satisfaction you politely express in your letter of yesterday—in being the instrument of conveying to me the unanimous thanks of the Senate of South Carolina for my attention to, and *faithful discharge of the duties of my appointment,* as one of the Delegates of the State to the federal Convention held last year at Philadelphia—

I intreat you Sir, to inform the Senate that I have the most grateful sense of the honor conferred on me by their vote of thanks, particularly as it implies an approbation of my conduct in signing that Constitution, which I verily believe, considering the various Interests and peculiar situation of the United States, is the best calculated to promote the prosperity and secure the freedom and happiness of our Country.

I have the honor to be with great Respect Your most obedient & most hum[bl]e Servt.

Charles Cotesworth Pinckney.

The Honorable John Lloyd Esquire. President of the Senate.

Answer from The Honorable Pierce Butler Esquire. Vizt:

Charleston January 16th. 1788.

Sir.

I had the honor to receive your letter last Night, conveying to me the thanks of the Honorable Senate, for my conduct as a Deputy from this State, at the late general Convention.

The strongest incentive to honorable actions is the hope of meeting with the approbation of our fellow Citizens—it is to me the most heart-gratifying recompence that could be conferred—every good is estimable in proportion to the source from whence it is derived—how highly then must I prize this honorable testimony of the approbation of my conduct, when given by such respectable characters as compose that honorable body of which you, Sir, are President!—judging by your own proper feelings of mine on this occasion, you will convey in more animated expressions than I am Master of my sense of the honor conferred on me and my gratitude for it.

Please Sir, to accept of my thanks for the obliging and polite manner in which you have expressed the vote of the House.

I have the honor to be wth. the greatest Respect Your most obedt. & most hum[bl]e Servt.

P. Butler.

The Honorable John Lloyd Esquire. President of the Senate.

Answer from Charles Pinckney Esquire. Vizt:

Orange Street. Tuesday Evening.

Dear Sir.

I have just had the honor of your flattering communication of yesterday—so far from conceiving myself entitled to the thanks of so respectable a body as the Senate of this State, for any services I may have rendered during my attendance on the Convention, permit me through you, to express to that honorable House, my most grateful acknowledgements for their repeated marks of confidence during my absence—to assure them, they are so deeply impressed upon my mind, that I shall always consider my exertions, such as they are, as at the service of the public, whensoever they shall require them—I only wish they were more worthy their attention.

The appointment I had the honor lately to hold, was one, which however ambitious, I ought to have been of receiving, I could not either in point of talents or experience, have had a right to expect—it will however I hope be the means of impressing still more firmly an opinion I have long adopted, that a free government has a right to demand the exertions of all its Inhabitants and that the approbation of his Country is the highest recompence a Citizen can receive.

Accept Sir my thanks for the polite and friendly manner in which you have made this communication, and believe me to be with the truest respect. Your most obedient Servant

Charles Pinckney.

The Honorable John Lloyd Esquire. President of the Senate.

Ordered.

That the thanks of this House to the Delegates of this State in the late Convention held at Philadelphia, and the letter addressed by Mr. President, transmitting the same, together with the Delegates respective letters in answer thereto, be printed in the State Gazette.[3] . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

2. A manuscript copy of this letter is in the Records of the General Assembly, Sc-Ar.

3. The day's proceedings, along with the text of the Senate resolution thanking the delegates (see Senate Proceedings, 14 January, RCS:S.C., 85), were printed in the Charleston *City Gazette*, 22 January. Reprinted: *State Gazette of South Carolina*, 24 January; *New York Journal*, 6 February; *Pennsylvania Packet*, 11 February. The proceedings, without the letters from the president of the Senate and the delegates to the Convention, were also reprinted in five newspapers by 19 February: N.J. (1), Pa (3), Md. (1). Senate president John Lloyd's letter to the delegates was separately reprinted in four newspapers by 26 February: N.H. (1), Mass (3).

The South Carolina General Assembly
Thursday, 24 January 1788

House of Representatives Proceedings, 24 January 1788 (excerpt)[1]

. . . Agreeably to the Order of the Day, The House took into Consideration the following Resolution (On Motion of Mr. Charles Pinckney)[2] which being read through, and the Question being put to agree to the [Resolution], It was disagreed to, and is as follows

Resolved. That it be recommended to the Convention appointed to meet in Charleston on the 12th. day of May next to take into Consideration the Constitution of the United States proposed by the Convention of Deputies assembled in Philadelphia in may last, that as soon as they shall have determined upon the same they proceed to Consider and finally to establish a Constitution for the future Government of this State upon such principles as shall appear to them best Calculated to Secure the Liberties of the People and the Just Administration of the Law[3]. . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 346–52.

2. See House of Representatives Proceedings, 14 January (RCS:S.C., 82–83), for Pinckney's announcement of his intention to introduce the resolution. See Mfm:S.C. 13 for a facsimile of Pinckney's draft resolution with interlineations and strike-outs.

3. Robert Woodruff, secretary to Loyalist claims commissioner John Anstey, noted in an undated entry in his journal: "During the Sitting of the Legislature which was held at Charlestown while I was there in the Course of a Debate for appointing a Convention to take into Consideration the new fœderal Constitution, Mr Charles Pinckney late one of the Members of Congress & a Member of the Convention at Philadelphia in May last, gave Notice (that if the new Constitution was adopted), he would bring in a Bill next

Session for new modelling the State Constitution" (Woodruff Journal, 1785–1788, American Philosophical Society, Philadelphia). Pinckney did not introduce the bill in the 1789 legislative session because he had been elected governor shortly after the session began. Resolutions calling for a state constitutional convention were passed during the session, and the convention was held in 1790.

The South Carolina General Assembly
Saturday, 2 February 1788

Senate Proceedings, 2 February 1788 (excerpt)[1]

. . . A Message from His Excellency the Governor by the Master in Chancery. Vizt.

Mr. President & Honorable Gentlemen of the Senate.

Honorable Gentlemen.

I yesterday received the papers herewith transmitted to you by desire of His Excellency the Governor of Virginia.

Charleston 2d. February 1788. Thomas Pinckney.[2]

Read the Copy of a letter from His Excellency the Governor of Virginia, addressed to His Excellency the Governor of this State, dated at Richmond December 27th. 1787. accompanied with An Act concerning the Convention to be held in June next—in the State of Virginia.[3] Ordered.

That the papers referred to in the said Message do lie upon the Table for the information of the Members. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

2. The manuscript of Pinckney's letter enclosing a "copy" of Governor Edmond Randolph's letter and a printed copy of the Virginia act is in Records of the General Assembly, Governor's Messages, 1788, Sc-Ar. (See note 3, immediately below.)

3. For the letter of 27 December 1787 from Virginia Governor Edmund Randolph to the states and the Virginia act of 12 December paying the expenses of the Virginia ratifying Convention, see RCS:Va., 190–91, 192. The bill provided funds in the event that the Virginia Convention needed to incur expenses communicating with other state conventions or gathering "sentiments of the union respecting the proposed Fœderal Constitution."

The South Carolina General Assembly
Monday, 4 February 1788

House of Representatives Proceedings, 4 February 1788 (excerpt)[1]

. . . Mr. Speaker & Gentlemen of the House of Representatives

Gentlemen

I Yesterday received the papers herewith transmitted to you by desire of his Excellency the Governor of Virginia

Charleston 2nd. February 1788 Thomas Pinckney

Ordered That the papers from the Governor of Virginia do lie on the Table for the Perusal of the Members[2]. . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788,* 389–91.

2. See Senate Proceedings, 2 February (immediately above).

State House Fire and Meeting Places of the General Assembly, 5–11 February 1788

On Tuesday evening, 5 February 1788, a fire erupted in the South Carolina State House, disrupting legislative business, including action on calling a ratifying convention. The fire broke out in the wainscoting over the fireplace. The building and much of its contents were lost. The records of the General Assembly were among the documents that were saved.

At 10 A.M. on Wednesday, 6 February, the legislature convened at St. Michael's Episcopal Church, across the street from the State House ruins. The House and Senate quickly appointed a joint committee to determine if the City Tavern, a block to the east on the northeast corner of Church and Broad streets, had sufficient space for the legislature to meet. On learning from the proprietor, James Milligan, that the tavern could accommodate them, the two houses reconvened there.

Later that day, John F. Grimké, intendant (mayor) of Charleston and a member of the House, offered to prepare Charleston's Exchange for use of the legislature. The Exchange, with its open-air first floor arcade and its second-floor grand hall, had served as Charleston's city hall as well as a custom house, public market, and meeting place for Charleston. The legislature quickly accepted Grimké's offer. While meeting at the City Tavern, the House adopted resolutions calling the state convention and appointed a committee to prepare supplemental resolutions, and the Senate proposed amendments to the original resolutions. On Saturday, 9 February, Grimké informed the legislature that the Exchange was ready and the following Monday, 11 February, the legislature reconvened in the Exchange where they concluded the rest of the session and completed work on calling the state convention (Stevens, *House Journals, 1787–1788,* 395–96, 397, 401, 417, 420).

Governor Thomas Pinckney wrote to his sister, Harriott Horry, the day after the fire describing the event and Robert Woodruff made an entry in his journal. Both accounts are printed below along with four reports from Charleston newspapers describing the event and the aftermath.

Robert Woodruff Journal, 5 February 1788[1]

About eight OClock this Evening, a Fire was discovered at the State House in the Senate Room, and before twelve the whole Building,

which is reckoned the handsomest on the Continent, was entirely burnt down—fortunately the ~~Alarm~~ Fire was discovered so early, that all the papers belonging to the public Officers which are kept here, as also those belonging to the Legislature which had been sitting that Day, were all saved—but all the Arms belonging to the State (amounting to about 2000 Stand) which were deposited in the Upper part of the Building were destroyed—the Accident is supposed to have happened thro the Carelessness of the Door keeper of the Senate, who left a large Fire in the Chimney which communicated to the Wainscoat—the General Assembly a few Days after voted 3500£ for building a New State House—in addition to which a Subscription has been set on foot, which is expected will amount to something considerable—the Legislature & the Courts of Justice meet in the Exchange till the new Building is erected.

1. MS, Woodruff Journal, 1785–1788, American Philosophical Society, Philadelphia.

Thomas Pinckney to Harriott Pinckney Horry Charleston, 6 February 1788 (excerpt)[1]

About 9 o'Clock last night we were alarmed by the ringing of the fire bells & were soon informed that the State house was a fire. the flames had proceeded to such a height before they were discovered that all endeavors to preserve the building were ineffectual so that by one oClock in the morning it was reduced to a heap of ruins—as the fire broke out in the Senate Room the Records which were on the ground floor were removed before the fire reached the offices in which they were lodged, but upwards of 1000 stand of arms were entirely consumed in the upper Story. happily no other damage was done to private property than two or three small wooden houses which were contiguous to the State house being pulled down. The Legislature sat today at the City Tavern. . . .

1. RC, Pinckney Family Papers, DLC. The entire letter is in Constance B. Schulz, ed., *The Papers of Eliza Pinckney and Harriott Pinckney Horry Digital Edition* (Charlottesville: Rotunda, University of Virginia Press; http://rotunda.upress.virginia.edu/PinckneyHorry/).

Charleston Columbian Herald, 7 February 1788[1]

Tuesday evening last, about nine o'clock, a fire was discovered in the senate chamber in the state house, but before proper assistance could be obtained, it had got to such a height as to prevent any possibility of saving that elegant building. The papers, records, &c. were all saved—

By the great exertion of the inhabitants, the flames was prevented from doing any further mischief.

1. Reprinted: *New York Morning Post*, 20 February; *New Jersey Journal*, 27 February; *Norfolk and Portsmouth Journal*, 19 March.

State Gazette of South Carolina, 7 February 1788[1]

On Tuesday evening, about 9 o'clock, a fire broke out in the Senate room, at the State-House, in this city, which in a short time reduced that spacious and superb edifice to ashes, and destroyed a number of stands of arms, amounting, it is said, to upwards of two thousand, together with several public papers, which were in the room where the fire commenced; those in the House of Representatives, the records, &c. then at the several public offices in the lower part of the building, were happily saved, through the activity and extraordinary exertions of several gentlemen at the risque of their lives, and the fire was prevented from communicating to the adjacent houses, several of which were in imminent danger—it is supposed to have been occasioned by leaving fire in the chimney, a custom, which we are sorry to say, is *too* prevalent in this city.

1. Reprinted: *Gazette of the State of Georgia*, 14 February; *Pennsylvania Journal*, 22 March; Baltimore *Maryland Gazette*, 25 March.

Charleston City Gazette, 7 February 1788[1]

On Tuesday evening a fire was discovered in the senate room, at the state-house, which in a few hours reduced that building to a pile of ruins. The conflagration commenced by the intense heat of the fire catching a part of the wainscotting which projected over the bricks above the fire place. Several persons rushed into the room, and could easily have extinguished the fire, if they had been readily supplied with water; but before this necessary repellent arrived in sufficient quantity, the flames ascended unto the upper story, and there formed a crown of ruin over the whole building. Happily for the safety of the adjacent houses there was a very light wind, until nearly the fury of the fire was spent.

This building was begun in 1753, the first stone thereof was laid by J. Glen, Esq; then governor, on the 22d of June, attended by the Council, the General Assembly, &c. The expence amounted to 5912 l. 7s. sterling.

The general assembly met yesterday at the city tavern, and after going through some business, the Intendant informed the house, that they might, if they thought proper, sit in the city exchange. After a little investigation as to its safety, & on hearing that several opulent gentlemen in Charleston, had authorized the chief magistrate to assure the house, that the state house could be repaired by chearful contribution of the inhabitants of this city, it was unanimously agreed, that if his honor the Intendant reported that the city hall could afford them convenience for meeting, they should adjourn there; and that a large committee be appointed to consider and report the most eligible means of repairing the state house.

The philosophic reader will naturally feel with pain the consideration that a building, the pride and boast of Charleston, within whose walls legislative wisdom and civil jurisprudence have been diffused with so much impartiality, exhibits a proof, that the perfection of human wisdom is a dream, and that

> "The cloud capp'd towers, the gorgeous palaces,
> The solemn temples, the great globe itself,
> Yea, all which it inherits shall dissolve,
> And, like the baseless fabric of a vision, leave not a wreck behind."[2]

1. Reprinted: *Newport Herald*, 21 February; *New Hampshire Spy*, 29 February; Connecticut *Litchfield Monitor*, 10 March. The Providence *United States Chronicle*, 21 February, reprinted only the first paragraph, while the Exeter, N.H., *Freeman's Oracle*, 29 February, reprinted an excerpt from the first paragraph and the entire second paragraph.

2. A partial paraphrase of William Shakespeare, *The Tempest*, Act 4, scene 2, lines 152–55.

State Gazette of South Carolina, 11 February 1788

On Wednesday the General Assembly met at St. Michael's church, and adjourned to the City Tavern, where they were informed by his Honor the Intendant that they might, if agreeable, sit in the Exchange. On considering its safety, and learning that a number of opulent gentlemen of this city had requested their Chief Magistrate to inform the House of the practicability of the State-House being rebuilt by contribution of the inhabitants, it was agreed, that on report by the Intendant of the City-Hall being convenient for a meeting, they should adjourn thither; and that to repair the State-House, a large committee be appointed to consider and report the most eligible means.

The South Carolina General Assembly
Thursday, 7 February 1788

House of Representatives Proceedings, 7 February 1788 (excerpt)[1]

. . . Mr. Edwd. Rutledge reported from the Committee to whom Sundry Resolutions founded on his Excellency the Governors Message with the Constitution framed by the late Convention of the States were Recommitted, which he read in his place and afterwards delivered it in at the Clerks Table where it was again read for information

Ordered That they be taken into immediate consideration which being read through were agreed to and is as follows Vizt.

Resolved That it be recommended to such of the Inhabitants of this State as are intitled to Vote for Representatives to the General Assembly that they choose suitable persons to serve as Delegates in a State Convention for the purpose of Considering and of[2] Ratifying or rejecting the Constitution framed for the United States by a Convention of Delegates assembled at Philadelphia in May last

Resolved That each Parish and District (Ninety Six District excepted which shall be intitled to send three Members from the North side of Saluda in the new Boundary, and Three Members from the South Side of Saluda in the new Boundary in Addition to those they are intitled to Elect for the House of Representatives[)] shall be intitled to send to the said Convention as many Delegates as they are respectively intitled to send Members to represent them in the Senate and House of Representatives

Resolved That the Elections for Delegates as aforesaid be held in the Parishes of Saint Philip and Saint Michael at the Parish Church of Saint Michael,—Managers, The Church Wardens of both Parishes

For the Parish of Christ Church at the House of James Eden Managers, the Church Wardens

For the Parish of St. John Berkley County at the Club House near the Parish Church Managers Theodore Gourdine and John Broughton

For the Parish of Saint Andrew at the Parish Church Managers the Church Wardens

For the Parish of St. George Dorchester at the Village of Dorchester Managers the Church Wardens

For the Parish of St. James Goose-Creek at the Parish Church Managers the Church Wardens

For the Parish of St. Thomas and St. Dennis at the Parish Church Managers the Church Wardens

For the Parish of Saint Paul at the Parsonage House Managers the Church Wardens

For the Parish of St. Bartholomew at the Calvinist Church near Ponpon Church Managers Henry Hyrne and Artemas Ferguson

For the Parish of Saint Helena at the Church in Beaufort Managers the Church Wardens

For the Parish of Saint James Santee at the Parish Church Managers Isaac Dubose and Benjamin Webb

For the Parish of Prince George at the Town of George Town Managers the Church Wardens

For the Parish of All Saints at the West end of Long Bay at Peak's old place Managers Thomas Sterritt and James Belin

For the Parish of Prince Frederick at George White Indian Town Managers Robert Mc.Cottery and John James Junior

For the Parish of St. John Colleton County, at the Rock Landing on Wadmelaw Island, Managers the Church Wardens

For the Parish of St. Peter, at Captain William Manor on Black Swamp Managers Peter Porcher and John Wilkinson

For the Parish of Prince William at Stoney Creek Church Managers Frederick Fraser & William Page

For the Parish of Saint Stephen at the Parish Church Managers the Church Wardens

District Eastward of the Wataree Three days, The first day at Stateburgh, the Second day at Camden, The Third day at Lancaster Court House—Managers William Murrell, William Lang and Eleazer Alexander

For the District of Ninety Six the 10th. April at Edgefield Court House, the 12th. ditto at Abbeville Court House Managers William Moore, Andrew Hamilton and John Martin—

And that part of the District lying on the North Side of Saluda in the New Boundary the 11th. and 12th. April at the House of Lamuel James Allston Managers Robert Maxwell and James Harrison

And that part of the District lying on the South Side of Saluda in the New Boundary the 11th. and 12th. April at the Ford of 23 mile Creek on the road from Abbeville Court House to Senacca, Managers Robert Anderson and William Steele

For the District of Saxe Gotha at the House of John Burkett Managers, Joseph Culpeper and William Fitzpatrick Esqrs.

For the District between Broad and Saluda Rivers in three Divisions Vizt

The Lower District at the Dutch Church, near the Block House, Managers Honorable John Hampton Esquire and Jeremiah Williams—

The Little River District at Hammonds Old Store. Managers James Caldwell and George Ross

The Upper or Spartan District the first day, Union Court House Second day Spartan Court House Managers William Kennedy and William Benson

For the District between Broad and Catawba Rivers, at the Town of Winnsborough, Managers Edward Lacey David Evans and Joel McLemore

For the District called the New Acquisition, at York Court House Managers Malcolm Henry and William Moore

For the Parish of Saint Mathew at the Parish Church Managers William Heatly Junior and William Watt

For the Parish of Orange at Orangeburgh Court House Managers John Sally and Samuel Rowe

For the Parish of Saint David first day at Kimbroughs Mill Second day at Chesterfield Court House Third day at Marlborough Court House Managers Laml. Benton, Tristram Thomas & Willm. Pegues

For the District between Savannah River and the North Fork of Edisto at the House of Charles Brown the lower three runs Managers John Parkinson and William Dunbar

Resolved That the Managers aforesaid, prior to their proceeding to the Elections do take the following Oath before some Magistrate vizt.

"That they will faithfully and impartially carry into Execution the aforegoing Election agreeably to the Resolutions of the Legislature of the State of South Carolina, in that case made and provided."

So Help me God—

Resolved That the said Elections be held on Friday and Saturday the Eleventh and Twelfth days of April next from ten oClock in the morning to Five oClock in the Afternoon of the respective days, except in the District of Ninety Six where the Election shall be held on Thursday the Tenth and Saturday the 12th. of April also the District to the Eastward of the Wataree and the Parish of Saint David where the Election shall be held on Thursday the 10th. Friday the 11th. and Saturday the 12th. April

Resolved That the persons so elected to serve in Convention shall Assemble on Monday the 12th. day of May next in Charleston—

Resolved That Notice be given in the Several Gazettes of this State of the time place and purpose of the Election and that printed Copies of these Resolutions be transmitted to the persons who shall be appointed to Conduct the said Elections

Resolved That the Delegates who shall be Elected to serve in the State Convention shall have the same allowance for their attendance as shall be given to the Members of the present General Assembly[3]

Ordered That the Resolutions be sent to the Senate for their Concurrence and that Mr. Warley and Mr. North do carry the same . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 398–406.

2. The engrossed journal reads "or"; the rough journal and printed resolutions correctly read "and of." See Stevens, *House Journals, 1787–1788*, 402n, and RCS:S.C., 185.

3. A manuscript copy of the resolutions as approved by the House of Representatives is in Records of the General Assembly, Resolutions, 1788, Sc-Ar.

Newspaper Report of House of Representatives Proceedings 7 February 1788 (excerpt)[1]

Took up resolutions relative to electing of members for holding a convention.

Mr. Hunter, Mr. Simkins, Col. Mason, Gen. Pickens [i.e., General Charles Cotesworth Pinckney], Chancellor Rutledge, Mr. Read, Judge Burke, and Judge Pendleton, argued in favor of the inhabitants settled between the old Indian boundary line and the Oconee mountains, being allowed to send members to the convention.

Agreed that the north side of the new boundary send three, and the south side three also. . . .

1. Printed: Charleston *City Gazette*, 8 February.

The South Carolina General Assembly Friday, 8 February 1788

House of Representatives Proceedings, 8 February 1788 (excerpt)[1]

. . . A Motion was made and Seconded that a Committee be appointed to bring in such further Resolutions as may appear to them Necessary to provide against the Cases of Double Returns, Deaths or Resignation of the persons elected Members for the Convention, which being agreed to, the following Gentlemen were according[ly] appointed Vizt

Mr. Justice Grimké
Colonel Mayson & Colonel Read. . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 406–14.

Senate Proceedings, 8 February 1788 (excerpt)[1]

. . . A verbal Message from the House of Representatives by Colonel Youngblood & Mr. Paul Warley, with the following Resolutions. Vizt.

[See House of Representatives Proceedings, 7 February, RCS:S.C., 174–77.]

Ordered.

That the said Resolutions be taken into consideration to Morrow . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

The South Carolina General Assembly Saturday, 9 February 1788

Senate Proceedings, 9 February 1788 (excerpt)[1]

. . . Ordered.

That the Order of the day to take into consideration the several Resolutions of the House of Representatives of the 7th Instant respecting the Elections of Delegates to the State Convention be now read.

And the same was read accordingly.

The House then proceeded to debate the Resolutions.

It was moved and seconded.

That this House do propose by Message to the House of Representatives the following amendments—Vizt.

In the Third Resolution, to insert the name of John James Haig as one of the Managers for the District of Saxe Gotha.

For the District between Broad and Catawba rivers. Vizt.

In Richland County, at William Myers's—three members to be chosen.

Managers, Joel Mc.Lemore and Jesse Baker.

In the Town of Winnsborough, At Fairfield Court House—four Members to be chosen.

Managers, David Evans, and John Woodward.

At Chester Court House, four members to be chosen.

Managers, Edward Lacey and Hugh Knox.

Which was Agreed to.

A motion was made and the question being put

That the name of "*Charleston*"—in the sixth Resolution be struck out and to insert in lieu thereof—"*Camden.*"[2]—

It passed in the Negative.

The Resolutions being debated and gone through.

Ordered.

That a Message be prepared and sent to the House of Representatives to inform them that this House are of opinion, that the foregoing amendments are necessary to be made to their several Resolutions of the 7th Instant, respecting the Elections of Delegates to the State Convention, to request their Concurrence thereto, and that they will be pleased to amend the same accordingly.

Pursuant to Order.

A Message was prepared which being read was Agreed to as followeth. Vizt.

Mr. Speaker & Gentlemen

This House having taken into consideration the several Resolutions of your House of the 7th Instant, respecting the Elections of Delegates to the State Convention, are of opinion that the following amendments are necessary to be made thereto. Vizt.

In the third Resolution—To insert the name of John James Haig, as one of the managers for the District of Saxe Gotha.

For the District between Broad and Catawba rivers. Vizt.

In Richland County at William Myers's—three members to be chosen

Managers Joel Mc.Lemore, and Jesse Baker.

In the Town of Winnsborough, at Fairfield Court House—four members to be chosen

Managers, David Evans and John Woodward.

At Chester Court House—four members to be chosen.

Managers, Edward Lacey and Hugh Knox.

to which this House request your Concurrence, and that your House will be pleased to amend the Resolutions accordingly.

Ordered. That Mr. President do sign the Message and that the Clerk do carry the same to the House of Representatives. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

2. The sixth House resolution established the location of the ratifying convention in Charleston. See House of Representatives Proceedings, 7 February (RCS:S.C., 176).

House of Representatives Proceedings, 9 February 1788 (excerpt)[1]

. . . The Senate sent to this House by their Clerk a message proposing Amendments to be made to the Resolutions for the Elections of Delegates to the State Convention

Ordered That the Message be taken into Consideration on Monday next . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 414–19.

The South Carolina General Assembly
Monday, 11 February 1788

House of Representatives Proceedings, 11 February 1788 (excerpt)[1]

. . . Mr. Justice Grimké Reported from the Committee appointed to bring in Additional Resolutions respecting the Convention, which he read in his place and afterwards delivered it in at the Clerks Table where it was again read for information

Ordered That it be taken into Consideration to Morrow . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 420–28.

The South Carolina General Assembly
Tuesday, 12 February 1788

House of Representatives Proceedings, 12 February 1788 (excerpt)[1]

. . . The House took into consideration the Report of the Committee to whom it was Committed to bring in such further Resolutions as may appear to them necessary to provide against the Cases of Double Returns, Deaths, or the declining of Persons elected as Members of the Convention to Serve therein, which being read through were agreed to and is as follows

Report

That it is their Opinion that the House should adopt the following Supplementary Resolutions Vizt

Resolved That the Persons managing the Elections for the Members of the Convention in their respective Districts do immediately upon Casting up of the Ballots and the Decision of the Election make a Return to his Excellency the Governor of the Names of the Persons having the greatest number of Votes to Serve as Members in the Convention

Resolved That in case any person or persons who is or are returned to serve in the Convention shall die or depart this State to any such place whence it is hardly probable that he or they can return to this State to serve in the Convention, or in case such person or persons shall notify to His Excellency the Governor before the Meeting of the Convention that he or they decline to serve, then and in either of Such Cases his Excellency the Governor is requested and he is hereby authorized immediately to issue a Writ of Election for such place or places

becoming vacant by the Death, departure from this State, or declining to serve of any person or persons whatsoever

Resolved That his Excellency the Governor be and he is hereby empowered in case of any person or persons being returned to serve in Convention for more places than One immediately to write to such person or persons desiring him to decide for which place he intends to serve, and upon such person or persons declaring for which place he intends to serve, immediately to issue a Writ of Election for such place or places becoming Vacant as aforesaid—

Resolved That upon any writ being issued as aforesaid by his Excellency The Governor, or in cases where any person being Elected to serve in Convention shall die, or depart this State to any such place whence it [is] hardly probable that he can return to this State to serve in Convention, or where any person or persons shall notify in writing under his own hand to any one of the Returning Officers of the place or places for which he shall ⟨have been⟩[2] Elected that he declines Serving for such place in Convention Such Officer shall immediately, notwithstanding he shall not have received any writ of Election from His Excellency the Governor as aforesaid give the Usual Notice, and the returning Officers shall proceed to hold an Election for a Member or Members for such place as shall become Vacant by the Death, Departure from this State, or the declining to serve of any person or persons whatsoever, Provided Nevertheless that the Returning Officers of any Election who shall have given notice of a New Election previous to the Receipt of any Writ from His Excellency the Governor shall proceed agreeably to the Notice they had given in the first Instance, and as if such Writ had never been issued—

Resolved That in Addition to the return of the Names of the Persons Elected to Serve in Convention that the Returning Officers shall also return the Names of the Candidates and the Numbers of Voters in their respective Districts

Resolved That the respective Managers of the Elections be and they are hereby empowered if they shall think necessary to Administer the usual Oaths to any person or persons ⟨whatsoever⟩[3] who shall offer to give their Votes at Such Elections

Resolved That this House do agree with the Aforegoing Resolutions

Ordered That the Resolutions be sent to the Senate ⟨for⟩[4] their Concurrence and that Mr Simons and Mr Scott do carry the same

The House took into Consideration the following Message of the Senate Vizt.

[See Senate Proceedings, 9 February, RCS:S.C., 179.]

Ordered That a message be prepared and sent to the Senate in answer to the aforegoing message and that Mr Speaker do Sign the same the following message was accordingly prepared Vizt.

In the House of Representatives February 12th. 1788

Honorable Gentlemen

This House having this day taken into Consideration your Message of the 9th. instant proposing Sundry Amendments to be made to the Resolution of this House for the Elections of Delegates to the State Convention have agreed to the same and amended the Resolutions accordingly

By Order of the House
John Julius Pringle Speaker

Ordered That the Message be sent to the Senate and that Mr. Simons and Mr. Scott do carry the same . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 428–38. When the engrossed journal was prepared, the copyist introduced several textual errors in this day's proceedings. The correct words in angle brackets are taken from the manuscript committee report, the printed resolutions (see RCS:S.C., 185–90n) and/or the rough House journal (see Stevens, *House Journals, 1787–1788*, 432n). See notes 2–4 (below).
2. Incorrectly "be" in the engrossed journal.
3. Incorrectly "whosoever" in the engrossed journal.
4. Incorrectly "and" in the engrossed journal.

The South Carolina General Assembly
Wednesday, 13 February 1788

Senate Proceedings, 13 February 1788 (excerpt)[1]

. . . A Message from the House of Representatives by Mr Simons & Mr Scott. Vizt

[See House of Representatives Proceedings, 12 February, RCS:S.C., 182.]

The Resolutions of the House of Representatives of the 7th Instant respecting the Elections of Delegates to the State Convention being amended agreeably to the request of this House.

Resolved.

That this House do concur with the House of Representatives in the said Resolutions.

Ordered.

That the Clerk do sign and carry the same to the House of Representatives.

A verbal Message from the House of Representatives by Mr Simons & Mr. Scott, with the following Report and Resolutions Vizt.

[See House of Representatives Proceedings, 12 February, RCS:S.C., 180–81.]

The House proceeded to the immediate consideration of the said Resolutions.

It was moved and seconded.

That this House do propose by Message to the House of Representatives, to request that they would strike out the fifth Resolution.[2]

Which was Agreed to.

The Resolutions being debated and gone through.

A motion was made and the question being put

That this House do concur with the House of Representatives in the said Resolutions, excepting the fifth Resolution.

It passed in the Affirmative.

Ordered.

That a Message be prepared and sent to the House of Representatives to request that they would be pleased to amend the said Resolutions by striking out the fifth Resolution

Pursuant to Order.

A Message was prepared which being read was Agreed to as followeth. Vizt.

Mr. Speaker & Gentlemen.

This House having taken into consideration the several Resolutions of your House of the 12th. Instant founded upon the Report of your Committee to whom it was Committed to bring in such further Resolutions as may appear to them necessary to provide against the cases of double returns, deaths, or the declining of persons elected as Members of the Convention to serve therein—are of opinion that the same should be amended by striking out the fifth Resolution, to which this House request your Concurrence and that your House will be pleased to make the amendment accordingly.

Ordered.

That Mr. President do sign the Message and that the Clerk do carry the same to the House of Representatives. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

2. The fifth House resolution called for the election managers to report not only the names of those elected but also the names of all the candidates and the number of voters in each district. See House of Representatives Proceedings, 12 February (RCS: S.C., 181).

The South Carolina General Assembly
Saturday, 16 February 1788

House of Representatives Proceedings, 16 February 1788 (excerpt)[1]

. . . The House took into Consideration the following Message of the Senate. Vizt.

[See Senate Proceedings, 13 February, RCS:S.C., 183.]

Ordered That a Message be prepared and sent to the Senate in Answer to the above Message and that Mr. Speaker do Sign the same the following Message was Accordingly prepared Vizt.

In the House of Representatives February 16th. 1788

Honorable Gentlemen

This House inform your House that this House having taken into Consideration your Message of the 13th. instant relative to an amendment to be made to the Supplementary Resolutions of the 12th. instant respecting the Convention have agreed to the same by striking out the 5th. Resolution as proposed by your House

By order of the House
John Julius Pringle Speaker

Ordered That the Message be sent to the Senate and that Colonel Lushington and Mr Adam Crain Jones do carry the same . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 448–57.

The South Carolina General Assembly
Monday, 18 February 1788

Senate Proceedings, 18 February 1788 (excerpt)[1]

. . . A Message from the House of Representatives by Colonel Lushington & Captain Jones. Vizt.

[See House of Representatives Proceedings, 16 February, immediately above.]

The Resolutions of the House of Representatives of the 12th. Instant respecting the Elections of Delegates to the State Convention being amended agreeably to the foregoing Message.

Resolved.

That this House do concur with the House of Representatives in the said Resolutions.

Ordered.

That the Clerk do sign and carry the same to the House of Representatives. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

Resolutions Calling a State Convention, 18 February 1788[1]

In the House of Representatives,
FEBRUARY 17*th*, 1788.[2]

RESOLVED,

That it be recommended to such of the inhabitants of this state as are entitled to vote for Representatives to the general assembly, that they choose suitable persons to serve as delegates in a state convention, for the purpose of considering, and of ratifying or rejecting the constitution framed for the United States by a convention of delegates assembled at Philadelphia in May last.

RESOLVED,

That each parish and district (Ninety Six district excepted, which shall be entitled to send three members from the north side of Saluda in the new boundary, and three members from the south side of Saluda in the new boundary in addition to those they are entitled to elect for the house of representatives) shall be entitled to send to the said convention as many delegates as they are respectively entitled to send members to represent them in the Senate and House of Representatives.

RESOLVED,

That the elections for delegates as aforesaid be held in the parishes of Saint Philip and Saint Michael at the parish church of Saint Michael.—Managers, the church wardens of both parishes.

For the parish of Christ Church; at the house of James Eden.—Managers the church wardens.

For the parish of Saint John Berkley County, at the club house near the parish church.—Managers Theodore Gourdine, Esq; and John Broughton.

For the parish of Saint Andrew, at the parish church. Managers the church wardens.

For the parish of Saint George, Dorchester, at the village of Dorchester.—Managers the church wardens.

For the parish of Saint James, Goose Creek; at the parish Church.—Managers the church wardens.

For the parish of Saint Thomas and Saint Dennis; at the parish church.—Managers the church wardens.

For the parish of Saint Paul; at the parsonage house.—Managers the church wardens.

For the parish of Saint Bartholemew; at the Calvinist church near Ponpon church—Managers Henry Hyrne and Artemas Ferguson.

For the parish of Saint Helena; at the church in Beaufort.—Managers the church wardens.

For the parish of Saint James, Santee; at the parish church.—Managers Isaac Dubose and Benjamin Webb.

For the parish of Prince George, Winyah; at the town of Georgetown.—Managers the church wardens.

For the parish of All-Saints; at the west end of Long Bay at Peak's old place.—Managers Thomas Sterritt and James Belin.

For the parish of Prince Frederick; at George White's, Indian-town.—Managers Robert Mc.Cottere and John James Junior.

For the parish of Saint John, Colleton County; at the Rock-landing on Wadmelaw Island.—Managers the church wardens.

For the parish of Saint Peter; at Captain William Maner on Black Swamp.—Managers Peter Porcher, and John Wilkinson.

For the parish of Prince William; at Stoney Creek church.—Managers Frederick Frazer and William Page.

For the parish of Saint Stephen; at the parish church.—Managers the church wardens.

For the district eastward of the Wataree, three days, viz. First day at Stateburgh—Second day at Camden—Third day at Lancaster Court-house.—Managers William Murrell, William Lang and Eleazer Alexander.

For the district of Ninety-Six, the 10th day of April next at Edgefield Court-house; and the 12th day of April next at Abbeville Court-house.—Managers William Moore, Andrew Hamilton and John Martin, and that part of the district lying on the north side of Saluda in the new boundary the 11th and 12th days of April next, at the house of Lamuel James Allstone.—Managers Robert Maxwell and James Harrison. And that part of the district lying on the south side of Saluda in the new boundary the 11th and 12th days of April next, at the ford of Twenty-three miles creek on the road from Abbeville Court-house to Seneca.—Managers Robert Anderson and William Steele.

For the district of Saxe-Gotha; at the house of John Burkett.—Managers Joseph Culpeper, John James Haig and William Fitzpatrick, Esquires.

For the district between Broad and Saluda Rivers in three divisions, viz. The lower district; at the Dutch church, near the Block-house.—Managers the honorable John Hampton, Esq; and Jeremiah Williams. The little river district; at Hammond's old store.—Managers James Caldwell and George Ross.

For the upper or Spartan district, viz. The first day at Union court-house. The second day at Spartan Court-house.—Managers William Kennedy and William Benson.

For the district between Broad and Catawba Rivers, viz.

In Richland County; at William Myer's, three members to be chosen.—Managers Joel Mc Lemore and Jesse Baker.

In the town of Winnsborough, at Fairfield court-house, four members.—Managers David Evans and John Woodward.

At Chester Court-house, four members to be chosen.—Managers Edward Lacey and ⟨Hugh Knox.⟩[3]

For the district called the New Acquisition; at York court-house.—Managers Malcolm Henry and William Moore.

For the parish of Saint Matthew; at the parish church.—Managers William Heatly, Jun. and William Watt.

For the parish of Orange; at Orangeburg court-house.—Managers John Sally and Samuel Rowe.

For the parish of Saint David, three days, viz. The first day at Kimbrough's mill. The second day at Chesterfield court-house. The third day at Marlborough court-house.—Managers Lamuel Benton, Esq; Tristram Thomas and William Pegues.

For the district between Savannah River and the north fork of Edisto; at the house of Charles Brown the lower three runs.—Managers John Parkinson, and the honorable William Dunbar, Esq.

RESOLVED,

That the managers aforesaid, prior to their proceeding to the elections, do take the following oath before some magistrate, viz,

"That they will faithfully and impartially carry into execution the aforegoing election agreeably to the resolutions of the legislature of the state of South Carolina, in that case made and provided. SO HELP ME GOD."

RESOLVED,

That the said elections be held on Friday and Saturday, the 11th and 12th days of April next, from ten o'clock in the morning to five o'clock in the afternoon of the respective days, except in the district of Ninety-Six, where the elections shall be held on Thursday the 10th day and on Saturday the 12th day of April next, also the district to the eastward of Wataree, and the parish of Saint David, where the elections shall be held on Thursday the 10th, Friday the 11th, and Saturday the 12th days of April next.

RESOLVED,

That the persons so elected to serve in convention shall assemble on Monday the 12th day of May next in Charleston.

RESOLVED,

That notice be given in the several Gazettes of this State, of the time, place, and purpose of the election, and that printed copies of these resolutions be transmitted to the persons who shall be appointed to conduct the said elections.

RESOLVED,

That the Delegates who shall be elected to serve in the State Convention, shall have the same allowance for their attendance, as shall be given to the members of the present General Assembly.

RESOLVED,

That the persons managing the elections for the members of the convention in their respective districts, do immediately upon the casting up of the ballots, and the decision of the election, make a return to his Excellency the Governor of the names of the persons having the greatest number of votes to serve as members in the convention.

RESOLVED,

That in case any person or persons who is or are returned to serve in the convention, shall die, or depart this state to any such place whence it is hardly probable that he or they can return to this state to serve in the convention; or in case such person or persons shall notify to his Excellency the Governor before the meeting of the convention, that he or they decline to serve, then and in either of such cases his Excellency the Governor is requested, and he is hereby authorised immediately to issue a writ of election for such place or places becoming vacant, by the death, departure from this state, or declining to serve, of any person or persons whatsoever.

RESOLVED,

That his Excellency the Governor be and he is hereby empowered, in case of any person or persons being returned to serve in convention for more places than one, immediately to write to such person or persons, desiring him to decide for which place he intends to serve, and upon such person or persons declaring for which place he intends to serve, immediately to issue a writ of election for such place or places becoming vacant as aforesaid.

RESOLVED,

That upon any writ being issued as aforesaid by his Excellency the Governor, or in cases where any person being elected to serve in convention shall die, or depart this state to any such place whence it is hardly probable that he can return to this state to serve in convention, or where any person or persons shall notify in writing under his own hand to any one of the returning officers of the place or places for which he shall have been elected that he declines serving for such place

in convention, such officers shall immediately, notwithstanding he shall not have received any writ of election from his Excellency the Governor as aforesaid, give the usual notice, and the returning officer shall proceed to hold an election for a member or members for such place as shall become vacant, by the death, departure from this state, or the declining to serve of any person or persons whatsoever. Provided nevertheless, that the returning officers of any election who shall have given notice of a new election previous to the receipt of any writ from his Excellency the Governor, shall proceed agreeably to the notice they had given in the first instance, and as if such writ had never been issued.

RESOLVED,

That the respective managers of the elections be and they are hereby empowered, if they shall think necessary, to administer the usual oaths to any person or persons whatsoever who shall offer to give their votes at such election.

RESOLVED,

That this House do agree with the Committee in the aforegoing Resolutions.

ORDERED,

That the Resolutions be sent to the Senate for their concurrence.

By Order of the House,

John Sandford Dart, C. H. R.

In the Senate,
FEBRUARY 18th, 1788.

RESOLVED,

That this house do concur with the house of Representatives in the said resolutions.

ORDERED,

That the resolutions be sent to the house of Representatives.

By Order of the Senate,

FELIX WARLEY C. S.

Extract from the Journals of the House of Representatives.

JOHN SANDFORD DART, C. H. R.

1. Broadside, Records of the General Assembly, Resolutions, 1788, Sc-Ar (Bristol B6811). Ann Timothy submitted a voucher on 21 February for printing 500 copies of these resolutions. The resolutions were also printed in the *State Gazette of South Carolina*, 12 March; the Charleston *Columbian Herald*, 13 March; and thirteen additional times in the Charleston *City Gazette* between 15 March and 3 April. The resolutions, without the election locations and names of election managers, were printed in the *New York Journal*, 24 March, and the Boston *American Herald*, 3 April. The *Pennsylvania Mercury*, 20 March, and the *Massachusetts Spy*, 10 April, published a summary of the resolutions.

2. The House action was taken on 16 February, not 17 February. This error is carried forward on subsequent documents, including the Form of Ratification, 23 May (RCS:S.C., 399).

3. The missing name was supplied from Senate Proceedings, 9 February (RCS:S.C., 179).

The South Carolina General Assembly Wednesday, 20 February 1788

Newspaper Report of House of Representatives Debates 20 February 1788 (excerpt)

On 20 February, two days after the legislature enacted resolutions calling the state Convention, the House debated a committee report calling for revision of the 1787 installment act by extending the payment of debts to seven payments in place of three under the existing law. During the debate, David Ramsay raised points about the state's inability to pass laws under the new Constitution contrary to the 1783 Treaty of Peace which ended the Revolutionary War. Ramsay noted that he had kept silent on the matter out of concern how this might affect other members' position on the Constitution. The House defeated the first clause of the report calling for the extension of payments on a 119 to 18 vote and postponed the report (Stevens, *House Journals, 1787–1788*, 469–71). The text of Ramsay's remarks is taken from the Charleston *City Gazette*, 23 February. See also "Newspaper Report of House of Representatives Debates," 15 January (RCS:S.C., 87–88), and "Newspaper Report of House of Representatives Proceedings," 21 January (Mfm:S.C. 12), for other concerns about the impact of the Constitution on state laws.

. . . I [David Ramsay] will confine myself to a single point yet untouched. That is of such a nature that I would have been afraid to have urged it yesterday, for fear of prejudicing some members against the new federal constitution, but public and private intelligence have this morning convinced me that that most excellent form of government is in so fair a train of ratification as to release me from any apprehensions of impeding its adoption. Whether this state accepts or rejects the new federal constitution it will operate, and operate on us so as to render nugatory the proposed plan for extending the instalment law to seven years, even though it should be unanimously adopted by this house. By it treaties already made, as well as future treaties, are declared to be the supreme law of the land.

The new constitution will therefore operate to repeal every law we may now make contrary to the fourth article of the treaty, which declares that "there shall be no legal impediment in the way of recovering of debts."[1] I say it will, because it is the interest of both parties that it should. Great-Britain will contend for it, on account of her merchants;

the Northern States will join her against us, to get the western posts, and the other advantages which will accrue to them from the fulfilment of the treaty. Can you suppose that New York will suffer her citizens to lose 100,000l. a year by being kept out of the fur trade, to gratify South Carolina with instalment laws? She will not. If you enact the law now proposed, you must repeal it, or contend with both Great Britain and the Northern States. I repeat it, whether you adhere to the old confederation, or accept the new constitution, you will not be able to carry into effect an instalment law of seven years. . . .

1. Article 4 of the Treaty of Peace reads "that creditors on either side shall meet with no lawful impediment to the recovery of the full value in sterling money of all bona fide debts heretofore contracted."

The South Carolina General Assembly Wednesday, 27 February 1788

House of Representatives Proceedings, 27 February 1788 (excerpt)[1]

. . . Mr. Justice Pendleton having leave for that purpose Reported an Ordinance to entitle the Electors and Members of the State Convention to Privileges during their attendance which was received and read a first and Second time

Ordered That the Ordinance be sent to the Senate and that Doctor Drayton and Captain Dunbar do carry the same

On Motion

Resolved that any Loss that may have been Sustained by the Delegates of this State at the late Convention at Philadelphia by exchanging the Paper Medium of this State for Specie be made good to them by this State[2]

Ordered That the Resolution be sent to the Senate for their Concurrence and that Doctor Drayton and Mr. Deas do carry the same . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 511–21.

2. Pierce Butler lost 20 percent of the value of his South Carolina paper money in Philadelphia and was reimbursed £50 in July 1788 (South Carolina Treasury Journal, 1783–91, p. 405, Sc-Ar).

Senate Proceedings, 27 February 1788 (excerpts)[1]

. . . A verbal Message from the House of Representatives by Colonel Read & Colonel Washington. Vizt.

Honorable Gentlemen

The House of Representatives have read a second time. . . . And also An Ordinance to entitle the Electors and members of the State Convention to privileges during their attendance, and have sent the said Ordinances to this House

Read a first and second time the following Ordinances, Vizt. . . .

And the Ordinance to entitle the Electors and members of the State Convention to privileges during their attendance

Ordered

That the Clerk do carry the Ordinances to the House of Representatives. . . .

A verbal Message from the House of Representatives by Doctor Drayton & Mr. Deas with the following Resolution. Vizt.

[See House of Representatives Proceedings, 27 February, immediately above.]

Ordered.

That the said Resolution be taken into consideration to morrow . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

House of Representatives Proceedings, 27 February 1788 (excerpt)[1]

. . . The Senate returned to this House by their Clerk the Two following Ordinances which were Severally read a Second time in that House

An Ordinance to entitle the Electors and Members of the State Convention to privileges during their attendance. . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 511–21.

The South Carolina General Assembly Thursday, 28 February 1788

House of Representatives Proceedings, 28 February 1788 (excerpt)[1]

. . . The House proceeded to the Third reading of an Ordinance to entitle the Electors and Members of the State Convention to privileges during their Attendance which being read through

Resolved That the Ordinance do pass

Ordered That the Ordinance be sent to the Senate and that Mr. Holmes and Captn. Smith do carry the same . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 521–27.

Senate Proceedings, 28 February 1788 (excerpts)[1]

. . . Ordered.

That the Order of the day to take into consideration the Resolution of the House of Representatives of yesterday respecting the Delegates of this State at the late Convention in Philadelphia, be now read.

And the same being read accordingly was Considered and Agreed to Resolved. That this House do concur with the House of Representatives in the said Resolution.

Ordered. That the Clerk do sign and carry the Resolutions to the House of Representatives. . . .

A verbal Message from the House of Representatives by Mr. Holmes, and Captain Smith. Vizt.

Honorable Gentlemen.

The House of Representatives have read a third time and passed the following Ordinances, vizt. An Ordinance to entitle the Electors and members of the State Convention to privileges during their attendance. . . .

Read a third time the following Bills and Ordinances, Vizt. . . .

The Ordinance to entitle the Electors and members of the State Convention to privileges during their attendance. . . .

Resolved. That the Bills and Ordinances do pass, and that the Titles of the Bills be Acts.

Ordered. That the Clerk do carry the Acts and Ordinances to the House of Representatives. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

House of Representatives Proceedings, 28 February 1788 (excerpts)[1]

. . . The Senate returned to this House by their Clerk the following Bills intitled Acts and Ordinances which were Severally read a third time in that House and passed Vizt. . . .

An Ordinance to entitle the Electors and Members of the State Convention to privileges during their attendance . . .

Ordered That the Bills intitled Acts and Ordinances be engrossed

The Senate returned to this House by their Clerk the following Resolutions with their Concurrence thereto Vizt. . . .

A Resolution of the 27th. instant respecting the Delegates of this State at the late Convention held in Philadelphia . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 521–27.

The South Carolina General Assembly
Friday, 29 February 1788

Senate Proceedings, 29 February 1788 (excerpts)[1]

. . . Mr. Tucker from the Committee appointed to meet a Committee of the House of Representatives for the purpose of examining the ingrossed Acts and Ordinances, informed the House that the Committee had prepared a further Report, which they had directed him to Report to the House, he read the said Report in his place and afterwards delivered it in at the Clerk's table where the same was again read, and is as followeth. Vizt.

That your Committee met the Committee of the House of Representatives and carefully examined the following engrossed Acts and Ordinances, and to which, they had the Great Seal of the State respectively affixed. Vizt. . . .

An Ordinance to entitle the Electors and Members of the State Convention to privilege during their attendance. . . .

Ordered. That the Clerk do inform the House of Representatives that this House are ready to proceed to the ratification of the engrossed Acts and Ordinances which are ready for passing, and to request that they will be pleased to attend in the Senate Room for that purpose.

Mr. Speaker with the House of Representatives accordingly attended in the Senate Room where the foregoing Acts and Ordinances were signed by the President of the Senate, and the Speaker of the House of Representatives, and Sealed with the Great Seal of the State in the presence of both Houses, and which Mr. President Reported to the House, after the House of Representatives withdrew.

Ordered. That the said several Acts and Ordinances be lodged in the Secretary's Office. . . .

1. MS, Records of the General Assembly, Engrossed Senate Journal, Sc-Ar.

House of Representatives Proceedings, 29 February 1788 (excerpts)[1]

. . . A Verbal Message from the Senate by their Clerk requesting the attendance of this House in the Senate House to ratify the Acts and Ordinances Ingrossed for that purpose

Mr. Speaker with the House accordingly attended and being returned Mr. Speaker Reported that they had Ratified the following Acts and Ordinances Vizt. . . .

An Ordinance to intitle the Electors and Members of the Convention to Privileges during their attendance . . .

On Motion

Ordered That the Committee appointed to Superintend the Printing of the Laws, do cause 500 Copies of the Acts and Ordinances to be passed during the present sitting of the Legislature be printed as quick as possible so that they might be ready to be delivered to the Members on the 12th. day of May next. . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 528–37.

Ordinance Granting Privilege to Electors and Members of the State Convention, 29 February 1788[1]

AN ORDINANCE to entitle the electors and members of the State Convention to priviledge during their attendance.

BE IT ORDAINED, That the members of the convention to assemble in May next in the city of Charleston, for the purpose of considering the federal constitution referred to them, and all persons entitled to vote for the said members, shall enjoy the same privileges as are enjoyed by the electors and members of the general assembly, any law, usage or custom notwithstanding.

Ratified the 29th of February, 1788.

1. Printed: *Acts and Ordinances of the General Assembly of the State of South-Carolina, Passed in February, 1788* (Charleston, 1788) (Evans 21468), 31.

Commentaries on Calling the State Convention 16 January–27 February 1788

Penuel Bowen to Joseph Ward Charleston, 16 January 1788[1]

To renew our correspondence—After enquiring after the health & happiness of yourself & family—as you are both a political & speculative man—I think of nothing by which to amuse or interest you so much, as some Account of our parliamentary Debates on the subject of the new federal constitution. The House took it up in order to qualify themselves to act intelligibly upon the question, whether to recommend it to their Constituents to adopt the mode of proceedure relative thereto pointed out by Congress &c. I assure you Twas very interesting to me to take a view of the house of Assembly, & hear the great & principal speakers of the state. They are a more numerous representation than yours[2] & make a much better appearance and if there be

not particular instances of superior or equal abilities in public speaking—at the same time there are fewer by many, of indifferent, ordinary or low. I think their Orators are not so correct, & Ciceronian as yours in N[ew] England—yet they have more fire. They really want method & propriety; in ease however, & fluency with rapidity they exceed you. They are in favour, & fond of the constitution in question except in one instance—as ostensible at least—There is but one speaker against it to 8 or 10 Capital members in favour of it. The opposer is old Mr Lowndes and he seems to be heartily & zealously engaged Ho[w]ever his difficulties & objections appear not very forceable or weighty—and indeed the old Gentleman does not seem possessed of any surpassing talents to heighten, or set of[f] the defects he is afraid of.—He appears to me rather as a set, obstinate, almost superannuated character—and am told he always does oppose new things, & raise up bugbears & scarecrows. He seemed most horridly afraid of the influence—a preponderance of it—from the Northern states—and particularly expatiated upon & banded about the matter of the prohibition of the Negroe Trade, after 20 years—and here he advanced a sentiment which you I know will strenuously reprobate—Viz. That he in his conscience believ'd slavery to be defensible upon all principles—ie principles of policy, morality & religion.—and his argument was that of bringing them into better situations than they are taken from—as to information—maintenance &c[3]—Another great character, tho' an advocate for the frame of Government in general, yet with severest asperity reflected upon the principles, as well as understandings, yea, & honesty of the people of the Northward, for pretending to meddle or have any thing to do about this business of the Negroe Trade—and said he wo'd have it go out byway of protest accompanying the ratification of the constitution.[4]—No one indeed undertook pointedly to defend or justify the clause or oppose the old Gen[tlema]n in his remarks on that subject—But to do justice to the politicks & Principles of the Assembly—The Opposer was fairly, fully & abundantly answer'd, refuted, born down, & almost silenced—and good degrees of candor, with sentiments truely federal, & urbanical, were thrownout, yea & espoused. I was really pleased & almost charmed with the respectful & conciliating spirit that was in general manifested toward my native Country—from the principle characters of respectability & influence here—the question was not called for, but I dare say twill go in favour nearly nem con:—I refer you to Mrs Bowen respecting my situation &c And am with wonted esteem & friendship ever yours

1. RC, Ward Papers, Chicago Historical Society. The letter was "Honor'd by/Mr Symmes." Bowen (1742–1788), a Harvard graduate (1762), was colleague pastor of the

New South (Congregational) Church of Boston, 1766–72, and later tried his hand at shop keeping in Boston. Bowen left Boston in 1786 for Charleston, where he hoped to find a living in the Episcopal Church. He took Episcopal orders in 1787 and the next year became rector of a parish on St. John's Island, near Charleston. Ward (1737–1812) was a Boston real estate dealer and stock broker.

2. In 1788, the South Carolina House of Representatives had 202 members; Massachusetts towns were entitled to send a total of about 400 members to their state House of Representatives in 1788.

3. Rawlins Lowndes defended slavery and the slave trade in a speech during the House of Representatives debates about the Constitution. See House of Representatives Debates, 16 January (RCS:S.C., 108).

4. Possibly Edward Rutledge who spoke, according to the Charleston *City Gazette*, 21 January, immediately after Lowndes and who said that "the gentleman's fears of the northern interest prevailing at all times were ill founded." See House of Representatives Debates, 16 January (RCS:S.C., 111).

Charleston Columbian Herald, 21 January 1788[1]

The House of Representatives, last Saturday entered into a resolution for fixing the time of election for members of the Convention, the 12th and 13th of April; to meet in *Charleston* the 12th of May.—It is somewhat remarkable that Rodney obtained his great victory on the 12th of April—and Charleston surrendered to the British, on the 12th of May.[2]

1. Reprinted: *State Gazette of North Carolina*, 7 February.

2. Both events were defeats for the American and French allies during the American Revolution. Admiral Sir George Rodney defeated the French fleet in the Battle of the Saintes in the West Indies on 12 April 1782, which ended French plans for an invasion of Jamaica. General Benjamin Lincoln surrendered the city of Charleston to British troops under Sir Henry Clinton on 12 May 1780, which resulted in the occupation of the city until 1782.

Letter from Charleston, 24 January 1788[1]

Extract of a letter from Charleston (S. C.) dated January 24.

"Our house of assembly is now sitting—The new Constitution will most certainly be adopted, there being only one gentleman in the house against it, and his party are but few."

1. Printed: *Pennsylvania Packet*, 19 February. Reprinted: *Lancaster Zeitung*, 27 February.

David Ramsay to Benjamin Lincoln Charleston, 29 January 1788 (excerpt)[1]

. . . Our Assembly is now sitting & have unanimously agreed to hold a convention. By common consent the merits of the fœderal constitution were freely discussed on that occasion for the sake of enlightening our citizens. Mr Lownds was the only man who made direct formal

opposition to it. His objections were local & proceeded from an illiberal jealousy of New: England men. He urged that you would raise freights on us & in short that you were too cunning for our honest people. That your end of the continent would rule the other. That the sun of our glory would set when the new constitution operated. He has not one fœderal idea in his head nor one that looks beyond Pedee.[2] He is said to be honest & free of debt but he was an enemy to Independence & though our President in 1778 he was a British subject in 1780. His taking protection was rather the passive act of an old man than otherwise. He never aided nor abetted the British government directly but his example was mischievous. His opposition has poisoned the minds of some. I fear the numerous class of debtors more than any other. On the whole I have no doubt that it will be accepted by a very great majority of this state. The sentiments of our leading men are of late much more fœderal than formerly. This honest sentiment was avowed by the first characters. "New England has lost & we have gained by the war. her suffering citizens ought to be our carriers though a dearer freight should be the consequence."[3] Your delegates never did a more political thing than in standing by those of South Carolina about negroes. Virginia deserted them & was for an *immediate* stoppage of further importation. The dominion has lost much popularity by the conduct of her delegates on this head.[4] The language now is "the Eastern states can soonest help us in case of invasion & it is more our interest to encourage them & their shipping than to join with or look up to Virginia".[5] In short sir a revolution highly favorable to union has taken place. Fœderalism & liberality of sentiment has gained great ground. Mr Lownds still thinks you are a set of sharpers—does not wonder that you are for the new constitution as in his opinion you will have all the advantage. You begrudge us our negroes in his opinion. But he is almost alone. . . .

1. RC, Lincoln Papers, MHi. Printed: CC:482. Lincoln (1733–1810) was a Massachusetts farmer and commander of the Continental Army in the Southern Department, 1777–80. He surrendered Charleston to the British in May 1780. Lincoln was Confederation Secretary at War, 1781–83 and voted in favor of ratification in the Massachusetts Convention in February 1788.

2. The Pee Dee River.

3. A paraphrase of Charles Cotesworth Pinckney in the House debates on the Constitution: "For who have been the greatest sufferers in the union, by our obtaining our independence? I answer, the Eastern states;—they have lost every thing but their country, and their freedom. . . . and as by their exertions they have assisted us in establishing our freedom, we should let them in some measure partake of our prosperity." See House of Representatives Debates, 17 January (RCS:S.C., 122–23).

4. In the Constitutional Convention, Nathaniel Gorham of Massachusetts seconded Charles Cotesworth Pinckney's motion on 25 August 1787 to change the date of the ban

on importation of slaves from 1800 to 1808. The motion carried 7 to 4, with Massachusetts voting with South Carolina for the motion and Virginia joining New Jersey, Pennsylvania, and Delaware in opposition (Farrand, II, 415).

5. A paraphrase of Charles Cotesworth Pinckney in the House debates on the Constitution: "Without union with the other states South Carolina must soon fall. Is there any one among us so much a Quixotte as to suppose that this state could long maintain her independence if she stood alone, or was only connected with the southern states? . . . As from the nature of our climate, and the fewness of our inhabitants we are undoubtedly weak, should we not endeavour to form a close union with the eastern states who are strong?" See House of Representatives Debates, 17 January (RCS:S.C., 122).

Jean-Baptiste Petry to Comte de Montmorin
Charleston, 30 January 1788 (excerpt)[1]

. . . The legislature of South Carolina, My Lord, has taken into consideration, the 16th of this [month], the message of the governor relative to the Constitution framed by the delegates of the different states at Philadelphia in September last. Some members thought that it [should] be sent to a Convention of the people before debating its merits—or faults; others insisted that it was necessary to give information to the represen[tatives] of the people so that they would be able to convey them to their constituents, enabling them to give their opinion on this subject, and others asked after the nature of the referrenced information. As a result it was agreed that each would suggest his objections in a committee of the whole house or would ask for information; the motion to read the new Constitution paragraph by paragraph was lost after very warm debates. For consecutive days the delegates from this state at Philadelphia demonstrated the excellence of this Constitution and the impossibility of making one in which each state would not give up a part of its rights for its own security and that of the sister states and proved that the [interests?] of this one had been carefully protected. A single member[2] fought or attacked them with the same arguments used by the minority at Philadelphia.[3] Then the entire house resolved unanimously that delegates would be chosen to form a Convention for the purpose of considering the new Constitution, conforming to the recommendation of Congress, and fixed their election on the 11th and 12th of next April, in order to assemble at Charleston on the 12th of the following May. This city had preference by only a single vote.

The Senate passed on the 17th of this month the same resolution to send this new Constitution to a convention of the people but fixed the election of delegates on the 21st and 22nd of next February, in order to assemble at Charleston on the 3rd of March. It is thought that the

Senate will yield to the house of representatives when the conference on this subject take place.

On the 23rd the motion to repeal the clause of the Installment Act which prohibits the importation of negroes was lost by 40 votes against 93. We await, in several days, that [law] which was announced to alter or repeal other clauses. . . .

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 372, Charleston, ff. 261–65, Archives Nationales, Paris.

2. Rawlins Lowndes.

3. See "The South Carolina Reprinting of the Dissent of the Minority of the Pennsylvania Convention," 21 January–4 February (RCS:S.C., 207–9).

Newport Herald, 21 February 1788[1]

By Capt. John Cahoone, who arrived here on Monday last, in seven days from Charlestown, we are favored with papers to the 11th Feb. instant, from which we have extracted the following intelligence.

The Assembly of South-Carolina, in taking up the proceedings of the Federal Convention, in order to recommend the appointment of Delegates to meet in Convention to consider of the New Constitution, entered into a lengthy and desultory conversation on its merits. A Mr. Lowndes appears the principal and only opponent to it: but the arguments he offered against it must operate strongly with these northern States to immediately ratify it. The advantages these States would derive from becoming favored carriers of their produce, he conceived injurious to the southern interest, and this nursery of northern seamen would still add to the balance of power; but various members spoke with great liberality on those objections—On the union depended their existence. The northern States were able to protect, and certainly protection merited every advantages from commerce.

From the debates it appears that the question was not whether they should recommend the appointment of delegates to meet, &c. as it was granted on all sides, "that the Constitution must be submitted to a convention of the people;" but the question was in what place they should meet.—On the motion being put for the Convention to assemble in Charlestown on Monday the 12th of May next, it passed in the affirmative, by a majority of one. The reason of the division on this question, was, that the minority, who lived in other towns, wished it might assemble with them.

We are thus particular, as some persons, from not attending to the manner the question was put, supposed that there was so large a number against the assembling of a Convention, while it was only against the place of meeting.

1. Reprinted: *Massachusetts Gazette*, 26 February; *New Hampshire Spy*, 29 February. Both reprints omitted the last paragraph. The last two paragraphs were printed with changes in wording and sentence order in the *Boston Gazette*, 25 February, under the heading "Extract of a letter from Charlestown, South Carolina, dated February 11" (CC:Vol. IV, p. 525). The *Boston Gazette* version was reprinted in the *Worcester Magazine*, 28 February; *Newport Mercury*, 3 March; *Pennsylvania Packet*, 5 March; *Pennsylvania Mercury*, 6 March; *New York Morning Post*, 8 March; and Baltimore *Maryland Gazette*, 14 March.

Massachusetts Centinel, 23 February 1788[1]

By a vessel arrived here from Charlestown, South-Carolina, we have received papers to Jan. 26—By them it appears, that the Senate, Jan. 17, resolved, that the Convention of that State should meet on the *third* of March—In the same papers it appears, that the House of Representatives had resolved, that it should meet the 12th of May, nor does it appear, that either branch had concurred with the other—But if we may hazard a conjecture from the circumstance that all the representatives, save Mr. Lowndes, were in favour of the Constitution, we will venture to suppose, that a concurrence with the vote of the Senate took place[2]—And we do it with some confidence, as a letter received by this vessel, dated two days later than the papers, mentions, that their Convention was to meet at Charleston on the third of March—and adds, "It must afford you satisfaction to be informed, that the merit of the proposed Constitution will bury all opposition in this State; for fortunately its adversaries are men of no influence. It is expected it will be ratified unanimously."

1. Reprinted: *New Hampshire Spy*, 26 February; Philadelphia *Federal Gazette*, 13 March; *Pennsylvania Packet*, 13 March; *Philadelphische Correspondenz*, 18 March; *Virginia Independent Chronicle*, 26 March; and Richmond *Virginia Gazette and Weekly Advertiser*, 3 April.

2. In fact, the House of Representatives' suggestion of 12 May was the date eventually adopted for the convention.

Pennsylvania Gazette, 27 February 1788[1]

It appears, by the proceedings of the South-Carolina legislature, that every man in both Houses (the Senate and the Assembly) were in favor of the new Constitution. As their legislature is much the most numerous in the union, in proportion to their number of free white inhabitants, this extraordinary unanimity affords an indubitable proof that we shall very soon reckon South-Carolina among the members of the *new confederacy*. Their legislature must consist of above 200 persons, for Charleston has 30 members.[2] It may be justly said, South-Carolina is an opulent, enlightened, and yet a very rising state. Their Convention will meet on Monday next, the third day of March.[3]

1. Reprinted in the *State Gazette of South Carolina*, 20 March, and sixteen others newspapers by 20 March: Mass. (3), Conn. (5), R.I. (1), N.Y. (1), Pa. (3), Va. (3).

2. The South Carolina legislature had 231 members (House, 202; Senate, 29), of which 32 (House, 30; Senate, 2) were elected by the Charleston parishes of St. Philip and St. Michael.

3. Numerous reports confused the Senate proposal for a convention on 3 March with the 12 May date eventually adopted by the legislature. See *Massachusetts Centinel*, 23 February (immediately above). A report of a March convention appears to have first appeared in print in the Boston *Independent Chronicle* on 7 February: "By a vessel which arrived at Salem on Sunday last, from South-Carolina, we hear that the New Constitution meets with general approbation in that State, and that the Legislature thereof have issued writs for calling a Convention, to meet on the 2d of March next, at Charleston, to consider the proposed Federal Constitution." Reprinted in twelve other newspapers by 16 February: N.H. (2), Mass. (4), R.I. (3), Conn. (3). The *Maryland Journal* on 4 March reported: "Yesterday was the Day appointed for the Meeting of the Convention of the People, at Charleston, South-Carolina, for the Purpose of considering the new Federal Constitution." The Newburyport, Mass., *Essex Journal*, 19 March, printed under a New York, 4 March, dateline: "The Convention of South-Carolina were to meet yesterday, and will undoubtedly adopt the Constitution."

III.
THE DEBATE OVER THE CONSTITUTION IN SOUTH CAROLINA 19 January–2 June 1788

Introduction

Between the calling and meeting of the South Carolina Convention, interest in the new Constitution was widespread. According to "Senex" (*State Gazette of South Carolina*, 27 November 1788, RCS:S.C., 477–78), "For some time past the subjects concerning the new constitution, interference and other matters of equal importance have engrossed almost every thought. . . . Heaven be praised, we have at length escaped out of this labyrinth of researches! . . . No longer are the common place questions in every body's mouth of 'What is your opinion concerning the new constitution?' 'Don't you think it contrary to magna charta?' 'And shall we have a valuation act, or a new instalment law?' "

With the calling of a convention, South Carolina saw an increase in the publication of commentaries on the Constitution. Antifederalist Aedanus Burke claimed that South Carolina newspapers did not print Antifederalist material. "The printers are, in general, British journeymen, or poor Citizens who are afraid to offend the great men, or Merchants, who could work their ruin. Thus, with us, the press is in the hands of a junto, and the Printers, with most servile insolence discouraged Opposition, and pushed forward publications in its favour; for no one wrote against it" (to John Lamb, 23 June 1788, RCS:S.C., 469). Burke's analysis, at least regarding the publication of original material, was largely correct. Of the twenty-five original items printed below from South Carolina's newspapers, only one opposed ratification and another supported ratification but argued that a bill of rights should be added. The remainder supported the Constitution. Thirteen items are from the Charleston *City Gazette*, eight from the Charleston *Columbian Herald*, and four from the *State Gazette of South Carolina*. The *State Gazette* published the sole original Antifederalist piece (a poem entitled "On the New Constitution," 28 January) as well as an item arguing for ratification and a bill of rights (15 May).

Major South Carolina Federalist pseudonymous writers included "Civis" (David Ramsay) in the Charleston *Columbian Herald*; "A Steady and Open Republican" (probably Christopher Gadsden) in the *State Gazette of South Carolina*; and "Caroliniensis" in the Charleston *City Gazette*. Ramsay's "Civis" was also published as a pamphlet and distributed

to members of the state legislature. In addition, the *City Gazette* serialized the debates in the South Carolina House of Representatives on the Constitution between 18 January and 1 February and also published on 27 March a revised pamphlet version of the debates (see "South Carolina House of Representatives Debates the Constitution," 16–18 January 1788, RCS:S.C., 88–90).

Two Federalist items from out-of-state newspapers appear below, one from Salem, Massachusetts, and the other from Philadelphia. Seven excerpts from letters written by South Carolinians were also printed in out-of-state newspapers (see below in this introduction).

South Carolina newspapers largely reprinted nationally circulated Federalist items, although a few significant Antifederalist pieces were also printed. Out-of-state Federalist pseudonymous essays included:

- Tench Coxe's "An American to Richard Henry Lee" (CC:392–A), *Columbian Herald*, 6, 10 March; and "Philanthropos" (CC:454), *Columbian Herald*, 10 March
- Francis Hopkinson's "A.B.: The Raising," (CC:504), *City Gazette*, 7 March; a spurious letter from "Centinel," (CC:471), *Columbian Herald*, 20 March; Hopkinson's "The New Roof," (CC:395), *Columbian Herald*, 24, 28 April
- Oliver Ellsworth's "The Landholder" X (CC:588), *State Gazette of South Carolina*, 5 May
- John Dickinson's Fabius I (CC:677), *State Gazette of South Carolina*, 8 May.

Other significant Federalist items included "An Old Man" (CC:407), *City Gazette*, 20 February and *Columbian Herald*, 21 February; "One of the People: Antifederal Arguments" (CC:377), *State Gazette of South Carolina*, 10 March; spurious "Centinel" XV (CC:534), *Columbian Herald*, 17 March; "A Yankee" (CC:552), *State Gazette of South Carolina*, 20 March, and *City Gazette*, 1 April; "New England" (CC:372), *Columbian Herald*, 14 April; and Hugh Williamson's speech at Edenton, N.C. (CC: 560), *Columbian Herald*, 17, 20 March; "The Fabrick of Freedom" (CC: 608–A), *Columbian Herald*, 28 April.

The *State Gazette of South Carolina* reprinted several important nationally circulated Antifederalist items. The "Dissent of the Pennsylvania Minority" (see Editors' Note, RCS:S.C., 207–9) was serialized between 21 January and 4 February, and eight installments of Luther Martin's "Genuine Information" appeared between 10 April and 22 May (see Editors' Note, RCS:S.C., 255–56). Other nationally circulated Antifederalist pieces appearing in South Carolina included Governor George Clinton's 11 January speech to the New York legislature (CC:439), *City Gazette*, 20 February, and the *Columbian Herald*, 21 February; and the

report of New York Antifederalist Constitutional Convention delegates Robert Yates and John Lansing, Jr., to Governor Clinton (CC:447), *Columbian Herald*, 10 March.

Some speeches and documents from the ratifying conventions in Connecticut, Massachusetts, and Pennsylvania were reprinted or circulated in South Carolina. Speeches by Antifederalist James Wadworth and Federalist Oliver Ellsworth in the Connecticut Convention (CC:420) were reprinted in the *City Gazette*, 26, 27 February. Portions of the debates of the Massachusetts Convention of 17, 25, 31 January and 4, 6 February were printed in the Charleston *Columbian Herald*, 22, 29 May; Charleston *City Gazette*, 10 April, 2, 3, 15, 16 May; and *State Gazette of South Carolina*, 31 March, 17 April. See RCS:Mass., 1107–1497, for the debates of the Massachusetts Convention. In addition, John Hancock's Speech to the Massachusetts General Court after the completion of the state Convention (CC:566–A) was published in the *Columbian Herald*, 17 April. The recommendatory amendments adopted by the Massachusetts Convention (CC:508) were reprinted in the *Columbian Herald*, 3 March. Thomas Lloyd's edition of the Pennsylvania Convention Debates went on sale in Charleston starting on 3 April (see Editors' Note, RCS:S.C., 242–44). Lloyd's version of Benjamin Rush's speech of 12 December 1787 (published in three Philadelphia newspapers on 19 December), had been previously been published in the *City Gazette*, 16 January 1788 (see CC:357 and RCS:Pa., 593–96).

Although no newspapers were published in the upcountry, Antifederalist literature, especially from Pennsylvania, circulated. According to the French consul in Charleston, Jean-Baptiste Petry, "The minority in Philadelphia, My Lord, has spared neither money nor pains in order to flood this state and its neighbors with its pamphlets and writings against this Constitution" (to Comte de Montmorin, 12 January, RCS: S.C., 82). Charles Cotesworth Pinckney similarly reported that "Pamphlets, Speeches & Protests from the disaffected in Pennsylvania were circulated throughout the State, particularly in the back Country" (to Rufus King, 24 May, RCS:S.C., 445).

Twenty-five Federalist private letters and four Antifederalist letters from South Carolina are printed below. In addition, two letters from Virginia, two from New York, and one each from Philadelphia and Wilmington, N.C., commenting on South Carolina are printed. The text of seven of the letters are taken from newspapers in Maryland, Massachusetts, New York, and Pennsylvania because the manuscript versions are not extant and the authors have not been identified. Because of the time it took for letters to travel from South Carolina to the north, the letters are printed on the dates of the letters' composition rather

than the dates of publication. Of the letters written from South Carolina, eighteen were from Charleston, six from Beaufort, two from a low country plantation, and three from unidentified locations in the state. Arthur Bryan's letter of 9 April to his father offers the most detailed depiction of the Antifederalist perspective in South Carolina in this section.

This section also includes a speech delivered by John Kean at a meeting of the Beaufort District grand jury just prior to the elections for members of the state Convention as well as a presentment of the grand jury supporting ratification. It also includes an address by Justice Richard Champion to the Lancaster County grand jury supporting the Constitution. An Editors' Note discusses the 19 May letter sent by John Lamb on behalf of the New York Federal Republican Committee to three leading South Carolina Antifederalists (RCS:S.C., 287–88).

David Ramsay to John Eliot
Charleston, 19 January 1788 (excerpt)[1]

. . . Our Assembly is now sitting & the fœderal constitution has been discussed before them for the sake of informing the country members. There appears a great majority for it. Indeed it seems to be a prevailing sentiment here that if Virginia & her neighbors should refuse it that we would confœderate with New England. For my part I am fully of that sentiment I would much rather be united with Massachusetts New Hampshire & Connecticut than with North Carolina, Virginia & Maryland. My first wish is union but if that cannot be my second is a confœderation with the eastern & middle states. I trust it will be universally accepted. One thing is certain that I shall live under it if I live & if it ever operates. . . .

1. RC, Andrew-Eliot Papers, MHi. Printed: CC:462. No recipient is indicated on the letter, but internal evidence reveals that it was written to John Eliot (1754–1813), a Harvard graduate and Congregationalist pastor of the New North Church in Boston.

John Kean to Susan Livingston Kean
Beaufort, 20 January 1788 (excerpt)[1]

. . . I have heard nothing from our Nephew and nieces in Georgia from which I suppose Houstoun is gone up to Augusta to meet the legislature which is now sitting—The Convention of that State have broke up & have ratified the new form of government[2]—this is the third state we have heard of that has ratified it—Genl. Jackson is elected governor of Georgia[3]—

Our Legislature is now sitting & we expect an election for a convention shortly[4]—

I expect your next letters will inform me that Masachusetts, Connecticut, New Hampshire & New Jersey have ratified the new constitution[5]—South Carolina—Maryland & North Carolina or any two of them will then make it binding. . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. The letter was written in three installments on 18, 20, and 22 January.

2. The Georgia Convention voted to ratify the Constitution on 31 December 1787.

3. Georgia's Governor George Mathews was succeeded by George Handley, who was elected by the state legislature on 26 January 1788.

4. The South Carolina legislature was meeting and called elections for the state convention to be held from 10 to 12 April (RCS:S.C., 72–202n).

5. The conventions of New Jersey and Connecticut had ratified the Constitution on 18 December 1787 and 9 January 1788, respectively. Massachusetts did not ratify until 6 February. New Hampshire's Convention adjourned without ratifying on 22 February and ratified later on 21 June.

Letter from Charleston to a Friend in Newburyport, Mass., 20 January 1788[1]

Extract of a letter from a gentleman in Charleston, South-Carolina to his friend in this town, dated the 20*th ult.*

"We are looking forward with great impatience for the adoption of the Federal Constitution—it has lately been fully discussed in our House of Assembly; and from the disposition of the people, we have not the smallest doubt of its being adopted by this state—It will be of infinite advantage to the Eastern states; for the policy of the federal government will doubtless lead them to give a determined preference, if not an exclusive privilege, to the vessels of America, to the carrying of its own produce; should that be the case, we shall want annually, to export the produce of this state, from 20 to 25,000 tons of shipping, which, from the present situation of America, must be provided from the three Eastern states."

1. Printed: Newburyport, Mass., *Essex Journal*, 6 February. Reprinted: *New Hampshire Spy*, 8 February; *Newport Herald*, 21 February.

Editors' Note
The South Carolina Reprinting of the Dissent of the Minority of the Pennsylvania Convention, 21 January–4 February 1788

The Pennsylvania Convention convened on 20 November 1787, attained a quorum on 21 November, and debated the Constitution until 12 December, when it was ratified. Early in the debates the Convention

defeated an Antifederalist motion to allow any member to enter on the journal his reasons for approving or dissenting to any vote. (Such a privilege was accorded to members of the state Assembly by the state constitution of 1776.) When an earlier motion to ratify the Constitution was reintroduced on 12 December, Antifederalist Robert Whitehill presented petitions, requesting that the Constitution should not be ratified without amendments, especially not without a bill of rights. After the petitions were tabled, Whitehill read fifteen proposed amendments and then moved that the Convention adjourn to allow Pennsylvanians to consider these amendments and any amendments that might be recommended by other states. After defeating Whitehill's motion, the Convention ratified the Constitution by a vote of 46 to 23. On 13 December Whitehill and fellow Antifederalist John Smilie protested that Whitehill's amendments were not inserted in the Convention Journal as they should have been. Recognizing that Antifederalists would lose the vote to insert the amendments on the Journal, Smilie withdrew his motion requesting that the amendments be so inserted.

The *Pennsylvania Herald* printed Whitehill's amendments on 15 December and shortly thereafter the Convention's minority published its formal objections and the amendments. On 18 December the "Dissent of the Minority" appeared in the *Pennsylvania Packet* and as a broadside struck by Eleazer Oswald of the Philadelphia *Independent Gazetteer*. Dated Philadelphia, 12 December, the dissent was signed by twenty-one of the twenty-three Convention members who voted against ratification of the Constitution.

The "Dissent" was probably written by Samuel Bryan. Bryan also wrote the "Centinel" essays. The "Dissent" summarized the arguments made against the Constitution in the Convention and the public debate preceding and during the Convention. It attacked the authority of the Constitutional Convention to draft a new constitution and its secret proceedings. It denounced the force used to secure a quorum of the state Assembly in calling the state convention and the procedures employed by the Convention's majority. Most important, the "Dissent," as the formal statement of the Convention's minority, provided the public with Whitehill's amendments.

Antifederalists attempted to circulate the "Dissent" throughout much of America in newspapers, pamphlets, and broadsides. The "Dissent" was reprinted in the *State Gazette of South Carolina* in installments on 21, 24, 28, 31 January, and 4 February 1788. The "Dissent" probably circulated widely in South Carolina. Jean-Baptiste Petry, French consul in Charleston, reported on 12 January that "The minority in Philadelphia, My Lord, has spared neither money nor pains in order to flood this

state and its neighbors with its pamphlets and writings against this Constitution" (to Comte de Montmorin, 12 January, RCS:S.C., 82). The "Dissent" elicited considerable response throughout America. According to Jean-Baptiste Petry (to Comte de Montmorin Charleston, 30 January, RCS:S.C., 199) Rawlins Lowndes "fought or attacked them with the same arguments which the minority at Philadelphia used." For the text of the "Dissent of the Minority of the Pennsylvania Convention," its background and authorship, and its national circulation and the response to it, see CC:353.

Letter from Charleston, 22 January 1788[1]

Extract of a letter from Charleston (S.C.) *Jan.* 22.

"As to the New Constitution, I hope and think it will be adopted with amendments by this State; but the opposition is heavy and increasing. The Convention meets on the 12th of May—76 against 75 for meeting at Charleston.[2] Our assembly, senate, &c. move up next January to Columbia, 150 miles back, where there is a State-house building.[3] The country interest prevails over the mercantile in this State; this will operate strongly against the new constitution, as the farmers (who are rather contracted) entertain jealousies that it is a scheme to favor the mercantile interest; however, we will have most of the orators with us, and the influence of the town."

1. Printed: Philadelphia *Freeman's Journal*, 13 February. Reprinted in twelve other newspapers by 20 March: N.H. (1), Mass. (3), N.Y. (2), N.J. (1), Pa. (2), Md. (2), Va. (1).

2. The South Carolina House of Representatives voted 76 to 75 to hold the ratifying Convention in Charleston. See House of Representatives Proceedings, 19 January (RCS: S.C., 161–64).

3. The South Carolina legislature moved to Columbia in January 1790, not 1789.

Hary Grant to Christopher Champlin Charleston, 23 January 1788 (excerpt)[1]

. . . Our Legislator is now setting debating on our New Government which will certainly be adopted, No Soul paying a farthing of their debts till they see whether the Asembly will not prolong the Installment Act.[2] I shall not be surprized if they do. the 1st March 1st payment becomes due. I long much for it, bad as you think R. Island we are as bad. . . .

1. Printed: "Commerce of Rhode Island, 1726–1800. Vol. II: 1775–1800," *Collections* of the Massachusetts Historical Society, 7th series, X (Boston, 1915), 348–49. Grant (c. 1759–1814), a British merchant who came to Charleston on 4 July 1783, was the business partner of James Simons of Beaufort from 1784–86. In 1794 Grant became Spain's agent

in South Carolina. Champlin (1731–1805) was a prosperous Newport merchant and ship owner.

2. See "Introduction," RCS:S.C., xl.

State Gazette of South Carolina, 28 January 1788[1]

On the New Constitution.

In evil hour his pen 'squire Adams drew
Claiming dominion to his well born few:
In the gay circle of St. James's plac'd
He wrote, and, writing, has his work disgrac'd.[2]
Smit with the splendor of a British King
The crown prevail'd, so once despis'd a thing!
Shelburne and Pitt[3] approv'd of all he wrote,
While Rush and Wilson[4] echo back his note.

Tho' British armies could not here prevail
Yet British politics shall turn the scale;—
In five short years of Freedom weary grown
We quit our plain republics for a throne;
Congress and *President* full proof shall bring,
A mere disguise for Parliament and King.

A standing army!—curse the plan so base;
A despot's safety—Liberty's disgrace.—
Who sav'd these realms from Britain's bloody hand,
Who, but the generous rustics of the land;
That free-born race, inur'd to every toil,
Who tame the ocean and subdue the soil,
Who tyrants banish'd from this injur'd shore
Domestic traitors may expel once more.

Ye, who have bled in Freedom's sacred cause,
Ah, why desert her maxims and her laws?
When *thirteen* states are moulded into *one*
Your rights are vanish'd and your honors gone;
The form of Freedom shall alone remain,
As Rome had Senators when she hugg'd the chain.

Sent to revise your systems—not to change—
Sages have done what Reason deems most strange:
Some alterations in our fabric we
Calmly propos'd, and hoped at length to see—
Ah, how deceived!—these heroes in renown
Scheme for themselves—and pull the fabric down—

Bid in its place Columbia's tomb-stone rise
Inscrib'd with these sad words—*Here Freedom lies!*

1. Reprinted: *New York Journal*, 14 February; Boston *American Herald*, 3 March; Philadelphia *Independent Gazetteer*, 10 March; Philadelphia *Freeman's Journal*, 12 March; New Jersey *Brunswick Gazette*, 18 March; and Winchester *Virginia Gazette*, 30 April.

2. See House of Representatives Debates, 18 January, note 13 (RCS:S.C., 159n).

3. William Petty-FitzMaurice (1737–1805) (2nd Earl of Shelburne, 1761–84) was British Prime Minister, 1782–83. William Pitt the Younger (1759–1806) was British Prime Minister, 1783–1801, 1804–6.

4. Pennsylvanians Benjamin Rush and James Wilson supported ratification of the Constitution. For Rush's views on *A Defence of the Constitutions*, see CC:16, p. 83.

Letter from South Carolina to a Friend in Poughkeepsie, N.Y. 30 January 1788 (excerpt)[1]

Extract of a letter from a gentleman in South Carolina, dated Jan. 30, 1788, to his friend in this place.

. . . ["]The convention of this State are to meet in May next—a Mr. Lowndes, is the only opponent I can hear of—but his influence is as feeble as his party is insignificant—being principally those men who were opposed to the Independence and the liberties of America.—I have not a doubt but we shall have a majority of at least 10 to 1."

1. Printed: Poughkeepsie *Country Journal*, 11 March. Reprinted in eight other newspapers by 10 April: N.H. (3), Mass. (2), Conn. (2), N.Y. (1). Three newspapers omitted the date of the letter extract. For the entire extract, see CC:Vol. IV, p. 534.

Justice Richard Champion: Charge to the Lancaster County Grand Jury, January 1788 (excerpt)[1]

. . . I have reserved for the last, because it is the most important consideration, the recommendation to you of the new fœderal constitution, by the late convention, as a measure, most conducive to remove the want of efficiency and energy in the present government by congress. To say that the present plan is perfect, would be to contradict the experience of all ages, which has never yet produced a perfect human establishment: This constitution certainly—has its defects—But it would not in the present general weakness of our fœderal government, be wise in us to reject a part, because we cannot obtain the whole of our desires. A variety of interests in the widely extended empire of the United States, the difficulty of concentering all its parts, and forming such an heterogenous mass into one solid and connected system, I say, when such a variety of circumstances is considered, and has its due weight with you, I cannot have a doubt, but that you will more

admire the wisdom of those who composed, than attend to the defects of the constitution presented to you. And I have the most implicit confidence, that you will make it a strong recommendation of your's, that whatever mode shall be adopted, whether by the assembly, or by a convention of the citizens, to confirm this constitution, it may meet with a strenuous and vigorous support in the citizens of our county. . . .

1. Printed: *State Gazette of South Carolina*, 7 February. Champion (1743–1791), a merchant and porcelain manufacturer, emigrated from England to South Carolina in 1784 and was appointed justice of the Lancaster County Court in 1787, the same year he became a naturalized citizen.

Civis: To the Citizens of South Carolina
Charleston Columbian Herald, 4 February 1788

During the House debates of 16–18 January (RCS:S.C., 88–90, 91–115n, 116–38n, 144–60n) on calling a state convention to consider the Constitution, Rawlins Lowndes, argued that the Constitution would give unfair commercial advantages to New England. He also objected to the excessive powers of the Senate and the President, and to the power of Congress to prohibit the slave trade after 1808.

David Ramsay charged that Lowndes had "an illiberal jealousy of New: England men" and did not have "one fœderal idea in his head." Lowndes's "opposition has poisoned the minds of some" (to Benjamin Lincoln, 29 January, RCS:S.C., 197–98). "To obviate" Lowndes's arguments, Ramsay wrote an essay, signed "Civis," extolling the virtues of the Constitution and the benefits of the Union. Drafted "in a few hours," the essay was written "in a summary way & in a plain stile for the benefit of common people" (to Benjamin Lincoln, 31 March, RCS:S.C., 234).

"Civis" was published in the Charleston *Columbian Herald* on 4 February, and as a twelve-page pamphlet by the printer of the *Herald*. The same plates were used for the texts of both printings. According to Ramsay, copies of the pamphlet—entitled *An Address to the Freemen of South-Carolina, on the Subject of the Fœderal Constitution, Proposed by the Convention, which Met in Philadelphia, May 1787* (Evans 21414)—were distributed to members of the South Carolina legislature. On 23 and 27 February, the New York *Independent Journal* reprinted the *Columbian Herald's* version of "Civis" at the request of "A Constant Reader."

Ramsay sent copies of the pamphlet to Benjamin Lincoln in Massachusetts, and to Benjamin Rush in Philadelphia, describing it to Rush as "merely a local answer to local objections & not worth sending so far" (to Rush, 17 February, RCS:S.C., 227–28). Nevertheless, Rush had the pamphlet reprinted in the *Pennsylvania Mercury* on 3 April with this statement: "Said to be written by Dr. Ramsay." (John Vaughan of Philadelphia sent a copy of this issue of the *Mercury* to John Dickinson in Delaware, pointing to the "address of D Ramsay to the Carolinians" [6 April, Dickinson Papers, PPL].) The pamphlet version, with Ramsay identified as the author, was also reprinted in the *Virginia Herald*, 17 April (supplement); *Maryland Journal*, 25 April; *Virginia Centinel*, 30 April; and in the May issue of the Philadelphia *American Museum*.

TO THE CITIZENS OF SOUTH-CAROLINA.

Friends, Countrymen, and Fellow Citizens, You have at this time a new federal constitution proposed for your consideration. The great importance of the subject demands your most serious attention. To assist you in forming a right judgment on this matter, it will be proper to consider,

1st. It is the manifest interest of these states to be united. Eternal wars among ourselves would most probably be the consequence of disunion. Our local weakness particularly proves it to be for the advantage of South-Carolina to strengthen the federal government; for we are inadequate to secure ourselves from more powerful neighbours.

2d. If the thirteen states are to be united in reality, as well as in name, the obvious principle of the union should be, that the Congress or general government, should have power to regulate all general concerns. In a state of nature, each man is free and may do what he pleases; but in society, every individual must sacrifice a part of his natural rights; the minority must yield to the majority, and the collective interest must controul particular interests. When thirteen persons constitute a family, each should forego every thing that is injurious to the other twelve. When several families constitute a parish, or county, each may adopt any regulations it pleases with regard to its domestic affairs, but must be abridged of that liberty in other cases, where the good of the whole is concerned.

When several parishes, counties or districts form a state, the separate interests of each must yield to the collective interest of the whole. When thirteen states combine in one government, the same principles must be observed. These relinquishments of natural rights, are not real sacrifices: each person, county or state, gains more than it loses, for it only gives up a right of injuring others, and obtains in return aid and strength to secure itself in the peaceable enjoyment of all remaining rights. If then we are to be an united people, and the obvious ground of union must be, that all continental concerns should be managed by Congress—let us by these principles examine the new constitution. Look over the 8th section, which enumerates the powers of Congress, and point out one that is not essential on the before recited principles of union. The first is a power to lay and collect taxes, duties, imposts and excises, to pay the debts, and provide for the common defence and general welfare of the United States.

When you authorised Congress to borrow money, and to contract debts for carrying on the late war, you could not intend to abridge them of the means of paying their engagements, made on your account. You may observe, that their future power is confined to provide

for the *common defence* and *general welfare* of the United States. If they apply money to any other purposes, they exceed their powers. The people of the United States who pay, are to be judges how far their money is properly applied. It would be tedious to go over all the powers of Congress, but it would be easy to shew that they all may be referred to this single principle, "that the general concerns of the union ought to be managed by the general government." The opposers of the constitution, cannot shew a single power delegated to Congress, that could be spared consistently with the welfare of the whole, nor a single one taken from the states, but such as can be more advantageously lodged in the general government, than in that of the separate states.

For instance—the states cannot emit money; this is not intended to prevent the emission of paper money, but only of state paper money. Is not this an advantage? To have thirteen paper currencies in thirteen states is embarrassing to commerce, and eminently so to travellers. It is obviously our interest, either to have no paper, or such as will circulate from Georgia to New-Hampshire. Take another instance—the Congress are authorised to provide and maintain a navy—Our sea coast in its whole extent needs the protection thereof; but if this was to be done by the states, they who build ships, would be more secure than they who do not. Again, if the local legislatures might build ships of war at pleasure, the Eastern would have a manifest superiority over the Southern states. Observe how much better this business is referred to the regulations of Congress. A common navy, paid out of the common treasury, and to be disposed of by the united voice of a majority for the common defence of the weaker as well as of the stronger states, is promised, and will result from the federal constitution. Suffer not yourselves to be imposed on by declamation. Ask the man who objects to the powers of Congress two questions. Is it not necessary that the supposed dangerous power be lodged somewhere? and secondly, where can it be lodged consistently with the general good, so well as in the general government? Decide for yourselves on these obvious principles of union.

It has been objected, that the eastern states have an advantage in their representation in Congress. Let us examine this objection—the four eastern states send seventeen members to the house of representatives, but Georgia, South-Carolina, North-Carolina and Virginia, send twenty-three. The six northern states send twenty-seven, the six southern thirty. In both cases we have a superiority;—but, say the objectors, add Pennsylvania to the northern states, and there is a majority against us. It is obvious to reply, add Pennsylvania to the Southern states, and they have a majority. The objection amounts to no more than that seven

are more than six. It must be known to many of you, that the Southern states, from their vast extent of uncultivated country, are daily receiving new settlers; but in New-England their country is so small, and their land so poor, that their inhabitants are constantly emigrating. As the rule of representation in Congress is to vary with the number of inhabitants, our influence in the general government will be constantly increasing. In fifty years, it is probable that the Southern states will have a great ascendency over the Eastern. It has been said that thirty-five men, not elected by yourselves, may make laws to bind you. This objection, if it has any force, tends to the destruction of your state government. By our constitution, sixty-nine make a quorum, of course, thirty-five members may make a law to bind all the people of South-Carolina.—Charleston, and any one of the neighbouring parishes send collectively thirty-six members; it is therefore possible, in the absence of all others, that three of the lower parishes might legislate for the whole country. Would this be a valid objection against your own constitution? It certainly would not—neither is it against the proposed federal plan. Learn from it this useful lesson—insist on the constant attendance of your members, both in the state assembly, and Continental Congress: your representation in the latter, is as numerous in a relative proportion with the other states as it ought to be. You have a thirteenth part in both houses; and you are not, on principles of equality, entitled to more.

It has been objected, that the president, and two-thirds of the senate, though not of your election, may make treaties binding on this state. Ask these objectors—do you wish to have any treaties? They will say yes.—Ask then who can be more properly trusted with the power of making them, than they to whom the convention have referred it? Can the state legislatures? They would consult their local interests—Can the Continental House of Representatives? When sixty-five men can keep a secret, they may. Observe the cautious guards which are placed round your interests. Neither the senate nor president can make treaties by their separate authority.—They must both concur.—This is more in your favor than the footing on which you now stand. The delegates in Congress of nine states, without your consent can now bind you;—by the new constitution there must be two thirds of the members present, and also the president, in whose election you have a vote. Two thirds are to the whole nearly as nine to thirteen. If you are not wanting to yourselves by neglecting to keep up the states compliment of senators, your situation with regard to preventing the controul of your local interests by the Northern states, will be better under the proposed constitution than now it is under the existing confederation.

It has been said, we will have a navigation act, and be restricted to American bottoms, and that high freight will be the consequence. We certainly ought to have a navigation act, and we assuredly ought to give a preference, though not a monopoly, to our own shipping.

If this state is invaded by a maritime force, to whom can we apply for immediate aid?—To Virginia and North-Carolina? Before they can march by land to our assistance, the country may be over run. The Eastern states, abounding in men and in ships, can sooner relieve us, than our next door neighbours. It is therefore not only our duty, but our interest, to encourage their shipping. They have sufficient resources on a few months notice, to furnish tonnage enough to carry off all your exports; and they can afford, and doubtless will undertake to be your carriers on as easy terms as you now pay for freight in foreign bottoms.

On this subject, let us consider what we have gained, & also what they have lost by the revolution. We have gained a free trade with all the world, and consequently a higher price for our commodities, it may be said, and so have they; but they who reply in this manner, ought to know, that there is an amazing difference in our favor: their country affords no valuable exports, and of course the privilege of a free trade is to them of little value, while our staple commodity commands a higher price than was usual before the war. We have also gained an exemption from quit rents, to which the eastern states were not subjected. Connecticut and Rhode-Island were nearly as free before the revolution as since. They had no royal governor or councils to control them, or to legislate for them. Massachusetts and New-Hampshire were much nearer independence in their late constitutions than we were. The eastern states, by the revolution, have been deprived of a market for their fish, of their carrying-trade, their ship building, and almost of every thing but their liberties.

As the war has turned out so much in our favor, and so much against them, ought we to begrudge them the carrying of our produce, especially when it is considered, that by encouraging their shipping, we increase the means of our own defence. Let us examine also the federal constitution, by the principle of reciprocal concession. We have laid a foundation for a navigation act.—This will be a general good; but particularly so to our northern brethren. On the other hand, they have agreed to change the federal rule of paying the continental debt, according to the value of land as laid down in the confederation, for a new principle of apportionment, to be founded on the numbers of inhabitants in the several states respectively. This is an immense concession in our favor. Their land is poor; our's rich; their numbers great;

our's small; labour with them is done by white men, for whom they pay an equal share; while five of our negroes only count as equal to three of their whites. This will make a difference of many thousands of pounds in settling our continental accounts. It is farther objected, that they have stipulated for a right to prohibit the importation of negroes after 21 years. On this subject observe, as they are bound to protect us from domestic violence, they think we ought not to increase our exposure to that evil, by an unlimited importation of slaves. Though Congress may forbid the importation of negroes after 21 years, it does not follow that they will. On the other hand, it is probable that they will not. The more rice we make, the more business will be for their shipping: their interest will therefore coincide with our's. Besides, we have other sources of supply—the importations of the ensuing 20 years, added to the natural increase of those we already have, and the influx from our northern neighbours, who are desirous of getting rid of their slaves, will afford a sufficient number for cultivating all the lands in this state.

Let us suppose the union to be dissolved by the rejection of the new constitution, what would be our case? The United States owe several millions of dollars to France, Spain, and Holland. If an efficient government is not adopted, which will provide for the payment of our debt, especially of that which is due to foreigners—who will be the losers? Most certainly the southern states. Our exports, as being the most valuable, would be the first objects of capture on the high seas; or descents would be made on our defenceless coasts, till the creditors of the United States had paid themselves at the expence of this weaker part of the union. Let us also compare the present confederation, with the proposed constitution. The former can neither protect us at home, nor gain us respect abroad: it cannot secure the payment of our debts, nor command the resources of our country, in case of danger. Without money, without a navy, or the means of even supporting an army of our own citizens in the field, we lie at the mercy of every invader; our sea port towns may be laid under contribution, and our country ravaged.

By the new constitution, you will be protected with the force of the union, against domestic violence and foreign invasion. You will have a navy to defend your coasts.—The respectable figure you will make among the nations, will so far command the attention of foreign powers, that it is probable you will soon obtain such commercial treaties, as will open to your vessels the West-India islands, and give life to your expiring commerce.

In a country like our's, abounding with free men all of one rank, where property is equally diffused, where estates are held in fee simple,

the press free, and the means of information common; tyranny cannot readily find admission under any form of government; but its admission is next to impossible, under one where the people are the source of all power, and elect either mediately by their representatives, or immediately by themselves the whole of their rulers.

Examine the new constitution with candor and liberality. Indulge no narrow prejudices to the disadvantage of your brethren of the other states; consider the people of all the thirteen states, as a band of brethren, speaking the same language, professing the same religion, inhabiting one undivided country, and designed by heaven to be one people. Consent that what regards all the states should be managed by that body which represents all of them; be on your guard against the misrepresentations of men who are involved in debt; such may wish to see the constitution rejected, because of the following clause "no state shall emit bills of credit, make any thing but gold and silver coin, a tender in payment of debts, pass any *expost facto* law, or law impairing the obligation of contracts." This will doubtless bear hard on debtors who wish to defraud their creditors, but it will be of real service to the honest part of the community. Examine well the characters & circumstances of men who are averse to the new constitution. Perhaps you will find that the above recited clause is the real ground of the opposition of some of them, though they may artfully cover it with a splendid profession of zeal for state privileges and general liberty.

On the whole, if the proposed constitution is not calculated to better your country, and to secure to you the blessings for which you have so successfully contended, reject it: but if it is an improvement on the present confederation, and contains within itself the principles of farther improvement suited to future circumstances, join the mighty current of federalism, and give it your hearty support. You were among the first states that formed an independent constitution;[1] be not among the last in accepting and ratifying the proposed plan of federal government; it is your sheet anchor; and without it, independence may prove a curse.

1. The South Carolina Provincial Congress adopted a constitution on 26 March 1776. The state legislature replaced that constitution with a new one on 19 March 1778.

Charleston City Gazette, 8 February 1788

From a late London paper.[1]

Extract of a letter from New-York, Sept. 20.

"The success with which the *convention*, governed by Gen. Washington, has continued its labours, and come to their conclusion, in offering to the consideration of all the members of the union a new plan,

to consolidate their confederative system, forms the most happy omens for the duration of the American confederation. In the mean time, if this plan is agreeable, or does not produce any essential alteration, we may say that this is a new epocha from which we may date the existence of the United States. In effect, by the project, which is now in hand, we absolutely change the manner of existence of the body which represents the union; and the chief equality between the different independent members who compose it, is so modified, after infinite trouble, that it finds a compensation in every other part of this federative assembly. The manner in which it has been composed till the present time, was absolutely chalked out on the model of a celebrated Republick of Europe,[2] where all the members of the Union, even those who contribute very little to the common charges, enjoy an equal share to the most considerable right whether it be by their extent, population, or riches: but experience has taught us, that this apparent difficulty being at the bottom the extremest inequality, has given place to the most palpable inconveniencies on the one side, in sometimes making the most essential part of the body politic sacrifice to the particular views of the majority of the other states, so that on the other hand, the interest of individuals of one confederacy often impedes the most salutary measures. The state of Rhode Island proves this latter truth by a striking example. It has not only denied to contribute its portion to pay off the common debt of the United States of America; but has positively refused to send its deputies to the sitting of the convention. The state of New Hampshire made likewise great difficulty in concurring with the efforts of this assembly; but at last it yielded to the instances of the other confederates; and in July last its deputies came to join those of the eleven states.[3] At that time we regarded the representation of all the confederates as complete; and proceeded to form a plan of a new union, without being willing to retard it for a long time by a single refractory state,[4] whose conduct on this occasion appeared so much the more singular, as it was the smallest and poorest of the confederation, & became considerable only by the protection which it offered to the marine and fishery. When to the project of union, now in agitation, the basis is to settle between the states, on the one side, a perfect equality, and on the other an inequality, proportionably following the population of each, and governed by the common affairs of the federative body. In this view the common government of the thirteen states has been assimilated pretty nearly to the particular constitution of the greatest part of the states, especially of that of Massachusetts. In consequence we shall establish a president of the United States, a senate, & a chamber of the representatives of the union; so that the

congress will be composed of two separate chambers; in the one, that is to say, in the senate each state sends an equal number of deputies, each two senators. In the other, the number of representatives varies according to the population of the state, for which they will be the deputies; for example, Virginia will have ten representatives, so that the state of Delaware, and that of Rhode-Island, will each have only one: and as they count the voices by the head, and not by the state, it results that the principal member of the federative body, as that of Virginia or Pennsylvania, runs a less risque of seeing its interest neglected or sacrificed to the name of an entire confederation, but on the other side, the authority of a federative assembly being ensured by this new form, it will not be more in the power of one alone, for the sake of the necessity of consenting unanimously, to embarrass measures the most advantageous for all the republic.

"We are ignorant if the wish of general Washington were accomplished, that the several states, in agreeing to the plan proposed, would attend to secure the permanency of the well being of America united. But, however this work will furnish a proof of returned tranquility, with which men of learning and talents, friends of moderation and reciprocal deference, are come to form a new federative system, by unanimous consent, worthy at least to be considered by the nations who think the same in Europe. In the mean time, the congress has made during the course of this year, a great progress in the arrangement of its finances: It has warned all its creditors, who have claims to the charge of the United States for services rendered, or objects furnished to the department of the marine, to come to state them at this board, to be continually directed: And, for its order, the department of the treasury has also called those, who made contracts with the secret committee of congress or that of commerce, to settle their account, in three months time, &c."

1. This letter appeared in *The British Mercury, or Annals of History, Politics . . .*, III (Hamburgh, Germany, 1787), 300–3. It comes from issue No. 10 (3 December 1787).

2. Probably a reference to the Netherlands. Each of the seven provinces of the Dutch republic, although of unequal size, had an equal vote (Montesquieu, *Spirit of Laws*, I, Book IX, Chapter III, 188).

3. The New Hampshire delegation (John Langdon and Nicholas Gilman) arrived at the Constitutional Convention on 23 July 1787.

4. Rhode Island.

Letter from Charleston to a Friend in Philadelphia, 9 February 1788[1]

Extract of a letter from a gentleman in Charleston, South-Carolina, to his friend in this city, dated Feb. 9, 1788.

"Our Legislature which consists of a Senate, and House of Representatives, met on the 8th of last month, and the important business

of the *federal constitution*, has for some time engaged their deliberations—The matter was fully discussed, in a debate of 4 days, and the principles and different parts of the constitution, were explained by the gentlemen who represented this state, in Convention, especially by General C. C. Pinckney, one of our eminent lawyers[2]—They have agreed to call a convention of the people, who are to meet on the 12th May next—the anniversary day on which Charleston *surrendered* to the British arms[3]—God grant the people are not going to *surrender* their liberties!

"This constitution will meet with great opposition in this state, from the Back country interest. I heard a leading member from the country, say, that if the question had been put when the constitution was under debate, whether it should be adopted, it would have been carried in the negative, although the only point was whether to call a Convention, (which none opposed) yet several gentlemen of influence expressed sentiments of great dislike to it—particularly a Mr. Lowndes, a gentleman of large fortune, late Governor of this state in 1778. He is opposed to it in toto, and disapproves of the whole scheme, and thinks it more a consolidation of government than a confederation of states, and he wishes no alteration in the former government only greater powers to Congress.

"Henry Laurens, Esquire, of this city, who it was said wrote a letter in praise of this plan, is totally against it, so that it is likely it was a forgery[4]—You have a *Doctor*[5] among you, who is expert at fabricating letters on political subjects, commonly called the *political magpye*."

1. Printed: Philadelphia *Independent Gazetteer*, 22 April.

2. See House of Representatives Debates, 16–18 January (RCS:S.C., 88–90, 91–115n, 116–38n, 144–60n).

3. The city of Charleston surrendered to British troops on 12 May 1780. The South Carolina ratifying Convention was scheduled to convene on 12 May 1788. See also Charleston *Columbian Herald*, 21 January (RCS:S.C., 197).

4. For the debate over Henry Laurens' position on the Constitution, see CC:151. Laurens voted to ratify the Constitution in South Carolina's Convention.

5. Possibly a reference to Dr. Benjamin Rush, a strong proponent of the Constitution, who often wrote on a wide variety of social and political issues. He signed the Declaration of Independence and voted to ratify the Constitution in the Pennsylvania Convention in December 1787.

John Kean to Susan Livingston Kean
Beaufort, 10 February 1788[1]

I am considerably better than I have been for this last fortnight—

Continue to send me the federalist[2]—I have it up to No. 32—there is a part of No. 30 wanting if it can be got I shall be glad—

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. This fragment is the last, and only extant, page of a letter that was begun earlier. The letter is endorsed "Recd. at Charleston this 17 February 1788 & forwarded by Madam Your very Hum[bl]e Servt. A: Chisolm" and "Cap Allibone/Via Philadelphia."

2. On 22 November, Kean had written to his wife "Pray send me all McLeans papers that have the Federalist in them" ("The Circulation of The Federalist in South Carolina," 22 November 1787–20 June 1788, RCS:S.C., 43–44).

Henry W. DeSaussure to Jedidiah Morse
Charleston, 11 February 1788 (excerpts)[1]

My Dear Friend—

On my return from the Circuit in December, I had the happiness of finding your very welcome and very friendly letter of the 21st October—I am truly delighted with the many expressions of Esteem which your letter bears—to have the affections and attachments of the Soul thus reciprocated gives the most lively & pure Joys which the human heart is capable of enduring—

I rejoice that you have set yourself down heartily to writing—It is an agreable employment notwithstanding the horrors which attend the sending forth the production to the public eye—I shall be Impatient for the appearance of your work—for Independently of my anxiety for its favorable reception, I am really desirous on my own account to acquire such a fund of Information as it will contain respecting America. Added to these Considerations I am of opinion that evry work which tends to give Information to the Inhabitants of the different states respecting each other will lead to a gradual removal of the many prejudices which Exist among us, & will generate a Spirit of fœderalism, which I am anxious to see disseminated thro' all parts of the Continent from North to south from East to West—

My Situation in the middle states during the four years of life when the principles are fixed, made me a fœderalist almost involuntarily—Reflection has fixed me so—⟨It is⟩ therefore ⟨with pleasure I Inform you that our Legislature has agreed to call a Convention to consider the new fœderal Constitution—From the temper of the people, and from the unanimity of the Leading Men in this Country on that subject I have no doubt the Constitution will be ratified—There are some⟩ Strong ⟨Local Circumstances which I was affraid would have operated upon some of our Leaders to have opposed the Constitution—But only one Gentleman of much weight publicly avowed any disapprobation And even he voted with evry other member of the house for a Convention⟩—If he shd be elected a member of that Convention he will oppose the Constitution with all his powers which I assure you are very Considerable—He is named Rawlins Lowndes & has been Governor—

⟨The whole business was conducted by the supporters of the Constitution with much⟩ temper ⟨moderation and firmness—The members of Convention being members of the house⟩[2] came forward and ⟨gave real and Extensive Information &⟩ they thereby ⟨removed many apparent difficulties & Inconveniences in the new plan—Upon the whole⟩ tho' they did not remove evry objection ⟨they convinced me and I believe the great bulk of the Community that it was the best which Could be formed amid so many opposing Interests & opinions⟩ as were collected & deliberated upon—

I wish I could give you as good an account of our Internal affairs—The Extensive Credits which were given before the war and were Continued since by the British merchants to our merchants & by our merchants to the Citizens, have Involved our Country deeply in debt—a succession of bad Crops caused short payments—These made the Creditors apprehensive & pressing—The Legislature took the alarm & passed Installment Laws providing for the payment of debts in given proportions in given times—all was quiet—& both Parties seemed Perfectly Satisfied—But now the Installment Law is beginning its operation,[3] a number of Persons either really Convinced that the debt was too enormous to be pd. with the Crop or disposed to enjoy their property at any rate without ever Paying have created a Considerable noise—they have called out ruin—destruction opposition, Civil war & evry other evil—& Carrying the alarm into the Legislature (which is now sitting & of which they are members) have brought the subject before that body—

Several propositions have been made—to wit—1st. a valuation Law—whereby the Creditor may be obliged to accept of property at a certain appraized value instead of permitting it to be Sacrificed at Sheriffs sales[4]—

2dly. an Extension of the Installment Law—& making the Proportions Payable each year less—much heat is displayed and what the event will be heaven only knows[5]—It is a subject of vast Importance—on the one hand all Legislative Interferences are unjust & shd. only be resorted to in the last Extremity—on the other hand procrastination seems better even for the Creditor than absolute ruin to the debtor with only half pay to the Creditor—

The great mischief is that these Legislative Interferences do not end with the immediate Injustice they carry on the face of them—After Answering the temporary purposes they were designed for, they leave your people corrupted & disposed to avail themselves of them again—

For my own Part I Perceive men of Integrity & virtue so warped by their situation & embarrassments that I have determined never to involve myself in debt—tho' it has been a maxim here that to get rich a

man must get in debt—Excuse this long digression from general subjects—I know you to be fœderalist enough to take Part in whatever materially concerns any of the States—This subject does affect this state highly & I am much occupied by it—

I turn with pleasure from the Jarring Scenes of politics to the more harmonious ones of private life. . . .

My private engagements and occupations have prevented me from making any considerable Collections for you—The Inclosed will perhaps be of some service in Enabling you to fix the amt of our annual Exports—I will only observe that our Crops since the peace have been Less than before the war—owing to bad seasons & loss of negroes during the war—

I have recd. the subscription Paper for the map of Connecticut & shall procure as many subscriber[s] as I Can—I have engaged abt. 20 already. . . .

I am Dr. sir with real Esteem & sincere affection your friend

1. RC, Miscellaneous Manuscripts, NHi. The text in angle brackets was printed in the *New Haven Gazette*, 6 March, under the heading "Extract of a letter from a gentleman in Charleston to his friend in this city, dated Feb. 11, 1788" and reprinted in the *Pennsylvania Packet*, 14 March. DeSaussure (1763–1839), a Charleston attorney, served in the South Carolina House of Representatives, 1791–94, 1796–97, 1800–1801, 1808. He also served as justice of the Court of Equity, 1808–24, and chancellor of the Court of Appeals in Equity, 1824–37. Morse (1761–1826) was a Congregationalist minister, living in New Haven, Conn., at the time, and was later pastor of a church in Charlestown, Mass., 1789–1819. He was the author of the first geography textbook in the United States, *Geography Made Easy* . . . (1784) and best known for his work *The American Geography* . . . (1789).

2. South Carolina's four delegates at the Constitutional Convention, Pierce Butler, Charles Pinckney, Charles Cotesworth Pinckney, and John Rutledge, were members of the House of Representatives.

3. The South Carolina installment law of 1787 permitted debts contracted before 1 January 1787 to be paid in three annual installments. The first payment was due in March 1788. For the installment law of 1787, see "Introduction," RCS:S.C., xl.

4. On the day that DeSaussure wrote this letter, the House appointed a committee chaired by Pierce Butler to bring in a valuation bill. The bill was defeated in the House on a 92-53 vote on 21 February (Stevens, *House Journals, 1787–1788*, 424, 474–76).

5. See "Newspaper Report of House of Representatives Debates," 20 February (RCS: S.C., 190–91).

Adam Gilchrist to Collin McGregor
Charleston, 11 February 1788 (excerpt)[1]

. . . Business is so exceeding dull and Cash so scarce just now, have not in my power making a larger remittance at present but hope to more considerable 'ere long—Our Legislature is sitting have agreed to a Convention of the people on the proposed fœderal plan of government, they are also at work on a Sheriffs Sale bill,[2] how far they may

again interfere between Debtor & Creditor cannot determine tho' am sorry to see them so often on the subject. hope the fœderal plan when adopted will set all matters in proper order. . . .

1. RC, Gilchrist Papers, South Caroliniana Library, ScU. The letter was carried by Captain Elliot and was received on 19 March. Gilchrist (c. 1761–1816), a Charleston merchant and land speculator who moved from Philadelphia to South Carolina in the 1780s, served in the South Carolina House of Representatives, 1800–1801. McGregor (d. 1801), a native of Scotland who came to America in 1781, was a New York City merchant and a speculator in land and securities.

2. See Henry W. DeSaussure to Jedidiah Morse, Charleston, 11 February, note 4 (immediately above).

Charleston City Gazette, 11 February 1788[1]

Extract of a letter from Wilmington, North Carolina, February 2.

"I am just arrived at this place, on my return to the northward, having spent more than a year past in travelling through those parts of the United States bounding on the Ohio and Missisippi. The situation and soil of those territories, in general, are extremely flattering, but the immense population that has already taken place in these parts has really astonished me. The face of these countries is every day visibly improving; forests as old as the creation are hourly falling before the ax of the hardy emigrant from the old states; elegant farms in abundance are already settled along the banks of some of the deepest and most beautiful rivers that America can boast of; and, in short, every circumstance seems to point out that country as the future seat of a great and powerful empire of confederated republics. The people are universally well disposed towards the states on the atlantic, and even those that have been born there mention them as the parent country, with a degree of fondness that I could not well account for. They cannot hear, with patience, of the Spaniards claiming or demanding an exclusive right to the navigation of the Missisippi[2]—and any man that should attempt to recommend a cession of that nature upon any consideration whatever, would, if amongst them, be made to repent dearly for his temerity. What is of very great consequence too, is, that these countries abound with *lead mines* as well as *salt petre*, and I speak within bounds when I say there is timber in sufficient quantities to build a thousand navies, without going a mile from the banks of the rivers—It must give pain to a reflective mind when it considers that such oceans of blood have been repeatedly spilt in Europe, often for the sake of some miserable and insignificant spot of territory, when such a noble and extensive region as that of which I am speaking, has been so long neglected, as if hardly worth the attention of a civilized race of men.—God grant

that we may speedily establish a free and energetic government upon the broad basis of republican equality, which may take the western territories under its wing, and assist them in repelling any insults that may be offered by the jealous and avaricious devotees on the other side of the Missisippi, or those insolent intruders, who, contrary to the faith of treaties, still possess our posts to the northward."

1. Reprinted in ten other newspapers by 24 April: Conn. (4), N.Y. (2), N.J. (1), Pa. (2), Md. (1).

2. For the controversy over the navigation of the Mississippi River, see CC:46, 270.

Charleston Columbian Herald, 14 February 1788

"*Extract of a letter from an eminent Member of the late Convention at Philadelphia, dated New-York, Sept.* 29 1787"[1]

⟨"Yesterday Congress passed the Constitution agreed on by the Fœderal Convention, and resolved to transmit it to the several States for the assent and ratification of State Conventions to be chosen in each State.⟩ I have no doubt but that it will be very soon adopted by a large majority of the States, and I shall set out for South Carolina to-morrow, that I may be present when it is considered by our State. I think it a good constitution; I am sure ever[y] person must think it an *honest* one, and all men of integrity must approve of those articles which declare, that 'all treaties made, or which shall be made by the authority of the United States shall be the supreme law of the land.'[2]—and 'that no State shall emit bills of credit, make any thing but gold or silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contract,['][3]—So that in future we shall be free from the apprehensions of paper money, pine barren acts, and instalment laws."

1. See Charles Cotesworth Pinckney to Sir Matthew White Ridley, 29 September 1787 (RCS:S.C., 4–5). The text in angle brackets appears in the manuscript letter. The remainder of the extract was newly written.

2. Article VI.

3. Article I, Section 10.

Pierce Butler to Thomas FitzSimons
Charleston, 15 February 1788 (excerpts)[1]

. . . The scarcity of Money in this Country is inconceiveable; indeed the difficulties in this State encrease—It is not easy to say how and when they will alter. . . .

Our Legislature are now sitting—I think there is no doubt of the Constitution being agreed to by Our Convention—I write in much hurry as I am just going out of Town

1. RC, Gratz Collection, Old Congress, PHi. FitzSimons (1741–1811) was a wealthy Philadelphia merchant who served with Butler in the Constitutional Convention. He was a delegate to the Confederation Congress, 1782–83, a Pennsylvania assemblyman, 1786–88, and a member of the U.S. House of Representatives, 1789–95.

Jean-Baptiste Petry to Comte de Montmorin
Charleston, 15 February 1788 (excerpt)[1]

. . . The adoption of the new federal Constitution requires, My Lord, alterations in the laws and in the individual constitutions of the different states. It has been proposed several times that the South Carolina constitution, imperfect in many respects, be amended. Proposed amendments have been consented to but this city has succeeded in assembling a Convention of the people here by a very small majority; and for this reason the resolution was subsequently negatived by the members of the up country. The same proposition has just been renewed and the same reason prevented this legislature from consenting to it.[2] It is thought, however, that the Convention of the people assembled to adopt the new Constitution has the right to concern itself with such an important matter and that it will turn its attention to it. . . .

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 372, Charleston, ff. 272–75, Archives Nationales, Paris. This is dispatch number 49.

2. Charles Pinckney proposed that the state ratifying convention be authorized to write a new state constitution. His motion was defeated in the state House of Representatives. See House of Representatives Proceedings, 24 January (RCS:S.C., 168).

David Ramsay to Benjamin Rush
Charleston, 17 February 1788 (excerpt)[1]

I have recieved your letters by the last fall vessels from Philada & their contents have been observed. The piece from the news paper was inserted agreeably to your desire. By common consent the merits of the new constitution were considered for the sake of dispensing information when the question about appointing a convention was before the house. Mr. Lownds made many objections against it; but they may be referred to a narrow illiberal jealousy of New: England & the contracted notions of a planter who would sacrifice the future naval importance of America to a penny extraordinary in the freight of rice mistakenly supposed to be less in British than American bottoms. He was an enemy to independence & though President of the State in 1778 he voluntarily resumed the character of a British subject during their usurpation. He has not one continental or federal idea in his head nor one of larger extent than that of a rice barrel. The inclosed[2] was the production of a few moments & intended to take off the force of mr

Lownds objections. It is merely a local answer to local objections & not worth sending so far.

Our convention is to meet in May next. I trust there will be a decided majority in favor of the new constitution. It is a fortunate circumstance that Georgia has adopted it. Indeed I trust it will operate next December.

I have sent my proposals to mr Aitkin for printing my new history[3] it is now nearly ready for the Press. I shall wait the event of the new constitution. The revolution cannot be said to be compleated till that or something equivalent is established. . . .

1. RC, Benjamin Rush Papers, Library Company of Philadelphia. Printed: Brunhouse, "Ramsay," 119.

2. See Ramsay's pamphlet "Civis: To the Citizens of South Carolina," 4 February (RCS:S.C., 212–18).

3. Ramsay was completing work on his *History of the American Revolution* published in 1789 in two volumes by Philadelphia printer Robert Aitken.

Pierce Butler to Elbridge Gerry
Mary-Ville Plantation, 3 March 1788 (excerpts)[1]

My Dear Sir—

Your two much esteemed favours of the 27th. of Novbr. and 18th. of December reached my hand within twenty hours of each other, about three weeks ago. . . . Your sentiments my worthy friend, respecting the effect that politicks shoud have on Our feelings in private life intirely coincide with mine—An honorable Man is respectable in every vicissitude of life—more do I respect and esteem such a Man, thõ differing from me in political opinions, than the Interested Tyrants who may draw with me—Believe my dear Sir, I felt it a misfortune that I shoud be compell'd by such judgement as it pleased God to endow me with, to draw in politicks so differently from a Man whose judgement I so highly revere—whose independence and wise integrity I bore witness to during the whole session[2]—I ardently wished my friend Gerry to think as I did, that the Constitution, with all its imperfections is the only thing at this critical moment that can rescue the States from Civil discord and foreign contempt—Reflecting maturely on Circumstances, on the too little disposition of most of the States to submit to any Government, I preferd giving my consent to a trial of the Constitution in question with all its deficiencies, to what appeared to me the innevitable alternative—that there are parts of it I do not like, *You well know*, but still I prefer a trial of it, having within itself a power of amendment, to seeing the Gordian Knot cut—the Knot of Union in my judgement will be no more if this Constitution is Rejected—I coud ardently wish to Draw in publick, as I ever shall in private, life in Unison with a person I have so great an affection for as Mr Gerry, but I shall not less admire

his independent Spirit—His disinterested Conduct—His many Virtues because he may not think with me on publick measures—, Sans Complement, Your objections to the adoption of the Constitution are in my opinion at the head of opposition Sentiments—I find by a late Boston paper the Convention of Massachusets have adopted it.[3] You had a different opinion—I am satisfied from the liberality of Your sentiments and feelings, that when You find opposition can have no good effect, You will give the Constitution Your support, to carry it into effect—Our Legislature have agreed to call a Convention to meet in May. I am of opinion there is scarce a doubt of this States adopting the Constitution: there was but a feeble opposition to calling the Convention—We adjourned *last Saturday* after a long unproductive session—

In Your last letter You say *some dignified* falsehoods have been published in Charleston respecting You—It was the first information I had of it, and it hurt me exceedingly—I did all in my power to find out the Paper, but never met with any person here that even saw it—We have several different Papers publishd in Charleston, which makes it impossible for me to trace it, but if You will inform me, of the Name of the Printer, and the date of the Paper, I will spare no pains in finding out the Auther, and telling him my mind *freely*—pray inclose me the publication—I seldom go to Charleston thõ I live so near to it, and I scarce ever look at their Newspapers they are in general so barren; but I am anxious to trace out the traducer of my friend. . . .

My Dear Sir Yr. warm & sincere friend

1. RC (Photostat), Gerry Papers, DLC. Mary-Ville was the name of Butler's plantation on the Ashley River in Prince William's Parish. Gerry (1744–1814), a Marblehead, Mass., merchant who moved to Cambridge, Mass., in 1786, was a delegate to Congress, 1776–80, 1783–85, and a Massachusetts delegate to the Constitutional Convention. In the Convention, he advocated strengthening the central government, but became increasingly dismayed as the Convention steadily enhanced the powers of that government. He ultimately refused to sign the new Constitution. His objections to the Constitution, in an 18 October 1787 letter sent to the Massachusetts legislature, were published on 3 November (CC:227–A). Gerry was a U.S. Representative, 1789–93, commissioner to France, 1797–98, Massachusetts governor, 1810–12, and U.S. Vice President, 1813–14.

2. Butler and Gerry represented their respective states in the Constitutional Convention.

3. On the same day that Butler wrote this letter, the Charleston *Columbian Herald* reprinted the Massachusetts Convention's Form of Ratification.

Flaccinaucinehilipilification
Charleston Columbian Herald, 3 March 1788[1]

If all be true which some wise man relates,
Our thoughts by day, by night possess our pates.

Messrs. Printers. Whatever levity there may be in my motto, the observation contained in it is not without foundation. Our dreaming fancies may not altogether chime in, literally, with the events and observations of the day, but they have certainly, often that degree of affinity, which shew them to be, if not similar, at least analogous and collateral.

Of this I give you an instance in the following dream, which was presented to my imagination last night, after having pored over the political works of good old, honest Plutarch.

Methought the respectable old ******* was Cato,[2] and that the venerable old ***** was the oracle of Delphi, or ****, that the former with dishevelled hair, and a gloomy aspect, went to the latter in the dead of night, and in a melancholy tone put the following questions, and received the subsequent answers.

Quest 1. What is the first and most essential thing our distracted country must do to be saved?

Answ. Adopt the Foederal Constitution in all its parts, without convulsions or delay: *unanimity* in a *tolerable* government, is far preferable to *division* in a *better:* there is nothing constant but inconstancy; and no such thing as perfection in this sublunary world: diamonds have flaws, roses have prickles, the moon her shades, and the sun his spots.

Quest. 2. What is the next thing to be done?

Answ. Pay your debts honestly and justly as soon as possible: nothing unjust can be really serviceable, either to society or an individual; and in doing this remember, that more than justice is injustice; that the extremity of right is the extremity of wrong: strike off all interest from the commencement to the end of the war, (except in some particular cases) pay your taxes punctually: restore and support public credit: make no more paper money: pass no more instalment laws: enforce those already made: remove the seat of government: lessen considerably the representation: lay aside all extravagant expences: cherish your holy religion; pay the regard to it which it merits, as being the best cement to civil government, and the only road to happiness in this and the other world.

Quest. 3. When this advice is announced to the people, what attention will they pay to it?

Answ. Very, very little indeed; for such is the injustice and selfishness of some—such the subtilty and ignorance of many—so prevailing the pride and prejudice of most, that was the thunder of Jove to articulate these sounds from one end of the state to the other; were they written in the stars, and every initial a comet; should they be engraved with a diamond, or iron pen on a rock, they would be as little regarded as a dream concerning a *Flaccinaucinehilipilification.*[3]

February 9

1. Reprinted: *Newport Mercury*, 31 March.
2. Perhaps a reference to "Cato," *State Gazette of South Carolina*, 26 November and 10 December 1787 (RCS:S.C., 44–49, 54–57).
3. "Floccinaucinihilipilification" means to value something as worthless.

Massachusetts Salem Mercury, 4 March 1788[1]

It is a general sentiment in the State of Southcarolina; that the Eastern States deserve every advantage which they will derive from the adoption of the New Constitution—as, in the struggle for independence, they have made the greatest exertions, and the greatest sacrifices, having lost every thing but their country & their freedom—That it is but just, that the distresses of these States should be relieved, by a participation in the prosperity of the Southern States—and that policy dictates their binding us to them by *interest* as well as affection, that we may be ready, as formerly, to aid them in trouble, and defend them against foreign invasion, to which they must fall an easy prey, supported only by their own strength.

1. Reprinted: Springfield, Mass., *Hampshire Chronicle*, 12 March.

John Kean to Susan Livingston Kean Beaufort, 8 March 1788 (excerpt)[1]

. . . my affairs in Carolina are now pretty well arranged for two years to come & if good seasons prevail I hope they will be arranged for ever—those in Georgia are my next care—I expect to go there in about a fortnight

Houstoun & Mary were well a few days ago—Mr. Ceasar[2] behaves tolerably—I have not been obliged to flog him above half a dozen times since I have been here—but my field slaves are very troublesome—they have been so long indulged that work goes hard with them—they have been obliged to cut down 100 Acres of new land since the 1st. Jany. & to get it ready to plant by the 1st April which is no easy matter especially when they have to get ready 160 Acres of other land to plant also—I flatter myself with making a good crop as I have now some of the first land for Indigo in this part of the world—if I can sell about £3000 worth of land I should be perfectly at ease—but I am afraid to venture until the new constitution.[3] . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. The letter was begun on 3 March and continued on 5, 8, and 10 March.
2. "Ceasar" was one of Kean's slaves.
3. Kean owned more than 9,000 acres of land in South Carolina and Georgia, several buildings and town lots, and ninety slaves. However, due to the financial crisis, he was

unable to collect the £6,000 in debts which he was owed or pay the £6,000 that he owed others. For his analysis of his financial status, see John Kean to Susan Livingston Kean, 5 April 1788, Mfm:S.C. 24.

Charleston City Gazette, 12 March 1788[1]

A correspondent says, that he hopes when we have an effective federal government, that they will issue a continental paper medium, on as good a security as that on which our paper medium is issued; after which he hopes they will give every encouragement in their power to our own manufactures. He says, that when we manufacture as many dry goods, &c. as we want, that the whole of them may be paid for with our paper medium; whereas all the dry goods we *import*, must be paid for *with our produce*, or *with the specie* we *get for the produce we sell*, which prevents our becoming a rich people. He says, if we manufacture our own dry goods, that then all our produce would be sold for specie, which would bring an annual influx of wealth into the United States.

1. Reprinted: New York *Independent Journal*, 26 March; *Maryland Journal*, 1 April (extra); Middletown, Conn., *Middlesex Gazette*, 7 April; Winchester *Virginia Gazette*, 9 April.

Pennsylvania Gazette, 19 March 1788[1]

The appointments of the State Conventions to meet the end of April, in May and in June, leaves a considerable interval before we can obtain additions to the present number; but, if we remember that six states have adopted, that none have yet refused, and that it was too reasonably feared that some might dissent, we shall confidently expect its adoption by nearly the whole number. All, we trust, will finally be included in one fold.

Though there is *very little* opposition to the proposed fœderal constitution in South-Carolina, it appears that a principal ground of objection with its opponents *there* is, that it will finally invest the fœderal legislature with a power *to regulate or prevent* the importation of slaves.[2] The Minority of Pennsylvania, who were always friends to the abolition of negro slavery, and the states of Rhode-Island and Massachusetts, who consider slaves as *freed* by coming into their jurisdiction, can never expect to agree with the gentlemen in Carolina, who oppose on such principles.[3]

1. The first paragraph was reprinted in the *State Gazette of South Carolina*, 7 April, and in ten other newspapers by 10 April: Mass. (1), Conn. (1), N.Y. (2), N.J. (1), Pa. (3), Md. (1), Va. (1). The second paragraph was reprinted in the *State Gazette of South Carolina*, 7 April, the Charleston *City Gazette*, 5 May, and in six other newspapers by 5 May: N.J. (1), Pa. (1), Md. (1), Va. (3). Five newspapers (including the *State Gazette*) reprinted both

paragraphs by 9 April: N.J. (1), Pa. (1), Md. (1), Va. (1), S.C. (1). These two paragraphs were originally the third and fourth paragraphs of a five-paragraph series in the *Pennsylvania Gazette.* Paragraphs 1, 2, and 5 in the original version deal primarily with the opposition to the Constitution within Pennsylvania and were reprinted fewer times than the two paragraphs printed here. For the texts of all five paragraphs, see Mfm:Pa. 546.

2. On 16 January, during the debate in the South Carolina House of Representatives over calling a state convention, Rawlins Lowndes defended slavery and the slave trade. See House of Representatives Debates, 16 January (RCS:S.C., 108). On 23 February, the *Massachusetts Centinel* reprinted a portion of the speech, adding capitalization and italics for emphasis that did not appear in the original Charleston *City Gazette* printing of 21 January. The *Centinel* printing noted that Lowndes objected to the Northern States' "jealousy of our negro trade" and argued that the slave-trade provision of the Constitution was "*a stroke aimed at the prohibition of our negro trade* by an ungenerous limitation of twenty years, and this under the *specious pretext of humanity.* For his part, he thought *this sort of traffick justifiable* on the principles of RELIGION, HUMANITY and JUSTICE, for certainly to translate a *set* of human beings from a bad country to a better, was fulfilling every part of *those principles.*" The *Massachusetts Centinel's* version was reprinted in the *Connecticut Journal,* 12 March; *Worcester Magazine,* 13 March; *Pennsylvania Packet,* 17 March; *Pennsylvania Gazette,* 19 March; and the New Jersey *Brunswick Gazette,* 25 March. For the issue of slavery and the slave trade, see CC:Vol. 2, Appendix III.

3. In 1774 Rhode Island prohibited the importation of slaves. In 1775 the first abolition society was founded in Pennsylvania, and in 1783 Chief Justice William Cushing of Massachusetts ruled in the Quok Walker case that the Massachusetts Declaration of Rights statement that "All men are created equal" meant that slavery was unconstitutional in Massachusetts.

Charleston City Gazette, 22 March 1788[1]

Mr. Adams, says an English paper, has given his sentiments in favor of the plan of government drawn up by the convention. He approves it because of its approach to the English constitution; and clearly proves, that in every republican state, the power has been vested in a something like king, lords and commons, though under different names. Every form of government has its imperfections, and the Americans now begin to think that they cannot make one which is perfect—because it must be composed of men who are not so.

1. Reprinted: Charleston *Columbian Herald,* 24 March; Richmond *Virginia Gazette and Weekly Advertiser,* 24 April; Baltimore *Maryland Gazette,* 29 April. This item was first printed in a London newspaper at about the time that the last volume of Adams's *Defence of the Constitutions* was published in January 1788. This volume contained Adams's comments on the new American Constitution. (See CC:557; for a full discussion of *A Defence of the Constitutions,* see CC:16.)

David Ramsay to Benjamin Lincoln
Charleston, 31 March 1788[1]

I have received your kind favor of the 29th of March.[2] I most sincerely rejoice with you in the ratification of the new constitution by your

state.[3] There is no earthly object presses more on my mind than the ratification of it by all the states. I am more anxious since the adjournment of New Hampshire convention.[4] Among other extravagant assertions of Mr Lownds it was said "No wonder that the New England states are so much for the new constitution they gain by our loss we will become tributaries to them & be ruled by them."[5] Without assenting to his reasoning I countd on the support of New: Hampshire & am since doubly anxious for the vote of our State to be in favor of it. I still have a great preponderance of hope & only fear a delay in the business till some other interference between debtor & creditor may take place. Every plan for that purpose was rejected by the house at their late session but it was carried that they should meet again in October avowedly to have a farther opportunity of screening debtors from the rigor of creditors.[6] The latter to prevent this have generally foreborn to bring suits. Though our courts are partially open yet very few writs have been issued. Indeed debtors are making exertion to pay & creditors are indulgent. I therefore am inclined to hope favorably.

To obviate some of mr L— observations the inclosed[7] was written in a few hours. & given away among the members of Assembly. It is not worth sending so far as being local & wrote in a summary way & in a plain stile for the benefit of common people. It may nevertheless serve to shew you that I view the new constitution in the same important view you do. We have had no writers here against it. I fear neither the pens nor the eloquence of its opposers in the convention. Excepting, mr Lownds the whole of the Gentlemen of ability in this state are uniformly in favor of the new constitution.

My visiting New England this summer is problematical. I wish to bring my history[8] down to the ratification of the new constitution. This cannot well be before next fall. I wish also to see Dr Gordons publication.[9] If you should see it this spring, I will thank you for your observations on it as I shall follow him I will endeavor to profit by remarks that may be made on his performance. In 1779[10] I hope to trouble the world with my mark. By that time General Washington I trust will be President General I shall therefore have an opportunity of examining his manuscripts without going to Virginia.

With great respect & esteem

1. RC, Lincoln Papers, MHi.

2. Lincoln's letter could not have arrived in Charleston from Boston if written on 29 March 1788.

3. Massachusetts ratified the Constitution on 6 February.

4. On 22 February, without taking action on the Constitution, the New Hampshire Convention adjourned to reconvene on 18 June (CC:554).

5. Ramsay is not quoting Rawlins Lowndes directly. For Lowndes's comments on the New England states, see House of Representatives Debates, 16 January (RCS:S.C., 108),

where he argued "The Eastern states drew their means of subsistence in a great measure from their shipping, and on this head they had been obviously careful against opposing burthen—were not to pay tonnage, or duties, no not even the ceremony of clearing out—all ports were free and open to them! Why then call this a reciprocal bargain, which took all away from one party to bestow it on the other?"

6. The South Carolina House of Representatives rejected proposals to stay judgments against debtors, to extend payments of debts in seven installments in place of the current three under the 1787 law, to allow debtors to tender property, and to issue more paper money during its 1788 regular session. When the House adjourned on 29 February, it agreed to reconvene in a special session on 7 October. When the House reconvened in the fall, it agreed to a report stating "there is an indispensable Necessity for the further Interposition of the Legislature between Creditors and their Debtors" (Stevens, *House Journals, 1787–1788*, 583). The House rejected another proposed tender law and instead adopted a bill that allowed debtors to pay their obligations in five installments and extended the ban on the slave trade until 1793.

7. See Ramsay's pamphlet "Civis: To the Citizens of South Carolina," 4 February (RCS:S.C., 212–18).

8. Ramsay was completing work on his *History of the American Revolution* (Philadelphia, 1789).

9. William Gordon, a dissenting minister, published his four-volume *History of the Rise, Progress, and Establishment of the Independence of the United States of America* . . . in London in 1788. It was published the following year in New York City (Evans 21861). In the preface to the first volume, Gordon acknowledged Ramsay's assistance in letting him read Ramsay's 1785 *History of the Revolution in South-Carolina* . . . while it was still in manuscript.

10. Ramsay probably meant "1789."

Caroliniensis
Charleston City Gazette, 1, 2 April 1788

Messrs. Printers, Amongst the opposers of the new federal constitution, there are some who profess the most unbounded admiration of the constitution of Great-Britain. It was said, by a gentleman in a late interesting debate, that he considered it as *the best* constitution that ever was framed.[1] Now it is on all hands acknowledged that there are several strong lines of resemblance between that, and the one offered us by the late convention. If therefore it appears that the British constitution is really a very good one, and that still, all the deviations from it in our own are real improvements, calculated to secure the liberty of the subject, one might reasonably expect that this gentleman, and all who think with him, would give up their opposition.

The general construction of our new constitution is, in many respects similar to the British—They have a king, house of lords and house of commons—We have a president, senate and house of representatives, whose respective powers are, in some general points, similar. But if we attentively examine and compare the two governments, we shall find, in many respects, a very important difference in favor of our own—We shall find that, in one, the people at large have very little to say or do, and that the other is completely a popular government—I think we

shall find that the boasted constitution of England, which is indeed, upon the whole, a very good one, has notwithstanding, some radical defects, at least in theory, which are remedied in ours. I shall not enter upon a critical examination of the whole of the British or new federal constitution, but shall only run a very general parallel between the two, and on those parts where we have made any deviations from the former, in order to discover, to every man's understanding, the defects of the one and the comparative excellence of the other.[2]

In the first place, it must strike every man, that in the constitution of the British legislature, the people have nothing to say, except in the election of one branch, namely, the house of commons; whereas in the proposed American system, the whole government is, in the most unexceptionable manner, elective. For the sake of brevity, we will consider each branch distinctly and in their order.—To begin with the king—Not only all executive power is lodged in him, but he is himself also a very important and essential branch of the legislature, as will appear by considering some of his prerogatives. Without him there can be no parliament, and he also has alone the power of dissolving it. No law whatever can be passed without his consent—he can put a negative upon any bill, although it may previously have met with the approbation of the whole body of the people—and he has some very important, independent and undivided powers which he can exercise without controul. He can of himself alone form treaties which shall be binding upon the nation; and he has the exclusive right of declaring war, or making peace: so that his obstinacy, his whim or folly, may destroy thousands of his subjects, or ruin the nation, by plunging into an unnecessary or unequal war; or by making a disgraceful and disadvantageous peace. He also has the power of conferring honors, dignities and titles on whom he pleases, so that he is always sure of having a large number of men adorned with titles and wealth, and of course possessing influence, who will be absolutely devoted to his service. Indeed, it is said, by one of their own law-writers, that "the house of lords seems politically constituted for the support of the rights of the crown."[3]

Another very important influence which the king has over his people, and which arises from one of his constitutional rights, is derived from the clergy—He is the supreme head of the church. All the honors, dignities and emoluments of the church flow from him, and are at his disposal. And to render this right still more dangerous than it would otherwise be, a part of this numerous and powerful body, the clergy, so entirely dependent upon the crown, forms no inconsiderable part of one branch of the legislature, namely, the house of lords; and

the bench of bishops, or the lords spiritual, which are twenty-six in number, considering their dependence upon the crown, may always be supposed to take part with the king, where the dispute is between royalty and the people: and this is not merely surmise—The history of England sufficiently confirms the supposition. The bishops have generally distinguished themselves by their attachment to royalty—This has been so much the case, that the established church has long been considered as a political engine the most dangerous to the liberties of the people. The king by writ of *ne exant regnum* may prevent any person from leaving the kingdom, &c.—He alone has the right of erecting courts of judicature—The court of king's bench, which has supreme authority, consists of a lord chief justice, created by writ, and three other justices created by letters patent from the king. Besides this person, to whom so much power is committed, is not the object of the people's voluntary choice—The crown is his by hereditary right. Is he an ideot or a madman, still the crown is his, and with it, all the powers and prerogatives above mentioned, together with many others, with which any person may make himself more particularly acquainted by reading the learned and accurate judge Blackstone on the subject. To crown the whole, all idea of responsibility is totally rejected; for says Finch, "Who shall command the king?"[4] Blackstone says, "He may reject what bills, may make what treaties, may coin what money, create what peers, may pardon what offences he pleases," and then adds, "the person of the king is sacred, even though the measures pursued in his reign be completely tyrannical and arbitrary; for no jurisdiction upon earth has power to try him in a criminal way; much less to condemn him to punishment."[5]—But as a consolation to the people, their laws tell them, "the king can do no wrong"[6]—and he is not only incapable of *doing* wrong, but even of *thinking* wrong; he can never mean to do an improper thing: in him "is no folly or weakness." Indeed "it would be a great weakness and absurdity in any system of positive law, to define any possible wrong, without any possible redress." Such is the language of their laws, and such is the king, according to the constitution of England—How widely different are his powers and prerogatives from those of the president of the United States.

The president is made the supreme executive officer in this government; and where else could the executive authority be placed with so much propriety? I will venture to say that, placed in any other hands, it would be either dangerous, or ineffectual. In every efficient government, the executive power must be given to one man—such an office as that of a president, therefore, I consider as absolutely necessary. But

although in him is vested the supreme executive authority, he has no separate legislative power whatever. He cannot even prevent any bill from passing into a law. In making treaties, two thirds of the senate must concur—and in appointing ambassadors judges of the supreme court, &c. he must also have their concurrence. Indeed, I think that candor must acknowlege that all the powers he possesses are necessary; and are so clearly defined and so completely guarded, that they never can be dangerous, at least, as long as any of the spirit of liberty remains among the people.

But these powers in the hands of the president, will appear to be still less dangerous, if we consider, further, that he is completely responsible to his constituents for the use of his power. He is responsible, not only as he is liable to impeachment and punishment, but also, as he is elected only for four years. One would think these checks a sufficient security, even if the powers were much more extensive than they are. His election too will be conducted in the most unexceptionable manner possible, as will appear by examining the constitution—It will be conducted so as to avoid two of the greatest dangers and inconveniencies to which popular elections are subject, viz. *corruption* and *tumult.* The president cannot bribe or influence his electors, because it is impossible for him to know them: and all popular tumult is effectually guarded against, by the election's being held in thirteen different states at the same time, and by the electors being appointed by the respective legislatures for that purpose.—I will just add further, that, in order to prevent, as far as possible, any danger from the election of a president being for any considerable length of time, from the same family, which might possibly, by degrees, tend toward the establishing of an hereditary sucession; and in order to prevent any but a man of a long established and well known character from obtaining this important office, the constitution declares that, "No person except a natural-born citizen, or a citizen of the United States, at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of *thirty five years*, and been fourteen years a resident within the United States."—Now I ask every candid mind whether, thus far, the proposed federal constitution is not, in almost every respect, greatly superior to the British.

This important branch of government is certainly more popular—it is more agreeable to the principles of equal liberty—it is elective—there is the most perfect responsibility that can be expected or even desired—it therefore cannot be dangerous.

[2 April 1788] But it may be said, (for it has already been said) that a person possessed of so much power, will be unwilling to relinquish it, he may therefore overleap the bounds prescribed by the constitution—may trample upon the people's rights, and then, where will they find redress? I believe it is putting a case that never will happen; but I would willingly obviate every possible objection. I answer, therefore, that the constitution makes the president liable to impeachment, and consequently to punishment; but if this, and every other check therein provided, should be thought insufficient, I will give the opinion of judge Blackstone in such a case; and if his reasoning was good in England, it will surely be applicable in America. "It is found by experience," says he, "that whenever the unconstitutional oppressions, even of the sovereign power, advance with gigantic strides and threaten desolation to a state, mankind will not be reasoned out of the feelings of humanity, nor will sacrifice their liberty by a scrupulous adherence to those political maxims which were originally established to preserve it."[7]

I will now proceed to make a few remarks upon the remaining correspondent branches of these legislative bodies. The house of lords, the next branch of the British parliament, is, like the king, hereditary and independent of the people. Their number also, is indefinite and unlimited; the king may create as many peers as he pleases, so that he may at pleasure strengthen that body, which, as was observed above, is constituted for the support of the rights of the crown. They are also the last high court in case of appeals. "The house of lords try causes upon appeals from the court of chancery, or upon writs of error to reverse judgments in the court of king's bench, &c. and all their decrees are as judgments." Here they possess a very important judiciary power, in addition to their power as legislators. But who composes this high court? Why any profligate young rake of one and twenty, who is possessed of a peerage, has a seat here. On the other hand, the senate in the American congress is composed of men chosen from among the people, and consequently dependent upon them. At stated periods they must return and mingle with the mass of the people whence they are taken; which, together with the limitation and accurate definition of their powers, will ensure the most complete responsibility. And that none but men whose characters are well known may obtain a seat in that body, it is provided, that "no person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen."

Hitherto I think it cannot be denied that the new constitution has every advantage of the British. The British constitution thus far seems,

if I may be allowed the expression, to be warring against the people, whilst the new federal government is throughout exceedingly jealous of their rights. And if we pursue the subject further, I think we shall still find the balance in our favor.

It is said by an author quoted above, that "the proper province of the house of commons is to stand for the preservation of the people's liberties."[8] This is certainly the only popular branch of the British legislature; and indeed, at first sight, it seems to stand exactly upon the same footing as the house of representatives in congress—but even here we have two important advantages, viz. a more equal representation and greater responsibility. In England the people have by no means an equal representation, even in the house of commons, the only popular branch of their legislature. The old, decayed, and almost forgotten borough of Sarum, sends two members to parliament, when Bristol, the second town in the kingdom, sends only two. London, which contains at least the seventh part of the inhabitants of England, does not furnish the hundredth part of the representation in parliament. Even Mr. justice Blackstone, the jealous and strenuous defender of the prerogatives of the crown, and the warm panegyrist of the English constitution, says, "If any alteration might be wished or suggested in the present frame of parliaments, it should be in favor of a complete representation of the people."[9] But farther, the length of time for which they are elected, in a great measure destroys that responsibility, which is the best security of the people's rights. When the time of continuance of parliaments was enlarged from *three* to *seven years*, a death blow was given to English liberty. It not only makes the members feel more independent of the people, and therefore lessens the idea of responsibility; but it has made it an object of such magnitude to secure an election, that there is a very strong temptation to bribery and corruption in order to accomplish it; and the unequal representation affords a fair opportunity for success. It is a notorious fact that the minister sends persons down to those boroughs that have but few electors, to canvass for votes in favor of such persons as he thinks proper to nominate. In such cases, where is the freedom of elections?

The house of representatives in congress, on the other hand, will be composed of members, chosen every *second year* by the people, and shall be apportioned amongst the several states according to their respective numbers. Here is equal representation and complete responsibility, the most striking characteristics of a popular government; and in order to provide, as far as possible for wisdom, as well as integrity in this government, "no person shall be a representative who shall not have attained to the age of twenty five years, and been seven years a citizen of

the united states, and who shall not when elected, be an inhabitant of that state for which he shall be chosen["]—surely no person can deny that here also the new federal constitution is much more attentive to the liberties of the people than the British. Yet with all the defects of that constitution, it has been found that the subject in England enjoys perhaps as great a degree of political liberty, as is enjoyed in any part of the world, America excepted. From the highest to the lowest, they boast of the freedom of their constitution. Montesquieu too considered it as the best constitution in the world. What then have we to fear from one which is undeniably superior in almost every respect to that which has for ages been the pride and the boast of Englishmen?—We have nothing to fear unless upon the supposition that the people in America would more readily submit to be enslaved, than the people of Great-Britain. But whenever we become so corrupt and contemptible as to be fit subjects of slavery, it matters little what constitution we have; for we shall be slaves under any government.

But we must not forget to mention a very material difference between the two governments with respect to the extent of their legislative power. The legislative power of parliament extends to every possible object of legislation within the kingdom. It has no bounds; so that some of their writers ascribe omnipotency to that body. Wherever the constitution is silent, they are supposed to have absolute and uncontrouled authority. On the other hand, the legislative powers of congress extend only to those points which are expressly named in the constitution.[10] There are comparatively few, and they are clearly defined.—And I think it can be proven that not a single power is granted which is not absolutely necessary to an efficient federal government. But this would be going beyond my present design.

Upon the whole, it appears to me, that there is happily blended in this proposed plan, the energy and dispatch of a monarchical—the wisdom of an aristocracal, and the virtue and integrity of a democratical government, without the dangers and inconveniences of either.

1. During the House debates on the Constitution, Rawlins Lowndes offered comments about "the constitution of Great-Britain he considered as the best monarchical one that he ever perused, and this new government came so near to it, that instead of our changing from a republic to a monarchy, it was what every body must naturally expect." See House of Representatives Debates, 18 January (RCS:S.C., 154).

2. Pierce Butler relied heavily on this and the following four paragraphs in his letter to Weeden Butler, 5 May (RCS:S.C., 268–71).

3. Giles Jacob, *A New Law-Dictionary: Containing, the Interpretation and Definition of Words and Terms used in the Law . . .* (London, 1729), "Parliament."

4. Henry Finch, *A Description of the Common Laws of England . . .* (London, 1759), 55, as quoted in Blackstone, *Commentaries*, Book I, chapter 7, p. 242; Book III, chapter 17, p. 255.

5. Blackstone, *Commentaries*, Book I, chapter 7, pp. 242, 250.
6. Blackstone, *Commentaries*, Book I, chapter 12, pp. 244–45, 246; Book III, chapter 17, pp. 254–55.
7. Blackstone, *Commentaries*, Book I, chapter 7, p. 245.
8. Jacob, *New Law-Dictionary*, "Parliament."
9. Blackstone, *Commentaries*, Book I, chapter 2, p. 172.
10. See House of Representatives Debates, 16 January, note 9 (RCS:S.C., 113n).

Henry W. DeSaussure to Jedidiah Morse
Charleston, 2 April 1788 (excerpt)[1]

. . . Time & business prevent my saying much to you now—I am on the point of setting out on the Circuit—on my return in may I shall make some arrangements which I hope will enable me to take Mrs. D. to see her friends in Jersey—In that Case I shall indulge the hope of going on & seeing & embracing my much Esteemed friend Mr. Morse—I See nothing to prevent the execution of my plan but the possibility of the public tranquility being disturbed either on acct. of the fœderal Constitution—or on acct. of the operation of our Installment law, by which one third of all debts are now recoverable—

On this first ground I have no fears—The bulk of the Community and almost all our leading Characters are in favor of the new Constitution—The antifœderalists here wd. want leaders in the Cabinet & wd. have the best leaders opposed to them in the field—But I trust there will be nothing but peace & harmony—A Small opposition I expect—But further than that I cannot believe is intended or will be practicable—In May the Convention assembles, & there I hope to see Conduct resembling the noble conduct of the minority in Massachusetts—which has endeared them to all good men[2]—

On the other ground I think there is nothing to fear—The Extreme moderation of Creditors will shew the debtors that ruin & destruction is neither the Interest nor the wish of Creditors—And a mutual Concession will take place. . . .

1. RC, James T. Mitchell Autograph Collection, PHi.
2. For the acquiescence of Antifederalists in the Massachusetts Convention, see RCS: Mass., 1494, 1645–57.

Editors' Note
The Sale of Thomas Lloyd's Debates of the Pennsylvania Convention As Advertised in the Charleston Columbian Herald 3 April–12 June 1788

A week before the elections for the South Carolina convention, the first and only volume of Lloyd's *Debates* in the Pennsylvania Convention went on sale in Charleston. On 3 April the Charleston *Columbian Herald*

advertised the availability of copies in its offices (see Mfm:S.C. 23). This advertisement was reprinted in the Charleston *Columbian Herald* on 5, 8, 12, and 19 May. An abbreviated version of the advertisement appeared in the issues of 29 May, and 5, 12 June. The Pennsylvania Convention debates were the first published state convention debates to receive national circulation and contained only Federalist arguments in favor of ratification that were subsequently used in other states.

Thomas Lloyd (1756–1827), the compiler of the *Debates*, emigrated from London to Maryland in 1771 and settled in Philadelphia in 1783, where he advertised as a teacher of shorthand. The Pennsylvania Convention met between 20 November and 15 December 1787, and Lloyd began taking notes of the debates with the idea of publication in mind. On 3 December Lloyd placed an advertisement in the Philadelphia *Independent Gazetteer* announcing his plans to publish the debates of the Pennsylvania Convention. Initially, people expected that Lloyd intended to publish all of the debates, or at least all of the principal speeches, both Federalist and Antifederalist. However, in early January 1788 Pennsylvania Convention delegate Timothy Pickering discovered that Lloyd had decided to publish initially only a partial edition of the debates, consisting of Federalist speeches (see CC:288–C). Even before Lloyd's volume was printed, Antifederalists in Pennsylvania attacked his version of the Convention debates. Late in January "Centinel" called Lloyd's *Debates* "a spurious publication" (*Independent Gazetteer*, 30 January, CC: 487).

On 7 February, Lloyd published the first volume of his debates, entitled *Debates of the Convention, of the State of Pennsylvania, on the Constitution, Proposed for the Government of the United States. In Two Volumes. Vol. I. Taken Accurately in Short-Hand, by Thomas Lloyd.* The 150-page volume consists of the Constitution and accompanying resolutions of the Constitutional Convention (CC:76); the minutes of the Pennsylvania Convention for 20, 21, 22, 23, and 24 November; James Wilson's speeches on 24, 28, 30 November, and 1, 3, 4, 7, and 11 December; Thomas McKean's motion of 24 November and his statement concerning it; and McKean's speech of 10 December. Contrary to Lloyd's promises, Benjamin Rush's 12 December speech was not included, nor were any speeches by Antifederalists. The volume contained a two-page index and an errata. Sales were disappointing and the second volume was never published.

Although the book contained arguments in favor of ratification, South Carolina Antifederalists used the *Debates* to oppose the Constitution. Peter Fayssoux, an Antifederalist delegate in the South Carolina Convention, cited the Pennsylvania debates in his remarks, using the speeches by James Wilson to argue that Northern States would have an advantage

over South Carolina (Convention Debates, 14 May, RCS:S.C., 338). For a full discussion of the national publication history of Lloyd's *Debates*, see CC:511. The records of the Pennsylvania Convention (including Lloyd's *Debates*) are printed in RCS:Pa., 322–616, and Mfm:Pa. 237, 239, 263–65, 266.

Charleston City Gazette, 4 April 1788

The new constitution appears to be considered of much consequence by the English minister, from his having increased the military establishment considerably. In order to drain from him an explanation of the motives Mr. Fox made a long, unsuccessful speech, of which the following is a quotation:[1]—

He was part of that administration, who in 1783, formed the peace establishment: an establishment which he thought too considerable for peace, but was then necessary, as the Americans had not complied with the articles of the peace; when they should have complied he then meant to have reduced the establishment, they not yet having done it, he did not think it necessary to withdraw the troops from the plantations;—there was then the same necessity for arming and encreasing the plantation establishment; but he took an establishment the same as that of Aix la Chapelle,[2] and less than of 1783.—The establishment now proposed was greater than when this country had thirteen colonies, many more West-India islands, and Minorca to defend: he was aware, he said, that it might be asserted, that now we had lost great part of America, the greater force was necessary to retain our present possessions; but if that assertion was made he would refer back to the year 1749, when Canada and Louisiana belonged to the French, and when the establishment was the same as in 1783, America was no cause of alarm to this country, France could give no alarm, for what then were the preparations to be made?

1. Charles James Fox (1749–1806) was leader of the Whig opposition in Parliament. He was British secretary of state for foreign affairs during parts of 1782 and 1783.

2. The Treaty of Aix la Chapelle (1748) ended the War of the Austrian Succession.

George Nicholas to James Madison
Charlottesville, Va., 5 April 1788 (excerpt)[1]

. . . The adjournment of the New-Hampshire convention[2] puts an end to the hope that nine will adopt before the meeting of our convention,[3] but it will be a great matter to have the sanction of eight states. Maryland and South-Carolina are the only ones which are now to meet, and I flatter myself will both be favorable to the plan; but I apprehend great efforts will be made to induce them to adjourn[4] until

after our meeting, and if this can be brought about, depend on it Sir, it will have great influence in this country; if you consider this matter in the same point of view that I do, may I hope that you will impress on your friends in those states, the importance of their sanction prior to the meeting of this state. . . .

1. RC, Madison Papers, DLC. Printed: CC:663. For Madison's 8 April reply, see immediately below. Nicholas (c. 1754–1799), a Charlottesville lawyer-planter and a former officer in the Continental Army, represented Albemarle County in the Virginia House of Delegates and in the Virginia state Convention, where he voted to ratify the Constitution in June 1788.

2. For the impact of the adjournment of the New Hampshire Convention on 22 February 1788, see CC:554.

3. The Virginia Convention, which was scheduled to meet on 2 June.

4. There had been speculation about an Antifederalist plan to adjourn the South Carolina Convention until after Virginia met. The Charleston *City Gazette*, 7 May (RCS:S.C., 276), reported "It is expected that a motion will be made in convention, for an adjournment until November, then to meet at Columbia." On 21 May, Thomas Sumter made a motion to adjourn the South Carolina Convention until 20 October, which was defeated by a vote of 89 to 135. See Convention Proceedings, 21 May (RCS:S.C., 362–65).

James Madison to George Nicholas
Orange County, Va., 8 April 1788 (excerpt)[1]

Your favor of the 5th. instant was duly handed to me last evening. The sentiments contained in it appear to me to be dictated by the most perfect propriety both as they regard the importance of the present moment, and the measures which it renders expedient. As I wish not to decline any cooperation that may tend to save America from anarchy and disunion, I shall cheerfully execute the task you suggest of urging on Gentlemen in Maryland & South Carolina[2] the mischievous influence here of such examples as N. Hampshire has set. I hope you will not omit the same precaution as to Maryland at least. I know that the opposition there, despairing of success in a direct attack on the Constitution, mean to contend for a postponement of the question. It is extremely probable that the same policy will occur or be suggested to the opposition in S. Carolina. . . .

1. RC, Reuben T. Durrett Collection, George Nicholas, Department of Special Collections, University of Chicago Library. Printed: CC:667. Madison is replying to Nicholas' letter of 5 April (immediately above).

2. By 10 April, Madison had written to Daniel Carroll and James McHenry of Maryland and "a friend" in South Carolina. On the same day, Madison wrote to George Washington, reporting "I have taken the liberty of writing also to a friend in South Carolina on the critical importance of a right decision there to a favorable one here" (RCS:Va., 732). The letter to Madison's "friend" in South Carolina was sent to New York, and from there it was forwarded to Charleston by Cyrus Griffin, a Virginia delegate to and president of

Congress. On 28 April Griffin wrote Madison "This morning your letter is sent to Charleston by a proper conveyance" (RCS:Va., 764). The "friend" in South Carolina has not been identified.

John Kean and Beaufort Grand Jury on the Constitution 8 April 1788

The meeting of the circuit court in rural South Carolina transformed small towns into places of conversations, settlement of disputes, and politics as people from throughout the court district flooded into the community. During the week of 6–12 April 1788, the court sessions and the election of convention delegates were held during the same week, making it an especially important time for the town of Beaufort and one of its most prominent local residents, John Kean. A former member of Congress and candidate for the state convention, Kean told his wife in New York City that "this is the time of holding our Courts and our little Village is filled with country folks" and that he would not find time to write "as I am upon the grand jury" (John Kean to Susan Livingston Kean, 5 April, Mfm:S.C. 24). Kean had been anticipating both the grand jury service and election, noting in an earlier letter to his wife that he would return home from a visit to Georgia by 5 April since "then our courts sit & on the 11th. comes on our election for members of convention" (John Kean to Susan Livingston Kean, 1 April, Mfm:S.C. 22).

Except for Charleston, the state's only incorporated city, South Carolina had limited local government. Grand juries provided an important vehicle for citizens to debate and express opinions on matters of public interest. Grand jury meetings usually began with a charge from the presiding judge, which discussed a variety of public issues. Justice Richard Champion used his charge to the Lancaster County grand jury in January 1788 as an opportunity to extoll the Constitution (see RCS:S.C., 211–12). In response to a judge's charge, grand juries discussed not only possible criminal indictments, but brought forth presentments that included statements regarding public issues which the jurors believed should be addressed by the government. In other cases, they issued addresses, which might comment on public matters that were discussed by the grand jury.

The Beaufort grand jury, meeting just days before the convention election, provided an opportunity for grand jurors to discuss the Constitution. Kean, who had been chosen foreman of the grand jury and who was present in Congress when the Constitutional Convention submitted its report in September 1787, probably used the occasion to offer his opinion and as foreman would have played a significant role in drafting any address from the grand jury.

An undated manuscript found in Kean's papers expressed whole-hearted support for the Constitution and described the qualifications of delegates to the state convention. In the first four pages of the manuscript, he discussed the ideal form of government, found the Articles of Confederation lacking, and argued that the Constitution, even with its defects, should be adopted. A fifth page appears to be an alternate ending to the speech. In this version, Kean expressed his position on the Articles of Confederation and the Constitution in slightly different language than he used in the penultimate paragraph

on the fourth page of the speech. He probably substituted for the final paragraph his comments on the qualifications that voters should consider in selecting delegates to the state convention. He told his listeners that they should "be cautious in your choice" and that "a decided conduct throughout the arduous task of the late revolution be your leading mark." Kean concluded by telling his audience to "confine not your choice to your own parish." (Unlike elections for the state legislature, which required candidates to own property in the district they represented, the resolutions authorizing the convention did not place residency or property ownership requirements on delegates.)

The grand jurors, after discussing the Constitution, issued a formal address in which they gave their unreserved support for the Constitution. The grand jurors noted that the Constitution appeared "to have been dictated by the same spirit of liberty which brought about the revolution," and that it would perpetuate "the blessings of freedom, tranquility, union, and the prosperity of the whole." The grand jurors completed their work by ordering the clerk of the court to publish their address. The address appeared as an official notice eleven times in the three Charleston newspapers between 16 May and 12 June. In addition, the Charleston *City Gazette*, 29 April, printed the address without the names of the grand jurors and with minor differences in spelling, capitalization, punctuation, paragraphing, and wording. It introduced the address with the heading "*Extract of a letter from a gentleman in Beaufort to his friend in this city*" and began "Our people this way are well inclined towards the new government. I enclose you a copy of an address from the grand jury to the court on the subject" and then followed with the address. The 29 April version was reprinted in eleven other newspapers by 4 June: Mass. (4), N.Y. (2), Pa. (2), Md. (2), Va. (1). In addition, the *New Hampshire Spy*, 24 May, reprinted only the introductory paragraph and the following description of the address: "This address breath[e]s the purest principles of federalism, and a desire of the states being united under an efficient government."

On 11 April, three days after the grand jury address, the polls opened in Beaufort District to select convention delegates, with voting for St. Helena's Parish taking place in Beaufort. In the election for St. Helena's Parish, Kean and six other Federalists were elected. The other two parishes in Beaufort District (Prince William's Parish and St. Peter's Parish) elected eleven Federalists and two Antifederalists.

Historian Jonathan Mercantini speculates that Kean's speech was delivered in the state Convention (" 'I Am Afraid to Venture until the New Constitution': John Kean and the Ratification Debate in South Carolina," *South Carolina Historical Magazine*, 114 [2013], 192–209). While Kean was present as a delegate throughout the Convention, he was not among the delegates whose names appeared in Charleston newspapers as speakers.

In preparing his remarks, Kean relied heavily on a speech by Edmund Burke in Parliament on 1 December 1783 regarding the East India Company (entitled *Mr. Burke's Speech, On the 1st December 1783, upon the Question for the Speaker's leaving the Chair, in order for the House to resolve itself into a Committee on Mr. Fox's East India Bill* [London, 1784])—cited below as *Burke's Speech*. About a fifth of Kean's text relies on Burke. In some cases, Kean used Burke's text word-for-word. In other cases, he made only small changes to accommodate Burke's

rhetoric to the situation in South Carolina. For instance, Burke stated "any thing short of an establishment made, supported, and fixed in its duration, with all the authority of parliament, can be thought secure of a reasonable stability." Kean substituted "the people" for "parliament" and wrote "nothing short of an establishement made supported & fixed in its duration with all the authority of the people can be secure of a reasonable stability." In places where Kean borrowed language, the text is placed in angle brackets and Burke's original text is provided in the footnotes. The four-page speech is printed immediately below, followed by the alternate ending.

John Kean: Comments on the Constitution, c. 8 April 1788[1]

I have raised in my mind a standard government—I have endowed it with all the perfections of the simple forms—the energy and authority of monarchy—the wisdom of aristocracy[—]the goodness of democracy—I have blended all these qualities so intimately together that none predominates over the other—the door of tyranny is effectually closed up & the gate of licentiousness is for ever barred—the rights of the people are well secured by the Legislative, Executive and judicial powers being defined & seperated as much as the nature of government will admit and by all the powers proceeding either mediately or immediately from the people—the stability of the government & its tranquillity are secured by a sufficient power to execute the laws—to defend it against exterior & interior violence—to collect its revenues & to administer justice with an impartial hand—thus far as it is a national government—as a federal union—I have been careful to secure the several states every portion of sovereignty that can be beneficial—I have made them the watchful guardians of the constitution that they may aid & assist the general government in all those things that are right & proper & check all those that are wrong & improper—

I have considered on the one hand ⟨that nothing short of an establishement made supported & fixed in its duration with all the authority of the people can be secure of a reasonable stability⟩[2] and on the other that an energetic executive is as necessary to government & the happiness of the governed as liberty—for without authority to enforce your laws, liberty degenerates into savage licentiousness, an extreme as much to be dreaded as tyranny—

I expect from the administrators of my government ⟨more than innocence—

From them I expect Zeal, firmness and unremitted activity—

Their duty, their character, binds them to proceedings of vigor & therefore I have given them a tenure in their offices which precludes all fear, whilst they are acting up to the purposes of their trust—a tenure without which none will undertake plans that require a series

and system of acts—It is to give confidence in the execution of a duty, which requires as much perseverance & fortitude as can fall to the lott of any that is born of woman⟩[3]—the people of my government are equal to the selecting of such characters as by their attention to the rights of mankind are worthy their confidence, under a proper modification I have left it to them to ⟨provide a direction of integrity & ability competent to the trust⟩[4]—

⟨Good & protecting government has been my aim⟩[5] & I have rejected no quality that will effect it let it come from what quarter it will—

These are the outlines of my ideal government, which I never expect to see realised but because we cannot attain the perfect are we to fall into anarchy & confusion—

I have compared the present existing confederation with my standard & find it miserably defficient—

I have taken the constitution which is the subject of our present deliberation, I have examined it by the same rule—I have not found it void of defects—but its virtues far exceed its vices & there is a mode by which the latter as their evil tendancy is discovered may be remedied—

I have asked myself does our situation require such a measure—does our necessities warrant it—my judgement answers affirmatively—

⟨Depend upon it, this business cannot be indifferent to our fame,—perhaps to our peace—it will turn out a matter of disgrace or great glory—we are on a conspicuous stage⟩[6]

Think—Let the imbecile & deranged state of the federal government dwell strongly on your minds—then turn to the Constitution proposed—If with me you think it will add to your happiness, tranquility, welfare and glory—it will be wisdom in you to adopt it—If with me you think it will make you more virtuous—it will be your duty—

I shall give it my most hearty consent convinced that it is the best practicable thing in our present situation and in so doing I shall feel ⟨that inward sunshine of the Soul which a conscience deeply impressed with the propriety of its act will ever bestow⟩[7]—

John Kean: Alternative Ending to Comments on the Constitution c. 8 April 1788[8]

Think my friends—let the inconveniences of the present federal government dwell strongly on your minds—then turn your eyes to the new constitution—if it will relieve you—if it will make you happy it will be wisdom in you to embrace it (if it will make you virtuous[)], ~~and more~~ it will be your duty—

That it may be fairly judged be cautious in your choice—let integrity & a decided conduct throughout the arduous task of the late revolution be your leading mark—join to them abilities of the greatest magnitude—the soundest judgement—confine not your choice to your own parish[9]—without you have the most proper persons—

Beaufort District Grand Jury Address, 8 April 1788[10]

To the honorable the court of general sessions.

After discharging our duty as grand jurors with attention, and we flatter ourselves with fidelity, we avail ourselves of being there convened to declare our sentiments upon a subject of the greatest magnitude to our state particularly, and to our country generally.

To preserve the union of the states we hold to be an indispensible duty incumbent on every citizen of America.

With grateful acknowledgements to the supreme being, and heartfelt satisfaction, we view a form of federal government calculated to answer this salutary purpose now submitted to their adoption.

On this momentous occasion, compelled by zeal for the prosperity of our country, we think it our duty to bear this public testimony of our approbation of a measure, which appears to us to have been dictated by the same spirit of liberty which brought about the revolution, and which in our opinion, has every safe guard which human foresight can suggest, for perpetuating the blessings of freedom, tranquility, union, and the prosperity of the whole.

John Kean, Foreman,
William Joyner,
James Pelot,
Daniel John Greene,
John Bull,
James Hogg,
Thoms Bell,
Richard Tabbird,
Benjamin Jones,
John Robert,
Richard Adams,
William Lambright,
John Johnson,
Eneas M'Lead,
William Page,

Ordered, That the address of the grand jury to the honorable the court of general sessions, be published in the Gazettes of this state.

By Order of the Court,
John Rose, *C. S. & P.*

1. MS, John Kean Papers, Liberty Hall Museum, NjUN.

2. *Burke's Speech*, p. 98: "that any thing short of an establishment made, supported, and fixed in its duration, with all the authority of parliament, can be thought secure of a reasonable stability?"

3. *Burke's Speech*, p. 99: "From these we look for much more than innocence. From

these we expect zeal, firmness, and unremitted activity. Their duty, their character, binds them to proceedings of vigour; and they ought to have a tenure in their office which precludes all fear, whilst they are acting up to the purposes of their trust; a tenure without which, none will undertake plans that require a series and system of acts. . . . It is to give confidence in the execution of a duty, which requires as much perseverance and fortitude as can fall to the lot of any that is born of woman."

4. *Burke's Speech*, p. 101: "provide a direction of integrity and of ability competent to that trust."

5. *Burke's Speech*, p. 91: "I contend for the substance of good and protecting government."

6. *Burke's Speech*, p. 2: "Depend upon it, this business cannot be indifferent to our fame. It will turn out a matter of great disgrace or great glory to the whole British nation. We are on a conspicuous stage." See also note 8, below.

7. *Burke's Speech*, p. 81: "that inward 'sunshine of the soul' which a good conscience can always bestow." Burke was incorrectly quoting from Alexander Pope's *An Essay on Man. In Epistles to a Friend*, Epistle IV [London, 1734], pp. 8–9, lines 185–87: "What nothing earthly gives, or can destroy,/The soul's calm sun-shine and the heart-felt joy, /Is Virtue's prize. . . ."

8. MS, John Kean Papers, Liberty Hall Museum, NjUN. Using a different pen, Kean wrote at the end of these two paragraphs three quotations from Burke on the bottom of the page. They read: "depend upon it, this business cannot be indifferent to our fame. It will turn out a matter of disgrace or great glory to the whole nation—we are on a conspicuous Stage, & the world marks our demeanour" from *Burke's Speech*, p. 2, but omitting the word "British" appearing before the word "nation" in Burke. See also note 6, above.

"The natural rights of mankind are indeed Sacred things & if any public measure is proved mischievously to affect them the objection ought to be fatal to that measure" from *Burke's Speech*, pp. 5–6.

"There are & must be abuses in all governments It amounts to no more than a nugatory proposition" from *Burke's Speech*, p. 11.

9. Delegates to the Convention did not have to be residents of the district or parish that they represented, and several districts elected nonresident delegates.

10. The text, which is entitled "*An address of the Grand Jury of Beaufort District, to the honorable the court of sessions, at Beaufort, the 8th day of April*, 1788," is taken from the Charleston *City Gazette*, 16 May. The address also appeared in the Charleston *City Gazette*, 24 May; Charleston *Columbian Herald*, 19, 22, 29 May and 2, 5, 12 June; and *State Gazette of South Carolina*, 19, 26 May and 2 June.

Arthur Bryan to George Bryan
Charleston, 9 April 1788[1]

I write you this date on the general subjects which concern me—but wishing to say something on the State of the opinions of the N[ew] Constitution I prefer saying it in a seperate letter—

The Speeches of Loundes & Lincoln[2] had a great effect on the Country Members & were the question put in the Assembly the C[onstitution]—would be rejected—accounts from the Back Counties say it is universally reprobated; in order to well explain the state of matters I

must enlarge a little on the installment laws—the distressed state of affairs made the law proper for many, & necessary to a much greater number by their wild extravagant way of living—before the first payment became due, the Pine barren law was made which totally stopped all suits—after its time was expired an other law was made to pay in installments, last March it was within 3 Votes of being again extended,[3] the people in the middle & lower Counties have associated to oppose executions for the first installment—& many of the leading Back County Members who cordially hate the N[ew] Constitution say they will nevertheless support it that the installment law may stand—but how the lower & Middle Members will support a system whose only good quality (the payment of debts) is so repugnant to their bad intentions of keeping entire possession of all property they can get—It will I am almost certain be rejected—how could J. R[4] one of our Delegates to the G[rand] Convention agree to that article of paying debts I cant tell—he openly buys his own lands at 1/3—he had lately a white Coachman who after a years service & getting no money left him, with only a promisary note—a short time after he called for payment & was offered 1/3, which refusing Rge. laughed & said it was his best way, that he would save Brokerage by taking it—which advice the servant agreed to & got £10—instead of £30—a Negro man gets 2 Gs. P Month—Mr. Martins speech is now inserting in the State Gazette piece meal[5] which will have a great effect—our election is on the 11th. & 12th. Inst. & assemble in a Month from that time.—

I send herewith the Speeches in our assembly on the subject[6]—you will observe some very fine—consider if Sergeant, Wilson, Ingersol &c &c &c were in your house & 20 more people of education from the City what a figure they would cut—the second class of people are against the C[onstitution]—but there is so much apathy—150 votes generally return our 30 Members[7]

Before the year '84 the great people had an entire sway, the latter end of it, a violent opposition took place in this City, when all was confusion equal to the sacking of a town—but being an opposition without a head the great soon subdued it[8]—it had however a Tendency to totally ruin the Aristocracy for if they now carry any thing in the assembly it is by deception—But in the City Council[9] they have sway—I note the Bankruptcy of your Merchants—the badness of the times has not yet reached us—our produce is so valuable that we never can be so wretched as the N. States—R. Morris[10] I think can't fail—if he does ruin on Thousands will [– – –]—I would hope he would rather decay away than be Bankrupt—

1. RC, George Bryan Papers, PHi. Arthur Bryan (1761–1799), who later became a Charleston merchant, was the son of George Bryan (1731–1791), a justice of the Pennsylvania Supreme Court and an Antifederalist leader, and the brother of Samuel Bryan, author of the Antifederalist "Centinel" essays and the Dissent of the Minority of the Pennsylvania Convention (see CC:133, 353). See also "Letter from Charleston," 9 April (immediately below), for a Philadelphia newspaper printing loosely based on Bryan's letter.

2. Rawlins Lowndes and James Lincoln were the principal Antifederalist speakers when the South Carolina House of Representatives debated the Constitution on 16–18 January. See RCS:S.C., 102–3, 107–10, 125–28, 134, 151–54, 155–57.

3. For the installment acts, see "Introduction," RCS:S.C., xl. On 18 February (not March), the South Carolina Senate defeated the extension of the installment act by a vote of 12 to 9.

4. John Rutledge.

5. "The South Carolina Reprinting of Luther Martin's Genuine Information," 10 April–22 May (RCS:S.C., 255–56).

6. Arthur Bryan included with this letter the pamphlet containing the debates in the South Carolina House of Representatives on the Constitution. See "South Carolina House of Representatives Debates the Constitution," 16–18 January 1788 (RCS:S.C., 88–90).

7. Charleston (the parishes of St. Philip and St. Michael) was entitled to thirty members in the House of Representatives. Members were chosen at-large within the district, and the thirty candidates who received the most votes were elected. In the general election for the 1787–88 legislature in late 1786, successful candidates received between 201 and 426 votes. (See Charleston *Morning Post*, 5 December 1786.)

8. In 1784, Charleston's native merchants and mechanics conducted street protests (called riots by their opponents) targeting British merchants and Loyalists in the city. Vitriolic essays also filled the Charleston newspapers that year under a variety of pseudonyms, such as "Old Homespun" and "Democratic Gentle-Touch," attacking the state's political leadership as aristocratic.

9. In 1783, the state legislature incorporated the city of Charleston, giving the city powers of municipal self-governance through an intendant (i.e., mayor) and a city council. In a hotly contested election in 1784, Alexander Gillon and his supporters failed to win the intendancy and take control of the city council.

10. Robert Morris, a Philadelphia merchant and financier.

Letter from Charleston, 9 April 1788[1]

Extract of a letter from Charleston, (S. C.) April 9, 1788.

"The fulness of wisdom and virtue,["] as one of your political writers sarcastically says, when speaking of the general convention, was contaminated with "many of the principal public defaulters,"[2] this is most true, and that they, and they alone *super commando*,[3] in framing the new plan of government, is as true; but there were not only such characters, but also many similar to the one I shall now give you some hints of as to his conduct since he returned from the convention. His name is R tl—ge,[4] and is principally concerned here in the paper money laws, and in preventing the due *execution* of property for lawful debts, and by this he is

enabled to buy his own bonds, &c. at less than a third, which he constantly makes a practice of. A white servant who had lived three years with him received his bond, but, after waiting a long time, was constrained to take just one third, and was told by R tl—ge when he paid him, that he ought to have charged him *brokerage* on it. To run through the majority of the *signing* members, we will find them all *such characters*, and the others swayed by *ambitious views*; as for *General W——n*,[5] he has much good sense if he would exercise it, but he leans altogether upon others (we find he did not meddle) he depends principally upon the *Connecticut Poet*, (who was his *Aid de Camp*)[6] as an adviser; when this is the case what dependence can be placed on his judgement, on which I find many weak people did lean for some time till the business was opened to them? And as for F—kl-n,[7] I find from a paragraph published here from your papers in his defence, that he is to be excused from settling his public accounts, on account of "his extreme old age;"—is he not too old then to be depended on in such an all-important business as framing a new government? But I find the true character of that body is so well investigated in most of the states, that they are looked on in a true light, and consequently their plan must fall, as it was only supported by the first *sounding of names*. I am told even the *General*[8] begins to be sick of the business; he cannot help seeing that he has been deceived, and has refused to have any thing to do with it farther, so that he will not be in the Virginia convention. I much pity him; his *laurels* will be very much tarnished by this affair both at home and abroad.

It is difficult to say what will be the fate of the plan in this state convention, but I am in hopes it will be rejected. Was the final question taken in the lower house of assembly it would have been rejected by near two thirds; *Mr. Lincoln, Mr. Lowndes, Judge Pendleton, and Mr. Calhoon*, spoke against the new constitution, and *Pinckney, Butler, Rutledge*, &c. for it, but all acquiesced in calling a convention.[9]

The back country interest is as large as the lower, and they are pretty unanimous in the opposition, and the lower country is divided; the first oppose it from principle, and the latter from paper money interest, as all the lower country are in favor of paper money, &c. except the city and some few leading characters, such as *Adanus Burke*, Esquire, who is at the head of the opposition in the city. But the aristocratics feed themselves with the hopes that the back members will not come down, as it is about harvest time when the convention meets; and so they seem to hold their heads high on the subject. Martin's Information is now publishing in our different city papers;[10] it will have great effect as it is much read. I have lately received a letter from Mr. ——, in North-Carolina, with whom I was several years in Congress,[11] and he says the

new system is opposed by above three-fourths of the people of that state."

1. Printed: Philadelphia *Independent Gazetteer*, 19 April. This letter is loosely based on the letter from Arthur Bryan to George Bryan, 9 April (immediately above). For commentaries on this item, see "Detector," Philadelphia *Federal Gazette*, 22 April (Mfm:Pa. 645) and Philadelphia *Independent Gazetteer*, 25 April (Mfm:Pa. 659).

2. See "Centinel" XVI, Philadelphia *Independent Gazetteer*, 26 February (CC:565, p. 219).

3. Latin: "over chew."

4. John Rutledge.

5. George Washington.

6. David Humphreys (1752–1818) of Connecticut was an aide to General Washington during the American Revolution. In November 1787 Humphreys went to Mount Vernon where he remained until 1789, serving for a time as Washington's secretary. He was a member of a group of poets known as the "Connecticut Wits" and co-authored "The Anarchiad."

7. Benjamin Franklin.

8. George Washington.

9. See "South Carolina House of Representatives Debates the Constitution," 16–18 January" (RCS:S.C., 88–90).

10. "The South Carolina Reprinting of Luther Martin's Genuine Information," 10 April–22 May (immediately below).

11. Arthur Bryan never served in Congress.

Editors' Note
The South Carolina Reprinting of Luther Martin's Genuine Information 10 April–22 May 1788

On 10 April—the day before elections for the state Convention were to begin in Charleston—the *State Gazette of South Carolina* reprinted the first installment of Antifederalist Luther Martin's twelve-part *Genuine Information*, which had first appeared in the Baltimore *Maryland Gazette* on 28 December 1787 (CC:389). Martin and three other Maryland delegates to the Constitutional Convention had addressed the Maryland House of Delegates on 29 November about the Convention's proceedings. The widely circulated *Genuine Information*, critical of the Constitution and the Convention, expanded and reorganized Martin's speech. By 8 February 1788, the *Maryland Gazette* had printed the eleven other installments of the *Genuine Information*.

Between 18 April and 22 May, the *State Gazette* reprinted in whole or in part seven more installments (II–IV, VI–IX [CC:401, 414, 425, 451, 459, 467, 484]), the only South Carolina newspaper to reprint any part in the series. The *State Gazette* did not reprint the remaining installments after the state Convention ratified the Constitution on 23 May. Arthur Bryan, writing to George Bryan, 9 April (RCS:S.C., 252), knew

in advance that the *State Gazette* planned to publish *Genuine Information* and believed it "will have a great effect." Federalist Christopher Gadsden, writing as "A Steady and Open Republican," criticized "Mr. Martin's long mischievous detail . . . with all his colourings and uncandid insinuations" in the *State Gazette of South Carolina*, 5 May (RCS:S.C., 274). On 22 May, the *State Gazette* advertised the sale of a pamphlet version of Martin's essays, which had been published the previous month in Philadelphia. See RCS:Md., 509–15.

Letter from Charleston to a Friend in Baltimore, 10 April 1788[1]

Extract of a letter from a gentleman of veracity at Charleston, South-Carolina, to his correspondents in this town, dated April 10, 1788.

"To-morrow commences the election for members of the Convention. From the complexion of the return we shall be better able to judge of the success of the new Constitution in this State. I believe it will be adopted by a considerable majority, though I apprehend opposition from many who have yet avoided avowing their sentiments.—A Mr. *Lowndes* only, has appeared against it."

1. Printed: Baltimore *Maryland Gazette*, 22 April. Reprinted: *Pennsylvania Packet*, 29 April; Winchester *Virginia Gazette*, 7 May; and *New Hampshire Spy*, 13 May.

John Kean to Susan Livingston Kean
Beaufort, 11 April 1788 (excerpt)[1]

. . . This day it is said blesses C P with the possession of all the beauties and charms of the accomplished miss Laurens—the Lord have mercy upon her.[2]—

I have sent you letters for your Father Brother & Sister—the obligations I am under to them all is very great—

Doctr. Bard also wrote me and as I dont know where you may be I now take the liberty of inclosing my letters to him for you—

Mantel has sent me the News papers with the Federalist[3]—I am glad to hear your State [i.e., New York] will do what is right[—]there is a strong party forming among us [in South Carolina] against it—but we shall defeat them—

This day commences our election for members of the convention to meet the 12th. May in Charleston.[4] . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN.

2. Charles Pinckney married Mary Eleanor Laurens on 27 April.

3. See "The Circulation of The Federalist in South Carolina," 22 November 1787–20 June 1788 (RCS:S.C., 43–44).

4. Kean was elected a delegate from St. Helena's Parish. See Kean to Susan Livingston Kean, 14, 18 April (RCS:S.C., 296).

Charleston City Gazette, 11 April 1788

ANSWER TO A CORRESPONDENT.

We are sorry 'tis not in our power to comply with the request of a correspondent to republish the extract from a debate in state of Massachusetts, as it is incompatible with our arrangements.[1]

1. The *City Gazette* had published on the previous day an extract from the debates of the Massachusetts Convention, 25 January 1788, containing speeches from Federalists Jonathan Smith and Theophilus Parsons (RCS:Mass., 1346–48). The extract requested by the correspondent has not been identified. Excerpts from the debates in the Massachusetts Convention of 17, 25, and 31 January and 4 and 6 February had been printed in the Charleston *Columbian Herald*, 22, 29 May; Charleston *City Gazette*, 10 April, 2, 3, 15, 16 May; and *State Gazette of South Carolina*, 31 March, 17 April. For the debates in the Massachusetts Convention, see RCS:Mass., 1107–1497.

Benjamin Rush to David Ramsay
Charleston Columbian Herald, 14 April 1788

In late March or early April Benjamin Rush of Philadelphia wrote his good friend David Ramsay of Charleston a long letter requesting that Ramsay have it printed. Ramsay extracted the letter and took it "immediately" to the Charleston *Columbian Herald*, in which it appeared on 14 April. (The manuscript of Rush's letter has not been located.) "Agreeably" to Rush's request, Ramsay sent Rush some copies of the newspaper containing the letter (Ramsay to Rush, 21 April, RCS:S.C., 261–62n). On 6 May Rush forwarded one of these copies to another friend, the Reverend Jeremy Belknap of Boston, stating that "As my opinions Upon the subject of the fœderal goverment have been often misrepresented, by our antifœderal Scriblers, I have to beg the favor of you to republish the enclosed extract of one of my letters to my friend Dr Ramsay of Charleston in some of your papers.—It contains my principles fairly stated. I beleive I gave *a part* of them in my last letter to you" (CC:733. Rush probably refers to his letter of 28 February, CC:573.). By the time that Belknap received Rush's request, two Boston newspapers had reprinted the letter. Belknap told Rush that the letter "was much approved" (22 June, Rush Papers, Library Company of Philadelphia).

The extract of Rush's letter to Ramsay, identifying Rush as the writer, was reprinted in the May issue of the Philadelphia *American Museum* and in eight newspapers by 24 June: Mass. (3), R.I. (1), N.J. (2), Pa. (1), Md. (1). In addition, the London *Gentleman's Magazine* reprinted Rush's letter in June 1788, dating it "*Philadelphia, April* 10." Only the Philadelphia *American Museum* and the two New Jersey newspapers, which appeared after the *Museum*, identified David Ramsay as the recipient of the letter. Five of the newspaper reprints omitted the last sentence and closing of the extract. (See note 4, below.)

Extract of a letter from Dr. RUSH, *of Philadelphia, lately received by [a] gentleman of this city.*

DEAR SIR, "I presume before this time you have heard, and rejoiced in the auspicious events of the ratification of the federal government by *six* of the United States.

"The objections which have been urged against the federal constitution from its wanting a bill of rights, have been reasoned and ridiculed out of credit in every state that has adopted it. There can be only *two* sureties for liberty in any government, viz. *representation* and *checks*. By the first, the rights of the people, and by the second, the rights of representation are effectually secured. Every part of a free constitution hangs upon these two points, and *these* form the two capital features of the proposed constitution of the United States. Without them, a volume of rights would avail nothing, and with them a declaration of rights is absurd and unnecessary; for the PEOPLE where their liberties are committed to an equal representation, and to a compound legislature (such as we observe in the new government) will always be the sovereigns of their rulers, and hold all their rights in their own hands. To hold them at the mercy of their servants, is disgraceful to the dignity of freemen. Men who call for a bill of rights, have not recovered from the habits they acquired under the monarchical government of Great-Britain.

"I have the same opinion with the antifederalists of the danger of trusting arbitrary power to any single body of men; but no such power will be committed to our new rulers. Neither the house of representatives, the senate, or the president can perform a single legislative act by themselves. An hundred principles in man will lead them to watch, to check and to oppose each other, should an attempt be made by either of them upon the liberties of the people. If we may judge of their conduct, by what we have so often observed in all the state governments, the members of the federal legislature will much oftener injure their constituents by voting agreeably to their inclinations, than *against* them.

"But are we to consider men entrusted with power as the receptacles of *all* the depravity of human nature? By no means. The people do not part with their full proportions of it. Reason and revelation both deceive us, if they are all wise and virtuous. Is not history as full of the vices of the people, as it is of the crimes of the kings? what is the present *moral* character of the citizens of the United States? I need not discover it. It proves too plainly, that the people are as much disposed to vice as their rulers, and that nothing but a vigorous and efficient government can prevent their degenerating into savages, or devouring each other like beasts of prey.

"A simple democracy, has been very aptly compared by Mr. Ames of Massachusetts, to a volcano that contained within its bowels the fiery materials of its own destruction.[1] A citizen of one of the Cantons of Switzerland in the year 1776, refused to drink in my presence 'the commonwealth of America' as a toast, and gave as a reason for it, 'that a simple democracy was the devil's own government.'[2]—The experience of the American states under the present confederation has in too many instances justified these two accounts of a simple popular government.

"It would have been a truth, if Mr. Locke had not said it, that where there is no *law*, there can be no *liberty*,[3] and nothing deserves the name of law but that which is certain, and universal in its operation upon all the members of the community.

"To look up to a government that establishes justice, insures order, cherishes virtue, secures property, and protects from every species of violence, affords a pleasure, that can only be exceeded by looking up in all circumstances to an over[r]uling providence.—Such a pleasure I hope is before us, and our posterity under the influence of the new government.

"The dimensions of the human mind, are apt to be regulated by the extent and objects of the government under which it is formed. Think then my friend, of the expansion and dignity the American mind will acquire, by having its powers transferred from the contracted objects of a state to the unbounded objects of a national government!—A citizen and a legislator of the free and UNITED STATES of America, will be one of the first characters in the world.

["]I would not have you suppose, after what I have written, that I believe the new government to be without faults. I can see them, but *not* in *any* of the writings or speeches of any of the persons who are opposed to it. But who ever saw any thing perfect come from the hands of man? It realises notwithstanding in a great degree, every wish I ever entertained in every stage of the revolution for the happiness of my country, for you know that I have acquired no new opinions on principles upon the subject of republics, by the sorrowful events we have lately witnessed in America.—In the year 1776, I lost the confidence of the people of Pennsylvania, by openly exposing the dangers of a simple democracy, and declaring myself an advocate for a government composed of three legislative branches.[4]

"Adieu—from dear sir, yours sincerely."

1. On 15 January 1788, Fisher Ames of Dedham stated in the Massachusetts Convention: "A democracy is a volcano, which conceals the fiery materials of its own destruction. These will produce an eruption, and carry desolation in their way" (RCS:Mass., 1192).

2. Rush refers to John Joachim Zubly (1724–1781), a native of Switzerland and a Georgia delegate to the Second Continental Congress in 1775. Zubly left Congress late in 1775 and returned to Georgia because he opposed the drift of Congress toward independence.

3. John Locke, *Two Treatises of Government* . . . (London, 1690), Book II, Chapter VI, section 57, p. 275.

4. This sentence was omitted by the *Massachusetts Centinel*, 7 May; Boston *Independent Chronicle*, 8 May; *Pennsylvania Packet*, 16 May; Baltimore *Maryland Gazette*, 20 May; and Portland, Maine, *Cumberland Gazette*, 22 May. In September 1776, a state convention adopted a new constitution for Pennsylvania that placed most power in the hands of a single-house legislature. Laws could not be vetoed by the Supreme Executive Council, which had replaced the colonial governor. Due to Rush's public opposition to the new state constitution, the state assembly did not reappoint him to Congress.

Charleston City Gazette, 15 April 1788

A correspondent says, that if the southern states will get entirely into the raising of raw materials, such as hemp, flax, cotton, and raw silk, &c. that the northern states can manufacture the same, which will be the means of enriching the United States to a very great degree. He adds, that nothing cements a people together so much as interest. If a plan of this kind takes place, it will be the interest of the northern states, which are populous, to defend and protect the southern states that are less able to defend themselves.—He says, that the southern states finding such good customers for their produce, within the federal government, will always be closely attached to them. Should the states to the southward raise more raw materials than what the American manufactories require, they will always be able to find markets in Europe for the same. The raw materials of the American states, when worked up into manufactures and sold in the East Indies, in France, &c. will bring an immense sum of hard money into this country. As to the manufactures to work up the raw materials, we shall find we will have workmen from all parts flocking to this quarter of the globe, as soon as foreigners know we are determined to embark in that line, *provided we will give such encouragement to the manufacturers to come here and settle as it is our true interest to do.* As the first manufacturers that come here will stand the best chance of settling themselves to advantage, there cannot be a doubt but we shall soon see persons from Europe, of great property, in the manufacturing line, in the United States; and, as we can now trade to most parts of the world, he hopes we shall have the most free national government under the canopy of heaven, and that we shall soon be the happiest and most prosperous people under it.

David Ramsay to Benjamin Rush
Charleston, 21 April 1788[1]

I thank heaven most fervently for the recovery of your health. Mr Bayard had told me the extreme danger in which you were. Mrs. Rush's letter covering yours arrived by land about six weeks after date which announced the particulars. Present my most respectful compliments to her. Writing to you is the same as writing to her for I know you to be one. Your letter you will see printed. This was done immediately on its reception. Agreeably to your request, I inclose you four copies of it.[2]

This day three weeks our convention meets to deliberate on the constitution I am pretty confident that it will be ratifyed. Our Antifederalists objections amount to three. They say that the northern States have no business to interfere with our importation of negroes. They contend that it is a matter of domestic notice & that they should be allowed to import them forever. 2dly They object that we will have to pay large freights to the Eastern & middle states in consequence of a navigation law. Whereas if the British were to be our carriers as at present they would get freight a farthing in the hundred cheaper & also perhaps a penny in the barrel more for their rice. 3d & lastly They say ["]that if we agree to the new constitution we can make no more instalment laws—no more paper money—& that we will be obliged to pay our debts & taxes." Some considerable opposition is expected from the favorers of instalment laws valuation laws pine barren laws & legal tender paper laws. Excepting from this quarter our convention has little to ~~fear~~ apprehend. If a bill of rights is necessary as your opposers assert our constitution is defective for we never had one. If Biennial elections are dangerous as the minority contended in Massachusetts our state constitution is wrong being founded on that principle. The objections that operate elsewhere do not operate here & I believe that the objections of our antifederalists are almost peculiar to the State. I hope in my next to congratulate you on South Carolina being the 7th pillar of the new Government. God grant it a speedy & general ratification & operation.

1. RC, Rush Papers, Library Company of Philadelphia. Several sentences from this letter were excerpted and printed in the *Pennsylvania Gazette*, 7 May, under the heading "*Extract of a letter from Charleston, April* 21." They read: "This day three weeks our convention meets, to deliberate on the constitution. I am pretty confident that it will be ratified. Some opposition is expected from the framers of the instalment, pine-barren, valuation and legal tender laws. Excepting from this quarter, our convention has little to apprehend. I hope in my next to congratulate you upon South-Carolina becoming the seventh pillar of the new government. God grant it, and a speedy and general ratification and operation" (CC:Vol. V, pp. 414–15).

2. Rush's letter to Ramsay was printed in the Charleston *Columbian Herald*, 14 April (RCS:S.C., 257–60n).

John Kean to Susan Livingston Kean
Beaufort, 29 April 1788 (excerpt)[1]

. . . I will not sell my lands until the new constitution is determined upon & I am present to negotiate the bargains[2]—the eye of the master makes work go on smoothly & properly—my presence for two years would change matters much to my advantage[—]a few years peace & good government will raise the value of land exceedingly in this part of the country—people here have a mortal antipathy to going into the back country & there are a vast number of children growing up all of whom will have land if they can possibly get it—the quantity for sale is not very large within 20 Miles round—perhaps 10,000 acres—3000 of which I have—all this convinces me that it will rise in price. . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. The letter was started on 29 April and continued on 1 and 3 May.

2. See John Kean to Susan Livingston Kean, 8 March, note 3 (RCS:S.C., 232n).

Letter from Charleston, 1 May 1788[1]

Extract of a letter from Charleston, (S. Carolina) dated 1st May, 1788.

"Our Convention meets the 12th inst. and from the elections that have taken place, there is not the shadow of a doubt, but the Constitution will be ratified by a considerable majority. North-Carolina will we think follow of course—and we have the fairest prospect of an efficient government in a few months. It will be of great advantage to the Eastern States, as well as the Southern."

1. Printed: *Massachusetts Centinel*, 28 May. Reprinted: *New Hampshire Spy*, 31 May; Portland, Maine, *Cumberland Gazette*, 5 June; *Massachusetts Spy*, 5 June.

A Dialogue between King Leo and His Servants
Charleston Columbian Herald, 1, 5 May 1788[1]

This Federalist satire blames the government of British Prime Minister William Pitt the Younger for stirring up opposition to the Constitution and portrays Charles James Fox, leader of the opposition in Parliament, as urging more friendly relations with the United States. King Leo stands for King George III who has a dream about the western lands (the United States). The king's counsellor Pitarto, representing William Pitt the Younger, summarizes Antifederalist arguments and claims responsibility for spreading them in America. Pitarto even hopes that Americans will return to the British Empire under the terms offered by the king's former servant Boreas (the Greek god of the north wind), a reference to former Prime Minister Lord North's conciliatory plan of

1775. The character Volpone (Italian for sly fox) represents Charles James Fox, who urges the king to lift onerous trade regulations and halt efforts to oppose the Constitution.

King Leo O PITARTO! I was last night distracted with a dream; I thought I saw a man dressed in white come to my bed side, who told me, that because I had listened to the advice of evil counsellors and had put many of my subjects in the country beyond the western main to the sword, and since then had by the advice of wicked men done every thing in my power to distress them, that the great disposer of all events had resolved and decreed to blad all my designs against them, and that my kingdom shall on that account, like other countries of old which have not acted agreeable to the divine commands, experience the displeasure of the Almighty;—he told me that in spite of my endeavours to prevent it, that my manufacturers should emigrate to other countries; that Germany, France and Spain would inveigle them away, and said, that the western country which I have treated with contempt, shall become a great and mighty empire and the dread of nations; that many of my subjects should emigrate thither, and (Oh it galls me to relate it,) that the shipping of the western country shall become the carriers of their own produce, & that they shall in a few years have little occasion for any thing on this side of the Atlantic; that the people of that country are now entering into a confederacy for these purposes; all which, unless Pitarto thou canst prevent, I greatly fear will surely come to pass.

Pitarto.—Let not the heart of my lord the king be troubled about this matter, thy servants and myself have been and now are doing every thing that lies in our power to prevent these things coming to pass; as we well know, if the inhabitants of the western country can bring about the grand confederacy they are now aiming at, it will be a great detriment to us. We hear that they are determined to raise themselves to greatness by the same methods we have pursued, I mean by navigation acts, by encouraging their own fisheries, and by consuming their own manufactures, &c. I say, my gracious sovereign, in order to prevent all this, we have sent out men of great abilities amongst them, who will if possible persuade them, that they cannot see or understand any thing aright, that they must be always playing every thing into our hands, and throwing every thing into our scale, and that their and our interest are inseparable; we have directed our emissaries to tell the inhabitants of the southern part of that country, that their neighbours to the northward will make them pay through the nose for all the produce they carry,[2] (but not to say a word that they can build their own vessels & carry their own produce) we have told them to be sure to mention in

every company that they will also rule them with a rod of iron, and that their great men will soon become of little consequence, as all the posts of importance among them will be filled up with men from the northward, like as we have done in this thy kingdom, and that they, in case they should resist, will give freedom to their slaves and send a great northern army amongst them, which they will encrease by enlisting the slaves which they shall make free, all which (as they inherit a little of our credulty, and are like us too easily brought to believe what if we had one grain of sense we should see through) we hope they will swallow and digest it as if it was truth; although it is the interest of the northern parts of the western country that the inhabitants of the southern parts of it should have as many slaves as possible, that they may raise more produce and give bread to the inhabitants of the northern parts, who have many ships, and will have many more, provided the proposed confederation takes place, which will have the carrying of the produce which the slaves raise in the southern parts; we have notwithstanding given out, that the northern people will, when the confederation takes place, hinder them from importing any more slaves into the southern parts of that country. Although your majesty smiles at me when I mention this, which I suppose proceeds from your thinking that they will laugh at such an insinuation, seeing that mankind in these cases are governed by their interest, yet from information I have already received from that country on this subject, I have the pleasure to inform your majesty that they are weak enough some of them to believe it will prove true, which I hope will induce your majesty to think that we shall have more success with other insinuations that appear more likely to take place. We have often directed them to be told, that they will never again be so happy as when they were thy subjects, which has been so often retailed out amongst them that they begin to think it as true as the gospel, for they think too much of the present moment only, and do not look forward to the happy days which Providence (if they will but be true to themselves) appears to have in store for them, we have caused some of our trusty men amongst them to declare nearly as much in their houses of assembly. Some of them have a great knack at depicting in beautiful colours the happiness of the times when thou didst rule over them, & of displaying to the best advantage the pleasing terms which thy servant Boreas once offered to them: we do not even now despair of bringing some parts of said country again under the shadow of thy wings—we have by bribery and corruption brought over many persons, and shall by threats bring over many others,—we have contrived for many of thy merchants, who have let them run in their debt, to promise to all such as will side with the interest of thy subjects,

as long a time to pay their debts in as they can reasonably wish for, but have begged them to sue with the utmost rigor all such as oppose our will and pleasure and to deprive of their characters and bread all such persons as write in their public prints any thing that is contrary to what our emissaries approve; indeed we have contrived to get as many of their printers as we can in our interest, which our adherents deny with all their might as some of their patriots there begin to smell a rat.—To the people in the northern part of that country our emissaries give out that the people of the southern parts will be in time their rivals in trade and manufactures, as provisions can be raised in their back country (where manufactures can be carried on) cheap to an astonishing degree to what they can with them; besides which as the winters to the southward are mild when compared with theirs, that manufacturers can work the whole year through, and will be at a less expence for firing.

In short, we have directed those that are employed in thy interest there, to bribe the principal leaders of the people, *if they can*, and to do and say every thing they can to set them together by the ears, as we know to our cost, that if they are united, they will stand, but if divided will fall, and I am happy to tell your majesty that the situation of affairs in that country is far more in our favor than we, if they entertained a proper sense of the injuries we have done them and our constant endeavours to prevent them rising in the world deserve; but the French and Spaniards are so very politic, that they do all they can to prevent our schemes taking place, knowing if they can circumvent us and keep the inhabitants of that country in their interest, that in case there should be a war between thy subjects and them that the sailors of the western country would engage themselves (as they once did) to fight against thy subjects.

[5 May 1788] *Volpone.* OH! king Leo permit me I pray thee to speak a few words before thee, I have long wished to whisper a few words in thy ear, let not the king be angry and I will speak truths which he should know.

King Leo.—Speak on, and disclose the whole of thy sentiments, as I wish to rectify the error which with great grief I now see through bad advice I committed some years since, for I am now resolved to pursue that conduct that appears to me to be founded on wisdom and sound policy.

Volpone—I have now may it please your majesty lived long enough in the world to know something of mankind, and find that men like the fair sex are to be won more by kindness than by ill usage, and have therefore resolved in my own mind respecting my own conduct in life, that I will never try to accomplish any thing by harsh means which I can do by winning arts, nor will I ever attempt harsh methods to gain

my ends until I find after a long trial of lenient measures that they will not answer the purpose, nor will I then do it unless I see they will certainly succeed; for should I fail of success, I am certain of making the person my enemy that I attempted to restrain and keep under, and as such person may in time have a *large family* that may become rich and powerful, his children may perhaps become the enemies of my children, and thereby prevent their rising in the world; this is the ground work on which the advice I shall give your majesty is founded.

As your majesty (which I am very glad to perceive) seems sensible that you some time since pursued a wrong plan with the persons your servant Pittarto mentioned, I have some hopes that you will the more readily listen to my advice and follow it.—Your majesty must perceive from the last part of Pittarto's speech, that the French and Spaniards by keeping in with the inhabitants of the western country (to whom they have rendered essential services in times of need) will be able in case of a war between you and them to get the assistance of their seamen; I would therefore advise you to pursue a plan that is diametrically opposite to that which you have already adopted, the ill effects of which you have both seen and felt;—your majesty well knows that the inhabitants of that country are your sons and daughters, & that they are justly entitled as well as your other children a right to trade to the islands,[3] on their own coast and elswhere, that they used to trade to before you quarrelled with them, (I do not put this matter on the footing of their being your subjects, but as being joint heirs to the trade with your other children,) and you well know that when you concluded a treaty of peace with them that they never gave up the right of trading to any part of your dominions: Therefore my advice to you is to do every thing (*whilst it is in your power*) that you possibly can to serve them, and thereby make them in heart your real friends, then they will never be disposed to injure you, use without loss of time all your interest in the western country to get the confederacy they are about forming compleated, and strive to cement them together as firmly as you possibly can; then in case of a war you may be able to get their whole force and interest on your side.—Your ministers in times past have made the breach between you and them too wide already by the spilling of blood, and the endeavouring to prevent their rising to consequence in the world, it is therefore high time that your present ministers pursued a different plan. The inhabitants of that country have a great many discerning men amongst them, who as soon as they find your ministers are pursuing the methods which Pittarto has just mentioned, will probably confiscate the whole of the property of your subjects that are now amongst them, and also perhaps never pay your merchants here one single penny

of what they owe them;—let me therefore beseech you to proceed with caution, for I greatly fear if you take another such a false step as you have already done, that you will ruin your whole kingdom.—Let me entreat you to consider the largeness of your national debt and the great burthen of taxes which your subjects now groan under; consider the uncertainty of success in war, and the many unforeseen circumstances which may turn up to prevent your success, &c.—Consider the number of taxes which must farther be laid upon your subjects, (perhaps never again to be taken off) in case you again embark in another long and expensive war—think what a waste of human blood it will occasion, and how much it will weaken your kingdom in every respect: consider that our sister island wishes to become as great as this in which we live, and that if we are ruined, that she and Holland which are trading and manufacturing countries will rise by your downfall; the latter will then get more of the carrying trade, and will supply with manufactures &c. those markets which your subjects now supply; consider likewise that it is peace which makes a country flourish; but above all consider that you profess a faith in a religion which COMMANDS you to live in peace and harmony with all mankind, and that you must one time or other appear before him who gave such commands, who will punish you and all men who keep not his commandments; I therefore hope your majesty will not take amiss my admonitions and candor, and the more so as it appears clearly to me, that if you reject my counsels your country will be greatly injured, and forget not, oh forget not, that if that should be the case, that the nations around you will get your artists and manufacturers, who will then become far superior in strength and power to what your dominions ever again can be; consider for the reasons I have already assigned to you, what confederacies it is probable are now forming against your interest—let me beseech you once more to be on your guard, as one more false step may prove your ruin—consider that the inhabitants of the western country are encreasing in numbers very fast, and in strength daily, and that the country in this quarter of the globe which secures their good wishes and friendship in their present situation, is likely to retain the same when they are become (as they certainly will) the most powerful nation upon earth.

Consider that if Spain should take them under the shelter of her wings, that she can give them a trade to South-America (which may prevent their making at some future period a conquest of that country) and to old Spain as well as to the Spanish West-Indies, &c. Consider that if Spain supplied them with gold and silver, that they can soon build with their live-oak, &c. large navies, and can hire sailors to navigate them, and hire soldiers also to fight against you. Oh consider every

thing that can be done to your prejudice, and let no flattering courtiers persuade you that you (though you have as good soldiers and sailors as any in the world) are invincible—Consider that your forces have already been sent against the inhabitants of the western country, by which, to the great disappointment of your expectation, you did not benefit but greatly injure your subjects: who are scarcely able to bear the interest of the debt which has been thereby accumulated; but as from all appearances you now seem sensible of your situation, I shall say no more but pray and hope that the king of kings and only ruler of princes will take you into his holy keeping.

King Leo.—*Volpone*, I thank thee, thou hast always been represented to me as a rebel, but I clearly perceive that thou speakest the truth, and carest for no man, and that thou hast the fear of God before thine eyes; pittarto, order a privy council to be summoned to meet in two hours time as what volpone says is of too much importance to be neglected a single minute. In the mean time I beg you will revolve what has been said fully in your mind, that you may be able to [– – –] and give your advice in the matter in such a manner as I know your great abilities are capable of.

Exeunt Omnes[4]

1. The *Columbian Herald*, 28 April, announced "A *Dialogue* between *King Leo* and his *Servants*, will appear in our next."

2. Rawlins Lowndes made this argument in the debates on the Constitution in the South Carolina House of Representatives on 17 January (RCS:S.C., 126).

3. American ships were prohibited from trading with British Caribbean colonies by the British Orders in Council of 1783. See also "Drousea," *State Gazette of South Carolina*, 10 December, and House of Representatives Debates, 17 January, at note 43 and note 43 (RCS:S.C., 57–58n, 135, 138n).

4. A direction to actors to leave the stage. Literally "They all go out."

Pierce Butler to Weeden Butler
Mary-Ville Plantation, 5 May 1788 (excerpt)[1]

. . . I am not only much obliged, but much flattered by Your opinion of the result of Our Deliberations last Summer, because I had a small hand in the formation[2]—It is a subject that, fortunately for me, I have for some Years past turnd my thoughts to; yet still I am sensible I am unequal to the Magnitude of it—I therefore, previous to the Election, declined serving; but as I was Elected, I woud not refuse going—It is truly an Important Æra to the United States; And they now seem sensible of it—The Constitution I think will be agreed to; and be adopted thõ it has some few opponents—Where is that work of Man that pleases every body! Pains and attention were not spared to form such a Constitution, as woud preserve to the individual as large a share of natural

right as coud be left consistent with the good of the whole—to balance the powers of the three Branches, so that no one shoud too greatly preponderate—We had before Us all the Antient and modern Constitutions on record, And none of them was more influential on Our Judgements than the British, in Its *Original* purity—Let You and I compare the two for a moment—yet if I begin I shall tire You—I will be as concise as possible—indeed I am ill able to write at present, and much less to think—

You have a King, House of Lords and House of Commons—We have a President, Senate and House of Representatives—their powers in some general points are Similar; but when we attentively compare the total of the two Governments, we shall find, I think, a material difference—In One, the People at large have little to say, and less to do; the other is much more of a popular Government—the whole is Elective—In the King of G—B. not only all Executive power is lodged, but He is himself, also a very important and essential Branch of the Legislature—Without him there can be no Parliament—And in him is the sole power of Dissolving it—No Law can be passd without His Consent—He can put a Negative upon any Bill, thõ it may previously have met with the Unanimous approbation of the people—He can Alone form Treaties, which shall bind the Nation—He has the sole Right of declaring War or making Peace, So that the lives of thousands of His Subjects are at His Will—He has the Sole power of Confering honors and Titles—It is truly observed by one of Your Law Writers that "the House of Lords seems politicaly constituted for the support of the rights of the Crown"[3] He is the head of the Church, All Your Dignities flow from Him—He may by a Ne Exeat Regnum,[4] prevent any person from leaving the Kingdom—He alone has the right of Erecting Courts of Judicature—the Court of King's Bench, I mean the Officers of it, are Created by letters Patent from Him—The Crown is Hereditary—A weak Man, or a Madman may, as Heir Ascend to it—He is not responsible—["]*the King can do no wrong*["][5] His person is Sacred, even thõ the measure pursued in His Reign be Arbitrary; for no Earthly Jurisdiction has power to try Him in a Criminal way—The President of the United States is the Supreme Executive Officer—He has no separate Legislative power whatever—He cañt prevent a Bill from passing into a Law—In making Treaties two thirds of the Senate must Concur—In the Appointment of Ambassadors, Judges of the Supreme Court &ca. He must have the Concurrence of the Senate—He is responsible to His Constituents for the Use of His power—He is Impeachable—His Election, the mode of which I had the honor of proposing in the Commẽee, in my weak judgement, precludes Corruption and tumult[6]—Yet after all my Dear

Sir, I am free to acknowledge that His powers are full great; and greater than I was disposed to make them—Nor, Entre Nous, do I believe they woud have been so great had not many of the Members cast their eyes towards General Washington as President; and Shaped their Ideas of the Powers to be given to a President, by their opinions of His Virtue—So that the Man who, by His Patriotism & Virtue, Contributed largely to the Emancipation of His Country, may, be the Innocent means of its being, when He is lay'd low, oppressd—

I am free to confess, that after all Our Endeavours, our System is little better than matter of Experiment; and that much must depend on the Morals and manners of the People at large—It is a large and wide Extended Empire, let then the System be ever so perfect, good Order and Obedience must greatly depend on the Patriotism of the Citizen—I am not insensible that the Constitution We have Ventured to recommend to the States has its faults; but the Circumstances under which It was framed are some alleviation of them—It is probable there were Abilities in the Convention to bring forward a more perfect System of Government for a Country better adapted to the reception of it than America ever can be—Was America, or rather the States, more Compact It is possible Our System woud have been more perfect—Besides, Our Labours required the Unanimous Consent of the States in Convention, to Insure success from abroad—We were therefore, in prudence, obliged to Accommodate Ourselves to Interests, not only opposite, but, in some measure as You observe, Clashing—I will just mention One Object, and that an Important One, in which there appeared a Clashing of Interests—I mean Commerce—When We withdrew from G Britain the Eastern States were deprived of a benefit they long enjoyd in a large participation of the Carrying Trade; with many other benefits that they had in Common with the British, under Your Navigation Laws and wise Commercial System—that lucrative Branch of Trade the fishing on the Banks, was neither Enlarged nor better secured by withdrawing from Britain—What then did Our Brethern of the Eastern States gain by a long & bloody Contest? Why nothing but the honor of Calling themselves Independent States—Let Us turn Our Eyes for a moment to the Southern or Staple States, And We Shall see how they stood before the War, and wherein they have benefited by Independence—While they were Colonies they were in a great measure confined to One market for a Sale of their Produce—They were restricted to Ship in British Bottoms—By Independence a Variety of Markets were thrown open to them—the Ships of every Nation may come into their Ports—thus an Emulation is Created in the Carrying Trade,

which of Course lowers Freights and raises the price of Staple Articles—thus Circumstanced We were obliged to Accommodate Ourselves to the Interests of the Whole; And Our System shoud be Considered as the result of a Spirit of Accommodation, And not as the most perfect System, that under other Circumstances, coud be devised by the Convention—When You consider my Dear Sir, the Great Extent of Territory, the Various Climates & products, the differing manners and, as I before observed, the Contending Commercial Interests, You will agree with me, that it required a pretty General Spirit of Accommodation in the Members of Convention to bring forward such a system as woud be agreed to and approved of by all—In this light then are You to View the product of Our Joint Endeavours—The Convention saw, I think justly, the Critical Situation of the United States—Slighted from abroad, and totering on the brink of Confusion at home; they therefore thought it wise to bring forward such a System as bid fairest for General approbation And Adoption so as to be brought soon into operation—

I think by this time You must be heartily tired of me and Our Constitution I will therefore Close My letter with requesting You to present the best wishes of me and my family to Mrs Butler for a Continuance of Her health And the many blessings She enjoys—

Believe me to be in truth & Sincerity My Dear Sir Yr Affectionate friend

[P.S.] As the Ship is on the wing I have not time to run my Eye over this long Epistle—take it then as it is meant, and Excuse its wants and imperfections—It is wrote in the spirit of friendship without attending to anything else. . . .

1. RC, Additional Manuscripts, 16603, Letters of Major Pierce Butler of South Carolina, Department of Manuscripts, British Library, London. Endorsed: "Ansd. 2 Sepr 88." In the omitted part of this letter, Pierce Butler discussed the prospects for his son, Thomas, who was in England under the care of the Reverend Weeden Butler, who was master of a classical school in Chelsea, but not related to Pierce Butler.

2. On 8 October 1787, Butler had written the Reverend Butler describing the proceedings of the Constitutional Convention (RCS:S.C., 8–10). Reverend Butler had replied to that letter on 24 December (not found).

3. Giles Jacob, *A New Law-Dictionary: Containing, the Interpretation and Definition of Words and Terms used in the Law* . . . (London, 1729), "Parliament."

4. "Ne exeat regno," literally translated "let him not go out of the kingdom," is a writ prohibiting a person from leaving the king's jurisdiction. See Blackstone, *Commentaries*, Book I, chapter 7, pp. 265–66.

5. See Blackstone, *Commentaries*, Book I, chapter 7, pp. 244–45, 246; Book III, chapter 17, pp. 254–55.

6. In composing this paragraph, Butler drew heavily on the language in the second through sixth paragraphs of "Caroliniensis," Charleston *City Gazette*, 1, 2 April (RCS:S.C., 235–38).

From Edward Rutledge, 5 May 1788 (excerpt)[1]

. . . I very sincerely lament the political State of your Country, & feel very sensible for those on whom the whole weight of Indian Cruelty will fall, in a [causeless?] Manner. Particularly, I feel for you, who I understa[n]d are more exposed than most of your Fellow Citizens; but I am led to hope that Mathews & Pickens[2] will accomplish pacific Measures & lay the Foundation for permanent [page missing] so sanguine a Mind on that Subject, as I should, were an federal Government established. There must be a Center of Union thro' which, & from which the pure blood of the States must flow, or the Body in general will Languish, & the Limbs fall to decay. . . . Adieu my dear Sir & believe me with much Esteem & friendship very truly yours

1. RC, Signers of the Declaration of Independence Collection, Pierpont Morgan Library, New York. The recipient was a resident of Georgia.

2. Governor George Mathews of Georgia and Andrew Pickens of South Carolina were commissioners authorized by a congressional resolution of 26 October 1787 to negotiate a treaty with the Creek Indians (RCS:Ga., 297–98).

Charleston Columbian Herald, 5 May 1788[1]

The Vision,
OR
PROPHECY;
Extracted from different parts of
M'Fingal's Fourth Canto.

Too long, quoth Malcolm, with confusion
You've dwelt already in delusion,
As sceptics, of all fools the chief,
Hold faith in creeds of unbelief—
I come to draw thy veil aside,
Of error, prejudice and pride.
Fools love deception, but the wise
Prefer *sad truths* to pleasing lies—
For know these hopes can ne'er succeed
That trust on Britain's *breaking* reed,
For weakning long from bad to worse
By fatal atrophy of purse—
She feels at length with trembling heart,
Her foes have found her mortal part.
Now view the scenes in future hours,
That wait the fam'd European powers,

See where yon chalky cliffs arise,
The hills of Britain strike your eyes—
Its *small extension* long supplied,
By *vast immensity* of *pride;*
So *small,* that had it found a station
In this new world at first creation,
Or were by justice doom'd to suffer,
And for its *crimes* transported over,
We'd find full room for't in lake Erie, or
That larger waterpond Superior,
Where North on margin taking stand,
Would not be able to spy land.
No more, elate with pow'r, at ease
She deals *her insults* round the seas;
See *dwindling* from her high amain,
What piles of ruins spread the plain;
With mouldrin'g hulks her ports are fill'd,
And brambles clothe the cultur'd field!
See on her cliffs her genius dies,
His handkerchief at both his eyes,
With many a deep drawn sigh and groan,
To mourn her ruin and his own!
While joyous *Holland, France* and *Spain,*
With conq'ring navies rule the main—
And Russian banners wide unfurl'd,
Spread commerce round the *eastern* world—
And see *(sight hateful and tormenting,)*
Th' American empire proud and vaunting,
From *anarchy* SHALL change her crisis,
And fix her pow'r on FIRMER basis—
To *glory,* wealth and fame ascend,
Her *commerce* rise, her realms extend—
Where *now* the panther guards his den,
Her desart forests swarm with men,
Her cities, tow'rs and columns rise,
And dazzling temples meet the skies—
Her pines descending to the main,
In triumph spread the watry plain,
Ride inland lakes with fav'ring gales,
And *croud her ports* with whit'ning sails—
Till to the skirts of western day,
The peopled regions OWN *her sway.*

1. *M'Fingal: A Modern Epic Poem, in Four Cantos* by Connecticut poet John Trumbull (1750–1811) satirized Loyalists during the American Revolution. The first canto was printed in Philadelphia in 1776 (although the title page reads 1775) and the completed work appeared in Hartford in 1782. (Evans 14528, 17750–52.) See also "A Federalist," Charleston *City Gazette*, 16 May (RCS:S.C., 284–85).

A Steady and Open Republican
State Gazette of South Carolina, 5 May 1788[1]

Mrs. TIMOTHY,[2] *The enclosed,*[3] copied from a paper sent me by a friend, seems so peculiarly adapted to our present situation, that I cannot forbear selecting it from the croud of publications since the appearance of the proposed federal constitution, and recommending it thro' your paper, to the most serious attention of all our fellow-citizens, but previously a few HINTS, by way of introduction, will not, I hope, be impertinent.

New-Hampshire and Georgia are the two extreme barriers of the United States, if the latter can with any propriety be called a barrier without this state in conjunction; and both together, we know, are not in point of force, ready for any sudden emergency, to be compared to New Hampshire.

It cannot be doubted that Great-Britain has her busy emissaries throughout the states, and not a few amongst us, and should the constitution be rejected, how long can we flatter ourselves to be free from Indian cruelties and depredations, some time since begun in Georgia, and if at this moment warded off from us, 'tis principally owing to the dread of an efficacious union of the states by the adoption of the federal constitution.—The three southern states particularly, we have had for several years past, good grounds to think Great Britain wishes to separate from the rest, and to have reverted to her if possible.

Mr. Martin's long mischievous detail of the opinions and proceedings of the late general convention, (already occupying a large space in six of your gazettes, and still unfinished,)[4] with all his colourings and uncandid insinuations, in regard to general Washington and Doct. Franklin, may suit the short sighted selfish wishes of *an individual* of a state, situated almost in the centre of the rest, and much safer by that means from sudden alarms. But the generous, manly *and truly federal sentiments of Maryland* are well known, and 'tis not doubted will be unequivocally shewn at her convention very shortly to be held[5]—and that New-Hampshire, early in her first meeting on that important subject, has only by consent taken farther time to consider of it, and will at her next meeting adopt it, is the general opinion.

What pity the salutary caution of Doct. Franklin, just previous to his signing the constitution recommended by the convention, had not been

strictly attended to.—If we split, it will in all probability happen in running head-long on the dangerous rock he so prophetically (as it were) warned us from, "That the opinions of the errors of the constitution born within the walls of the convention, should die there, and not a syllable be whispered abroad."[6]—This Hint is full of that foresight and penetration the Doctor has always been remarkable for.

When the general convention met, no citizen of the United States could expect less from it than I did, so many jarring interests and prejudices to reconcile! The variety of pressing dangers at our doors, even during the war, were barely sufficient to force us to act in concert, and necessarily give way at times to each other.—But when the great work was done and published, I was not only most agreeably disappointed, but struck with amazement.—Nothing less than that superintending hand of providence, that so miraculously carried us through the war, (in my humble opinion,) could have brought it about so compleat, upon the whole.

The constitution recommended, in all respects, takes its rise, where it ought, from the people; its president, senate, and house of representatives, are sufficient and wholsome checks on each other, and at proper periods are dissolved again into the common mass of the people; longer periods would probably have produced danger, shorter, tumult, instability, and inefficacy, every article of these and other essentials to a republican government, are, in my opinion, well secured; were it otherwise, not a citizen of the United States would have been more alarmed, or more early in opposition to it, than A STEADY AND OPEN REPUBLICAN. *Charleston, May* 2, 1788.

1. Reprinted: *New York Morning Post*, 31 May; *Massachusetts Gazette*, 13 June; Exeter, N.H., *Freeman's Oracle*, 27 June. "A Steady and Open Republican" was probably Christopher Gadsden, who had used and publicly claimed the pseudonym in 1784. (For Gadsden's authorship, see Richard Walsh, ed., *The Writings of Christopher Gadsden, 1746–1805* [Columbia, S.C., 1966], 248n. Walsh rejects Paul Leicester Ford's identification of Charles Pinckney as "A Steady and Open Republican.")

2. The essay was addressed to Ann Timothy, publisher of the *State Gazette of South Carolina.*

3. Oliver Ellsworth's "The Landholder" X, *Connecticut Courant*, 3 March (CC:588), which the *State Gazette of South Carolina* reprinted immediately following "A Steady and Open Republican."

4. See "The South Carolina Reprinting of Luther Martin's Genuine Information," 10 April–22 May (RCS:S.C., 255–56).

5. See "South Carolina Receives News of Maryland Ratification," Charleston *City Gazette*, 16 May (RCS:S.C., 285–87).

6. Benjamin Franklin's 17 September 1787 speech, which was reprinted in the Charleston *City Gazette* on 27 December, actually reads: "The opinions I have had of its error I sacrifice to the public good. I have never whispered a syllable of them abroad. Within these walls they were born, and here they shall die." The text quoted in the *City Gazette*

originally appeared in the *Virginia Independent Chronicle*, 5 December, the first Southern printing of the speech. The first Northern printing in the *Boston Gazette* on 3 December does not contain the quoted material. For the text of the manuscript version of the entire speech, see CC:77–A.

Charleston City Gazette, 7 May 1788[1]

Monday last being the anniversary of the Fusileer company, commanded by capt. Stroble, the company, likewise a number of officers and other gentlemen, paraded at the Grove in the forenoon, and spent the day in much harmony and mirth after dinner the following toasts were drank, each attended with a discharge of musketry.

1. The Fusileer company.
2. The congress.
3. The governor and the state.
4. General Washington.
5. Success to the Federal constitution.
6. The hon. gentlemen who framed the new constitution.
7. May the United States of America be the carriers of their own produce to all parts of the world.
8. Wisdom to frame laws and spirit to execute them.
9. May the resolves of the ensuing convention tend to the honor and glory of this state.
10. To the memory of all those who lost their lives in the defence of America.
11. Relief to every true American in distress.
12. May a military spirit pervade all ranks of men for the service of this country.
13. The absent Fusileers.

1. Reprinted: Philadelphia *Independent Gazetteer*, 22 May; *New York Morning Post*, 29 May.

Charleston City Gazette, 7 May 1788[1]

Mr. Lowndes, it is said, declines a seat in the convention, not being willing to receive any obligations from the party who were industrious to bring him in.[2]

It is expected that a motion will be made in convention, for an adjournment until November, then to meet at Columbia.[3]

1. Reprinted: Philadelphia *Independent Gazeteer* and *Pennsylvania Packet*, 22 May; *New York Morning Post* and *New York Journal*, 29 May. The first paragraph was also reprinted in the *Massachusetts Gazette*, 6 June, *New Hampshire Spy*, 10 June, and Exeter, N.H., *Freeman's Oracle*, 13 June.

2. Rawlins Lowndes was elected to the Convention for the parish of St. Bartholomew but declined his seat. See Convention Proceedings, 14 May, and Aedanus Burke to

John Lamb, 23 June (RCS:S.C., 321, 471) and Charleston *City Gazette*, 22 April (Mfm: S.C. 28–E).

3. On 21 May, Thomas Sumter moved to adjourn the Convention to 20 October 1788. The motion was defeated 135–89. See Convention Proceedings, 21 May (RCS:S.C., 362–65). The legislature planned to move to the new city of Columbia once public buildings were erected, and many expected the move to take place in time for the January 1789 session. See "Letter from Charleston," 22 January (RCS:S.C., 209). The burning of the State House in Charleston in February 1788 heightened expectations of an early move, but it did not take place until January 1790.

John Kean to Susan Livingston Kean
Beaufort, 8 May 1788 (excerpt)[1]

. . . I shall sett off for Charleston the 11th. & hope the convention will not detain me more than a fortnight—then the first vessell will waft me to my Susan—my imagination has frequently transported me to her already & with extatic pleasure have I viewed her and her dear babe safely locked in the arms of sleep—reality will soon bless me with other than ideal joy. . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN.

A Back Wood's Man
Charleston Columbian Herald, 8 May 1788

Messrs. Printers, *By inserting the following you will very much oblige, your's, &c,*

The AUTHOR.

"*Let the Barbarians, who are accustomed to slavery, continue under the empire of kings, since it is grateful to them.*"[1]

Nothing can be more injudicious or unseasonable than an observation, which is very current in this country; that we were more opulent and happy in every respect under the British government, than in our present situation. Grant we were, must it not also be allowed, that the generous love of *liberty*, which roused and annimated the people of America, had its foundation in the noblest principles? To check the ambition of an overbearing power, and render abortive the views of designing men, whose sole aim was to humble us, and aggrandize themselves at the expence of our dearest rights. Let us only consider what we might have been reduced to, had we not boldly opposed their measures, and gained the point for which we so long contended; and on the other hand, how shameful it is now to fall into despondency and murmuring; for as the Israelites murmured against Moses, who under God had freed them from slavery, and led them victorious out of Egypt, because he could not feed them with flesh in the wilderness, as their

former masters had done;[2] so do we indirectly against that bright *luminary* of arms, whose valour and wise conduct, were chiefly what effected to free us from a yoke, which our masters would soon have rendered unsupportable. We may venture to say that our cause was just, and we were highly favored by Heaven. The thirteen states at this day, teem with heroes, whose breasts glow with love of their country, and who may reflect with pleasure, on having, in conjunction with their fellow-citizens (whose bodies have found honorable graves on the vast plains of America) delivered it from tyranny, and laid the basis of its future grandeur. We ought to rejoice at having lived in so glorious a period, and sacrifice, without repining, a little self-interest, for the good of posterity.

It is said, that the various nations of Europe beheld our struggles during the late war, with wonder and admiration; and indeed with reason, for no history, ancient or modern, can produce an instance, of a people so unprepared for war, whose territories lay scattered over the face of so extensive a country, who might have been thought to have separate interests, destitute of arms and ammunition, fortifications or ships of war; not only make head against a kingdom, long renowned for the strength and courage of its forces, both by sea and land, which poured its armies and fleets upon them, and threatened them with sudden destruction; but even become formidable to their enemies, and support a war of many years with vigor and resolution; under the most pressing difficulties, and without the least faction having arisen among the commanders, or mutiny or discontent among the soldiers: till at last they obliged their haughty oppressors to sue for a peace, and declare them independent. Those who were distant from the scene of action could only conclude, that our success was the result of virtue, and wise deliberations.—We are unreasonable, if we expect to have purchased liberty and fame for nothing: the only just cause of complaint amongst the real friends of this country, is the inefficacy of our laws, which though they answered the purpose pretty well, during our late troubles, are notwithstanding in their present state, inadequate to the execution of domestic or foreign regulations, in a manner suitable to the general interests of the country at large: the federal constitution promises us a speedy alleviation of this evil. But such are the mistaken notions of liberty entertained by some men, and those too, whose example may have powerful effects on the bulk of the people, that we have reason to believe, it will meet with no small opposition, though we hope not sufficient to prevent its taking place. Some there are, perhaps, who find their advantage in the debility of the laws, and division of the states. It were to be wished by every true patriot, that a

discrimination could be made, and such dangerous persons kept from having any share in a devision on which the future welfare of our country depends. Certain it is, that the proposed government is looked upon, by the judicious both at home and abroad, as the best calculated to secure our rights and liberties, that the art of man could possibly devise; at least we must confess, that many advantages have attended its formation: it was modelled and reasoned upon by an august assembly of great and venerable men, whose noble actions in the field of battle, as well as consumate abilities in the political cabinet, have justly rendered them worthy of the honor and esteem of their countrymen.

They met together with the good of their constituents at heart; furnished with all those lights which science affords, & in an age, when every branch of human learning is carried to the utmost perfection. Should the empty harangues of self important demagogues prevail so far, as to impede its establishment, I and many of my neighbours, (who cannot speak,) must be silent and sorrowful spectators of so disagreeable an event, which will blast our fairest hopes; on the contrary, should it be adopted, as we assure ourselves it will, we think our country will then flourish, and enjoy the sweets of that liberty, which is only to be found, under the auspices of wise and equitable laws, without the strict observance of which, the utmost liberty, is but a vain and imaginary name. Therefore, that the Federal Constitution may triumph over all its opposers, is the sincere wish, and ardent prayer, of

A Back Wood's Man.

1. Charles Rollin, *History of the Egyptians, Carthaginians, Assyrians, Babylonians, Medes and Persians, Macedonians and Grecians* (10 vols., 2nd edition, London, 1738), VIII, 267.

2. Exodus 16:2-3.

State Gazette of South Carolina, 8 May 1788[1]

Extract of a letter from an American patriot and soldier, dated New-York, April 4th.

Federalism is to have its probation in June next; every decided patriot of 1775, almost, is in favor of it; the anti's are warm, violent, illiberal, and industrious, but their opponents in this city, are so numerous and respectable, that there is scarcely a doubt entertained of their putting a single man into the convention. In all other counties in the state, the division is said to be pretty nearly equal, though, from my information, I believe there is a federal majority, and of the most virtuous characters throughout the state.

Congress is in a more shackling state than ever I have known; only seven states at most, and often not so many; and the most extreme

languor seems to prevail among them, as they justly conceive themselves only shadows, till the NEW GOVERNMENT prevails.

We are looking out with great anxiety, for the adoption of the new constitution by Maryland and South-Carolina, and notwithstanding the enemies to it circulate accounts to the contrary, we sanguinly hope it will take effect. The objections offered against it in this city and Philadelphia, rather tend, with every sober, judicious man, to evince the propriety of its recognition; and Massachusetts acceding to it, where the greatest opposition was naturally looked for, has silenced many here, and gained many more proselites.

1. Reprinted: *New York Journal*, 30 May.

William Spotswood to Mathew Carey
Charleston, 10 May 1788 (excerpt)[1]

Dear Carey,

. . . The Museums I brought with me have been taken up by subscribers—which fell short of serving them, as they have 29 on their list for the Museum[2]—tho' I cannot immediately send you the Amount of them, I probably may before my arrival at Philadelphia—at all Events shall settle with you then, which I expect will be sometime in June next. The Complaints of business being dull here is as general as at Philadelphia—Flour, &c. &c. from Pennsylvania does not at present pay freight—Superfine flour is now selling here at five Dollars paper Money—and other Articles at the same rates—This City I understand is chiefly occupied by British and other foreign Merchants, who among themselves are very sociable, having little or no intercourse with the native inhabitants except on the line of business—The fair sex seldom exhibit in the public streets here, indeed they are not very inviting, there being no pavement, so that during dry weather those who walk have to go shoe deep at least in sand heated to a considerable degree by the rays of the sun—during wet weather it must be to the full as bad. The Magistrates do not seem to attend much to the health of the Citizens, as in several parts may be perceived heaps of offensive dirt, and frequently such as attacks the olfactory nerves not with the most agreeable [– – –] odour—There are some good houses, chiefly occupied by merchants—in the suburbs of the city are several respectable looking buildings some of brick, but mostly of wood, belonging to opulent planters who usually make the city their residence during the fall months on account of the unhealthiness of the country at that time. The several attempts made by incendiaries to fire this City leaves property either in houses or goods on a very precarious footing—Some impute it to the carelessness

of the negroes—others to villains who prevail on the negroes to place combustible matters in such situations as are most likely to answer their diabolical purposes, and during the general confusion of a fire, they are busied plundering the inhabitants who may be absent assisting their distressed neighbours—I have at different times gone nearly over the whole of this City, and there is scarce a part that does not exhibit the remains of considerable ranges of buildings destroyed by fire—The state-house, the remains of which shews it to have been a handsome building, was entirely destroyed a few months before my arrival here[3]—A few nights since an attempt was made to fire a new house by placing or throwing some combustibles among the shavings and light stuff in the building, which happily was discovered by a gentleman in the neighbourhood, before it had made any progress. I find I am growing rather prolix with my narrative of this place—which I have scribbled over with a view of presenting you with a long letter, tho' not very interesting—I however know your friendship will accept of it with all its imperfections—To come to a conclusion, I do not like this place near as well as Philadelphia—living is considerably higher, and not one-eighth as comfortable—Water intolerable—butter as bad—in short nothing in the [– – –] way good except what comes from Pennsylvania—I think a person should be making money to induce him to live in such a place—this might make up for many deficiencies in the necessaries of life—with several [– – –] here they are not without their complaints—scarcity of Cash, bad payments, public Credit lost, and business very bad—but is generally so here at this time of year. . . .

Yours' affectionately

1. RC, Lea and Febiger Collection, PHi. Spotswood (c. 1753–1805) and Carey (1760–1839) were Philadelphia booksellers and printers. They collaborated on several publications, including the *Pennsylvania Herald* and the *Columbian Magazine*. Carey founded the *American Museum* on 1 February 1787, a monthly magazine that circulated nationally from 1787–92. For its first year and a half, it concentrated heavily on political matters. For publications by Spotswood and Carey, see CC:Vol. 1, pp. xxxiii–xxxiv, xxxix.

2. Twenty-nine South Carolinians subscribed to the *American Museum*. By January 1789, the number of South Carolina subscribers had increased to eighty-seven.

3. The State House burned on 5 February 1788. See "State House Fire and Meeting Places of the Legislature," 5–11 February (RCS:S.C., 170–73).

Charleston Columbian Herald, 15 May 1788[1]

From a Correspondent

There is not, I believe, under the sun, a people who are so trembling alive when any thing is said about government as the Americans. The many groundless fears that have been excited among the good people

of this country, by the appearance of the proposed Federal Constitution, may serve as a proof of it: but however groundless they may be, I wish that the fears of every honest man may be removed or he cannot be happy under the government be it ever so good. It is to quiet the apprehensions of some of your readers that I send you the following remarks for publication—There are many very honest people who are extremely alarmed at the powers of the President of the United States; and chiefly because he may be re-elected after having served four years so they think that the office may descend from father to son, and by degrees this government become an hereditary monarchy. The powers possessed by the President are pretty generally acknowledged to be necessary in every well constituted government; and it is also generally thought necessary to lodge these powers in the hands of a single person. So much has been written upon the subject, to prove that there are checks sufficient to prevent his abusing his powers, that I shall only take notice of one single clause, which I think will be an eternal barrier against the office becoming hereditary.

No person under the age of thirty-five years can be elected to the presidency of the United States. From this single circumstance, it is morally impossible that this office should be continued long in the same family, were the people ever so much inclined to it, because it will very rarely happen that the President at his death will have a son old enough to be a candidate. This will appear sufficiently clear to those who will take the pains to examine history for themselves. I think it will be found, on examining the ages of persons coming to the crown in the usual line of succession, that there are very few instances where the crown could have been continued in the same family for any considerable length of time, had it been elective in the mode and with such limitations as are required by the new Federal Constitution: Let us take England for an example, from the time of William the Conquerer. As William did not come to the crown in the usual way of succession, we are to leave him out of the account; and then it appears that there were only eight of the whole number, that were thirty-five years old when they came to the crown, and only *one* of the eight, namely, George the second, who was the son of the immediate predecessor—the others were only collateral branches of the royal family. This appears by the following account of their respective ages at the time of their coming to the crown:

After William the Conqueror comes William 2d, who was 31 years old. Henry 1st 48; but he was not the son of William the 2d, his immediate predecessor.—Stephen 31—Henry 2d, 21—Richard 1st, 31—John 33—Henry 3d, 10—Edward 1st, 33—Edward 2d, 23—Edward

3d, 15—Richard 2d, 11—Henry 4th, 33—Henry 5th, 25—Henry 6th, 9 months—Edward 4th, 19 years—Edward 5th, 12—Richard 3d, 29—Henry 7th, 30—Henry 8th, 19—Edward 6th, 9—Mary 1st, 37; not the daughter of Edward 6th—Elizabeth 25—James 1st, 36, not the son of Elizabeth—Charles 1st, 24—Charles 2d, 18—James 2d, 51, not the son of Charles 2d—William 3d, 38, not the son of James 2d.—Anne 37, not the daughter of William 3d.—George 1st, 55, not the son of Anne—George 2d, 44—George 3d, 22—It appears therefore that George the 2d was the only person that could possibly have been elected to the crown under such a constitution as the one proposed, without going to the collateral branches of the family. I find the same position confirmed by examining the history of the Kings of Judah. There we find thirteen in succession, that is from Joash down to Zedekiah, not one of whom was more than 25 years old when he began to reign, and three of them were no more than eight years old. Now if we consider that the President is to be elected in a way that excludes all possibility of undue influence, and at the same time, reflect upon the natural jealousy entertained of those in power, I think that candour must acknowledge the chances are at least as a hundred to one against the sons being elected to the President's place on the death or resignation of the father, even if the father should happen to be continued in office till his death or resignation.

1. This article probably appeared in a no longer extant issue of the Charleston *Columbian Herald*, 15 May. The text printed here is transcribed from the *Georgia State Gazette*, 21 June, which is the only extant reprint.

State Gazette of South Carolina, 15 May 1788

Extract of a letter from a gentleman in Philadelphia, to his friend in this city.

"I sincerely believe that if a bill of rights had been added, the proposed constitution would have been received with almost unanimous approbation every where—(Rhode-Island always excepted).—Tho' I confess myself a friend to a high-toned government, yet the omission of a declaration of a bill of rights, essential as it is to a free people, I consider as a serious defect—notwithstanding what hath been urged to the contrary.—That clause[1] which raises the authority of congress paramount to the laws and constitution of this state, exposes those great rights of the people which ought ever to be reserved to the inroads of that ambition ever active in man, when unshackled by restraint: And however happy and seemingly secure the present generation may be under such a power, yet we owe something to posterity—who will have most to apprehend from its influence, thus sanctioned by the choice

of their forefathers, made in an hour of freedom and of peace—their complaints would have less weight and be less attended to than if the object of them had grown (like most other governments) out of force, fraud, or chance.—Upon the whole, however, I admire the out-lines of the plan, and think we had better adopt it as it stands, than risk, at this critical juncture, the chance of getting a worse, or of remaining, if we can remain under the present wretched and ruinous plan of confederation—The alterations needful might be made, petitioned for by the people, and demanded by the states, as soon as the government should be organized—acquiescence in the new congress would cement the federal plan with the public affections, stamp it with energy, and make it the glory of America, and the admiration of the world."

1. Article VI of the Constitution: "This constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding."

A Federalist
Charleston City Gazette, 16 May 1788

Messrs. Markland & McIver, I send you an extract from the celebrated American production McFingal,[1] which I will be much obliged to you to republish. It will tend to shew that the defects of the old federal constitution, were seen very early. The work was written during the late war. Several characters are introduced, one of whom is made to speak in the following terms to his antagonist:

"Nor can you boast this present hour,
The shadow of the form of power;
For what's your congress or its end?
A power to advise and recommend;
To call for troops, adjust your quotas,
And yet no soul is bound to notice;
To pawn your faith to the utmost limit,
But cannot bind you to redeem it;
And when in want, no more in them lies
Than begging of your state assemblies;
Can utter oracles of dread
Like Friar Bacon's brazen head;[2]
But should a faction e'er dispute 'em
Has ne'er an arm to execute 'em.
As tho' you chose supreme dictators,

And put them under conservators;
You've but pursued the self same way
With Shakespeare's Trinc'lo in the play;
'You shall be viceroys here 'tis true,
But we'll be viceroys over you.'[3]
What wild confusion hence must ensue,
Tho' common danger yet cements you.
So some wreck'd vessel all in shatters;
Is held up by surrounding waters;
But stranded when the pressure ceases;
Falls by its rotteness to pieces:
And fall it must—if wars were ended
You'll ne'er have sense enough to mend it:
But creeping on with slew intrigues
Like vermin of an hundred legs,
Will find as short a life assign'd,
As all things else of reptile kind.
Your commonwealth's a common harlot
The property of every varlet,
Which now in taste and full employ,
All sorts admire, as all enjoy;
But soon a battered strumpet grown
You'll curse and drum her out of town."

I sincerely hope we shall disappoint the terrible prophecy of the author by accepting the federal constitution proposed to us.

1. See Charleston *Columbian Herald*, 5 May, note 1 (RCS:S.C., 274n).

2. The brazen head was a mechanical head often made of brass that could magically answer one question. It appeared in several literary works including Robert Greene's comedy *The Honorable Historie of Frier Bacon and Frier Bongay* (London, 1594).

3. A reference to Shakespeare, *The Tempest*, Act III, scene 2, lines 106–9.

South Carolina Receives News of Maryland Ratification
Charleston City Gazette, 16 May 1788

Members of the South Carolina Convention watched for news from the Maryland Convention, which met 21–29 April and ratified the Constitution on 26 April. The first news of Maryland's ratification arrived on 15 May in the form of a copy of the *Maryland Journal*, 29 April, which contained an account from a correspondent reporting Maryland's ratification. The Charleston *City Gazette*, 16 May, republished the report from the *Journal*. The following Monday, 19 May, Antifederalist Peter Fayssoux announced in the Convention that he intended to give up opposition to the Constitution due to Maryland's action (see "Newspaper Reports of Peter Fayssoux's Comments in Convention Debates," 19 May, RCS:S.C., 356–58). Antifederalist Aedanus Burke said that news

from Maryland was "a severe blow to us" (see Burke to John Lamb, 23 June, RCS:S.C., 470).

For the *Maryland Journal's* account, see RCS:Md., 692–93.

The interesting news from Baltimore, occasions our deferring the first day's debate in our convention.

Yesterday afternoon arrived the ship Philadelphia, Capt. Jones, in ten days from Philadelphia; also, brig Philadelphia, Capt. Strong, 11 days from the same place.

A Baltimore paper of the 29th of April, affords the following information respecting the ratification of the federal constitution by that state.

A correspondent hath favoured us with the following intelligence, which we cheerfully present to our readers:—"That on Monday the 21st instant, the convention appointed by the citizens of this state, for the purpose of considering the constitution proposed by the general convention, for the government of the United States, met at the city of Annapolis, and unanimously elected the hon. George Plater, Esq; president. Upon the 23d the plan of government was read the first time, and a resolution taken thereupon, that the convention would not enter into a decision upon any particular part of the plan; but that after a second reading, the subject at large might be fully debated and considered; after which the question should be put by the president, and the yeas and nays taken upon the ratification. Accordingly, upon the 26th the question was taken, when there appeared for the ratification 63, against it 11. Then a committee of 13 was appointed to state and report such amendments as they might agree upon, for the consideration of that honorable body, the convention. These amendments, if deemed necessary, to be proposed to the people, to be hereafter recommended only.

"The same correspondent observes that he is happy in assuring us, that the greatest dignity, as well as decorum, was exhibited upon this important occasion. The minority were heard with a candid and profound attention. Their talents and abilities were amply displayed; and but from the clearest impressions of the best of causes, they might have been more successful.

"The elegance of Annapolis will be fully displayed upon this event, and the citizens of Baltimore town are occupied in preparing an exhibition, which promises a grand demonstration of those exalted advantages which are inseparable from the hopes and expectations of United America.

"The general conduct of Maryland, connected with this noble trait in her unblemished character, must inspire the mind with increasing

admiration!—Maryland,—independent in her resources—superior by the excellence of her political and civil institutions, to the rage of internal commotion—Maryland, the informed, the benevolent and the wise, who can bestow advantages without an equivalent, but in the consciousness of advancing public felicity—has opened her bosom to the embraces of her sister states, has erected the SEVENTH PILLAR, upon which will be reared the glorious fabric of American greatness; and, in which fabric, the rights of mankind will be concentered as to their native home!

"O! may the happy moment soon arrive, when the August Temple of Freedom shall be supported by THIRTEEN PILLARS, with its gates unfolded to every part of the creation—may its duration be as permanent as time, and its period engulphed only in the Bosom of Eternity!"

Editors' Note
John Lamb to Aedanus Burke, Rawlins Lowndes, and Thomas Sumter, New York, 19 May 1788

Intent on adopting amendments before the Constitution was ratified by nine states, New York Antifederalists realized that time was running out. Consequently, in mid-May 1788 the Federal Republican Committee of New York, a group of Antifederalists in and around New York City, wrote letters to prominent Antifederalists in New Hampshire, Pennsylvania, Maryland, Virginia, and North and South Carolina calling for cooperation in obtaining amendments to the Constitution before it was ratified. Pennsylvania and Maryland had ratified in December 1787 and April 1788, respectively, but there was substantial support in each for amendments. Accompanying these letters, which were signed by John Lamb (1735–1800), the committee's chairman, collector of customs for the Port of New York, and former officer in the Continental Army, were Antifederalist publications, among them a lengthy pamphlet—*An Additional Number of Letters from the Federal Farmer to the Republican* (CC:723).

Lamb wrote to three known South Carolina Antifederalists (Aedanus Burke, Rawlins Lowndes, and Thomas Sumter) on 19 May but the letters did not arrive in Charleston until mid-June, well after the Convention adjourned. Lowndes replied on 21 June and Burke on 23 June (RCS:S.C., 468–72n). A response from Sumter has not been found. Either Lowndes or Burke probably turned Lamb's letter over to Ann Timothy, printer of the *State Gazette of South Carolina*, who published it on 26 June, indicating that she did so "By particular Desire" and that the letter "*was received by a gentleman in this city from the Chairman of a Committee in New-York*" (Mfm:S.C. 47).

The letter-writing campaign of the New York Federal Republican Committee failed to obtain prior or conditional amendments. Though the letters to New Hampshire, Virginia, and North Carolina arrived in sufficient time, unlike South Carolina, the conventions only recommended amendments. Nevertheless, the letter-writing campaign of the New York Federal Republican Committee, as part of a larger Antifederalist movement for amendments, was a factor in pressuring the first Congress under the Constitution to propose amendments to the states for their ratification.

For Lamb's letter, see CC:750, which also includes the correspondence between Lamb and Antifederalists in the other states. The manuscript copies of Lamb's letters to the three South Carolina Antifederalists have not been found.

Pierce Butler to Simpson and Davison
21 May 1788 (excerpt)[1]

. . . Our State Convention are now sitting. I am told the constitution meets with some opposition; but I shou'd hope it will be agreed to—Maryland has adopted it. It will meet with opposition in Virginia, but it is thought that the majority of the State are for it. . . .

1. FC, Letterbook, Pierce Butler Papers, PHi.

South Carolina Delegates in the Confederation Congress to Governor Thomas Pinckney, New York, 22 May 1788 (excerpt)[1]

The frequent Interruptions that have happen'd in the Sitting of Congress prevents us from being able to communicate any Proceedings of a very interesting Nature.

Since our last Letter to your Excellency, Congress has receiv'd the Ratifications of the new Constitution by the States of Georgia and Maryland, and also a Letter from the Governor of Rhode Island informing that the Legislature of that State had referr'd the new Constitution to the Consideration & Decision of the People at large in their Town Meetings, and that a Majority of Votes were against the Adoption of it. This important Question being now before the Convention of our State, we have only to express our Hopes that Wisdom will guide it's Deliberations & Decision. . . .

1. RC, Records of the General Assembly, Governors' Messages, Sc–Ar. Printed: Smith, *Letters*, XXV, 108–9n. The letter is in the handwriting of Thomas Tudor Tucker and signed by Daniel Huger, John Parker, and Tucker. The letter is docketed as "Recd 27 June."

Boston American Herald, 2 June 1788

FRIDAY last, Captain Hallet, arrived here, in a Sloop, in 8 Days, from Georgetown, in South-Carolina:—By whom we learn, that the Convention were in Meeting at Charleston (which is but about 40 Miles from Georgetown) and that Parties run very high for and against the Constitution; however, it was the Opinion of Gentlemen in the City of Charleston, and elsewhere, that it would be accepted by a Majority of Three to Two;[1] this also is the Mind of Capt. Hallet, who was in Charleston a Day or two before he sailed, and made it his particular Business to obtain the most authentic Information of the Fate of this all-important and most weighty Matter.—The Inhabitants of the City of Charleston, and other Sea-Ports in the State, are very generally in Favour of having it speedily adopted;—while the Country People are much opposed to the *Federal* Government ever being put in Motion.

1. The Constitution was ratified by a majority of two to one (149-73). The Antifederalist motion to adjourn the Convention was defeated by a majority of three to two (135-89).

IV.
ELECTION OF CONVENTION DELEGATES
17 March–10 May 1788

Introduction

South Carolina held elections for delegates to the ratifying convention between 10 and 12 April. Most of the state voted on Friday and Saturday, 11 and 12 April, with the exception of three backcountry districts. In Ninety Six District, elections were held on the 10th and 12th while in St. David's Parish and the District Eastward of the Wateree River, they were held on the 10th, 11th, and 12th. The election was "the universal topic of conversation" according to "A Taxable Citizen" (Charleston *City Gazette*, 10 April, RCS:S.C., 293), but surviving documentation is limited. According to a report in the *Georgia State Gazette*, 10 May, and John Kean's notes of Convention Debates, 21 May, some backcountry voters had instructed their delegates to vote against the Constitution, but no instructions are extant (see RCS:S.C., 299, 368).

In Charleston, a ticket of thirty-two candidates favorable to the Constitution was prepared and distributed (see *Pennsylvania Gazette*, 23 April, RCS:S.C., 298). John Kean prepared remarks for a speech in Beaufort several days before the election in which he urged voters to select delegates based on their conduct during the Revolution as well as their integrity and sound judgment (see "John Kean and the Beaufort Grand Jury on the Constitution," 8 April, RCS:S.C., 246–51n).

An essay by "A Taxable Citizen" appeared in the *City Gazette* the day before the polls opened in Charleston and urged voters to make up their minds independently and criticized campaigning. The author noted that "to ask a man for his vote is paying him no compliment, it is rather a confession in the candidate that he is suspicious of his own merit." "Taxable Citizen" concluded his essay with a satirical letter from the fictitious "Obadiah Spriggens," who said "it is a joke for a man to give away his vote, because he thinks other people knows better than himself." "Spriggens" derided the distribution of tickets of recommended candidates "at the church door," urging "every man make his own list" ("A Taxable Citizen," *City Gazette*, 10 April, RCS:S.C., 294–95).

While there was an absence of overt published campaigning, Charleston's newspapers provided their readers with news after the election was completed, publishing results as soon as they became available.

Some South Carolinians subsequently shared the news with out-of-state family and friends. John Rutledge, Jr., who was traveling in Europe in 1788, obtained the results from several Charleston letters and sent the results to Thomas Jefferson in Paris. Rutledge told Jefferson that the letter mentioned "that the election came on the preceeding day for Delegates to the Convention—that they had not received returns from the Country but that in the City & the neighbouring Districts the Elections had been made with very great judgement & that it was very certain that the new Constitution will be accepted" (Rutledge, Jr., to Jefferson, 22 June, Boyd, XIII, 282–83).

Newspaper results included only the names of those elected without commentary, and no published accounts listed the defeated candidates. Names of successful candidates were published for twenty-eight out of thirty-four districts or parishes (Mfm:S.C. 28 A–L). Delegates were elected at-large in each district, with the number of seats available totaling the number of representatives in the state House of Representatives and Senate. An additional six seats were allocated to Ninety Six District for those parts of former Indian lands that made up what would become in 1789 Pendleton and Greenville counties. Representation ranged in size from thirty-two seats for the Charleston parishes of St. Philip and St. Michael (for election purposes, a single district) to two seats for All Saints Parish. Vote totals (for winners only) were published only for St. Philip and St. Michael (RCS:S.C., 296–98n). Vote totals also appear in the Convention journal for a special election in the parish of St. Bartholomew and for both the eventual winning and losing candidates for a disputed election in Orange Parish (see Convention Proceedings, 14 May, RCS:S.C., 321). The only other vote total reported is found in the election certificate for Ninety Six District—North of Saluda (Greenville County) (RCS:S.C., 295–96). (The election law required election managers to send certified results to the governor, and a handful of election certificates survive. See Mfm:S.C. 27 A–K for those certificates.)

In several cases, those persons elected declined to serve and special elections were required. During the debates on the Constitution in the state House of Representatives, Antifederalist Rawlins Lowndes correctly predicted that his constituents in the parishes of St. Philip and St. Michael would not elect him to the convention (see House of Representatives Debates, 16 January, RCS:S.C., 109). Nonetheless, the voters of St. Bartholomew's Parish, where Lowndes owned several large plantations and which he had represented intermittently in the colonial Commons House of Assembly and the provincial congresses between 1751 and 1776, elected him as one of their delegates. He declined the seat and Edmund Bellinger was elected in his place (see Convention Pro-

ceedings, 14 May; Aedanus Burke to John Lamb, Charleston, 23 June, RCS:S.C., 321, 471). Benjamin Reynolds in St. Helena's Parish also declined his seat due to " his intention of quitting the state shortly," and a new election was held at the parish church in Beaufort on 5 and 6 May, when James Stuart was elected in his place (see Charleston *City Gazette*, 25 April, Mfm:S.C. 31). In Prince Frederick's Parish, John Dickey declined his seat, and John Burgess, Jr., was elected in his stead (see Prince Frederick's Parish Election Certificate, 6 May, Mfm:S.C. 27–I).

Henry Laurens, Sr., was elected to seats in two districts: (1) the parishes of St. Philip and St. Michael and (2) the parish of St. John, Berkeley. Laurens chose to represent the latter parish, and John Edwards won the vacant seat in a special election held on 12 and 13 May at St. Michael's Church (see Charleston *City Gazette*, 30 April, 14 May, Mfm: S.C. 33, 43). In St. Stephen's Parish, Benjamin Walker and John Couturier tied for the final seat on the delegation, and a special election was called for 5 and 6 May at the parish church (see Charleston *City Gazette*, 30 April, Mfm:S.C. 33). Either the election was not held or the elected candidate did not attend the Convention. One delegate declined his seat after the Convention convened. William Kirkland declined his seat for Fairfield County because of his concern over an outbreak of smallpox in Charleston. The Convention on 15 May ordered that a writ for a special election be issued, and John Cook took Kirkland's seat (see Convention Proceedings, 15 May, RCS:S.C., 349–50n).

Election Notice: Parish of St. George, 17 March 1788[1]

NOTICE.

Agreeable to a resolve passed in the House of Representatives the 17th of February, 1788: NOTICE is hereby given, that an election will be held in the Village of DORCHESTER, on the 11th and 12th days of April next, for seven Members to serve in the State Convention for the parish of St. George.

JOHN LYNES, } Church
PETER WARING, } Wardens.

March 17th, 1788.

1. Printed: *State Gazette of South Carolina*, 10 April.

Alexander Gillon to Richard Hampton
Ashley Hill Plantation, 19 March 1788 (excerpt)[1]

. . . preparations are making for the Election & Instructions are forming for the Members of the Convention, I have seen some that were strong & pointed—my nighbour Returns in about 14 days & I will be

up with you after the Election is over here abouts. I am asked to Serve for Several places,[2] but do not like to change, whilst my Constituents think I can attend to their Instructions & Wellfare. . . .

1. RC, Charles Roberts Autograph Collection, Haverford College, Haverford, Pa. The letter was carried "by W. A. A. Nixon." Gillon's plantation was on the Ashley River in St. Andrew's Parish. Hampton (1752–1792), a merchant and planter in Camden and Orangeburg districts, served in the South Carolina House of Representatives, 1779–80, 1782–84, and the Senate, 1785–91. During the Revolutionary War, Hampton served as a captain and colonel in the militia. He represented the District of Saxe Gotha in the state Convention, where he voted against ratification.

2. Gillon was the only member of the Saxe Gotha delegation in the South Carolina House of Representatives not elected to the state Convention.

Election Notice: Parishes of St. Philip and St. Michael, 3 April 1788[1]

NOTICE.

An Election for Members of the State Convention, will be held at the parish church of St Michael, in the city of Charleston, on Friday and Saturday, the eleventh and twelfth of April, inst. to commence at the hour of ten in the morning, and be continued until the hour of five o'clock in the afternoon of each day, of which all persons entitled to vote thereon are to take notice.

John Casper Folker, } *Church Wardens*
Edward Trescot, } *of St. Philip's.*

Robert Joor,[2] } *Church Wardens*
George Bampfield, } *of St. Michael's.*

1. Printed: *State Gazette of South Carolina,* 3 April. Reprinted: *State Gazette of South Carolina,* 10 April.

2. Robert Dewar is correct (see RCS:S.C., 298).

A Taxable Citizen
Charleston City Gazette, 10 April 1788[1]

Messrs. Printers,

To be or not to be—that is the question.
Shakespeare.[2]

The ensuing election is now the universal topic of conversation. What is to be done we cannot say; all we know from authority is, that it will commence Friday morning and end Saturday evening, which is enough for one week—that is we have two days leisure to consider; and if ever a period called for serious recollection, surely the present doth—*ab hoc momento pendet* LIBERTAS.[3] Every privilege we part with is an acceleration of our ruin; nor is the seeming minuteness of the surrender a reason for consenting to the loss. A good economist comprizes pence and

farthings in his calculations, and they say a wary merchant considers negligences in trifles as ominious of a total bankruptcy. I have often viewed the mode of conducting, elections in this country not without some remorse, as I deem the freedom and independency of elections to be the chief bulwark of liberty. But how different is it considered by others, who never reflect that without a voluntary and unbiassed choice of our representatives, we are governed by law enacted without our consent, it has a tendency to make the people insensible of private virtue or of public disgrace, promotes dissention, is attended with innumerable evils, may lay the foundation of the most infamous thraldom, and often transmits hatred and discord from generation to generation. To ask a man for his vote is paying him no compliment, it is rather a confession in the candidate that he is suspicious of his own merit—it is a proof of his apprehensions that the sense of the public is against him. Up then my countrymen, *shave yourselves clean*, and next Friday morning vindicate for once the dignity of your natures; dare to follow the honest dictates of your own hearts, and scorn to be bought or sold—

> But write him down a slave, who humbly proud,
> With presents begs preferment from the crowd;
> That early suppliant, who salutes the tribes,
> And sets the mob to scramble for his bribes.
>
> DRYDEN.[4]

I should proceed, but am agreeably interrupted by a letter from my old friend absent from the city, and as his thoughts coincide with my own, I have taken the liberty of laying it before your readers, and assure them that it has not undergone a single alteration.

TO MR. TAXABLE CITIZEN,
No. 12, *Tripe Lane*, Charleston.

Dear Neighbour, I should have been down last night, but lost my mare, am afraid *Jenny* is stolen; it could never happened in a worse time, as I wanted to be in the city against the election. I think a great deal may be done. I am clearly for the convention, and want to see the ship launched as soon as possible. I have been talking this month past with the people here about it, they are all for it, but some do not understand it. Smoking the other night with Arthur Mac Glatherill, and some others, they said they would vote for it, as they supposed those that made it knew better than themselves, and if it was once done, they look upon it that a bond will be a bond, and a note a note, and a book debt a book debt. Faith there is a good deal of meaning in it, but it is a joke for a man to give away his vote, because he thinks other people knows

better than himself. No, no; I know you will laugh at me, but it is the same in the city; how often have I seen a man stand, with a long thing in his hand, at the church door, and ask me if I had seen that list—why does people think we are fools? I say let every man make his own list, neighbour, and not trust to another. There was a curious affair happened up here last Easter Monday, which shews the depravity of human nature: A man set off early to vote against a certain man, who was put up for church warden; he galloped thirty miles; when he came there, the poll was closed for the morning—so he dined—before he voted—*there was the matter*. After dinner he was quite *another* man, and about four polled for the *wrong person*, came home tired to death, lost his privilege, and *barbacued* out of his vote. Is it not a shame that people will be so careless; I hope we shall behave better in the city, and for the future all vote in the *morning*. I am determined to be down, if I walk; nay, if I can't reach by virtue of my feet, I am determined to seize a horse, and run the risque of a *Capias*,[5] rather than lose my birthright; I say, if I should be committed, I shall come to you for a HEAP OF SCORPIONS, and be bailed; and let me see the man that asks me who I vote for. However, shall see you in the mean while, as I have something more to tell you.

Yours sincerely,

OBADIAH SPRIGGENS[6]

Turkey-Creek, 5th April, 1788

1. The Charleston *City Gazette*, 9 April, reported "TAXABLE CITIZEN is received and will be inserted as soon as possible." For another essay by "A Taxable Citizen," see "Scene in a Piazza," Charleston *City Gazette*, 14, 19, 22, 23 May (RCS:S.C., 410–17n).

2. *Hamlet*, Act III, Scene 1, line 55.

3. Latin: "On this moment hangs liberty."

4. *The Satires of Aulus Persius Flaccus. Made English by Mr. Dryden* (London, 1693), Satire V, p. 70, lines 254–57.

5. A writ of arrest.

6. For the origin of the fictional character Obadiah Spriggens, see the headnote to "Scene in a Piazza," Charleston *City Gazette*, 14, 19, 22, 23 May (RCS:S.C., 410).

Election Certificate: Ninety Six District—North of the Saluda Greenville County, 12 April 1788[1]

Agreable to a recommendation from the Genl Assembly. we have Caused an Election to be holden in this County for Electing three delegates to Serve in this State Convention and on Casting up the Votes we find

for Samuel Earle.	165
for Lamuel J. Allston—	153[2]
& for John Thomas Junr.	136

Which persons having the highest number of Votes we declare duely Elected. Given under our hands this day

Rt. Maxwell
James Harrison } Managers

1. MS, Constitutional and Organic Papers, Constitutional Convention of 1788, Sc-Ar. The resolutions calling the state convention elections required the election managers to submit a certificate immediately after the election. The example printed here is unusual in that it lists the number of votes received by each of the elected delegates to the Convention. For other certificates, see Mfm:S.C. 27 A–K.

John Kean to Susan Livingston Kean
Berkshire Plantation, 14, 18 April 1788 (excerpts)[1]

. . . My fellow citizens have thought proper to appoint me one of their representatives[2] to the convention for ratifying or rejecting the new constitution which is to meet the 12th. May, so it will not be until the very last of that month or may be in June before I shall fold to my bosom my dearest Susan, but her comprehensive mind will readily suggest the propriety of this delay altho it may be very disagreable to her which I can assure her it is to me—

18th.

. . . The dull sale of Indigo has been very detrimental to me—the greater part of my last years crop is still on hand & this is the case with many who are indebted to me & as I shall leave the State in so short a time the chance is very much against my receiving them—for I find without you are present & pretty urgent with your debtors they will put you off until they get rid of their more pressing creditor—indeed this country is in a very distressed state as it relates to money matters & I have my doubts whether it will not affect the immediate adoption of the Constitution.[3] . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. The letter was started on 14 April and finished on 18 April.
2. Kean was elected to represent St. Helena's Parish.
3. See John Kean to Susan Livingston Kean, 8 March, note 3 (RCS:S.C., 232n).

Election Returns: Parishes of St. Philip and St. Michael
Charleston Columbian Herald, 17 April 1788[1]

The following gentlemen are returned to serve as delegates to the state Convention:—

St. Philip and St. Michael's parish.

1	Governor Thomas Pinckney	424
2	Charles Cotesworth Pinckney	420
3	General C. Gadsden	411
4	Edward Rutledge	409
5	David Ramsay	401
6	Thomas Heyward jun.	396
7	Edward Darrell	393
8	Isaac Motte	392
9	Hon. Thomas Gadsden	391
10	John Matthews	391
11	Edward Blake	389
12	Thomas Bee	385
13	Henry Laurens[2]	381
14	D. Desaussure	380
15	Thomas Jones	378
16	John F. Grimke	376
17	William Johnson	376
18	John J. Pringle	375
19	John Blake	372
20	Daniel Stevens	371
21	Daniel Cannon	365
22	Anthony Toomer	362
23	Hugh Rutledge	350
24	John Budd	342
25	Francis Kinloch	336
26	William Sommersall	322
27	M. Kalteisen	303
28	R. Lushington	272
29	Nathaniel Russell	226
30	Joshua Smith[3]	214
31	Lewis Morris	199
32	Edward Lightwood	189

1. The *State Gazette of South Carolina* also printed these returns on 17 April. The vote totals match those in the *Herald* with the exception of the following: Thomas Heyward, Jr., 386; Edward Darrell, 398; John F. Grimké, 377; Richard Lushington, 276; and Nathaniel Russell, 223. The names of the Charleston delegates, without the vote totals, were printed in the Charleston *City Gazette*, 17 April, and reprinted in the *Pennsylvania Packet*, 7 May; New York *Daily Advertiser*, 8 May; Philadelphia *Independent Gazetteer*, 9 May; and Boston *American Herald*, 22 May. The *Pennsylvania Mercury*, 22 April, printed a list of the members for the parishes of St. Philip and St. Michael but incorrectly listed John Dawson in the place of Edward Lightwood. The *Mercury* marked the names of Dawson, Lewis

Morris, Edward Blake, and Thomas Heyward, Jr., with the notation "*supposed to be anti-federal.*" The paper printed a retraction on 1 May indicating that those marked as "anti-federal, are *truly federal.*"

2. Henry Laurens, Sr., was elected for the parishes of St. Philip and St. Michael and for the parish of St. John, Berkeley. He chose to represent the latter parish, and John Edwards was elected in his place (see Charleston *City Gazette*, 30 April, 14 May, Mfm:S.C. 33, 43).

3. Josiah, not Joshua, Smith was elected to the Convention.

Pennsylvania Gazette, 23 April 1788[1]

By the last vessels from Charleston was received the ticket for that place, containing the names of 32 gentlemen proposed to be elected members of the State Convention. Among them are members of the Fœderal Convention, members of the Assembly, several of their Governors, Speakers of Assembly, and private gentlemen of much worth, and friendly to the proposed Constitution. Things wear the most promising appearance in that patriotic and important state.

1. Reprinted in ten other newspapers by 15 May: Mass. (4), R.I. (1), N.Y. (1), Pa. (1), Md. (1), Va. (2).

Letter from Charleston, 25 April 1788[1]

Extract of a letter from Charleston, dated April 25.

"We have had our election for Delegates to the Convention, and it is with pleasure I inform you, that three fourths of the Members are declared Federalists."

1. Printed: New York *Daily Advertiser*, 6 May. Reprinted in nine other newspapers by 22 May: N.H. (2), Mass. (4), N.Y. (2), Pa. (1).

Election Notice: Parishes of St. Philip and St. Michael, 1 May 1788[1]

Public Notice

Is hereby given to all the freeholders and other inhabitants of the parishes of St. Philip and St. Michael, Charleston, who are qualified to vote for representatives to the general assembly, that they be and appear at the church of Saint Michael, on Monday and Tuesday the 12th and 13th days of May inst. between the hours of ten o'clock in the morning and five o'clock in the afternoon of the respective days, to choose a suitable person to serve as a delegate in the state convention, in the room of the Hon. Henry Laurens, Esq.[2]

John Casper Folker,
Edward Trescot, } Church-Wardens of St. Philip.

Robert Dewar,
Geo. Bampfield, } Church-Wardens of St. Michael.

1. Printed: *State Gazette of South Carolina*, 1 May.

2. Henry Laurens, Sr., declined his seat because he had also been elected to serve as a delegate from St. John's Parish, Berkeley. See Charleston *Columbian Herald*, 17 April, note 2 (RCS:S.C., 298n).

Georgia State Gazette, 10 May 1788

Monday next is the day appointed for the Convention of South-Carolina to meet in Charleston:—And we are informed, that a number of the electors in the back counties of that state, who never had read the Federal Constitution, have instructed their Delegates to vote against it.

V.
THE SOUTH CAROLINA CONVENTION
12–24 May 1788

Introduction

The setting, procedures, and people at the state Convention that met in Charleston on 12 May seemed familiar to many of the delegates. In many ways, the meeting replicated the General Assembly that had called the Convention only three months earlier. A majority of the members of the Convention had recently been in Charleston attending the General Assembly. The delegates met in the same room in the City Exchange that the state House of Representatives had used for the final two weeks of its session in February. The clerk, messenger, and doorkeeper of the Convention were the same men who had served the House, and the rules and practices of the Convention were based on those of the House. Indeed, the setting was too congenial for Antifederalist Aedanus Burke who reported that Federalist "Merchants and leading Men kept open houses, for the back and low country Members during the whole time the Convention sat" (Burke to John Lamb, 23 June, RCS:S.C., 470). Another Antifederalist complained that city men persuaded opponents of the Constitution through "some wine, and dinners" ("A Planter," *State Gazette of South Carolina*, 21 July, RCS:S.C., 386). For a Federalist satire of discussions of the Constitution in Charleston taverns during the state Convention, see "Taxable Citizen: Scene in a Piazza," Charleston *City Gazette*, 14, 19, 22, 23 May (RCS:S.C., 410–17n).

The 237 seats in the state Convention were based on the composition of the General Assembly. Each parish or district received the same number of delegates as it had in the House of Representatives (202) and Senate (29), with the exception of an additional six delegates for newly settled areas in Ninety Six District. (St. Stephen's Parish had elected only six of its seven delegates, therefore there were only 236 elected delegates.) Thus the ratio of low country to upcountry delegates closely matched that of the legislature. The three low country judicial districts had 143 delegates (with one vacancy) and a white population of 29,860 in the 1790 census. The upcountry had 93 delegates with a white population of 112,119.

The delegates themselves represented the state's political leadership. A majority of both houses of the legislature were delegates: 106 (74 low country, 32 upcountry) of the 202 state representatives and 17 (10 low

country, 7 upcountry) of the 29 state senators. The Convention's membership also included the governor, lieutenant governor, seven of the state's eight judges, all three commissioners of the loan office, one of the state's two treasurers, six out of seven privy councilors, and three of the four delegates to the Constitutional Convention. The previous leadership of the state was also highly visible. Among the Convention's delegates were three of the state's five past governors, five of the state's seven past lieutenant governors, and sixteen of the state's twenty-four living former or current members of Congress. Lawyers were prominently represented on the Federalist side, with sixteen delegates to three Antifederalists. Federalist delegates were also more affluent, with the average Federalist owning sixty-six slaves to thirty-four owned by Antifederalists. Thirty-five Federalist delegates owned more than one hundred slaves, while only four Antifederalists were that affluent.

Attendance was substantially higher than at legislative sessions. Of the 236 elected delegates, there are records of at least 224 voting in at least one roll call in the Convention journal. In addition, two other delegates, Lewis Golsan from Orange District and Tristram Thomas from St. David's Parish, submitted travel certificates for Convention attendance but did not vote in any of the three roll calls, and Governor Thomas Pinckney, as Convention president, abstained from voting, bringing the total attendance to 227 (or 96% of those elected). By comparison, participation in roll calls in the recent session of the state House of Representatives ranged from 43% to 75% of those elected. Nine Convention delegates were not recorded as voting nor did they submit travel certificates: two from St. Stephen's Parish and one each from the parishes of St. John, Berkeley; Prince George, Winyah; St. Peter; and the districts of Ninety Six, Ninety Six—South of Saluda; Little River; and the District between the Savannah River and the North Fork of Edisto. An outbreak of smallpox in Charleston led at least one delegate, William Kirkland of Fairfield County, to decline his seat out of fear of contracting the disease. He was quickly replaced by another delegate and the Convention requested John F. Grimké, the Intendant of Charleston, to issue a proclamation urging residents with the disease to stay out of public view to protect members of the Convention who had not had the disease.

The enabling legislation called for the Convention to convene on Monday, 12 May, but did not establish the number needed for a quorum. When the Convention opened, only 100 delegates were present, and Thomas Bee was elected temporary chair. South Carolina's constitution set relatively low numbers for quorums. In meetings of the legislature, only 69 out of 202 House members and 13 out of 29 members

of the Senate needed to be present to take action. By those standards, there were enough delegates at the Convention to conduct business, and Chancellor John Mathews argued that the body should begin its work. Aedanus Burke, Christopher Gadsden, and John Julius Pringle disagreed. The delegates voted to adjourn until 10:00 A.M. on Tuesday without conducting any business.

When the Convention met again on Tuesday, 13 May, 176 delegates were present and the Convention spent the day determining how it would do business. Governor Thomas Pinckney was chosen president of the Convention, winning the support of 110 of the 176 delegates. The Convention also unanimously elected the clerk, messenger, and doorkeeper of the state House of Representatives to serve in the same positions for the Convention. The Convention appointed a rules committee, a committee on elections, and a committee to find another meeting place. The rules committee debated whether to set the quorum at 121 or 81, but eventually settled on the lower number, which the full Convention accepted later in the day. The Convention also took up the question of how to consider the Constitution. Federalists David Ramsay, Jacob Read, and Thomas Bee argued that the Convention should debate the Constitution article by article, but vote only on the Constitution as a whole. Antifederalist Peter Fayssoux advocated voting on each paragraph. The Convention postponed a final decision on the question until Wednesday, 14 May.

When the Convention met on Wednesday, it accepted the report of the elections committee, which recognized the credentials of delegates where election managers had not submitted certificates and decided one disputed election. The committee on the location of the meeting recommended that the Convention accept the offer of the Reverend Richard Furman to move from the City Exchange to Charleston's Baptist Church, but the full Convention did not accept the report and remained at the Exchange for the entirety of the meeting. Finally, the Convention voted to support the Federalist position of debating the Constitution by paragraph but voting on the Constitution as a whole.

With the ground rules established, the Convention began to debate the Constitution. As happened in the state House of Representatives debates on the Constitution in January, Charles Pinckney delivered a lengthy opening speech setting out broad principles. He spoke on the nature of governments, showing how the Constitution provided for a mixed government, drawing the best elements from monarchies, aristocracies, and republics. He also noted that the new plan of government was suited to the people, who he divided into mechanical and landed, merchants, and professionals.

General Charles Cotesworth Pinckney, a delegate to the Constitutional Convention, took the lead in defending the details of the Constitution, as he did in the state House of Representatives, much in the way a defense attorney would make a case before a jury. David Ramsay began by posing an easy question to General Pinckney on bicameralism, noting that he was not asking on his own behalf but for the benefit of those who were not yet satisfied with the Constitution. General Pinckney was prepared with a ready answer. Unlike the January debates, in which Antifederalists largely relied on only one speaker (Rawlins Lowndes), the opponents of the Constitution had a number of delegates ready to question the Federalist position. Antifederalist Peter Fayssoux peppered General Pinckney with questions on the method of taxation, sparred with Pinckney on the advantages obtained by other states, and noted that "our delegates had made the most of a bad bargain." The two other Constitutional Convention delegates in the state Convention, John Rutledge and Charles Pinckney, quickly came to General Pinckney's support.

Antifederalists also raised questions about elections to the U.S. House of Representatives, impeachments, and the lack of term limits. Antifederalists speakers on the opening day included Peter Fayssoux, James Green Hunt, Aedanus Burke, Jehu Wilson, and John Bowman. Edward Rutledge joined his brother John and the two Pinckneys in supporting the Constitution as did Thomas Bee, David Ramsay, John Julius Pringle, Jacob Read, and John Mathews. Judge Henry Pendleton appeared undecided (as was the case in the January state House of Representatives debates) and contributed arguments to both sides of the debate. Antifederalist opposition was far more vigorous than in the January House debate, with many more members making varied points. By the end of the day, the Convention had completed its debate on sections 1–3 of Article I.

Unfortunately, the state Convention debates on subsequent days are not as fully documented. The debates for 14 May appeared in the Charleston *City Gazette* over four issues between 17 and 21 May, and while the debates continued for eight more days, newspaper coverage slowed. On 22 May, the *City Gazette* announced "A continuation of the proceedings in the convention is postponed until the house breaks up." With few exceptions, the *City Gazette* no longer printed debates on a regular basis. The content of subsequent debates is known only through brief references in the Convention journal, occasional speeches published in newspapers and the notes of delegate John Kean. The Convention continued to debate Article I for the remainder of the week.

The only surviving record of that debate is a speech by Charles Pinckney delivered on 17 May regarding paper money and the impairment of contracts. On Monday, 19 May, the Convention debated Article II, but Peter Fayssoux announced that news of Maryland's ratification made opposition to the Constitution in the Convention futile. His brief remarks are the only portion of the debates of 19 May to survive, and the substance of his remarks was disputed, with Fayssoux claiming angrily that he had been misquoted by the Charleston *City Gazette*. On Tuesday the 20th, the Convention completed its debate of the remainder of the Constitution, and only Francis Cummins' speech on test acts and oaths of office survives from that day.

Antifederalists knew that they could not win the ratification vote and placed their hopes on an adjournment prior to the vote, a strategy that was anticipated by Federalists. On 5 April, George Nicholas, a Virginia Federalist, warned James Madison that "great efforts will be made to induce" the South Carolina Convention "to adjourn" until after Virginia met. Madison, in turn, wrote a friend in South Carolina, warning of the danger of an early adjournment. The Charleston *City Gazette* had published speculation the week prior to the Convention that "It is expected that a motion will be made in convention, for an adjournment until November, then to meet at Columbia." Thus there was little surprise when on 20 May, General Thomas Sumter announced that he would make a motion to adjourn at noon the following day.

On Wednesday, 21 May, Sumter made his motion to adjourn the state Convention to 20 October. Only sketchy accounts of the debates of 21 May exist, although a newspaper account described the debate as "most animated." The long string of speakers in favor of the motion included Sumter himself, John Bowman, Aedanus Burke, Benjamin Cudworth, James Green Hunt, Edward Lacey, Samuel Lowrey, Henry Pendleton, Thomas Taylor, and Philemon Waters. Federalists who spoke against the motion included Thomas Bee, Christopher Gadsden, Thomas Heyward, Jr., John Hunter, Michael Kaltiesen, Henry Laurens, Sr., John Mathews, Charles Pinckney, John Julius Pringle, Jacob Read, and Edward Rutledge. The content of the Antifederalist argument can be pieced together from brief notes by Convention delegate John Kean and the comments of an unknown letter writer in Charleston on 22 May. Supporters of the motion argued that the upcountry did not have sufficient information on the Constitution, that delegates had been instructed by their constituents to oppose the Constitution and needed time to persuade the voters to change their minds, and that South Carolina should follow Virginia's lead in deciding on ratification. Some

argued that it would be easier to change opposition to the Constitution before the state ratified rather than afterwards, lest the people think that "their delegates had been forced into an adoption."

The vote on adjournment served as a test vote on ratification, with the upcountry favoring adjournment, 72–15, while the low country opposing it 17–120. When the vote totals were announced, the galleries erupted in cheers, which offended the Antifederalist members. Federalists sought to mollify the Antifederalists by clearing the galleries and suggesting the appointment of a committee to draft amendments.

On Thursday, 22 May, a committee to draft amendments was appointed, consisting of five low country delegates and four upcountry delegates. Six of the committee members (Thomas Bee, John Huger, John Hunter, John Julius Pringle, Edward Rutledge, and William Wilson) had opposed adjournment, while three (Francis Cummins, William Hill, and Henry Pendleton) had supported an early adjournment. The committee submitted its report the same day. The committee suggested four recommendatory amendments. The first would restrict Congress' power to regulate congressional elections except when states did not perform their duty. A second declared that states retained every power "not expressly relinquished by them and vested in the General Government." A third prohibited Congress from levying direct taxes unless other taxes were insufficient and states had refused to pay a requisition from Congress. These three amendments were similar to the first, third, and fourth amendments recommended by the Massachusetts Convention. A final amendment was the handiwork of Francis Cummins, a Presbyterian minister from New Acquisition District, who wanted to insert the word "other" in Article VI, section 3, regarding oaths, clarifying that oaths were sacred, and thus a form of religious test. According to John Wilson, an acquaintance of Cummins who lived across the North Carolina border, Cummins had been elected to the delegation because of his presumed opposition to the Constitution, but his opposition was solely due to this clause. Wilson had debated Cummins and claimed that Cummins had urged the "necessity and usefulness of a religious test to keep out Deists and Atheists from places of power and trust and to countenance and encourage religion." After reading the report, the Convention ordered the report to be considered on the next day.

When the Convention met on Friday, 23 May, Antifederalists unsuccessfully tried to introduce additional amendments. Aedanus Burke proposed a resolution limiting the president to a single four-year term, stating that the eligibility of the president for reelection "is dangerous

to the Liberties of the people" and likely to result in "An hereditary Monarchy." Burke's motion was rejected 139 to 68, with the low country opposing it 118–13 and the upcountry supporting it 55–21. Benjamin Cudworth, in a proposal similar to the ninth Massachusetts amendment, moved that Article I, section 9 be amended totally prohibiting a U.S. officeholder from accepting a present, emolument, office, or title from a foreign king or state, while John Lewis Gervais offered an amendment limiting the federal government's use of the state militias. Cudworth's and Gervais's motions were both rejected. The Convention then adopted the committee's four recommendatory amendments and included a resolution instructing South Carolina's Representatives and Senators in the first federal Congress to use their influence to bring about the alterations proposed in the amendments.

Following adoption of the committee report, Antifederalist John Bowman moved that a committee be appointed to draft a bill of rights, which was defeated. With the issue of amendments finished, the Convention voted 143 to 73 to ratify the Constitution, with the low country voting 121–16 and the upcountry 28–57. Two of the three members of the committee on amendments who had supported adjournment voted for ratification, with only William Hill remaining in opposition to ratification. After the vote was taken, the rest of the day was spent allowing Antifederalists to speak about their plans to encourage their constituents to support the Constitution. According to newspaper accounts, Antifederalists gave speeches indicating "that they would exert themselves to the utmost of their abilities to induce the people quietly to receive, and peaceably to live under the new government." The names of the eight speakers—Aedanus Burke, Benjamin Cudworth, Patrick Dollard, Peter Fayssoux, William Hill, James Lincoln, Samuel Lowrey, and Thomas Sumter—were listed in newspaper accounts, but as with the other days, no summaries of the speeches are extant. Before adjourning for the day, the Convention ordered that two copies of the form of ratification, together with the recommended amendments, be engrossed on parchment, and that one of the copies be sent to the Confederation Congress. The Convention also resolved that 1,200 copies of the Constitution be printed along with the recommended amendments and that six copies be given to each of the Convention delegates.

The final day, Saturday, 24 May, was reserved for housekeeping and the formal ratification ceremony in which President Thomas Pinckney signed the engrossed copy of the form of ratification. The Convention adopted resolutions thanking Pinckney for his role as president and thanking the delegates to the Constitutional Convention for their work.

Finally, the Convention adopted a resolution calling on the legislature to appropriate funds for the Convention's expenses before adjourning.

After the Convention adjourned, six speeches in the Convention were published in Charleston newspapers—all but one supported the Constitution. Charles Pinckney's opening speech of 14 May was published on 3 June, and his speech of 17 May regarding paper money or the impairment of contracts was published on 26 June. Two speeches delivered by the Reverend Francis Cummins on 20 and 23 May were published after ratification on 26 May. The publication on 29 May of speeches by two delegates from Prince Frederick's Parish—Federalist Alexander Tweed and Antifederalist Patrick Dollard—generated controversy. Tweed offered vague remarks noting that there were good arguments on both sides, denying that he had been instructed by his constituents, and concluding by saying that the vote on ratification would be important because "we are not acting for ourselves alone, but to all appearance for generations yet unborn." Dollard's speech was the harshest published criticism of the Constitution from the Convention. He claimed that his constituents in Prince Frederick's Parish were nearly unanimous in opposition to the Constitution because of its lack of a bill of rights and charged that it created a "despotic aristocracy," adding that his constituents "will not accept of it unless compelled by force of arms." Publication of the speech led to a newspaper debate during the summer over the propriety of publishing pieces critical of the Constitution after its ratification had been settled.

Delegates to the South Carolina Convention

South Carolinians were entitled to elect 237 delegates to the Convention. Delegates were elected for 236 of the seats. The following table lists in parentheses two votes for each delegate. The first is the vote on the 21 May Antifederalist motion to adjourn the Convention without voting on ratification. The second is the vote on the 23 May Federalist motion to ratify the Constitution. (See Convention Proceedings, 21, 23 May, RCS:S.C., 362–65, 393–96.) "Y" indicates a vote for the motion, "N" indicates a vote against the motion, and "A" indicates that the delegate did not vote on the motion but that the delegate's name either appeared in the Convention journal or in the Treasury records as being paid for attendance. An X appears after the names of the nine delegates whose names are not in the Convention Journal nor recorded as receiving payment for attendance.

Officers

President
Thomas Pinckney
Secretary
John Sandford Dart
Cashier
Daniel Stevens
Deputy Cashier
Richard Lushington
Messenger
Ralph Atmar
Doorkeeper
Ichabod Atwell
Barkeeper
John Bounetheau

Delegates

All Saints' Parish
Thomas Alston (N/Y)
Daniel Morrall (N/Y)

Christ Church Parish
Joseph Manigault (N/Y)
Charles Pinckney (N/Y)
Jacob Read (N/Y)
William Read (N/Y)
John Rutledge (N/Y)
Joshua Toomer (N/Y)
Arnoldus Vanderhorst (N/Y)

District between the Broad and Catawba Rivers
Chester County
Joseph Brown (Y/N)
James Knox (Y/N)
Edward Lacey (Y/N)
William Miles (Y/N)
Fairfield County
Jacob Brown (Y/N)
John Cook (Y/N)
James Craig (Y/N)
John Gray (Y/N)
Richland County
Thomas Howell (Y/N)
William Meyer (Y/N)
Thomas Taylor (Y/N)

District between the Broad and Saluda Rivers
Little River District
John Hunter (N/Y)
James Mayson (X)
Joshua Saxon (Y/N)
Samuel Saxon (Y/N)
Thomas Wadsworth (N/Y)
Lower District
Aedanus Burke (Y/N)
John Hampton (Y/N)
John Lindsey (Y/N)
Robert Rutherford (Y/N)
Philemon Waters (Y/N)
Upper or Spartan District
Thomas Brandon (Y/N)
Zachariah Bulloch (Y/N)

James Jordan (Y/N)
William Kennedy (Y/N)
Charles Sims (Y/N)

DISTRICT BETWEEN THE SAVANNAH RIVER AND THE NORTH FORK OF EDISTO
William Buford (X)
Jonathan Clark (N/Y)
John Collins (N/Y)
William Dunbar (N/Y)
William Robison (N/Y)
Stephen Smith (N/Y)
Joseph Vince (N/Y)

DISTRICT EASTWARD OF THE WATEREE RIVER
Andrew Baskins (Y/N)
Samuel Boykin (Y/A)
John Chesnut (Y/Y)
Benjamin Cudworth (Y/N)
Samuel Dunlap (Y/N)
Thomas Dunlap (Y/N)
John Lowry (Y/N)
William Massey (Y/N)
John Montgomery (Y/N)
Thomas Sumter (Y/N)
Hugh White (Y/N)

NEW ACQUISITION DISTRICT
Francis Cummins (Y/Y)
William Hill (Y/N)
James G. Hunt (Y/N)
Andrew Love (Y/N)
Samuel Lowrey (Y/N)
John McCaw (Y/N)
James Martin (Y/N)
Adam Meek (Y/N)
Robert Patton (Y/N)
Abraham Smith (Y/N)
Samuel Watson (Y/N)

NINETY SIX DISTRICT
John Bowie (Y/N)
William Butler (Y/N)
Joseph Calhoun (Y/N)
John Ewing Colhoun (X)
Charles Davenport (Y/A)
John Lewis Gervais (Y/N)
Andrew Hamilton (Y/N)
John Harris (N/Y)
Adam Crain Jones (Y/N)
James Lincoln (Y/N)
Edmond Martin (Y/N)

NORTH SIDE OF SALUDA (GREENVILLE COUNTY)
Lemuel James Alston (Y/Y)
Samuel Earle (Y/Y)
John Thomas, Jr. (N/Y)

SOUTH SIDE OF SALUDA (PENDLETON COUNTY)
Robert Anderson (X)
William McCaleb (N/Y)
John Miller (N/Y)

ORANGE PARISH
Donald Bruce (Y/Y)
Lewis Golsan (A/A)
Lewis Lesterjette (Y/Y)
Jacob Rumph (Y/Y)

PRINCE FREDERICK'S PARISH
John Burgess, Jr. (Y/N)
Patrick Dollard (Y/N)
William Frierson (N/Y)
James Pettigrew (Y/Y)
William Reed (Y/N)
Alexander Tweed (N/Y)
William Wilson (N/Y)

PRINCE GEORGE'S PARISH, WINYAH
William Alston, Jr. (N/Y)
Peter Horry (X)
Cleland Kinloch (N/Y)
Samuel Smith (N/Y)
Thomas Waties (N/Y)

PRINCE WILLIAM'S PARISH
John A. Cuthbert (N/Y)
Stephen Deveaux (N/Y)
Thomas Hutson (N/Y)
John Lightwood (N/Y)
John McPherson (N/Y)
James Maine (N/Y)
John Simmons (N/Y)

ST. ANDREW'S PARISH
Charles Drayton (N/Y)
Glen Drayton (N/Y)
Thomas Fuller (N/Y)
Richard Hutson (N/Y)
Ralph Izard, Jr. (N/Y)
James Ladson (N/Y)
William Scott (N/Y)

ST. BARTHOLOMEW'S PARISH
Edmund Bellinger (Y/N)
John Croskeys (N/Y)

John Lloyd (N/Y)
Benjamin Postell (Y/N)
O'Brien Smith (Y/N)
William Clay Snipes (Y/N)
Paul Walter (Y/N)

St. David's Parish
Lemuel Benton (Y/Y)
Robert Brownfield (N/Y)
William Dewitt (Y/Y)
Benjamin Hicks, Jr. (Y/Y)
Calvin Spencer (N/Y)
Samuel Taylor (N/Y)
Tristram Thomas (A/A)

St. George's Parish, Dorchester
John Dawson (N/Y)
John Glaze (N/Y)
Matthias Hutchinson (N/Y)
John Postell (N/Y)
William Postell (N/Y)
Morton Waring (N/Y)
Thomas Waring (N/Y)

St. Helena's Parish
John Barnwell (N/Y)
Robert Barnwell (N/Y)
William Elliot (N/Y)
John Joyner (N/Y)
John Kean (N/Y)
James Stuart (N/Y)
William Hazzard Wigg (N/Y)

St. James's Parish, Goose Creek
John Deas, Jr. (N/Y)
Ralph Izard, Sr. (N/Y)
Gabriel Manigault (N/Y)
John Parker, Jr. (N/Y)
Benjamin Smith (N/Y)
Peter Smith (N/Y)
William Loughton Smith (N/Y)

St. James's Parish, Santee
John Bowman (Y/N)
Isaac Dubose (Y/Y)
Thomas Horry (N/Y)
John Mayrant (N/Y)
Lewis Miles (N/Y)
Samuel Warren (N/Y)
Richard Withers (N/Y)

St. John's Parish, Berkeley
Peter Fayssoux (Y/N)
Henry Laurens, Jr. (N/Y)
Henry Laurens, Sr. (N/Y)
Francis Marion (X)
William Moultrie (N/Y)
Keating Simons (Y/N)
Thomas Walter (Y/N)

St. John's Parish, Colleton
Daniel Jenkins (N/Y)
Isaac Jenkins (N/Y)
Thomas Legare (N/Y)
Ephraim Mikell (N/Y)
Richard Muncreef, Jr. (N/Y)
William Smelie (N/Y)
Hugh Wilson (N/Y)

St. Matthew's Parish
John Linton (Y/N)
William Thomson (Y/Y)
Paul Warley (Y/Y)

St. Paul's Parish
Melcher Garner (Y/N)
George Haig (N/Y)
Paul Hamilton (N/Y)
Roger Parker Saunders (N/Y)
Joseph Slann (N/Y)
William Washington (N/Y)
Jehu Wilson (Y/N)

St. Peter's Parish
John Lewis Bourquin, Jr. (Y/N)
John Chisholm (N/N)
John Fenwick (N/Y)
Joachim Hartstone (N/Y)
Henry Holcom (N/Y)
Seth Stafford (N/Y)
William Stafford (X)

St. Philip's and St. Michael's Parishes
Thomas Bee (N/Y)
Edward Blake (N/Y)
John Blake (N/Y)
John Budd (N/Y)
Daniel Cannon (N/Y)
Edward Darrell (N/Y)
Daniel DeSaussure (N/Y)
John Edwards (N/Y)
Christopher Gadsden (N/Y)
Thomas Gadsden (N/Y)
John F. Grimké (N/Y)
Thomas Heyward, Jr. (N/Y)
William Johnson (N/Y)

Thomas Jones (N/Y)
Michael Kalteisen (N/Y)
Francis Kinloch (N/Y)
Edward Lightwood (N/Y)
Richard Lushington (N/Y)
John Mathewes (N/Y)
Lewis Morris (N/Y)
Isaac Motte (N/Y)
Charles Cotesworth Pinckney (N/Y)
Thomas Pinckney (A/A)
John Julius Pringle (N/Y)
David Ramsay (N/Y)
Nathaniel Russell (N/Y)
Edward Rutledge (N/Y)
Hugh Rutledge (N/Y)
Josiah Smith (N/Y)
William Somersall (N/Y)
Daniel Stevens (N/Y)
Anthony Toomer (N/Y)

ST. STEPHEN'S PARISH
Thomas Cooper (X)
Samuel Dubose (N/Y)
Hezekiah Maham (N/Y)
John Palmer (N/Y)
Thomas Palmer (X)
John Peyre (N/Y)

ST. THOMAS AND ST. DENNIS'S PARISH
Robert Daniel (N/Y)
Lewis Fogartie (N/Y)
Isaac Harleston (N/Y)
John Huger (N/Y)
Thomas Karwon (N/Y)
Isaac Parker (N/Y)
Thomas Screven (N/Y)

SAXE GOTHA DISTRICT
Joseph Culpepper (Y/N)
William Fitzpatrick (Y/N)
Richard Hampton (Y/N)
Wade Hampton (Y/N)
Henry Pendleton (Y/Y)
John Threewits (Y/N)
Llewellyn Threewits (Y/N)

The South Carolina Convention
Monday
12 May 1788

Convention Proceedings, 12 May 1788[1]

In Pursuance of the Recommendation of the Legislature of this State,[2] for calling a Convention to meet this day in Charleston for the purpose of considering and of ratifying or rejecting the Constitution framed for the United States by a Convention of Delegates Assembled at Philadelphia in May last, One Hundred Delegates being present in the City Hall,[3] made Choice of Thomas Bee Esquire, as their Chairman, who by the desire of the Delegates present, Adjourned the Convention until to Morrow morning Ten o'Clock.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.
2. See "Resolutions Calling a State Convention," 18 February (RCS:S.C., 185–90n).
3. The Exchange.

Newspaper Report of Convention Proceedings and Debates 12 May 1788[1]

Yesterday being appointed for the meeting of a convention to consider the proposed federal constitution, Mr. Bee was called to the chair *pro tem.* when the returns being read by Mr. Dart, there appeared to be 91 members present.

Chancellor Mathews said, that he understood several gentlemen were of opinion there should be a majority of the convention present before they proceeded to business, he mentioned this for information, not as his opinion, for he thought that they might with propriety proceed.

Judge Burke, the hon. Mr. Pringle, and General [Christopher] Gadsden spoke a few words on the propriety of adjourning until to morrow, which was agreed to, after the names of the members had been a second time called over, when 100 answered.

1. Printed: Charleston *City Gazette*, 13 May.

The South Carolina Convention
Tuesday
13 May 1788

Convention Proceedings, 13 May 1788[1]

The Convention met according to Adjournment, One hundred and Seventy Six Delegates being present,[2] proceeded to the election of a President, upon Casting up the Ballots, It appeared that His Excellency

Thomas Pinckney, Esquire, Governor and Commander in Chief in and over this State was duly elected President.

The Convention then made Choice of John Sandford Dart[3] Esquire As their Secretary. They also made Choice of Ralph Atmar Gentleman, as Messenger, Mr. Ichabod Atwell as Door keeper and Mr. John Bounetheau as Bar keeper

A Motion was made and Seconded that a Committee be Appointed to draw up Rules and Orders to be Observed by the Delegates of the Convention, which being Agreed to the following Gentlemen were Accordingly Appointed Vizt.

General Pinckney

Mr. Bee .....Mr. [Ralph] Izard [Sr.]
Mr. Mathews .....&..... Mr. Justice Burke

A Motion was made and Seconded that a Comittee on Elections be appointed,[4] which being Agreed to the following Gentlemen were accordingly Appointed Vizt.

General Pinckney

Mr. Bee .....Mr. [Ralph] Izard [Sr.]
Mr. Mathews .....&..... Mr. Justice Burke

On Motion Ordered that the Return for Orange Parish be referred to the Committee on Elections.

His Excellency the President laid before the Convention a Letter from Governor Hancock of the state of Massachusetts inclosing a Copy of the proceedings of the Convention of the people of that State, which were received and read.[5]

Ordered that they do lie on the Table for the Information of the Members.

The Convention proceeded to the Reading of the following papers, "An Act for appointing deputies from the State of South Carolina to a Convention of the United States of America proposed to be held in the City of Philadelphia in the Month of May 1787 for the purpose of revising the Federal Constitution."[6] The Resolutions of the Legislature of this State for calling a Convention.[7] And the Constitution of the United States of America as proposed by the Federal Convention.

A Motion was made and Seconded that a Committee be appointed to enquire whether a more commodious place than the City Hall could be procured for the sitting of the Convention, and to Report thereon as Speedily as Possible, which being Agreed to; the following Gentlemen were accordingly Appointed Vizt.

Doctor Ramsay

Doctor Fayssoux.....Mr. Edward Rutledge
Doctor Budd .....&..... Colonel Vanderhorst

General Pinckney from the Committee—Appointed to draw up Rules and Orders to be observed by the Delegates of the Convention, delivered in a Report.

Ordered that the said Report be taken into immediate Consideration, which being read through was agreed to and is as follows Vizt.

1st. The President and Eighty Members shall be a Quorum to transact business.

2d. Every Member who does not Attend at the hour of Adjournment, shall pay a fine of two Shillings & Six pence to the Cashier.

3d. If any Member shall break the Convention or Absent himself without leave he shall be sent for at his own Expence, and be subject to the Censure of the Convention.

4th. No Member shall speak more than twice to the same point without leave.

5th. Each Member when speaking shall address himself to the President Standing and Uncovered.

6th. If two Members rise to speak nearly at the same time, the President shall decide which was first up.

7th. Every Member when Speaking shall adhere to the point before the Convention and shall not be interrupted unless he departs from it when he may be called to Order.

8th. When a Question of Order arises it shall be determined by the President in the first Instance, but any Member may appeal from his Determination to the Convention.

9th. When a Motion is made and Seconded it shall if required by a Member be reduced to writing and delivered in at the Table.

10th. When the President desires to be heard the Members shall take their Seats and keep order while he is Speaking.

11th. When a Motion is made for an Adjournment and Seconded no Question shall be debated until the Convention have decided on that Motion.

12th. The Yeas and Nays may be called and entered on the Journals if required by a Majority of the Members of any two Parishes or Districts.

13th. A Cashier shall be appointed to receive the fines imposed by the foregoing Rules.

Ordered that the Rules and Orders be fairly ingrossed, signed by the President, and Affixed to the Wainscot.[8]

On Motion Resolved that Daniel Stevens Esquire be appointed Cashier and Richard Lushington Esquire, Deputy Cashier to the Convention, with the usual powers.

And the Convention adjourned, to 9 o'Clock to morrow Morning.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

2. The rough Convention journal, from which the engrossed version was later copied, originally read in place of the opening text here: "At a Meeting of the State Convention begun and holden at the Hall in the City of Charleston, on ~~Tuesday~~ the 13th day of May Anno Domini 1788 and in the 12th Year of the Independence of the United States of America, for the purpose of considering, and of ratifying or rejecting the Constitution framed for the United states by a Convention of Delegates assembled at Philadelphia in May last—One hundred and seventy six Delegates being present—" (Constitutional and Organic Papers, Sc-Ar). This paragraph was later crossed out.

3. Dart (c. 1741–1798), a Charleston merchant, served as clerk of the South Carolina House of Representatives, 1783–97. He was an officer in the Continental Army during the Revolutionary War and a member of the Provincial Congress, 1775, and the House of Representatives, 1782.

4. The rough journal adds the phrase "with full powers to send for persons papers and Records," which was later crossed out.

5. See Governor John Hancock to the State Executives, 16 February 1788 (RCS:Mass., 1607–8). The South Carolina copy of the letter is in the Henry Ford Museum Bicentennial Collection, Edison Institute, Greenfield Village and Henry Ford Museum, Dearborn, Michigan. For the Massachusetts Form of Ratification with the recommended amendments, see CC:508 and RCS:Mass., 1468–71.

6. For the act appointing delegates to the Constitutional Convention, 8 March 1787, see Appendix II (RCS:S.C., 508–9).

7. See "Resolutions Calling a State Convention," 18 February 1788 (RCS:S.C., 185–90n).

8. The engrossed copy, signed by Governor Thomas Pinckney, is in the Constitutional and Organic Papers, Sc-Ar. For the drafting process of the rules, see Draft Report of Committee on Rules, 13 May (immediately below).

Draft Report of the Committee on Rules, 13 May 1788

On 13 May, Charles Cotesworth Pinckney introduced a motion calling for the appointment of a committee to draft rules for the Convention. The motion was adopted and a committee consisting of Pinckney as chairman, along with four other delegates who also held seats in the S.C. House of Representatives, immediately began its work. The committee completed its assignment on the same day, and the final version as adopted appears in the Convention Proceedings, 13 May (immediately above). The document printed below is likely the first draft, which included numerous interlineations and cross outs. (This document is in Constitutional and Organic Papers, Sc-Ar.) Interlineations are noted here in italic type; deleted text is struck out. Another manuscript version exists in the South Carolina Department of Archives and History and is nearly identical to the version adopted by the Convention on 13 May (immediately above).

The committee began by closely following the language of the rules adopted by the South Carolina House of Representatives for its 1787–88 session (see Stevens, *House Journals, 1787–1788*, 12–14), omitting rules not relevant to the Convention, such as the process for reading of bills or checking out books from the House library. The House had 22 rules; the committee report had 17, and the version adopted by the Convention had 13.

The principal dispute concerned the number of delegates required for a quorum. The resolutions calling the Convention established 237 seats in the Convention but did not set a quorum. Only 91 delegates were present when the Convention opened on 12 May, and those in attendance disagreed as to whether to proceed until a majority was present (Charleston *City Gazette*, 13 May, RCS:S.C., 312). The committee report originally set the quorum at 81, although this was increased at some point to 121, before being reduced back to 81 in the rule adopted by the Convention. Under South Carolina's Constitution, 82 members of the General Assembly (69 in the House and 13 in the Senate) were needed to conduct business. One hundred twenty-one delegates represented a majority of the Convention plus two.

There were other changes as the report evolved. At first all committees with more than three members had to be elected by ballot by the full Convention; later the power was given to the president unless determined otherwise by the Convention; and the rules adopted by the Convention were silent on the subject. An appeal of the president's decision on points of order initially required a request by two delegates but was reduced to one in the final version. Other draft rules reflected concerns over the behavior of delegates. The committee considered a rule permitting the Convention to take any delegate into custody who "shall incur the displeasure of the Convention," but it was deleted at some point. The committee report contained a rule that authorized fifty delegates to compel the attendance of absent delegates. The rule adopted by the Convention left the power implicitly in the hands of the president to compel any absent delegate to attend. The committee report required, on the request of any ten delegates, a roll call on any disputed question, entry of the roll call in the journal, and publication. The final rule required a majority of delegates in two parishes or districts to call for a roll call and eliminated the requirement of publication. Other changes dealt with permissible motions and the process for counting votes.

The Committee appointed to prepare Rules and orders for the Convention—Report the following—

1. The President and ~~eighty~~ *the hundred & twenty* members shall form a quorum to transact business—

2. The President shall take the chair evry day at the hour to which the ~~house~~ *Convention* shall have adjourned, shall immediately call the members to order, and on the appearance of a quorum shall cause the Journal of the preceding day to be read.

3. He shall preserve order and decorum, may speak to points of order in preference to other members, may give Information or explain any matter to the Convention, the members keeping their seats and be standing, and shall decide questions of order subject to an appeal to the Convention by any two members—

4. If the President doubts how a question is decided, or a division is Called for, the Convention shall divide, and the President shall name

Two members, one from each side to Tell the numbers in the affirmative, and two members one from each side to tell the numbers in the negative, which being reported he shall rise and state the decision to the Convention—

5. The President shall appoint Committees ~~unless it be~~ *in all Cases except where otherwise* determined by the Convention ~~that the Committee shall Consist of more than three members in which Case the appointment shall be by Ballot—~~

6. Evry member who does not attend at the hour of adjournment by the clock in the State house shall pay a fine of 2/6 to the Cashier—

7. If any member shall absent himself without leave or breake the Convention he shall be sent for at his own expence and be Subject to the Censure of the Convention—

8. A Cashier and an assistant shall be appointed to receive the fines Imposed by the rules, which they shall Collect evry Tuesday morning before the Convention proceeds to Business and report the names of any who shall refuse payment that they may be accountable to the Convention—

~~9. No member who shall incur the displeasure of the Convention and be taken into Custody or sent for at his own expence shall be permitted to take his seat untill he has paid the fees and expences Incurred—~~

9. ~~10~~ No member shall speak more than twice on any one question in one day—*Nor more than* once on any previous question—

10. ~~11~~ Each member when speaking shall address himself to the President, standing and uncovered, and shall not be Interrupted ~~unless~~ *untill* he departs from the point before the Convention, when he may be called to order—

11. ~~12~~ If two members rise to speak nearly at the same time, the President shall decide who was first up, and he in whose favor the decision is made, may proceed untill he is Called to order, at which Call the member speaking shall give over the debate untill the question of order is first determined—

12. ~~13~~ When a motion is made and seconded it shall if required by the President or any other member, be reduced to writing and delivered in at the table—

13. ~~14~~ When a motion is made and seconded for an adjournment no question shall be debated untill the Convention have decided on that motion—

14. ~~15~~ When a question is under debate, no motion shall be received, unless to amend it, for the previous question, or to adjourn—

15. ~~16~~ Any Fifty members shall be authorized with the President to Compell the attendance of the Members—

16. ~~17~~ The Yeas and Nays on any question may be called and entered on the Journals and published if Required by any Ten of the members present—

Newspaper Report of Convention Proceedings and Debates
13 May 1788[1]

This day the convention met agreeable to adjournment, when the names being called over, there appeared to be 173 members present.

A motion was made and seconded that the house should proceed to ballot for a president; but general Moultrie[2] thinking this mode of election would consume too much time, moved that his excellency the governor[3] should take the chair.

His excellency arose, and said that he had been informed of the honor intended to be conferred upon him, but begged leave to decline it; not that he wished to avoid trouble, or withhold his assent to the ratification of this constitution, on the contrary, he sincerely wished and hoped that it would be adopted; but when he saw upon the floor several gentlemen who had eminently served their country for a series of years, and were respected in this country and in others; and the ratification of this constitution being of immense importance to the union, the names of some of those gentlemen, might weigh with those states who were balancing, especially as this state would be looked up to by them. He hoped therefore a ballot might take place.

A ballot was moved for, when there appeared to be for gov. Pinckney 110, who took the chair, and col. Dart was unanimously elected secretary.

Mr. Atmore, messenger.

Mr. Atwell, door-keeper.

Mr. John Bounetheau, bar-keeper.

Gen. [Charles Cotesworth] Pinckney moved for a committee to draw up rules and regulations for the proceedings of the convention. Ordered.

Judge Burke moved for a committee to enquire into contested elections.

Ordered, to be referred to the same committee.

Read a letter from the governor of Massachusetts, informing, that the convention of that state had agreed to ratify the constitution, and also recommended amendments.[4]

Gen. Pinckney moved, that the constitution be read for information of the members.

Mr. Read[5] thought it would be more regular previously to read the act of general assembly for calling a convention;[6] it was read, and then the constitution.

Dr. Ramsay moved that a committee be appointed to enquire, whether a more convenient place could not be found for the convention to meet in. Ordered.

The committee appointed to draw up rules and regulations, reported several.

Mr. Stevens was appointed cashier and col. Lushington assistant cashier.

Agreed to meet at nine o'clock in the morning, for the more speedy dispatch of business.

Dr. Ramsay wished the house would to morrow go seriously in to the business, and this day settle the mode of proceeding. The adjustment of this took up a great deal of time in the house of representatives: he was for following the practice of other states, to debate article by article, and no question to be taken but on the whole. Gentlemen may wish to ask of our delegates[7] particular questions for information.

Colonel Huger[8] asked how the state of Massachusetts proceeded.[9]

Dr. Fayssoux declared an intention to oppose the motion, thinking it better to take the question on each article. He intended to take the sense of the convention on this head, if Dr. Ramsay was seconded.

Mr. Read seconded the motion, thinking it improper to take a question on the fate of each paragraph, because if many of them are negatived, it might occasion the constitution to be rejected.

Col. Hill[10] seconded Dr. Fayssoux for postponement until to morrow, and the question to stand for the order of the day.

Mr. Bee shewed that the convention had better take the question on the whole as they had no power to make alterations. If the house thought proper to follow the example of Massachusetts by recommending alterations, it might be done either by the convention, or a committee.

Col. Huger asked, whether the convention had a right to recommend alterations after agreeing to the constitution.

Dr. Knox moved to adjourn. Agreed to.

1. Printed: Charleston *City Gazette*, 14 May. Reports based on the *Gazette's* account appeared in the *Salem Mercury*, 3 June, and the *Massachusetts Centinel*, 4 June (Mfm:S.C. 38 A–B). The *Centinel*'s version was reprinted in the *New Hampshire Gazette*, 5 June, and the *New Hampshire Spy*, 7 June. The *State Gazette of South Carolina*, 15 May, published the following report of the proceedings of 12 and 13 May: "Monday being appointed for the meeting of the state convention Mr. Bee in the chair, pro. tem. the returns were read, and there not being a majority, adjourned until Tuesday; on which day they met, when the names being called over, there appeared to be present 173 members; upon which

they proceeded to ballot when Governor Pinckney was elected president, Col. Dart, secretary, Mr. Atmore, messenger, Mr. Atwell, door keeper, Mr. John Bounetheau, bar-keeper, Mr. Stevens, cashier, and Col. Lushington, assistant cashier." The *State Gazette* report was reprinted in the *Gazette of the State of Georgia*, 22 May.

2. William Moultrie (1730–1805), a low country planter, was a general in the Continental Army during the Revolutionary War. He served as governor of South Carolina, 1785–87, 1792–94; and as a member of the Commons House of Assembly, 1752–62, 1764–73; Provincial Congress, 1775–76; House of Representatives, 1776–78, 1783–84; and Senate, 1787–91. He represented the parish of St. John, Berkeley, in the state Convention and voted to ratify the Constitution.

3. Governor Thomas Pinckney.

4. See Governor John Hancock to the State Executives, 16 February 1788, RCS:Mass., 1607–8.

5. Probably Jacob Read.

6. See "Resolutions Calling a State Convention," 18 February (RCS:S.C., 185–90n).

7. Three of South Carolina's four delegates to the Constitutional Convention had seats in the state Convention: Charles Pinckney, Charles Cotesworth Pinckney, and John Rutledge. According to Charles Cotesworth Pinckney, Pierce Butler declined to sit in the state Convention "out of a principle of delicacy too refined." See Charles Cotesworth Pinckney to George Washington, 24 May (RCS:S.C., 446).

8. John Huger (1744–1804), a low country planter, served in the South Carolina Commons House of Assembly, 1768–71, 1773–75; Provincial Congress, 1775–76; and Senate, 1787–90. He also served as secretary of the colony and later as secretary of state, 1776–83. He represented the parish of St. Thomas and St. Dennis in the state Convention, where he voted to ratify the Constitution.

9. The Massachusetts Convention debated the Constitution paragraph by paragraph. See RCS:Mass., 1111.

10. William Hill (1741–1816) owned and operated several ironworks in New Acquisition District (York County) and was a colonel in the militia during the Revolutionary War. He served in the South Carolina House of Representatives, 1782–84, 1800–1808, 1812–13, and the Senate, 1779–80, 1785–90, 1795. He represented New Acquisition District in the state Convention, where he voted against ratification.

The South Carolina Convention
Wednesday
14 May 1788

Convention Proceedings, 14 May 1788[1]

The Convention met according to Adjournment, And the Journal of Yesterday was read.

General [Charles Cotesworth] Pinckney from the Committee on Elections, delivered in a Report.

Ordered that the Report be taken into immediate consideration which being read through is as follows,

The Committee on Elections

Report, That the Returning Officer of Saint Bartholomew's Parish has made no Return of the Delegate elected in the stead of the Honorable Rawlins Lowndes Esquire for that Parish. Your Committee therefore examined Witnesses on the Subject, and it appeared to them from the Testimony of Benjamin Postell, Obrian Smith and Paul Walter Esquires, that the Election was held by the proper Officer in the usual form and at the Accustomed place, and that Edmond Bellinger Esquire, had a large Majority of Votes, their being forty eight Votes of which number thirty six voted for him.

Your Committee therefore recommend that Edmond Bellinger Esquire be admitted to a seat in the Convention as a Delegate from the Parish of Saint Bartholomew

Your Committee further Report, that the Returning Officer for that part of the District, between Broad and Catawba Rivers called Fairfield County had made no Return of the Delegate[s] Elected, Your Committee therefore examined Witnesses on the Subject and it appeared from the Testimony of Edward Lacey and Joseph Brown Esquires, that James Craig, Jacob Brown, William Kirkland and John Grey Esquires were elected by a Large Majority to represent that part of the District in Convention. Your Committee therefore recommend that they be admitted to Seats in Convention as Delegates for the District between Broad and Catawba Rivers.[2]

Your Committee further Report that they have Considered and examined Witnesses respecting the contested election for Saint Matthew's Parish and Orange Parish and they find that Donald Bruce Esquire had One hundred and Nine Votes, and Thomas Sabb Esquire only Seventeen. They therefore are of opinion that Thomas Sabb Esquire is not entitled to a Seat in the Convention as a Delegate from the Parishes of Saint Matthew & Orange ⟨& they recommend that Donald Bruce Esquire be admitted to a Seat in the Convention as a Representative from the Parishes of St. Mathew & Orange—⟩.[3]

Your Committee also Report, that the Returning Officer for Saint Matthew's Parish has made no Return. Your Committee therefore examined Witnesses and found that the Honorable William Thomson Esquire, John Linton and Paul Warley Esquires had a Majority of Votes, they therefore Recommend that they be allowed to take their Seats in Convention as Delegates for the Parish of Saint Matthew.

Resolved that the Convention do agree with the Committee in the said Report.

Doctr. Ramsay from the Committee, appointed to enquire for a more commodious place of holding the Convention delivered in a Report.[4]

Ordered that the Report be taken into consideration to Morrow.

On Motion Resolved that the Constitution be considered by Paragraphs, And when the whole has been considered a Question be taken for the Acceptance and ratification of the whole.[5]

The Convention proceeded to take into Consideration the Constitution of the United States of America as proposed by the Federal Convention Assembled in Philadelphia in May last. After a considerable time Spent in Debate, And on reading the 1st. Paragraph of the 4th. Section, Article 1st. A Motion was made and Seconded that the further reading thereof be postponed, Which was agreed to.

And then the Convention adjourned to Nine o'Clock to Morrow Morning.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

2. The election certificate for Fairfield County had been endorsed by the managers as sent to Charleston with William Kirkland, one of the delegates from the county. (For the certificate dated 15 April 1788, see Mfm:S.C. 27–A). Kirkland declined his seat in the state Convention due to his concern over an outbreak of smallpox in the city, thus the certificate did not arrive in Charleston in time for the opening of the Convention (see Convention Proceedings, 15 May, RCS:S.C., 349). John Cook was seated in Kirkland's place.

3. The text in angle brackets is from the manuscript version of the committee report in Constitutional and Organic Papers, Sc-Ar.

4. See "Report of the Committee on a Meeting Place for the Convention," 14 May (immediately below).

5. See "Newspaper Report of Convention Proceedings," 13 May (RCS:S.C., 319), and 14 May (RCS:S.C., 323), for the debate on this motion by David Ramsay.

Report of the Committee on a Meeting Place for the Convention 14 May 1788

On 13 May, a committee chaired by David Ramsay was appointed to find "a more commodious place" for the Convention to meet. When the State House burned on 5 February, the South Carolina legislature met consecutively at St. Michael's Episcopal Church, the City Tavern, and finally the second floor hall of the Exchange (also known as City Hall). Although the South Carolina House of Representatives had 202 members, no more than 145 members were ever present for a roll call during the three weeks when the House sat at the Exchange. With 236 delegates elected to the state Convention and 173 already present on 13 May, space was at a premium. Eventually at least 227 delegates would attend.

Ramsay received an offer from the Reverend Richard Furman of the Baptist Church of Charleston to use their place of worship, and his committee recommended that the Convention move there. The Convention postponed consideration of the report on 15 May (RCS:S.C., 349) and remained at the Exchange.

Richard Furman to David Ramsay
Charleston, 14 May 1788[1]

I have the Honor to inform you, that in Compliance with the Request from the Committee of Convention, I have laid before the Congregation in which I preside, the Proposal for obtaining their House of Worship as the Place for transacting the Business of the Convention; to which their unanimous Consent has been obtained.—This Information they have authorised me to communicate: And that they are happy to have it in their Power to contribute in any measure, by such an Accommodation, toward the interesting and momentous Design for which that Honorable Body has been appointed.—They have not however understood, and they hope they will not be thereby deprived of the Use of the House, at the ordinary Times of Publick Worship.

Committee Report, 14 May 1788[2]

The committee appointed to enquire for a more commodious place of holding the convention report that in their opinion the Baptist Church near Youngs Bridge would better accommodate the members & spectators than the Exchange they therefore recommend that it be resolved when the convention adjourns to morrow it adjourn to meet in the Baptist Church.

1. MS, Constitutional and Organic Papers, Sc-Ar. Richard Furman (1755–1825) was pastor of the Baptist Church of Charleston from 1787 until his death.
2. MS, Constitutional and Organic Papers, Sc-Ar.

Newspaper Report of Convention Proceedings, 14 May 1788[1]

Committee of elections reported, that Edmund Bellinger, Esq; was elected a member for St. Bartholomew, in the room of Rawlins Lowndes, Esq; who declined serving.

Committee appointed to enquire whether a more commodious room could not be found in this city for the convention to meet in, reported that the new Baptist meeting-house was a more convenient place. Ordered, to be considered to-morrow.

Dr. Ramsay moved, that the convention should take up the constitution by paragraphs or sections, and after going through the same then to put the question whether it should be adopted or rejected. After some debate, in which Dr. Fayssoux declared himself opposed to the constitution; the motion was agreed to. ⟨Previous to reading the first article, the hon. Charles Pinckney, Esq; made an elegant introductory speech,⟩ which we expect to publish to-morrow.[2] ⟨The convention went through the four first sections and then adjourned.⟩

1. Printed: Charleston *City Gazette*, 15 May. The text in angle brackets was reprinted in the *Massachusetts Centinel*, 4 June; *New Hampshire Gazette*, 5 June; and *New Hampshire Spy*, 7 June.

2. The *City Gazette* did not print Pinckney's speech until 3 June (immediately below).

Convention Debates: Opening Convention
Speech of Charles Pinckney, 14 May 1788[1]

Hon. Mr. C. Pinckney's speech, delivered upon opening the discussion of the federal constitution in the convention, on the 14*th May*, 1788.

Mr. PRESIDENT,

After so much has been said with respect to the powers possessed by the late convention, to form and propose a new system—after so many observations have been made on its leading principles, as well in the house of representatives as in the conventions of other states, whose proceedings have been published, it will be as unnecessary for me again minutely to examine a subject which has been so thoroughly investigated, as it would be difficult to carry you into a field that has not been sufficiently explored.

Having, however, had the honor of being associated in the delegation from this state, and presuming on the indulgence of the house, I shall proceed to make some observations which appear to me as necessary to a full and candid discussion of the system before us. It seems to be generally confessed, that of all sciences, that of government or of politics is most difficult. In the old world, as far as the lights of history extend, from the earliest ages to the present, we find them in the constant exercise of all the forms with which the world is still furnished. We have seen among the antients as well as the moderns—monarchies limited, and absolute aristocracies—republics of a single state, and federal unions. But notwithstanding all their experience, how imperfect at this moment is their knowledge of government? How little is the true doctrine of representation understood? How few states enjoy what we term freedom? How few governments answer these great ends of public happiness, which we seem to expect from our own?

In reviewing such of the European states as we are best acquainted with, we may with truth affirm, that there is but one among the most important, which confirms to its citizens their civil liberties, or provides for the security of private rights. But as if it had been fated that we should be the first perfectly free people the world had ever seen—even the government I have alluded to, witholds from a part of its subjects the equal enjoyment of their religious liberties. How many thousands of the subjects of Great Britain at this moment labour under civil disabilities merely on account of their religious persuasions? To the liberal and enlightened mind the rest of Europe afford a melancholly picture

of the depravity of human nature, and of the total subversion of those rights, without which we should suppose no people could be happy or content.

We have been taught here to believe that all power of right belongs to THE PEOPLE—that it flows immediately from them, and is delegated to their officers for the public good—that our rulers are the servants of the people, amenable to their will, and created for their use. How different are the governments of Europe? There the people are the servants and subjects of their rulers. There merit and talents have little or no influence, but all the honors and offices of government are swallowed up by birth, by fortune, or by rank.

From the European world no precedents are to be drawn for a people who think they are capable of governing themselves. Instead of receiving instruction from them, we may with pride assert, that new as this country is in point of settlement; inexperienced as she must be upon questions of government, she still has held forth more useful lessons to the old world—she has made them more acquainted with their own rights, than they had been otherwise for centuries.—It is with pride I repeat, that old and experienced as they are, they are indebted to us for light and refinement upon points of all others the most interesting.

Had the American revolution not happened, would Ireland at this time enjoy her present rights of commerce and legislation? Would the subjects of the emperor in the Netherlands have presumed to contend for and ultimately secure the privileges they demanded?—Would the parliament of Paris have resisted the edicts of their monarch, and justified this step in a language that would do honor to the freest people? Nay, I may add, would a becoming sense of liberty, and of the rights of mankind, have so generally pervaded that kingdom, had not their knowledge of America led them to the investigation? undoubtedly not. Let it be therefore our boast, that we have already taught some of the oldest and wisest nations to explore their rights as men; and let it be our prayer, that the effects of our revolution may never cease to operate, until they have unshackled all the nations that have firmness enough to resist the fetters of despotism. Without a precedent, and with the experience of but a few years, were the convention called upon to form a system for a people, differing from all others we are acquainted with. The first knowledge necessary for us to acquire, was a knowledge of the people for whom this system was to be formed: For unless we were acquainted with their situation, their habits, opinions and resources, it would be impossible to form a government upon adequate or practicable principles. If we examine the reasons which have given rise to the distinctions of rank that at present prevail in Europe, we shall find

that none of them do, or in all probability ever will, exist in the union. The only distinction that may take place is that of wealth. Riches, no doubt, will ever have their influence, and where they are suffered to increase to large amounts in a few hands, there they may become dangerous to the public; particularly when from the cheapness of labour, and from the scarcity of money a great proportion of the people are poor. These however are dangers that I think we have very little to apprehend, for these reasons—One is from the destruction of the right of primogeniture, by which means the estates of intestates are equally to be divided among all their children—a provision no less consonant to the principles of a republican government, than it is to those of general equity and parental affection; to endeavour to raise a name by accumulating property in one branch of a family at the expence of others, *equally related and deserving* is a vanity no *less unjust and cruel*, than dangerous to the interest of liberty; it is a practice no wise state will ever encourage or tolerate.

In the Northern and Eastern states such distinctions among children are seldom heard of. Laws have been long since passed in all of them destroying the right of primogeniture, and as laws never fail to have a powerful influence upon the manners of a people, we may suppose that in future an equal division of property among children will in general take place in all the states, and one means of amassing inordinate wealth in the hands of individuals be, as it ought, for ever removed.

Another reason is, that in the Eastern and Northern states, the landed property is nearly equally divided. Very few have large bodies, and there are few of them that have not small tracts; the greater part of the people are employed in cultivating their own lands; the rest in handicrafts and commerce. They are frugal in their manner of living—plain tables, cloathing, and furniture prevail in their houses, & expensive appearances avoided. Among the landed interest it may be truly said there are few of them rich, or few of them very poor; nor while the states are capable of supporting so many more inhabitants than they contain at present—while so vast a territory on our frontier remains uncultivated and unexplored—while the means of subsistence are so much within every man's power, are those dangerous distinctions of fortune to be expected which at present prevail in other countries.

The people of the union may be classed as follows:

Commercial Men, who will be of consequence or not in the political scale, as commerce may be made an object of the attention of government. As far as I am able to judge, and presuming that proper sentiments will ultimately prevail upon this subject, it does not appear to

me that the commercial line will ever have much influence in the politics of the union. FOREIGN TRADE is one of the enemies against which we must be extremely guarded, more so than against any other, as none will ever have a more unfavorable operation. I consider it as the root of our present public distress—as the plentiful source from which our future national calamities will flow, unless great care is taken to prevent it. Divided as we are from the old world we should have nothing to do with their politics, and as little as possible with their commerce—they can never improve, but must inevitably corrupt us.

Another class is that of professional men, who from their education and pursuits must ever have a considerable influence, while your government retains the republican principle, and its affairs are agitated in assemblies of the people.

The third, with whom I will connect the Mechanical as generally attached to them, are the LANDED INTEREST, the owners and cultivators of the soil—the men attached to the truest interests of their country, from those motives which always bind and secure the affections of nations. In these consist the great body of the people, and here rests, and I hope will ever continue, all the authority of our government.

I remember once to have seen in the writings of a very celebrated author on national wealth, the following remark, "Finally,["] says he, ["]there are but three ways for a nation to acquire wealth—the first is *by war*, as the Romans did in plundering their conquered neighbours—this *is robbery*; the second is *in commerce*, which is *generally cheating*; the third is Agriculture, the only honest way; wherein a man receives a real increase of the seed thrown into the ground, in a kind of continual miracle, wrought by the hand of God in his favor, as a reward for his innocent life and virtuous industry."[2]

I do not agree with him so far as to suppose that commerce is generally cheating. I think there are some kinds of commerce not only fair and valuable, but such as ought to be encouraged by government. I agree with him in this general principle, *that all the great objects of government should be subservient to the increase of agriculture, and the support of the landed interest; and that commerce should only be so far attended to, as it may serve to improve and strengthen it—that the object of a republic is to render its citizens virtuous and happy, and that an unlimited foreign commerce can seldom fail to have a contrary tendency.*

These classes compose the people of the union, and fortunately for their harmony they may be said in a great measure to be connected with and dependent upon each other.

The merchant is dependent upon the planter as the purchaser of his imports, and as furnishing him with the means of his remittances—the

professional men depend upon both for employment in their respective pursuits, and are in their turn useful to both. The landholder, though the most independent of the three, is still in some measure obliged to the merchant for furnishing him *at home* with a ready sale for his productions.

From this mutual dependence, and the statement I have made respecting the situation of the people of the union, I am led to conclude, that *mediocrity of fortune* is a leading feature in our national character—that most of the causes which lead to distinctions of fortune among other nations being removed, and causes of equality existing with us, which are not to be found among them, we may with safety assert, that the great body of national wealth is nearly equal in the hands of the people, among whom there are few dangerously rich, or few miserably poor—that we may congratulate ourselves with living under the blessings of a mild and equal government, which knows no distinctions but those of merit or of talents—under a government whose honors and offices are *equally open* to the exertions of *all her citizens, and which adopts virtue and worth for her own wheresoever she can find them.*

Another distinguishing feature in our union is its division into individual states, differing in extent of territory, manners, population, and products.

Those who are acquainted with the Eastern states; their reasons of their original migration, and the present habits and principles, well know that they are essentially different from those of the middle and southern states; that they retain all those opinions respecting religion and government which first induced their ancestors to cross the Atlantic, and that they are perhaps more purely republican in habit and sentiment than any other part of the union. The inhabitants of New York, and the eastern part of New Jersey, originally Dutch settlements, seem to have altered less than might have been expected in the course of a century. Indeed the greatest part of New York may still be considered as a Dutch settlement, the people in the interior country generally using that language in their families, and having very little varied their antient customs. Pennsylvania and Delaware are nearly one half inhabited by Quakers, whose passive principles upon questions of government, and rigid opinions in private life, render them extremely different from either ⟨of the citizens of⟩ the Eastern or Southern states. Maryland was originally a Roman Catholic colony, and a great number of their inhabitants, some of them the most wealthy and cultivated, are still of this persuasion. It is unnecessary for me to state the striking difference in sentiment and habit, which must always exist between the independents of the East, the Calvinists and Quakers of the middle states, and

the Roman Catholics of Maryland; but striking as this is, it is not to be compared with the difference that there is between the inhabitants of the *Northern and Southern states*; when I say Southern states I mean Maryland and the states to the Southward of her; here we may truly observe nature has drawn as strong marks of distinction in the habits and manners of the people as she has in their climates and productions—The southern citizen beholds with a kind of surprize the simple manners of the East, and is too often induced to entertain undeserved opinions of the apparent purity of the quaker—while they in their turn seem concerned at what they term the extravagance and dissipation of their Southern friends, and reprobate as an unpardonable moral and political evil the dominion they hold over a part of the human race.

The inconveniencies which too frequently attend these differences in habits and opinions among the citizens that compose the union, are not a little encreased by the variety of their state governments; for as I have already observed, the constitutions or laws under which a people live never fail to have a powerful effect upon their manners. We know that all the states have adhered in their forms to the republican principles, though they have differed widely in their opinions of the mode best calculated to preserve it—In Pennsylvania and Georgia the whole powers of government are lodged in a legislative body of a single branch, over which there is no controul; nor are their executives or judicials, from their connection and necessary dependence on the legislature capable of strictly executing their respective offices. In all the other states, except Maryland, Massachusetts, and New York, they are only so far improved as to have a legislature with two branches, which compleatly involve and swallow up all the powers of their government. In neither of these are the judicial or executive placed in that firm or independent situation which can alone secure the safety of the people, or the just administration of the laws. In Maryland one branch of their legislature is a senate, chosen for *five years*, by electors chosen by the people; the knowledge and firmness which this body have upon all occasions displayed, not only in the exercise of their legislative duties, but in withstanding and defeating such of the projects of the other house as appeared to them founded in local and personal motives, have long since convinced me that the senate of Maryland is the best model of a senate that has yet been offered to the union[3]—that it is capable of correcting many of the vices of the other parts of their constitution, and in a great measure atoning for those defects which in common with the states I have mentioned, are but too evident in their execution—*the want of stability and independence in the judicial and executive departments.*

In Massachusetts we find the principle of legislation more improved by the revisionary power which is given to their ⟨governor⟩[4] and the independence of their judges.

In New York the same improvement in legislation has taken place as in Massachusetts, but here from the executive being elected by the great body of the people,—holding his office for three years, and being re-eligible—from the appointment to offices being taken from the legislature, and placed in a select council, I think their constitution upon the whole, is the best in the union. Its faults are the want of permanent salaries to their judges, and giving to their executive the nomination to offices, which is in fact giving him the appointment. It does not, however, appear to me that this can be strictly called a vice of their system, as I have always been of opinion, that the insisting upon the right to nominate, *was an usurpation* of their executives, not warranted by the letter or meaning of the constitution.[5]

These are the outlines of their various forms, in few of which are their executive or judicial departments wisely constructed, or that solid distinction adopted between the branches of their legislature, which can alone provide for the influence of different principles in their operation.

Much difficulty was expected from the extent of country to be governed—All the republics we read of, either in the ancient or modern world, have been extremely limited in territory—we know of none a tenth part so large as the United States. Indeed we are hardly able to determine, from the lights we are furnished with, whether the governments we have heard of under the names of republics really deserved them, or whether the ancients ever had any just or proper ideas upon the subject. Of the doctrine of representation, the fundamental of a republic, they certainly were ignorant. If they were in possession of any other safe or practicable principles they have long since been lost, and forgotten to the world. Among the other honors therefore that have been reserved for the American union, not the least inconsiderable of them is that of defining a mixed system, by which a people may govern themselves, possessing all the virtue and benefits, and avoiding all the dangers and inconveniences of the three simple forms. I have said, that the antient confederacies, as far as we are acquainted with them, covered but an inconsiderable territory. Among the moderns, in our sense of the words, there is no such system as a confederate republic; there are indeed some small states whose interior governments are democratic, but these are too inconsiderable to afford information. The Swiss cantons are only connected by alliances; the Germanic body is merely an association of potentates, most of them absolute in their own dominions; and as to the United Netherlands, it is such a confusion of

states and assemblies, that I have always been at a loss what species of government to term it. According to my idea of the word, it is not a republic, for I consider it as indispensible in a republic, that all authority should flow from the people. In the United Netherlands the people have no interference, either in the election of their magistrates, or the affairs of government.

From the experiment therefore never having been fairly made, opinions have been entertained, and sanctioned by high authorities, that republics are only suited to small societies. This opinion has its advocates among all those who not having a sufficient share of industry or talents to investigate for themselves, easily adopt the opinions of such authors as are supposed to have written with ability upon the subject. But I am led to believe other opinions begin to prevail: Opinions more to be depended upon, because they result from juster principles.

We begin now to suppose that the evils of a republic—dissention, tumult, and faction, are more dangerous in small societies than in large confederate states. In the first the people are easily assembled and inflamed—are always opposed to those convulsive tumults of infatuation and enthusiasm, which often overturn all public order. In the latter, the multitude will be less imperious, and consequently less inconstant, because the extensive territory of each republic, and the number of its citizens will not permit them all to be assembled at one time, and in one place—the sphere of government being enlarged, it will not easily be in the power of factious and designing men to infect the whole people—it will give an opportunity to the more temperate and prudent part of the society to correct the licentiousness and injustice of the rest. We have strong proofs of the truth of this opinion in the examples of Rhode Island and Massachusetts. Instances which have perhaps been critically afforded by an all merciful providence, to evince the truth of a position extremely important to our present enquiries. In the former, the most contracted society in the union, we have seen their licentiousness so far prevail as to seize the reins of government, and oppress the people by laws the most infamous that have ever disgraced a civilized nation. In the latter, where the sphere was enlarged, similar attempts have been rendered abortive by the zeal and activity of those who were opposed to them.[6]

As the constitution before you is intended to represent states as well as citizens, I have thought it necessary to make these remarks, because there are no doubt a great number of the members of this body, who from their particular pursuits have not had an opportunity of minutely investigating them, and because it will be impossible for the house fairly to determine whether the government is a proper one or not, unless

they are in some degree acquainted with the people and states for whose use it is instituted.

For a people thus situated is a government to be formed—a people who have the justest opinions of their civil and religious rights, and who have risqued every thing in defending and asserting them.

In every government there necessarily exists a power from which there is no appeal, and which for that reason may be termed absolute and uncontroulable.

The person or assembly in whom this power resides is called the sovereign or supreme power of the state. With us the SOVEREIGNTY OF THE UNION IS IN THE PEOPLE.

One of the best political and moral writers[a] I have met with, enumerates three principal forms of government, which he says are to be regarded rather as the simple forms, by some combination and intermixture of which all actual governments are composed, than as anywhere existing in a pure and elementary state.

These forms are—

1st. Despotism or absolute Monarchy, where the legislature is in a single person.

2d. An Aristocracy, where the legislature is in a select assembly, the members of which either fill up by election the vacancies in their own body, or succeed to it by inheritance, property, tenure of lands, or in respect of some personal right or qualification.

3d. A Republic, where the people at large either collectively or by representation form the legislature.

The separate advantages of MONARCHY are, unity of counsel, decision, secrecy, and dispatch—the military strength and energy resulting from these qualities of government: The exclusion of popular and Aristocratical contentions—the preventing by a known rule of succession all competition for the supreme power, thereby repressing the dangerous hope and intrigues of aspiring citizens.

The dangers of a MONARCHY are, Tyranny, Expence, Exactation, military domination, unnecessary Wars,—ignorance in the governors of the interest and accommodation of the people, and a consequent deficiency of salutary regulations—want of constancy and uniformity in the rules of government, and proceeding from thence insecurity of person and property.

The separate advantage of an ARISTOCRACY is the wisdom which may be expected from experience and education—a permanent council naturally possesses experience, and the members will always be educated with a view to the stations they are destined by their birth to occupy.

The mischiefs of an ARISTOCRACY are dissentions in the ruling orders of the State: An oppression of the lower orders by the privileges of the higher, and by laws partial to the separate interests of the law makers.

The advantages of A REPUBLIC are liberty, exemption from needless restrictions—equal laws—public spirit—averseness to war—frugality—above all, the opportunities which they afford to men of every description of producing their abilities and councils to public observation, and the exciting to the service of the commonwealth the faculties of its best citizens.

The evils of a REPUBLIC are dissentions—tumults—faction—the attempts of ambitious citizens to possess power—the confusion and clamour which are the inevitable consequences of propounding questions of state to the discussion of large popular assemblies—the delay and disclosure of the public councils; and too often the imbecility of the laws.

A *mixed government* is composed by the combination of two or more of the simple forms above described; and in whatever proportion each form enters into the constitution of a government, in the same proportion may both the advantages and evils which have been attributed to that form, be expected.

The citizens of the United States would reprobate, with indignation, the idea of a monarchy; but the essential qualities of a monarch—unity of councils—vigour—secrecy and dispatch, are qualities essential in every government.

While therefore, we have reserved to the people THE FOUNTAIN of all power, the periodical election of their first magistrate; while we have defined his authorities, and bound them to such limits as will effectually prevent his usurping others dangerous to the general welfare; we have at the same time endeavoured to infuse into this department, that degree of vigour which will enable the president to execute the laws *with energy and dispatch.*

By constructing the senate upon rotative principles, we have removed; as will be shewn on another occasion, all danger of an *aristocratic influence*, while, by electing the members for six years, we hope that we have given to this part of the system all the advantages of an *aristocracy—wisdom—experience—and a consistency of measures.*

The house of representatives, in which the people of the union are proportionably represented, are to be biennially elected by them; those appointments are sufficiently short to render the member as dependent as he ought to be upon his constituent.

They are the moving spring of the system—with them all grants of money are to originate—on them depend the wars we shall be engaged

in—the fleets and armies we shall raise and support—the salaries we shall pay—in short, on them depend the appropriations of money and consequently all the arrangements of government. With the powerful influence of the purse; they will be always able to restrain the usurpations of the other departments, while their own licentiousness will, in its turn, be checked and corrected by them. I trust, that when we proceed to review the system by sections, it will be found to contain all those necessary provisions and restraints, which while they enable the general government to guard and protect our common rights as a nation—to restore to us those blessings of commerce and mutual confidence which have been so long removed and impaired—will secure to us those rights which, as the citizens of a state, will make us content and happy at home—as the citizens of the union respectable abroad.

How differently Mr. President, is this government constructed from any we have yet known among us.

In their individual capacities as citizens, the people are proportionably represented *in the house of representatives.* Here they who are to support the expences of government have the purse strings in their hands. Here the people hold and feel that they possess an influence sufficiently powerful to prevent any undue attempt of the other branches; to maintain that weight in the political scale which as the source of all authority they should ever possess. Here too the states, whose existence as such we have often heard predicted as precarious, will find in the senate *the guards of their rights as political associations,* a sure protection.

On them, I mean the *state systems,* rests the general fabric; on their foundation is this magnificent structure of freedom erected—each depending upon, supporting and protecting the other, nor, so intimate is the connexion, can the one be removed without prostrating the other in ruin—like the head and the body, separate them and they die.

Far be it from me to suppose, that such an attempt should ever be made—the good sense and virtue of our country forbid the idea. To the union we will look up as to the temple of our freedom—a temple founded in the affections, and supported by the virtue of the people—here we will point out our gratitude to the author of all good, for suffering us to participate in the rights of a people who *govern themselves.* Is there at this moment a nation upon earth that enjoys this right—where the true principles of representation are understood and practised, and where all authority flows from and returns at stated periods to the people? I answer there is not. Can a government be said to be free where these rights do not exist? It cannot. On what depends the enjoyment of these rare, these inestimable privileges? On the firmness—on the power of the union to protect them.

How grateful then should we be, that at this important period—a period important, not to us alone, but to the general rights of mankind, so much harmony and concession should prevail throughout the states—that the public opinion should be so much actuated by candor and an attention to their general interests—that disdaining to be governed by the narrow motives of state policy, they have liberally determined to dedicate a part of their advantages to the support of that government from which they received them—⟨To fraud—to force, or accident all the governments we now have owed their births—⟩[7]

To the philosophic mind how new and awful an instance do the United States at present exhibit in the political world?—They exhibit, sir, the first instance of a people, who being dissatisfied with their government—unattacked by foreign force, and undisturbed by domestic uneasiness—coolly and deliberately resort to the virtue and good sense of their country for a correction of their public errors.

It must be obvious, that without a superintending government, it is impossible the liberties of this country can long be secured.

Single and unconnected, how weak and contemptible are the largest of our states—how unable to protect themselves from external or domestic insult—how incompetent to national purposes would our partial unions be?—how liable to intestine wars and confusion?—how little able to secure the blessings of peace?

Let us therefore be careful in strengthening the union—let us remember that we are bounded by vigilant and attentive neighbours, who view with a jealous eye our rise to empire.

Let us remember that we are bound in gratitude to our northern brethren to aid them in the recovery of those rights which they have lost in obtaining for us an extension of our commerce and the security of our liberties—Let us not be unmindful, that those who are weak and may expect support, must, in their turn, be ready to afford it.

We are called upon to execute an important trust—to examine the principles of the constitution before you, and, in the name of the people, to receive or reject it. I have no doubt we shall do this with attention and harmony, and flatter myself that, at the conclusion of our discussions, we shall find that it is not only expedient, but safe and honorable to adopt it.

(a) Paley a deacon of Carlisle, 2 vols. 174 and 175.[8]

1. Printed: Charleston *City Gazette*, 3 June. Reprinted in the *State Gazette of South Carolina*, 9 June; Charleston *Columbian Herald*, 9 June; and in the September issue of the Philadelphia *American Museum*. Text in angle brackets is taken from the *State Gazette*. The *State Gazette* printing also included the following introduction: "*The following elegant and*

just observations of the honorable Charles Pinckney, Esq; delivered at the opening of the Convention on the 14th of May, 1788, were obtained by the printer of the State Gazette previous to its appearance in any of the City papers, but could not before be published, owing to sickness and other circumstances which unavoidably prevented its appearance."

2. Benjamin Franklin, "Positions to be Examined," *De Re Rustica; or The Repository for Select Papers on Agriculture, Arts, and Manufacturers* (2 vols., London, 1769–70) I, 352.

3. A reference to the Maryland Senate's repeated rejection of debtor relief legislation, especially paper money. See RCS:Md., 388n.

4. Both the *City Gazette* original printing and *Columbian Herald* reprint have "government."

5. Under New York's constitution of 1777, the Council of Appointment, consisting of the governor and four senators, was responsible for the appointment of many state and local officers. Governor George Clinton asserted the sole right to nominate candidates for office, even though the state constitution only specifically gave the governor a casting vote in the case of tie votes. In 1789 the governor's sole power to nominate was questioned for the first time. In 1794 an anti-Clinton majority on the council nominated and elected an associate justice of the state supreme court. Clinton's successor, John Jay, also maintained that the governor had the sole authority to nominate officers. When Jay was succeeded by De Witt Clinton, a New York constiutional convention in 1801 ruled that all members of the council could make nominations.

6. This and the previous paragraph were reprinted in the Providence *United States Chronicle*, 17 July.

7. The sentence in angle brackets does not appear in the *City Gazette*.

8. Pinckney is referring to William Paley, a well-known English writer and archdeacon of Carlisle Cathedral. The text in braces is adapted from Paley, *Principles of Moral and Political Philosophy* (London, 1785), Book VI, chapter 6, pp. 449–52.

Convention Debates, 14 May 1788[1]

Took into consideration,—

"*Art.* I. *Sect.* 1. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives."

Dr. [David] Ramsay asked why the new government was to consist of two bodies, when the old confederation acted under the direction of one. He did not ask this for information on his own account, believing himself pretty well acquainted with the subject; but for the satisfaction of other gentlemen who had not been able to satisfy themselves on the propriety of so material an alteration in the government.

Gen. [Charles Cotesworth] Pinckney said the convention found the old confederation so extremely defective, that it was necessary to grant new extraordinary powers, which when given to a single body had a tendency to establish despotism. All the great states agreed in this; particularly Massachusetts and Virginia. Pennsylvania and Georgia are the only states who at present are governed by a single legislature, and 'twas remarkable, that although Dr. Franklin was originally an advocate for

the Pennsylvania government, yet in the convention he gave a tacit approbation to the proposed alteration in congress. A great deal had been said out of doors of a neglect in omitting to insert a bill of rights; but where appeared at all the necessity for one, when congress received nothing under the new constitution but what was given. In the convention gov. Randolph, of Virginia, gave in a system of government formed of two bodies, to be regulated [i.e., represented] according to the importance of the different states;[2] but the smaller states were so extremely averse to this proposition, that it was at last laid aside. It was remarkable, that the states of Delaware and New Jersey came to the convention with particular instructions to agree only to such measures as tended to strengthen the old confederation; yet so convinced were they of the impropriety and inconvenience of carrying into effect their instructions that they were the first to agree to an alteration, and Mr. Dickinson, a man of weight and consequence, he who wrote the farmer's letters, directed his name to be signed to the constitution; and Delaware, for which he was a member, agreed to it *unanimously*.[3]

"*Sect.* 2 3*d paragraph* Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to serve for a term of years, and excluding Indians, not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of New-Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New-York six, New-Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South-Carolina five, and Georgia three."

General Pinckney explained that our delegates wanted a larger representation for the negroes; but at first they found it difficult to obtain any, for the eastern delegates said that with equal propriety they were entitled to a representation for their mules and oxen. Indeed Mr. Gerry said that he would as soon treat with a mule as a negro,[4] although he at last yielded to the opinion of his colleagues, who were willing to allow us a proportionate representation for our peasantry or negroes.

Dr. [Peter] Fays[s]oux asked why the mode of taxation was altered from the old confederation.

General [Charles Cotesworth] Pinckney said, that plan had been found impracticable, and of this congress were satisfied from experience; and had therefore recommended an alteration to the states, to which eleven had acceded, this state for one.[5] In the alteration we were peculiarly benefited, instead of paying taxes for unprofitable swamps, we now only advanced money in proportion to our weight and consequence in the union.

Dr. Fayssoux wished to know how the representatives were to vote.

General Pinckney. Certainly individually, although not so expressed; otherwise what reason was there for so great a variation in the number of representatives in each state.

Dr. Fayssoux thought it was in the power of two large states by artful combination to carry measures greatly to the detriment of other states, especially when a census comes to be taken, as then the northern and eastern states effect a considerable addition in their numbers. This could be clearly proved from the debates in the Massachusetts and Pennsylvania conventions,[6] particularly in Mr. Wilson's speech,[7] and those of a few others, where the advantages they have gained in this point are particularly enumerated. The danger would be more eminently great if the president should be chosen from one of them.

Gen. Pinckney proved that in a geographical point of view, it was extremly improbable that large states should combine for the ruin of others, such was the situation in which they were placed by God and nature. The small states have no right to equal votes, only in proportion to their representation. The convention had an eye towards this, and took care that when they increased in numbers they should pay for it, as representation and taxation go hand in hand together. Speaking again of a coalition between states, he thought it was most likely the eastern and southern states would join rather than others, they having the natural means of assisting each other. He gave a clear description of the checks which the senate and house of representatives possessed over one another, from the representatives being immediately the voice of the people, and the senate a representation of the states.

Chancellor [John] Rutledge observed that our representation by certain numbers was a great point in our favour, of which Massachusetts was aware, when in one of her proposed amendments, she wanted the number of representatives limitted to 200;[8] She had a very small part of her country uncultivated, New-York, indeed had lately given up to her a little,[9] but did this bear any proportion to our possessions in the western country, which was fertile, and greatly resorted to by new settlers?

Dr. Fayssoux thought all that could be said was, that our delegates

had made the most of a bad bargain, which he should not have so much objected to if it was an original compact, but as we had an existing government, he could not consent to receive one that might rend the bond of union in pieces. It was remarkable, that two thirds could expel a member, yet on other points equally important the constitution was silent. He pledged himself to prove from the debates what material advantages had been gained by the other states.

Mr. C[harles] Pinckney did not think an original compact ever had fully existed in the United States, the confederation not having been submitted to the consideration of the union; the eastern states indeed had laid it before the people, but in others the legislatures only accepted of it.[10] He made some ingenious observations on the compromise with regard to our negroes, 100,000 of which in point of productive wealth was equal to 400,000 men in Philadelphia. He gave a candid opinion on the constitution, which certainly was in some points faulty, yet on the whole appeared the best that could be procured, all circumstances considered.

4*th paragraph.* "When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill up such vacancies."

Dr. [John] Budd[11] asked why congress did not possess this power?

General [Charles Cotesworth] Pinckney. Because congress might not be sitting at the time when a vacancy happens, and the state anxious to fill it up.

5*th paragraph.* "The house of representatives shall chuse their speaker and other officers and shall have the sole power of impeachment."

Mr. [James Green] Hunt[12] asked why the power of trials on impeachment lay entirely with the senate?

General [Charles Cotesworth] Pinckney said this power must be vested somewhere, and after much investigation this body was thought to be the properest.

Mr. Hunt had heard some gentlemen say parties might be formed; if so, then a guilty person might be a member of that house which only was competent to try him.

Mr. [Thomas] Bee proved that a member of the senate could be impeached for misconduct in office, as no person could hold a seat, after accepting an office. He confuted an opinion held by some that citizens could be brought to trial for all offences before the federal government. [Charleston *City Gazette*, 17 May 1788][13]

"*Art.* I. *Sect.* 3. 1*st paragraph.* 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."

Col. [John] Huger asked why the senate and house of representatives were varied as to their time of service.

C[harles] Pinckney answered, they were different, distinct bodies, possessed of different powers, which naturally occasioned a variation in the time of service. He took some notice of the senates of New-York, Massachusetts and Virginia, and drew a conclusion from the whole, in favor of the proposed senate.

Gen. [Charles Cotesworth] Pinckney said, that the senate were a diplomatic body, had committed to their charge trusts that required mature experience in the exercise of them. So that it was absolutely necessary for a longer period of time being given for their instruction in the duties of their office.

Dr. Fayssoux observed, that the old confederation permitted eligibility of service only for three years;[14] but this constitution had no restriction as to time; and, as they had the privilege of paying themselves, it might be a question whether the liberty of the country was safely lodged.

Gen. Pinckney observed that he never had the honor of a seat in congress, but understood very great inconveniencies had arisen from injudicious limitations of their power. Suppose this trust should be abused; would not the spirit of the country be aroused—would not this spirit check any strides made towards tyranny? As to paying delegates large salaries, whatever might be the inclination of southern states on this head, the eastern ones, were not likely to be so very profuse. On the contrary, instead of giving large salaries, there might be a necessity for adding something to their appointment.

Dr. Fayssoux said this was the very evil which he dreaded, because if the delegates received only small salaries, none would accept of a share in the government but such as had other interests to answer.

Gen. Pinckney professed himself originally against any stipulation as to salary, fearing that the delegates would not be sufficiently considered as to their expences. He hoped that in the choice of representatives the people would consider, that under the new government, they were not tied down to any set of men, but might select equally from the walks of the rich and the poor, such persons as they thought entitled to their confidence.

Mr. E[dward] Rutledge thought the clause extremely proper. In the constitution it was particularly reserved that the expences of the union should be paid out of the common treasury, for the supplying of which a general scale would be laid down; and it would no doubt, be a very serious objection, that we should pay our representatives, when we had already given up our funds of revenue to congress.

2d paragraph. "Immediately after they shall be assembled, in consequence of the first election, 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 appointment until the next meeting of the legislature, which shall then fill such vacancies.["]

Col. [Jacob] Read spoke of the inconveniencies felt in congress from a rotationary change of members, and asked whether it would not appear very absurd in men who had to choose those who were to serve them, if they were to pass over such as possessed abilities merely because they had been in office? He did not think it possible for members of congress to know and understand the business which they were sent to regulate, in less than six months. From his own experience he knew that in congress, when young members argued strenuously in favor of points which they wished to carry, and old one versed in parliamentary forms, rose up and pointed out some former order on the journals that militated entirely against all that had been advanced; and, therefore, he liked this alteration, which gave time for the maturing of wisdom and experience. [Charleston *City Gazette*, 19 May 1788][15]

Chancellor [John] Rutledge observed that this doctrine of rotation, at the termination of the war, operated like wild fire. Pennsylvania introduced it even into her constitution, for she allowed her representatives to be eligible only for four years.[16] In our state, according to the constitution, the treasurers and register of mesne conveyances were limited to their time of service, in consequence of which reservation, the treasurers were liable to dismission just when they became possessed of a knowledge of the duties of their office; and the register of mesne conveyances did not keep a register worth a farthing.[17] The jealousy entertained with respect to election, in plain sense came to this, we should say to our representatives, "You have served us with fidelity and honor, but, because you *may* act otherwise, we will trust you no longer.["] The chancellor did not expect gentlemen would croud for such appointments, on the contrary, he thought it was more likely that difficulties will be experienced in finding proper persons to take upon them the exercise of public duty.

Judge [Aedanus] Burke agreed, that in framing our constitution,[18] we had carried our patriotic jealousy too far, by limiting the period of

state officers continuing in their places; yet, in this general government, it ought to be remembered that the senate are in fact the executive body, and as they are under influence of the prince or president, and distant from us 900 miles, it was probable that we might be in the dark as to their conduct for six years; in that time they might lose sight of their country's welfare, and consult only the dictates of inordinate ambition. If those people were under our eye and inspection, they might be with some safety relied on; but so far removed from us, they will be no more within our power than the dey of Algiers.

Col. [Jacob] Read thought it impossible that the country could be kept in the dark as to continental affairs, for so long a time. Did gentlemen really entertain serious fears of a senate, the members of which were partly changed every two years, then at the end of that period would they not be rather ambitious to gain the affections of their fellow citizens, than so forward to lose it. Rotation was once in this country a political mania; our very armies were rotative, and what was the consequence, was not this country nearly ruined by it? was not general Wayne[19] almost deserted?

Dr. Ramsay said it was agreed on both sides, that the best part of the Maryland constitution was that which gave a stability to her senate six years; the salutary consequence of this was generally felt and acknowledged, particularly on one point, when the lower house proposed the issuing of a paper medium; what the senate did in that case they totally refused their consent, and proved themselves to be a bulwark that saved their state from ruin[20] which took place in others less circumspect; he wanted a government to possess stability, and wished gentlemen would consider that the senate was appointed for six years only nominally, but that in fact they were only appointed for four, exactly upon the plan of the senate in New York; this senate was invested with powers which require much information to enable them to do justice to their constituents, he scouted the idea that because they were out of sight they were objects of jealousy, it was not a perpetual council, three months would be sufficient in twelve for going through the public business; they would then return, and if they did not during the period of their appointment, suspicions would probably arise, and they might be thrown out of office.

Hon. E[dward] Rutledge thought that the new constitution secured liberty more firmly than the old confederation, and pointed out in that clear, explanatory stile for which he is distinguished, how the senators are checked by the house of representatives—our delegates to congress were voted for by the general assembly, the great mass of the people knew little of them, but under the proposed constitution they were to

be chosen by the people at large; he expatiated some time on the advantages that would be derived from a well regulated plan with respect to commerce.

Gen. [Charles Cotesworth] Pinckney could not perceive how rotationary exclusion would prevent this threatened corruption, for the security, if the president was a bad man, lay in the purse strings being held by the house of representatives: that the senate should be venal from holding offices was impossible, because any senator being appointed to an office, immediately vacated his seat; he thought the government must be centrical, on the principles of honor and justice, for to carry it to the extreme parts of the state wou'd involve the citizens in difficulties exceeding disagreeable.

Hon. E[dward] Rutledge treated very lightly an idea as that the country should be ruined and not know of it, when the journal is to be regularly kept and published, together with the yeas and nays, why then so much afraid of matters being carried on in the dark.

Chancellor [John] Mathews asked for an explanation with regard to the sort of publication of journals—of yeas and nays; perhaps it would be thought imprudent to publish any thing more than trifling circumstances. Under the old confederation an agreement was made that the minutes should be published weekly, then monthly, but the expence at last became so great, that the publications were very irregular. The secretary of congress kept two journals, one for the public eye, the other containing secret minutes, which were never divulged, except by some weak members, who were so leaky that they could not keep a secret.

Judge Burke declared, he was a staunch federalist, and wished as heartily as any member on the floor to have a strong government, but this disposition by no means should induce him to adopt any plan that was offered. Those arguments founded on this point, that to reject this constitution would involve us in the miseries of a civil war did not appear so very formidable to him; anarchy was not so dangerous as despotism, for a war must be succeeded by peace, but despotism was a monster very difficult to be got rid of. The only security the people had for their liberties lay in their officers of government being rotationary; history abounded with instances of tyranny and corruption in officers continued for an unlimited time.

Another objection was, that the seat of government would be so far distant from us that we should be kept totally in the dark in public affairs, for he did not consider the publication of journals would be sufficient information, as it was confessed on the other side, that a great

many things required secrecy; if indeed the government had been under our eye, then he should have approved of the manner in which Maryland had elected her senate. With regard to difficulties in finding men of abilities to represent us, surely there was very little occasion for fears on this head, when it was remembered that in the war a number of men of genius and abilities exerted themselves so as to overturn the schemes of some of the oldest politicians in Europe.

Mr. E[dward] Rutledge observed there were sixty five persons in the house of representatives,[21] and consistent with calculations that the number of our people was doubled every fifteen years, and having a representation according to numbers, in time we should have a large part of the members in that house.

Mr. [Ralph] Izard asked how the election for five members was to be conducted.

Gen. [Charles Cotesworth] Pinckney. The mode of it is left open to the direction of the legislature; and if the people do not acquiesce in their determination, then they may appeal to congress. [Charleston *City Gazette*, 20 May 1788]

Art. I. Sect. 3. 6*th paragraph.* "The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present."

Judge Burke asked why impeachments could only be tried in the senate.

General Pinckney answered, that the convention could find no place so proper.

Mr. Jehu Wilson[22] asked what the powers of the chief justice extended to on trials of impeachment.

Gen. Pinckney. He is to preside as chief justice during the trial.

Judge [Henry] Pendleton mentioned in the house of representatives, some opinions relative to the responsibility of the president, thinking he ought to be so, for in England the ministers are responsible for what they advise the king to do, if improper, because it is held the king can do no wrong: at that time very strong arguments were made use of on this point, which he wished for the information of the members, could be gone over again. He asked whether a court could not have been called to try impeachments independent of the president and senate.

Gen. Pinckney. It was proposed at first that the chief justice should try them, but it was objected that he was a state officer, and improper person to try federal offenders. Some were for investing it in the dif-

ferent governors of states, but that was objected to; and after a variety of expedients, this was thought the best. On the subject of making treaties, the smaller and middle states particularly insisted upon this power being lodged with the senate; they would not even trust the house of representatives, thinking it impossible to preserve the necessary secrecy in so large a body, who was also more under the influence of the larger states. They objected to trust the president, that he might be partial to that particular state to which he belonged.

Dr. Ramsay thought that under the old confederation our liberties were in danger; there would be no doubt of an impartial trial in such cases as where the president and senate did not concur; we should have impartial trials in four cases out of five, and would have the fifth by only waiting four years.

Judge Burke thought the president was in fact, a prince under a republican cloak, and wondered it was not possible to find other judges to try him for crimes, than his accomplices. Voltaire has compared a prince to an highwayman; has likened Alexander the Great to Cartouche;[23] and this mode was just as proper as if two highwaymen committed an act of villainy, and was deputed to sit in judgment upon the other.

Mr. Jehu Wilson asked who appointed this chief justice; he also asked, whether this government could not give away South-Carolina?

Gen. [Charles Cotesworth] Pinckney. The president, but then he is to continue in office during good behaviour, so that he may not sit upon the trial of the man who appointed him.

Chancellor [John] Rutledge was surprised to hear so much outcry against this plan as tending to arbitrary government. How was it arbitrary? after his time expired was he not liable to be tried by the laws like any other criminal? It was very easy to pull down a thing, to raise objections and find fault; but why don't gentlemen who are so ready in this, bring forward some plans of their own? As to a question asked, whether South-Carolina could be given away or not, the propriety of it brought to his mind an old saying, which was, *when the sky falls we shall catch larks.*[24] Had not congress an equal concern in the interest of our state, as well as that of any in the union? Did she not guarantee to us a republican government? Congress indeed at present possessed the power to give away South-Carolina, for she could make what treaties she pleased; but under the new government we were more secure, because the president took an oath that he would protect and defend the constitution of the United States. Two thirds of the present congress might involve us in all the calamities of a war;[25] but under this consti-

tution it must be done by the people, for should the president take upon him such a step, where is he to get money to carry his designs into execution? How would he face the people of America in their house of representatives, after having violated the constitution? As to those arguments that he might be bribed to do harm, must not two-thirds of the senate be bribed also? Indeed, when the representatives of the people can be bought, government is at an end. But our security did not lay so much in the difficulty of corrupting our governors, should they become depraved enough for that purpose: we were safe from the regard men in this country would naturally have for their characters, which was a more sacred tie upon men than the fears of axes and halters. Although one class of senators might concur with the president in pursuing ruinous schemes, yet he might be brought to trial before another class, dismissed from his office, be tried by the criminal laws of his country, and punished by an ignominous death.

Mr. [John Julius] Pringle was at first struck with an idea of impropriety in this point; but on reading over the constitution again, he found in it a remedy, because all offences against states, if not liable to impeachment, were open to an indictment by a grand jury.

Mr. C[harles] Pinckney thought the states had very little fear to apprehend from the general government injuring the state governments. He rather was apprehensive that the states would have too much power the other way. Under the old confederation, we were liable to the greatest disadvantages from a negligence in attendance of delegates; but in the new government the representation was likely to be kept up, and therefore more to be depended upon than the government of eighteen persons.

Mr. [John] Bowman[26] did not approve of such a constant recurrence to the old constitution, nor of so many arguments, turning upon its imbecility. If it was the ragged old coat which had made us like a blackguard throughout all Europe, let us try to make it better.

Judge Pendleton said, if a trial for impeachment was all that could press upon the president, then he should have thought that the mode of punishment was insufficient; but it appeared to him there would be a kind of code of criminal law established, and to prove this he read the paragraph under consideration.[27]

This double punishment was in his opinion all the security that could be wished for. A great deal of the good of this constitution will depend upon the wisdom of the first administration from the laws and regulations they shall think proper to adopt. But how it will operate 80 or

100 years hence requires the spirit of prophecy to foresee, for it was clear that any great alteration in it would put us under a necessity of entirely changing the system. For instance, if a monarchy, then the king can do no wrong—If a privy council should be annexed to the president in directing the exercise of the powers of the government, then the president's responsibility is destroyed. So that, take the matter which way we will, any alteration tended to let in more power; and consequently were more liable to objections than the system now proposed. [Charleston *City Gazette*, 21 May 1788][28]

1. Printed: Charleston *City Gazette*, 17, 19, 20, 21 May. The *City Gazette* had intended to start printing the debates on 16 May, but instead printed a report from Baltimore announcing Maryland's ratification of the Constitution. It explained the delay as follows: "The interesting news from Baltimore, occasions our deferring the first day's debate in our convention" (Charleston *City Gazette*, 16 May, RCS:S.C., 285–87).

2. Governor Edmund Randolph of Virginia submitted the Virginia Plan at the Constitutional Convention which called for a bicameral legislature, with both chambers represented proportionately based on wealth or white population (CDR, 243–45).

3. John Dickinson (1732–1808) was a delegate from Delaware at the Constitutional Convention. The Delaware act appointing delegates to the Convention prohibited them from agreeing to any changes in voting in Congress other than an equal vote for each state. Dickinson became ill and left the Constitutional Convention around 15 September 1787. He authorized his fellow delegate George Read to sign the Constitution for him. The Delaware Convention unanimously ratified the Constitution. See CDR, 203–4, and RCS:Del., 105–13.

4. In *Genuine Information* V (CC:441, p. 349), Luther Martin stated "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*." *Genuine Information* V was first printed in the Baltimore *Maryland Gazette*, 11 January 1788, and was reprinted in the *State Gazette of South Carolina* on 28 April. Massachusetts delegate Elbridge Gerry had said on 11 June in the Constitutional Convention "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.)

5. A reference to the Impost of 1781, which every state but Rhode Island ratified. Virginia, however, in December 1781 suspended its ratification until the other states approved it and then repealed its ratification in December 1782 (see RCS:Va., Vol. 1, xxxi–xxxii).

6. For the availability of the Pennsylvania Convention debates in South Carolina, see "The Sale of Thomas Lloyd's Debates of the Pennsylvania Convention as Advertised in the Charleston Columbian Herald," 3 April–12 June (RCS:S.C., 242–44). By 14 May, portions of the debates of the Massachusetts Convention of 17, 25 January and 4, 6 February had been printed in the Charleston *City Gazette*, 10 April, 2, 3 May; and *State Gazette of South Carolina*, 31 March, 17 April. See RCS:Mass., 1107–1497, for the debates of the Massachusetts Convention.

7. James Wilson was a delegate from Pennsylvania to the Constitutional Convention. In speeches given in the Pennsylvania ratifying Convention on 4 and 11 December 1787,

Wilson argued that Pennsylvania would benefit by the method of representation in the U.S. House of Representatives. See RCS:Pa., 489–90, 497–98, 564–65.

8. The second of nine proposed amendments offered by the Massachusetts Convention, reads: "That there shall be one representative to every thirty thousand persons, according to the census mentioned in the constitution, until the whole number of the representatives amounts to two hundred" (CC:508 and RCS:Mass., 1469).

9. Both New York and Massachusetts claimed the land which is now western New York. Agents from both states met in Hartford, Conn., and on 30 November 1786 agreed that New York would have jurisdiction while Massachusetts would have property rights to the land.

10. Although the legislatures of all thirteen states ratified the Articles of Confederation, several New England states "laid" the Articles "before the people." The New Hampshire legislature ordered that the Articles be printed and dispersed so that every person could give his sentiments on them. In Massachusetts the legislature recommended to the towns that they instruct their representatives on the Articles. The Connecticut governor and Council of Safety ordered that 300 copies of the Articles be printed and one copy be transmitted to each town (CDR, 101, 102, 109).

11. Budd (1732–1791), a Charleston physician who shared a medical practice with fellow Convention delegate David Ramsay, served as a military surgeon during the Revolutionary War and was a British prisoner of war. He served in the South Carolina House of Representatives, 1783–84, 1786–90. Budd represented the parishes of St. Philip and St. Michael in the state Convention, where he voted to ratify .the Constitution.

12. Hunt (d. 1794), a Columbia attorney, later served in the South Carolina House of Representatives, 1791–94, and as a Court of Equity judge, 1794. He represented the New Acquisition District at the state Convention, where he voted against ratification.

13. Reprinted: *Pennsylvania Packet*, 6 June; *Virginia Independent Chronicle*, 18 June.

14. Article V of the Articles of Confederation limited delegates to Congress from serving "more than three years in any term of six years" (CDR, 87).

15. Reprinted: *Pennsylvania Packet*, 2 June; *Pennsylvania Journal*, 4 June.

16. Section 8 of the Pennsylvania constitution of 1776 prohibited members of the state Assembly from serving "more than four years in seven" (Thorpe, V, 3084).

17. Article XXIX of the South Carolina constitution of 1778 established that commissioners of the treasury and registers of mesne conveyances who served four years in office were ineligible to hold the same office during the next four years. The same provision also applied to the secretary of state, attorney general, surveyor general, powder receiver, collectors and comptrollers of the customs, and waiters. Articles VI and XXVIII made the governor and sheriffs ineligible to hold their respective offices for four years after the expiration of their two-year term (RCS:S.C., 494, 500–501).

18. The South Carolina constitution.

19. Soldiers of the Pennsylvania Line of the Continental Army under General Anthony Wayne mutinied in January 1781.

20. A reference to the Maryland Senate's repeated rejections of debtor relief legislation, especially paper money. See RCS:Md., 388n.

21. Article I, Section 2, of the Constitution provided that the first House of Representatives would have sixty-five members if all states ratified (Appendix III, RCS:S.C., 513–14).

22. Jehu Wilson (d. c. 1795–97), a low country planter, served in the South Carolina House of Representatives, 1787–90. He represented the parish of St. Paul in the state Convention, where he voted against ratification.

23. Cartouche was the nickname of Louis Dominique Garthausen (1693–1721), a notorious French bandit. In Voltaire's *Philosophical Dictionary*, first published in 1764, he compared Cartouche to Pope Alexander VI, not to Alexander the Great.

24. Thomas McKean also quoted this proverb in the Pennsylvania Convention on 10 December 1787 (RCS:Pa., 542). McKean's speech appeared in the *Pennsylvania Herald*, 12 December, and was reprinted by the Charleston *Columbian Herald*, 27 December.

25. Under the Articles of Confederation, the consent of nine states was required for important matters, including the declaration of war (CDR, 92).

26. Bowman (1746–1807), a low country planter, served in the South Carolina House of Representatives, 1788, 1791, 1798–99, and the Senate, 1792–95. He represented the parish of St. James, Santee, in the state Convention, where he voted against ratification.

27. Pendleton is referring to Article I, Section 3, clause 7, of the Constitution which provided that "Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law."

28. Reprinted: *Pennsylvania Packet*, 2 June; *Pennsylvania Journal*, 4 June.

The South Carolina Convention
Thursday
15 May 1788

Convention Proceedings, 15 May 1788[1]

The Convention met according to Adjournment And the Journal of Yesterday was read.

A Letter was read from William Kirkland returned as a Delegate from Fairfield County informing the Convention that on account of the Small pox being in Charleston and he having never had it, he is prevented from taking his Seat in Convention, Whereupon

Ordered that a New Writ be issued for electing another person in his Stead.[2]

On Motion Ordered that the Order of the Day for ⟨taking into⟩[3] consideration the Report of the Committee Appointed to enquire for a more commodious place of holding the Convention be postponed.

The Convention resumed the further consideration of the Constitution of the United States of America as proposed by the Federal Convention Assembled in Philadelphia in May last. After a Considerable time Spent in Debate and on reading the 13th. paragraph of the 8th. Section Article the 1st. A Motion was made and Seconded that the further reading thereof be postponed When It was agreed to.

And then the Convention Adjourned to Nine o'Clock to morrow morning.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

2. John Cook replaced Kirkland as a delegate for Fairfield County. It is doubtful whether a new election was actually held, and perhaps Cook had received the next highest number of votes in the April election. It would have taken several days to get the writ back to Fairfield County, and Cook claimed four days travel expenses from his home to Charleston. Cook was present at the Convention by Wednesday, 21 May, which meant he would have had to leave his home by Sunday, 18 May. See "Payment Certificate of John Cook for Attending South Carolina Convention," 24 May (RCS:S.C., 408).

3. The text in angle brackets is taken from the Constitutional and Organic Papers, Rough Convention Journal, Sc-Ar. The engrossed journal reads "taken."

Proclamation of John F. Grimké, Intendant of Charleston 15 May 1788[1]

PROCLAMATION.

WHEREAS the convention now sitting in the city of Charleston have resolved,[2] that the Intendant of the said city should be requested to notify to the inhabitants thereof, that such of them as have persons in their families, at present labouring under the small pox, should keep such subjects out of public view, whereby the probability of communicating the said disorder will be considerably diminished.

These are therefore to notify and recommend to the inhabitants of the said city, that for the satisfaction and security of such of the members of the convention as have not hitherto had the said disorder, that they will cause to be kept out of the streets, and removed from public view, such persons in their respective families as are at present afflicted with the small pox; and it is hereby further recommended to all practitioners of physick, that they do endeavor to cause the aforesaid resolution of the convention to be carried into full effect

Given at Charleston, under my hand and the seal of the said city, this 15*th day of May, in the year of our Lord* 1788 *and in the twelfth year of the independence of the United States of America.*

John F. Grimke, Intendant.

1. Printed: Charleston *City Gazette*, 17 May. The *Gazette* printed the proclamation again on 19 and 21 May. Grimké (1752–1819), a planter, lawyer, and legal scholar, was an officer in the Continental Army during the Revolutionary War, a member of the South Carolina House of Representatives, 1782–90 (speaker, 1785–86), an associate justice of the Court of Common Pleas and General Sessions, 1783–99, and senior associate justice, 1799 until his death. He was intendant (mayor) of Charleston, 1788–89, and represented St. Philip and St. Michael parishes in the state Convention, where he voted to ratify the Constitution.

2. The Convention journal does not contain a resolution requesting action by the Intendant of Charleston. The subject of the presence of smallpox in Charleston arose in the Convention on the 15th, when it received a letter from William Kirkland declining his seat from Fairfield County due to his concerns over smallpox in the city. See

Convention Proceedings, 15 May (immediately above). Grimké was a member of the Convention.

Private Commentary on Convention Proceedings, 15 May 1788

John Kean to Susan Livingston Kean
Charleston, 14, 15, 19 May 1788 (excerpts)[1]

Thus far am I on my way to my beloved—soon I hope to press to my bosom the woman of my heart. the convention I hope will not detain me more than a fortnight—I have not been to it yet—I am just arrived after being at sea a day & a night on the passage but I am not sensible of any ill consequence.

15th.

This day has blessed me with my Susans letters to the 27th. April—the joy I feel at hearing of your health & the well being of our son is inexpressible.

We are hard at work from nine in the morning until three or four in the afternoon in the convention[—]what the result will be it is impossible to say—the opposition is considerable—but it is the opposition of ignorance & prejudice—for the able & tried men in our government are for it—this gives me hope that we shall accept the new constitution—our back country which is made up of Irish & Virginians are mostly opposed to it—if the matter was to be decided by the natives of Carolina I imagine we should have it six to one—but this mass of heterogeneous matter I cannot answer for—the immense debt due by the people of this state has its bad effects also, as they are afraid of never more obtaining the interposition of government infavor of the creditor—however I have not yet lost all hope—especially as there are now seven States who have acceded[2]—

I never expected much from H—— nor can I say that I have had much hope since I left Congress, as most of my friends left it with me—but perhaps it is the best thing that could happen for me not to get the appointment. . . .

Elliott sails in about ten days for New York & Strong for Philadelphia[—]in one or the other of these, I shall be wafted to my love if the convention will permit. . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. The letter was started on 14 May and continued on 15 May. At the bottom of the letter is a second dateline: "Charleston/May 19th. 1788."

2. News of Maryland's ratification of the Constitution arrived in Charleston on the afternoon of 15 May and appeared in the *City Gazette* the next day (RCS:S.C., 285–87).

The South Carolina Convention
Friday
16 May 1788

Convention Proceedings, 16 May 1788[1]

The Convention met according to Adjournment, and the Journal of Yesterday was read.

The Convention resumed the further consideration of the Constitution of the United States of America, As proposed by the Federal Convention Assembled in Philadelphia in May last, After a considerable time Spent in Debate, and on reading the 17th. paragraph, Section 8th. Article 1st. A Motion was made and Seconded that the further reading thereof be postponed. when It was Agreed to.

And then the Convention Adjourned to Nine o'Clock to morrow Morning.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

The South Carolina Convention
Saturday
17 May 1788

Convention Proceedings, 17 May 1788[1]

The Convention met according to Adjournment, and the Journal of Yesterday was read.

The Convention resumed the further consideration of the Constitution of the United States of America, as proposed by the Federal Convention Assembled in Philadelphia in May last, after a considerable time Spent in debate, and on reading the 1st paragraph Section 1st. and Article the 2nd. A Motion was made and Seconded that the further reading thereof be postponed, when It was Agreed to.

And then the Convention adjourned to Nine o'Clock on Monday Morning.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

Newspaper Report of Convention Proceedings, 17 May 1788[1]

On Saturday last, the Convention having gone through the 10th and last section of the 1st article of the proposed Constitution by paragraphs, adjourned at 2 o'Clock, untill this morning at nine, when the 2d article (treating of the powers of the president) will be taken up.

1. Printed: Charleston *Columbian Herald*, 19 May.

Convention Speech of Charles Pinckney, 17 May 1788[1]

The following speech, delivered by the Hon. Mr. C[harles] Pinckney in the late convention, on reading the 10*th section of article* 1, *of the New Constitution, and which was highly approved of in that house, cannot fail of being acceptable to our readers.*

This section I consider as the soul of the constitution, as containing in a few words those restraints upon the states, which, while they keep them from interfering with the powers of the union, will leave them always in a situation to comply with their federal duties—will learn them to cultivate those principles of public honor and private honesty which are the only sure road to national character and happiness.

The only parts of this section that are objected to are those which relate to the emission of paper money and its consequences, tender laws, and the impairing the obligation of contracts.

The other parts are supposed as exclusively belonging to, and such as ought to be vested in, the union.

If we consider the situation of the United States as they are at present, either individually, or as the members of a general confederacy, we shall find it extremely improper they should ever be intrusted with the power of emitting money, of interfering in private contracts—or, by means of tender laws, impairing the obligation of contracts.

I apprehend these general reasonings will be found true with respect to paper money—That experience has shewn, that in every state where it has been practised since the revolution, that it always carries the gold and silver out of the country, and impoverishes it. That while ever it remains all the foreign merchants trading to America must suffer and lose by it; therefore that it must ever be a discouragement to commerce. That every medium of trade should have an intrinsic value, which paper money has not; gold and silver are therefore the fittest for this medium, as they are an equivalent, which paper never can be. That debtors in the assemblies will always, whenever they can, make paper money with fraudulent views. That in those states where the credit of the paper money has been best supported, the bills have never kept to their nominal value in circulation: but have constantly depreciated to a certain degree.

I consider it as a granted position, that while the productions of a state are useful to other countries, and can find a ready sale at foreign markets, there can be no doubt of their always being able to command a sufficient sum in specie to answer as a medium for the purposes of carrying on this commerce, provided there is no paper money, or other means of conducting it. This I think will be the case even in instances

where the balance of trade is against a state: but where the balance is in favor, or where there is nearly as much exported as imported, there can be no doubt, that these products will be the means of always introducing a sufficient quantity of specie.

If we were to be governed by partial views, and each state was only to consider how far a general regulation suited her own interests, I think it can be proved there is no state in the union who ought to be so anxious to have this part of the constitution passed as ourselves.

We are to reflect, that this constitution is not framed to answer temporary purposes—we hope it will last for ages—that it will be the perpetual protection of our rights and properties.

This state is perhaps of all others more blessed in point of soil and productions than any in the union. Notwithstanding all her sufferings by the war—the great quantity of lands still uncultivated, and the little attention she pays to the improvement of agriculture—she already exports more than any state in the union (except Virginia) and in a little time must exceed her.

Exports are a surer mode of determining the productive wealth of a country than any other, and particularly when these products are in great demand in foreign countries.

Thus circumstanced, where can be the necessity of paper money? Will you but have specie in sufficient quantities? Will you not have more money in circulation without paper, than with it? I mean without having only paper in such quantities as you are able to maintain the credit of, as at present. I aver you may, and appeal only to the experience of the last 5 or 6 years. Will it not be confessed that in 1783 and 1784 we had more money than we have at present, and that the emission of your present paper banished double the amount out of circulation.[2] Besides if paper should become necessary, the general government still possesses the power of emitting it; and continental paper well founded, must ever answer the purpose better than state paper.

How extremely useful and advantageous must this restraint be to those states which mean to be honest and not to defraud their neighbours. Henceforth the citizens of the states may trade with each other without fear of tender laws or laws impairing the nature of contracts. The citizen of South Carolina will then be able to trade with those of Rhode-Island, North-Carolina and Georgia, and be sure of receiving the value of his commodities. Can this be done at present? It cannot. However just the demand may be, yet still your honest suffering citizen must be content to receive their depreciated paper, or give up the debt.

But above all, how much will this section tend to restore your credit with foreigners—to rescue your national character from that contempt

which must ever follow the most flagrant violations of public faith and private honesty. No more shall paper money—no more shall tender laws, drive their commerce from our shores, and darken,—justly darken the American name in every country where it is known. No more shall our citizens conceal in their coffers those treasures which the weakness and dishonesty of our governments have long hidden from the public eye—The firmness of a just and equal system shall bring them into circulation, and honor and virtue shall be again known & countenanced among us. No more shall the widow, the orphan and the stranger become the miserable victims of unjust rulers. Your government shall now indeed be a government of laws. The arm of justice shall be lifted on high—and the poor and the rich—the strong and the weak, shall be equally protected in their rights. Public as well as private confidence shall again be established—industry shall return among us, and the blessings of our government shall verify that old, but useful maxim, that with states, as well as individuals—*honesty is the best policy.*

1. Printed: Charleston *City Gazette*, 26 June. The *City Gazette* does not provide a date for Pinckney's speech. Elliot, *Debates*, IV, 333–36, follows the 1831 Charleston printing of the Convention speeches, which dates it as 20 May. That date is unlikely because the Convention debated Articles II through VII on the 20th. The speech probably was delivered on 17 May when the Convention debated Article I, Section 10 (see "Newspaper Report of Convention Proceedings," 17 May, immediately above). It was reprinted in the *State Gazette of South Carolina*, 30 June; New York *Daily Advertiser*, 7 July; and *Albany Gazette*, 17 July.

2. South Carolina issued £100,000 of paper money in October 1785.

The South Carolina Convention
Monday
19 May 1788

Convention Proceedings, 19 May 1788[1]

The Convention met according to Adjournment, and the Journal of Saturday was read.

The Convention resumed the further consideration of the Constitution of the United States of America as proposed by the Federal Convention assembled in Philadelphia in May last. On reading the Several Sections and paragraphs of Article the 2nd. And after a considerable time spent in debate,

A Motion was made and seconded that the further Consideration of the said Sections and paragraphs of Article the 2nd. be postponed, when It was Agreed to.

And then the Convention adjourned to Nine o'Clock to morrow Morning.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

Newspaper Reports of Peter Fayssoux's Comments in the South Carolina Convention, 19 May 1788

On 16 May 1788, the Charleston *City Gazette*, reprinted a report from the *Maryland Journal* of 29 April indicating that Maryland had ratified the Constitution (see Charleston *City Gazette*, 16 May, RCS:S.C., 285–87). During the session of 19 May Dr. Peter Fayssoux announced in the Convention that he would give up opposition to the Constitution due to Maryland's ratification, although he did vote against ratification on 23 May. According to Aedanus Burke, Fayssoux was "one of our best speakers in the Opposition" (Aedanus Burke to John Lamb, 23 June, RCS:S.C., 470). Fayssoux disagreed with the editors of the *City Gazette* over the wording of his statements in the Convention, which resulted in a brief newspaper skirmish between Fayssoux and the editors.

Charleston City Gazette, 20 May 1788[1]

Yesterday in the convention, Dr. Fayssoux said, that he was at first opposed to the constitution, but considering what Maryland had done, he viewed it as the system of government under which his country must live, and that it would be criminal in him longer to oppose it.

1. Reprinted: *State Gazette of South Carolina*, 22 May; New York *Daily Advertiser*, 31 May; *Newport Herald*, 5 June; *Providence Gazette*, 7 June; and Poughkeepsie, N.Y., *Country Journal*, 10 June.

Charleston City Gazette, 23 May 1788

The printers have received the two following notes from Dr. Fayssoux, the first on Tuesday last [20 May]:

"SIR, Having misstated my sentiments delivered in the convention yesterday, when I declared my intention of declining any opposition—as this referred only to the mode of opposition which I had adopted, and this was done from an apprehension of injuring the peace and tranquility of my country, particularly when I heard a member declare that a number of people were determined to oppose it by force of arms, that and other considerations of consequence, influenced me in my declaration, in which I declared expressly, 'from reading and reflection I was principled against the new constitution.[']

PETER FAYSSOUX."

"Dr. Fayssoux asserts and declares, the paragraph inserted in the Morning Post[1] of Tuesday last, was a false and infamous lye."

The above is inserted at Dr. Fayssoux's request, the liberality of the writer, and the authenticity of the reporter, rest on this, if any gentleman within hearing of the latter part of the doctor's speech are with him in opinion, then the reporter is to blame.

1. Prior to 6 November 1787, the *City Gazette* was known as the *Charleston Morning Post, and Daily Advertiser.*

Charleston City Gazette, 24 May 1788[1]

"SIR, In the course of some observations which I made on Monday last in the convention, I delivered the following sentiments, which you have misstated to the public, and which I desire you to correct accordingly.

'Mr. President, At the commencement of this convention, I assumed a line of conduct with a determination to exert my utmost powers for the rejection of this constitution, but circumstances have much altered; Maryland has adopted the constitution, her voice is decisive; and although from reading and reflection I am principled in my objections to this constitution, I will sacrafice my own feelings to the peace and tranquility of my country; and as I consider it as the constitution under which we must live, I will desist from a line of conduct in opposition, which as it would only tend to irritate and inflame men's minds, would be criminal.[']

P. FAYSSOUX.["]

The following paragraph will appear to every candid and dispassionate person tantamount to what is published above; yet has notwithstanding drawn from Dr. Fayssoux epithets ungenerous and undeserved, and will prove how difficult it is for some men to keep up in their conduct—consistency.

Tuesday, May 20, 1788.

Yesterday in the convention, Dr. Fayssoux said, that he was at first opposed to the constitution, but considering what Maryland had done, he viewed it as the system of government under which his country must live, and that it would be criminal in him longer to oppose it.

1. Fayssoux's statement, without the final two paragraphs supplied by the editors of the *City Gazette*, was reprinted in thirteen other newspapers by 26 June: N.H. (2), Mass. (1), R.I. (1) Conn. (3), N.Y. (2), Pa. (1), Md. (1), Va. (2). Three newspapers altered Fayssoux's first paragraph.

State Gazette of South Carolina, 26 May 1788

Mrs. TIMOTHY, As the publishers of the Morning Post have represented some sentiments which I delivered in the Convention in a very

partial and false manner, I herewith send you the exact words I used on that occasion, which I request you to have published in your Gazette.

Mr. President, On the commencement of this convention, I assumed a line of conduct, with a determination to exert all my abilities, to prevent the adoption of this constitution, but affairs have since changed, Maryland has adopted the constitution, her voice is decisive; and although by reading and reflection, I am principled in my objections to this constitution, I will cheerfully sacrifice my feelings to the peace and tranquility of my country, and as consider this as the constitution under which we must live, I shall desist from a line of conduct in opposition, which as it will tend only to irritate and inflame mens minds, would in my opinion be criminal.

P. FAYSSOUX.

The South Carolina Convention
Tuesday
20 May 1788

Convention Proceedings, 20 May 1788[1]

The Convention met According to Adjournment, and the Journal of Yesterday was read.

The Convention resumed the further consideration of the Constitution of the United States of America, as proposed by the Federal Convention Assembled in Philadelphia in May last, after a considerable time Spent in debate, and on reading the 7th. Article,

A Motion was made and seconded that the Consideration thereof be postponed, when it was agreed to.

General Sumter being [in] his place, gave Notice that he would to morrow at twelve o'Clock, move for an Adjournment, provided the business then before the Convention could be Suspended for that purpose.

And then the Convention Adjourned to Nine o'Clock to morrow Morning.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

Newspaper Report of Convention Proceedings, 20 May 1788[1]

The convention yesterday went through the discussion of the federal constitution by paragraphs.

Yesterday in convention, general Sumpter gave notice, that at 12 o'clock, this day, if the business then before the house should permit,

he intends moving for an adjournment, in order that time may be given for further consideration on a subject of such vast magnitude.

1. Printed: Charleston *City Gazette*, 21 May. Reprinted: *New York Journal*, 29 May; *Pennsylvania Journal*, 31 May; *Connecticut Courant*, 2 June; and New Jersey *Brunswick Gazette*, 3 June. The first sentence was reprinted in the *State Gazette of South Carolina*, 22 May.

Convention Speech of Francis Cummins, 20 May 1788[1]

When the convention came to consider the 3d paragraph in the 6th article of the constitution the Rev. Mr. Cummins[2] read the following words.

MR. PRESIDENT, Ever since I have been able to think for myself, and especially since I have taken a view of those merciless and irrational cruelties, which religious denominations have often imposed on each other contrary not to reason only, but also and especially to the mild and fraternal dictates of the gospel of our blessed saviour, I have always thought it my duty and honor to oppose the idea of religious establishments; or of states giving in state affairs preference to any religious denomination.

Freedom of conscience, or in other words, liberty of conscience, is essential to any sound sense of religion, and to destroy this freedom of conscience, and a peaceable way of expressing it, by a state constitution, or by state laws, is to destroy religion, and to militate against the God of nature, as well as rights of men. Besides, in my humble opinion, it would be impolitic as well as unjust for a state to give the preference to one religious order over any other in matters of state, & to dictate and prescribe in points of religion, in which men from different modes of education and circumstances of one kind or other, will and must split in opinion. This naturally excites jealousies, envy and discontent among citizens, tending to distraction and public disturbances.

The religion of the most erroneous heretic, is his religion, and as dear to him as any other man's is to him; therefore to take it away from him by force, if such a thing was possible, would be not only to deprive him of the pleasure of his life, but also to render him irreligious, consequently less valuable to the state; hence I conclude, that all religious denominations, whose principles do not manifestly express danger to others, thereby proving such principles not to be religious, but barbarous and imperious, ought to be on equal footing as to matters of state and protection from violence of any kind.

Now, Mr. President, after having had the honor and opportunity of addressing those sentiments to you before this numerous and very respectable convention; numbers of whom have spoken very reverently

of the God of nature, wisdom and grace, I am sure I am absolutely free from being liable to any imputation of narrow mindedness, except from very narrow minds. I am, therefore, I humbly conceive, entitled to the indulgence and candor of this house, and am sure I will get it from the chair; while at the same time that I venerate the names and abilities of those gentlemen who constituted the federal convention, I make some remarks on this important paragraph, which I will do, not from pious principles only, but also very especially from political views.

Sir, if I am not mistaken, although this imperfect human world, as well through Christendom as every where else, is split into sectaries or denominations in religious opinions, yet there is one thing in which they all agree, that is, that there is a GOD; and all nations or denominations not in a state totally savage and uncivilized, whether they be Roman Catholics or Protestants of any sort, do also agree, that an oath is a sacred or religious thing—a thing which binds the conscience, and secures the truth. It is therefore before every judicature civil or ecclesiastic, not merely the civil but religious test or witness to such court, of the sincerity and integrity of the deponent's heart, and of the truth of the fact or testimony by him related or given. This sense of the matter is so universally spread over the world as a dictate of nature, and through the Christian world as a dictate of revelation, so providentially radicated in the hearts of all, except atheists and infidels, that to it are trusted the characters, properties, and very lives of all mankind.

With suitable respect, therefore to the federal convention, and due deference to their abilities, I beg leave to say that I would not wish to see any language or phrase in a national constitution of government, tending, or in any degree seeming to tend to enervate or expunge the sacredness of an oath. Altho', Sir, upon candid enquiry, to the learned and well read, who are acquainted with the general acceptation of the phrase, "Religious test," this paragraph may not appear to militate against the sacred nature of an oath, yet in reality in its structure it does do it, and will be considered to intend to do so, and accordingly be placed by such as say, "an oath at a bar is no more than a political contrivance to bind the honor of gentlemen, scare the hearts of novices, and affix certain temporal penalties, without any regard or appeal to a future or divine bar."

Besides, Mr. President, there are and will be thousands unacquainted with the learned and historical sense of a religious test, with whom the structure of this paragraph may do hurt. Officers shall take oaths—"but no religious test shall ever be required, &c.["] the adversion—BUT NO—is literally very significant here, and strongly negatives the sacred nature of an oath; I say it at least seems to me to do so without

some qualification. Sir, would it not have answered all the intended purposes of the expanded hearts of the convention as to civil and religious freedom to have said "but no religious denomintion shall ever have preference to another in matters of state, and all religious societies shall have equal liberty and protection."

This, or something of like import, would be an everlasting security against persecution and dissention upon religious accounts, and at the same time in no degree literally or otherwise, break in upon the universal sense of men concerning the sacred nature of an oath even at a civil bar.

Mr. President. One single word of amendment would perfectly satisfy me here, and I think be of grand political as well as religious service and honor to the nation; that is, alter the words,—BUT NO—insert the word—OTHER[3]—then it will explicitly appear that altho' America does not arrogate the prerogative of sitting in the throne of GOD, and lording it over the consciences of men, yet she is careful in her constitution to express herself in such a manner as may not seem even to the weakest capacity to weaken the sacred force of an oath legally administered and taken.

1. Printed: Charleston *City Gazette*, 26 May. The *City Gazette* did not provide a date for Cummins' speech, but the journal indicated that the Convention debated Articles II through Article VII on 20 May. Reprinted: *Pennsylvania Packet*, 6 June; Philadelphia *Independent Gazetteer*, 7 June; *Massachusetts Gazette*, 17 June; *Virginia Independent Chronicle*, 18 June; Exeter, N.H., *Freeman's Oracle*, 20 June; and *Virginia Centinel*, 25 June.

2. Francis Cummins (1752–1832), pastor of Bethel Presbyterian Church in York County, represented New Acquisition District in the Convention. He served on the committee to draft recommendatory amendments to the Constitution and voted to ratify the Constitution. According to John Wilson of North Carolina, Cummins had been elected as a Convention delegate because the voters "thought he was opposed to the Constitution." See John Wilson to Samuel Wilson, 10 July (RCS:S.C., 475).

3. Cummins' proposal was adopted as a recommendatory amendment. See South Carolina Form of Ratification, 23 May (RCS:S.C., 400). According to John Wilson of North Carolina, Cummins hoped "to keep out Deists and Atheists from places of power and trust" (John Wilson to Samuel Wilson, 10 July, RCS:S.C., 475).

Private Commentary on the Convention, 20 May 1788

Gabriel Manigault to Margaret Izard Manigault
Charleston, 20 May 1788 (excerpt)[1]

. . . My Eye has been running ever since yesterday about noon, & appears inclined to continue running longer—It is easier than it was, but will prevent my attending the Convention today.—If it should not be well enough for me to go to the Exchange tomorrow,[2] I shall not leave town in the evening, as I think it would have a strange appearance

for me to be well enough to go 17 miles into the country & return the next morning, & yet not be able to attend Public business of so great consequence as the Convention. . . .

1. RC, Manigault Family Papers, South Caroliniana Library, ScU.

2. Manigault had recovered sufficiently to attend the Convention on 21 May, where he voted against adjourning the Convention to October.

The South Carolina Convention
Wednesday
21 May 1788

Convention Proceedings, 21 May 1788[1]

The Convention met according to Adjournment and the Journal of Yesterday was read.

The Convention resumed the further consideration of the Constitution of the United States of America, as proposed by the Federal Convention Assembled in Philadelphia in May last, which being read through, Also the Resolutions of the Federal Convention,—The Letter from His Excellency George Washington Esquire as President of the Federal Convention, And a Resolution of the United States in Congress Assembled Accompanying the same.[2]

A Motion was made by General Sumter and seconded by Mr. Jehu Wilson, that the further consideration of the Federal Constitution be postponed until the twentieth day of October next.[3] After a considerable time spent in Debate thereon, And the Question being put to Agree to the same, The Ayes and Nays were required by the Unanimous voice of the Convention, are as follows, Vizt.—

Parishes of Saint Philip's & Saint Michael's Charleston.			
Charles Cotesworth Pinckney	No	Honble. John Matthews	No
Christopher Gadsden	No	Edward Blake	No
Honorable Edward Rutledge	No	Thomas Bee	No
David Ramsay	No	Honble. Daniel DeSaussure	No
Honble. Thomas Heyward Junr.	No	Thomas Jones	No
Edward Darrell	No	Honble. John Faucheraud Grimkie	No
Isaac Motte	No	William Johnson	No
His Hon: Lieut. Governor Thomas Gadsden	No	Honble. John Julius Pringle	No
		John Blake	No
		Daniel Stevens	No
		Daniel Cannon	No
		Anthony Toomer	No

Hugh Rutledge	No
John Budd	No
Francis Kinloch	No
William Sommersall	No
Michael Kalteisen	No
Richard Lushington	No
Nathaniel Russell	No
Josiah Smith	No
Lewis Morris	No
Edward Lightwood	No
John Edwards	No
Christ Church	
Honble. Charles Pinckney	No
Honble. John Rutledge	No
Honble. Arnoldus Vanderhorst	No
William Read	No
Joseph Manigault	No
Jacob Read	No
Joshua Toomer	No
St. John, Berkley County.	
Honble. Henry Laurens [Sr.]	No
Honble. William Moultrie	No
Peter Fayssoux	Ay
Keating Simons	Ay
Henry Laurens Junr.	No
Thomas Walter	Ay
St. Andrew	
Glen Drayton	No
Honble. Richard Hutson	No
Thomas Fuller	No
James Ladson	No
Ralph Izard Junr.	No
Charles Drayton	No
Honble. William Scott	No
St. George, Dorchester	
John Glaze	No
Morton Waring	No
Thomas Waring	No
Major John Postell	No
William Postell	No
Matthias Hutchinson	No
John Dawson	No
St. James, Goose-Creek.	
Honble. Ralph Izard [Sr.]	No
Peter Smith	No
Honble. Benjamin Smith	No
Gabriel Manigault	No
William Smith	No
John Parker Junior	No
John Deas Junr.	No
St. Thomas and St. Dennis	
Honble. John Huger	No
Thomas Karwon	No
Thomas Screven	No
Robert Daniel	No
Lewis Fogartie	No
Isaac Parker	No
Isaac Harleston	No
St. Paul's Parish	
Paul Hamilton	No
Jehu Wilson	Ay
Honble. Melcher Garner	Ay
George Haig	No
Joseph Slann	No
Roger Parker Saunders	No
Honble. William Washington	No
St. Bartholomew.	
Benjamin Postell	Ay
William Clay Snipes	Ay
Obrian Smith	Ay
Paul Walter	Ay
Honble. John Lloyd	No
John Croskeys	No
Edmond Bellinger	Ay
St. Helena.	
Honble. John Barnwell Esqr.	No
John Joyner	No
John Kean	No
William H. Wigg	No
Robert Barnwell	No
William Elliot	No
James Stuart	No

St. James, Santee.	
Isaac Dubose	Ay
Lewis Miles	No
Samuel Warren	No
Richard Withers	No
John Mayrant	No
John Bowman	Ay
Thomas Horry	No
Prince George, Winyah.	
Honble. Thomas Waties	No
Samuel Smith	No
Cleland Kinloch	No
Honble. William Allston, Junr.	No
All Saints	
Daniel Morrall	No
Thomas Allston	No
Prince Frederick.	
William Wilson	No
Patrick Dollard	Ay
Alexander Tweed	No
William Frierson	No
William Reed	Ay
James Pettigrew	Ay
John Burgess Junr.	Ay
St. John, Colleton County.	
Thomas Legare	No
Richard Muncreef Junr.	No
Honble. Daniel Jenkins	No
Hugh Wilson	No
Isaac Jenkins	No
Ephraim Mikell	No
William Smelie	No
St. Peter.	
John Fenwick	No
John Chisholm	No
Joachim Hartestone	No
John Lewis Bourquin, Junr.	Ay
Seth Stafford	No
Rev: Henry Holcom	No
Prince William	
Thomas Hutson	No
John McPherson	No
James Maine	No
John A Cuthbert	No
John Lightwood	No
John Simmons	No
Stephen Deveaux	No
St. Stephen	
John Palmer	No
Honble. Hezekiah Maham	No
Samuel Dubose	No
John Peyre	No
District Eastward of the Wateree	
Thomas Sumter	Ay
Andrew Baskins	Ay
John Lowry	Ay
Benjamin Cudworth	Ay
William Massey	Ay
John Chesnut	Ay
Hugh White	Ay
Thomas Dunlap	Ay
Samuel Dunlap	Ay
Samuel Boykin	Ay
John Montgomery	Ay
District of Ninety Six.	
James Lincoln	Ay
Adam Crain Jones	Ay
Andrew Hamilton	Ay
Dr. John Harris	No
Edmond Martin	Ay
Joseph Calhoun	Ay
William Butler	Ay
John Bowie	Ay
Honble. John Lewis Gervais	Ay
Charles Davenport	Ay
North Side of Saluda.	
Samuel Earle	Ay
Lamuel James Allston	Ay
John Thomas Junr.	No
Southside of Saluda.	
John Miller	No
William McCaleb	No
District of Saxe-Gotha.	
Honble. Richard Hampton	Ay
Joseph Culpeper	Ay

William Fitzpatrick	Ay
Lewellin Threewits	Ay
John Threewits	Ay
Wade Hampton	Ay
Honble. Henry Pendleton	Ay
Lower District between Broad and Saluda Rivers.	
Honble. Ædanus Burke	Ay
John Lindsey	Ay
Philemon Waters	Ay
Robert Rutherford	Ay
Honble. John Hampton	Ay
Little River District	
John Hunter	No
Samuel Saxon	Ay
Thomas Wadsworth	No
Joshua Saxon	Ay
Upper or Spartan District.	
William Kennedy	Ay
James Jordan	Ay
Charles Sims	Ay
Thomas Brandon	Ay
Honble. Zachariah Bulloch	Ay
District between Broad and Catawba Rivers, Vizt. Richland County.	
Honble. Thomas Taylor	Ay
William Meyer	Ay
Thomas Howell	Ay
Fairfield County.	
James Craig	Ay
Jacob Brown	Ay
John Grey	Ay
John Cook	Ay
Chester County.	
Edward Lacey	Ay
Joseph Brown	Ay
William Miles	Ay
James Knox	Ay
District called the New Acquisition.	
Honble. William Hill	Ay
Robert Patton	Ay
Samuel Watson	Ay
Revd. Francis Cummins	Ay
James Martin	Ay
James G. Hunt	Ay
Samuel Lowrey	Ay
Andrew Love	Ay
John Mc.Caw	Ay
Adam Meek	Ay
Abraham Smith	Ay
St. Matthew	
Honble. William Thomson	Ay
John Linton	Ay
Paul Warley	Ay
Orange.	
Lewis Lesterjette	Ay
Jacob Rumph	Ay
Donald Bruce	Ay
St. David	
Lamuel Benton	Ay
William Dewitt	Ay
Calvin Spencer	No
Samuel Taylor	No
R. Brounfield	No
Benjamin Hicks Junior	Ay
District between Savannah River and the North Fork of Edisto.	
Stephen Smith	No
Honble. William Dunbar	No
Joseph Vince	No
William Robison	No
John Collins	No
Jonathan Clark	No

AYES 89 NOES 135

So the Question was Lost.

And then the Convention Adjourned 'til Nine o'Clock to morrow Morning.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.
2. See Appendix III (RCS:S.C., 512–25) and CC:95, p. 241.
3. The date of 20 October was likely selected because many of the members of the Convention would be in Charleston at that time for the special legislative session scheduled to convene on 7 October.

Newspaper Reports of Convention Proceedings, 21 May 1788

Charleston Columbian Herald, 22 May 1788[1]

Tuesday last the Convention went through the discussion, *by Paragraphs*, of the Federal Constitution; and yesterday General Sumpter, agreeable to notice, moved for an adjournment to the 20th of October next, in order to give time for further consideration: When after a considerable debate, the motion was rejected;

YEAS, 89 *NAYS*, 135[2]
Majority, 46.
Did not Vote, 13.
Total. 237.

1. Reprinted: *Massachusetts Centinel*, 4 June; *New Hampshire Gazette*, 5 June; *Newport Herald*, 5 June; *Providence Gazette*, 7 June; and *New Hampshire Spy*, 7 June. The Providence *United States Chronicle*, 5 June, used this report as the basis for a longer piece (Mfm:S.C. 39–B).
2. The Charleston *Columbian Herald* printed the names of the delegates who voted yea and nay in its issue of 26 May. See RCS:S.C., 367.

Charleston City Gazette, 22 May 1788[1]

Yesterday Gen. Sumter made a motion in the convention, that the house postpone the further consideration of the new constitution until the 20th day of October next.

A most animated debate ensued on the motion, which was opposed by General [Christopher] Gadsden, Col. [Henry] Laurens [Sr.], Chancellor Mathews, Judge Heyward, Mr. Pringle, Mr. E. Rutledge, Mr. C[harles] Pinckney, Mr. Bee, Col. Reed,[2] Mr. Kaltiesen, and Mr. Hunter.

For the motion, General Sumter, Judge Pendleton, Judge Burke, Mr. Hunt, Mr. Lowry, Mr. Cudworth, Col. [Thomas] Taylor, Col. Lacey, Col. Waters, Mr. Bowman.

On the question being put on the motion, the yeas and nays were called for, when there appeared to be,

Ayes, 89. Noes, 135.

[A list of those voting nay followed by those voting aye appears at this point.]

General Gadsden moved an adjournment until to-morrow at nine o'clock, then to take up the question for ratifying the new constitution.

Mr. E. Rutledge proposed that a committee should be appointed to [consider?] what recommendations for alterations were necessary to be proposed. He was supported by Mr. Pringle, who declared, that he thought a few points were liable to objections.[3]

When the numbers were declared, the spectators in the gallery and behind the bar, testified their satisfaction by loud marks of applause, which occasioned an order for the house being cleared.[4]

Judge Pendleton made a handsome excuse for the intemperate conduct of the spectators, which he considered as arising from a patriotic fervor in those persons who considered a point to be carried, was for the benefit of their country. The hon. judge praised the conduct of Massachusetts state, where although the constitution passed by a small majority, yet after the decision both parties united, an example which he hoped we should follow, and join in the bands of brotherly friendship.[5]

A continuation of the proceedings in the convention is postponed until the house breaks up.

1. Reprinted with the list of votes: *Pennsylvania Packet*, 3 June; *Pennsylvania Gazette*, 4 June; *New York Journal*, 7 June. Reprinted without the list of votes in the May issue of the New York *American Magazine* and in seven newspapers by 9 June: Conn. (1), N.Y., (4), Pa. (2).

2. Col. Jacob Read, not Federalist Dr. William Read nor Antifederalist William Reed.

3. Rutledge's actual motion and the appointment of the committee did not take place until 22 May. See Convention Proceedings, 22 May, and "Newspaper Report of Convention Proceedings," 22 May (RCS:S.C., 375).

4. See "David Ramsay: Recollection of Convention Proceedings," 21 May (RCS:S.C., 374).

5. For the acquiescence of Antifederalists in the Massachusetts Convention, see RCS: Mass., 1494, 1645–57.

Charleston Columbian Herald, 26 May 1788

On the 21st. instant, in the Convention, a motion was made by Gen. Sumpter, and second[ed] by Mr. Jehu Wilson, that the further consideration of the federal constitution be postponed untill the 20th of October next. On the question being put to agree to the same, the ayes and nays were required by the unanimous voice of the Convention, and are as follows:

[A list of the names of those voting nay followed by those voting aye appears at this point.][1]

Ayes, 89. Noes, 135.

1. The format of the listing of the names in the *Herald* was the same as that in the Charleston *City Gazette*, 22 May (immediately above). The third Charleston newspaper,

the *State Gazette of South Carolina* (29 May, Mfm:S.C. 39–A), organized the roll-call vote differently, by grouping the delegates by parish and district, adding honorifics and first names of delegates, noting a vacancy for St. Stephen's Parish, and listing Convention president Thomas Pinckney as present but not voting.

It also listed the delegates as "absent" whose names do not appear in the Convention journal because they did not vote: Francis Marion (St. John's Parish, Berkeley), Peter Horry (Prince George's Parish, Winyah), William Stafford (St. Peter's Parish), Thomas Cooper and Thomas Palmer (St. Stephen's Parish), John Ewing Calhoun (Ninety Six District), Robert Anderson (Ninety Six District—South of Saluda), James Mayson (Little River District), Lewis Golsan (Orange Parish), Tristram Thomas (St. David's Parish), William Bufort (District between the Savannah River and the North Fork of Edisto).

John Kean: Notes on Convention Debates, 21 May 1788[1]

Although undated, these notes appear to have been taken by John Kean during the debate of 21 May on Thomas Sumter's motion to adjourn the Convention until 20 October. All six speakers identified by Kean in his notes are among those who spoke during the debate on adjournment according to a list in the Charleston *City Gazette*, 22 May (see "Newspaper Reports of Convention Proceedings," 21 May 1788, immediately above). For another summary of the contents of the debate, see "Letter from Charleston," 22 May (RCS:S.C., 372–73).

[Thomas] Sumpter

8 Mes.

if the mem[be]r did not give, is it not to be pres[ume]d they did not mean

Will they now. or will it not be made use of for purposes that may be att[ende]d w[i]th ill conseq[uence]s.

the govt. will be efficient but why suppose coercion of arms.

relax[atio]n of the State gov[ernmen]t

tempers & manners of the people—must temper the ex[ecuti]ve of the federal govt.

Spanish sett[lement]s—a rash det[erminatio]n—cool reason will make them change

The dist[ric]t E[ast] of Wateree prejudiced—dont understand[2]

[John or Samuel] Lowrey[3]

in fav[o]r of the pos[tponement]

the con[stitutio]n will be adopted is a reas[o]n for it—

The people sensible of their merits—fond of th[ei]r opinions—

have not had inform[atio]n

ins[tructio]n ab[ou]t instruc[tio]ns—the people wish to give in[structio]n but w[oul]d not accept—

the people easier con[vince]d before than after a ratif[icatio]n

Pen[n]sylvania—only earlier Pet[itio]ns all the country did not amo[unt] to number in Phila[delphia][4]

the intsn. of the country the same—
Lowery
4/5ths of the people a[gains]t it[5]—
are every one in the dist[rict] a[gains]t it all [g.?] his argument.
Chest[e]r—150
Unanimity & Peace

[James Green] Hunt

expedient—& important—
called upon the repr[esentati]ves to give inform[atio]n—
[Benjamin] ~~Cudworth~~[6]
2 p[oin]ts
Virg[ini]a
instalment.
Virg[ini]a decided—
Con[necticut]
N.J.
Del[aware]

———

[John] Hunter[7]

Brought too soon—

———

[Thomas] Sumpter

Unapd. Lands the So[uthern] states not alld. by the E[astern] States.
[Henry] Pendleton—
Ma[ssachusetts] V[irgini]a P[ennslvani]a ought to have preceeded.
So. C[arolina] not suff[icien]t to withs[tan]d the power of V[irginia]
A N[orther]n confederacy imprudent
wish[e]d to postpone the conv[entio]n at first.
all govts. have equal powers
Formation of the govt.
The organization—of its compt. parts—declare it free or otherwise—
Legislat[u]re
Senate
Represen[ta]tives
Executive
Judicial
Montesquieu

Comparison w[i]th other gov[ernmen]ts
Confederation.
Germanic

Un[ite]d Provinces
Italian republics
Monarchical republics—
Poland
Great Britain

Monarchies
France
Spain—
Policy[8]—
Fall back into the confederacy—will it be better—no—
resume full sovereignty.
weakness—defence—expence—
Southern confederacy
inadequate to defence—
security for liberty not suff[icien]t
European dependance—
a small & weak gov[ernmen]t becoming depend[en]t on a great one has little sec[urit]y for its liberty—

1. MS, John Kean Papers, Liberty Hall Museum, NjUN.

2. Sumter represented the District Eastward of the Wateree. These may have been Kean's observations rather than Sumter's remarks about his constituents.

3. Probably Samuel Lowrey, who represented New Acquisition District in the state Convention, where he voted for adjourning the Convention and against ratification. He later served in the South Carolina House of Representatives, 1794–95. John Lowry, who represented the District Eastward of the Wateree, also voted for adjournment and against ratification.

4. For petitions signed by more than 4,000 inhabitants of the city of Philadelphia, Philadelphia County, and Montgomery County asking that a state convention be called, which were presented to the Pennsylvania Assembly between 24 and 29 September 1787, see RCS:Pa., 130 and Mfm:Pa. 61. Between 17 and 29 March 1788 petitions signed by more than 6,000 inhabitants of Northampton, Dauphin, Bedford, Franklin, Cumberland, and Westmoreland counties calling for the Assembly to revoke the Pennsylvania Convention's ratification of the Constitution were presented to the Pennsylvania Assembly. See RCS:Pa., 709–25.

5. Antifederalist delegate Aedanus Burke said that "the new Plan has been carried in South Carolina, notwithstanding ⅘ of the people do, from their Souls detest it" (Aedanus Burke to John Lamb, 23 June, RCS:S.C., 469).

6. Benjamin Cudworth (c. 1753–1814), a Charleston merchant who later moved to Lancaster County, served in the militia during the Revolutionary War and in the South Carolina House of Representatives, 1787–91. He represented the District Eastward of the Wateree in the state Convention, where he voted against ratification.

7. John Hunter (d. 1802), a Laurens County planter, served in the South Carolina House of Representatives, 1785–92, 1800–1801. He represented Little River District in the state Convention, where he voted to ratify the Constitution. He later served in the U.S. House of Representatives, 1793–95, and in the U.S. Senate, 1797–98.

8. The document does not indicate whether these are notes from a speech that Kean intended to deliver or notes from a speech given by another delegate.

Commentaries on Convention Proceedings of 21 May 1788

Many observers considered the state Convention's rejection of Thomas Sumter's motion to adjourn as a test vote on ratification. The vote of 135 to 89 against adjournment demonstrated that Federalists would have sufficient votes to ratify the Constitution. After their decisive victory, the concerns of Federalists quickly shifted to reconciling opponents of the Constitution to the eventual result. When the visitors' galleries exploded with applause at the announcement of the result of the adjournment vote, Antifederalists complained of disrespect, and the galleries were quickly cleared. Federalists Edward Rutledge and John Julius Pringle spoke of the need for a committee to draft recommendatory amendments to the Constitution, and the next day a committee was appointed, consisting of three supporters of adjournment and six opponents.

Letter writers commented on the vote and its significance. Several of these letters were printed in Philadelphia and New York City newspapers.

Letter from Charleston, 21 May 1788[1]

Extract of a letter from Charleston, May 21.

"The Grand *Constitutional* question was this day put to the test—The opposition were desirous to have the business postponed until the 20th of October next—If they had carried their point, it would have amounted to a rejection of the Constitution,—but on a fair investigation of its principles, many who came down from the country prejudiced against it, are now convinced of its excellence, and to my very great satisfaction, on the question for postponement being put, there appeared for it, 89, and against it, 135,—which was followed by the acclamations of the whole gallery in testimony of their joy.—And tomorrow we expect the final decision by a much larger majority, as several of the members who voted for the postponement, are decidedly in favor of the Constitution."

1. Printed: *Pennsylvania Mercury*, 3 June.

Gabriel Manigault to Margaret Izard Manigault
Charleston, 22 May 1788[1]

It was impossible for me to leave Town yesterday Evening; as the Convention did not break up until 5 o'Clock, & I then had not dined—A Question was determined which I think insures the Ratification of the Constitution by a great majority[2]—It is probable that we shall not finish before Saturday, & we are kept so close to business, & it is so absolutely necessary to attend in Town, that you must not expect to see

me before it is all over.—My Eye is better[3]—I write this in the Exchange, and by a Conveyance which your Father[4] has just informed me of, who hurries me to finish. Kiss Elizabeth for me & believe me to be affectionately yours

1. RC, Manigault Papers, ScHi.
2. Manigault is referring to the motion to adjourn the state Convention until 20 October, which failed 89–135. See Convention Proceedings, 21 May (RCS:S.C., 362–65).
3. Manigault had not attended the Convention on 20 May due to eye problems. See Gabriel Manigault to Margaret Izard Manigault, 20 May (RCS:S.C., 361–62).
4. Ralph Izard, Sr., who also served in the Convention.

Letter from Charleston, 22 May 1788[1]

Extract of a letter from a Gentleman in Charleston, S. C. dated May 22.

"Altho' the final vote is not taken on the Federal Constitution, by our Convention; the matter was yesterday fixed in its favor, by the previous question of adjournment, which was lost by a majority of forty against it.—Many in favor of the Constitution voted in the minority, and not an Antifederal in the majority on this question; not a doubt remains on the great question.—In a day or two the Constitution will go down by a very great majority."

1. Printed: New York *Daily Advertiser*, 29 May. Reprinted: *Pennsylvania Packet*, 3 June; *Connecticut Gazette*, 6 June.

Letter from Charleston, 22 May 1788[1]

Extract of a letter from Charleston, South Carolina, May 22.

"The Convention of South Carolina met at Charleston the 13th instant. Governor Pinckney, President.

"They proceeded to debate on the Constitution by paragraphs, got through on the morning of the 21st, when a motion was made for adjournment to October next. This was warmly opposed, and the motion was lost by a majority of 46; viz. 135 against 89.

"The reasons given in favour of the adjournment were,

"That the people in the back counties were not sufficiently informed in regard to the Constitution, and ought to have more time.

"2d. That many delegates from the country had come down biassed themselves, and instructed against the constitution, that since they had heard the debates, their sentiments had greatly changed, in consequence of which, they wished to have time to return to their constituents, and bring them over also, otherwise they were fearful the people whom

they represented would think that their delegates had been forced into an adoption.

⟨"Many persons who voted in favour of the adjournment, did so merely through accommodating and mild principles, but since the motion is lost, will vote in favour of the constitution.

"The question will this day[2] be put on the close of the business, *Whether the Convention will ratify the New Constitution?*—Some debates will ensue, but it is confidently said there will be a very great majority in favour of it."⟩[3]

1. Printed: *New York Morning Post*, 29 May. The *New York Journal* also printed the extract on 29 May. The extract was reprinted in the May issue of the Philadelphia *American Museum* and in twenty-one newspapers by 9 June: Vt. (1), Mass. (2), Conn. (6), R.I. (1), N.Y. (5), N.J. (2), Pa. (4).

2. The Convention spent 22 May debating recommendatory amendments and voted on ratification on 23 May.

3. The text in angle brackets was reprinted in the *Massachusetts Centinel*, 4 June. The preceding paragraphs were replaced by "Yesterday a motion was made for adjourning our Convention, and lost by a majority of 46." After the final paragraph, the *Centinel* added: "The above may be relied on as authentick." The *Centinel's* version was reprinted by five newspapers by 13 June: N.H. (3), Mass. (2).

Peter Allaire: Journal of Occurrences
New York, 4 June 1788 (excerpt)[1]

. . . ⟨June 3d.⟩ A Vessell this day from Charles Town South Carolina, that General Sumner on the 22d. May[2] made a Motion in the Convention, that the house pos[t]pone the further Consideration of the New Constitution until the 20th October next, After a debate of 8 hours, they divided Ayes 89, Noes 135 Majority 46, General Gadson moved an adjournment until 9 the next morning, then to take up the Question for Ratifying the New Constitution, there is ⟨no⟩ doubt of at least a Majority of 60, the People made loud ⟨Rejoicings⟩ &c. . . .

1. RC, Foreign Office, Class 4, America, Vol. 6, ff. 138–44, Public Record Office, London. Some of the words are illegible because they appear in the gutter of the bound volume. Unreadable words have been supplied in angle brackets from the Library of Congress transcript of the document. This journal, signed "PA," was endorsed "⟨Intelligence from⟩/New York/R. 8th July 1788./From Sir G. Yonge." Entitled "Occurrences from 5th April to 6th May [i.e., 4 June] 1788" and dated "New York 4 June 1788," this journal was written by Peter Allaire (1740–1820), a New York City merchant, who was employed by the British Foreign Office as a spy, having begun that service during the Revolution. The journal was turned over to the British Foreign Office by Allaire's friend, British Secretary for War Sir George Yonge, through whose influence Allaire had been hired to report on "Intelligence" from America. Allaire sometimes boarded with mem-

bers of the Confederation Congress. For more on Allaire and his activities as writer of "Occurrences," see Boyd, XVII, 91n.

2. Thomas Sumter made his motion on 21 May, not 22 May.

David Ramsay: Recollection of Convention Proceedings 21 May 1788[1]

This acceptance and ratification was not without opposition. In addition to the common objections which had been urged against the constitution; South-Carolina had some local reasons for refusing or at least delaying a final vote on the question. Doubts were entertained of the acceptance of the constitution by Virginia. To gain time till the determination of that leading state was known, a motion for postponement was brought forward. This after an animated debate was overruled by a majority of 46. The rejection of it was considered as decisive in favor of the constitution. When the result of the vote was announced, an event unexampled in the annals of Carolina took place. Strong and involuntary expressions of applause and joy burst forth from the numerous transported spectators.[2] The minority loudly complained of disrespect—unpleasant consequences were anticipated. The majority joined with the complaining members in clearing the house, and in the most delicate manner soothed their feelings. In the true style of republicanism, the minority not only acquiesced but heartily joined in supporting the determination of the majority. The constitution went into operation with general consent, and has ever since been strictly observed.

1. Printed: David Ramsay, *The History of South-Carolina, From Its First Settlement in 1670, to the Year 1808* (2 vols., Charleston, 1809), II, 432n. Ramsay, a state Convention delegate, voted against adjournment. This reminiscence appears as a footnote in chapter XI of the second volume covering the civil history of South Carolina from 1783 to 1808. The text where the note is marked with an asterisk reads "The individual states were left in full possession of every power for their interior government, but restrained from coining money, emitting bills of credit, making any thing but gold and silver a tender in payment of debts, passing any bill of attainder, ex post facto law, or law impairing the obligation of contracts. This constitution was submitted to a convention of the people of South-Carolina consisting of 224 members, by which it was accepted and ratified* on behalf of the state on the 23d day of May 1788. Their acceptance of a constitution which, among other clauses, contained the restraining one which has been just recited was an act of great self-denial. To resign power in possession is rarely done by individuals, but more rarely by collective bodies of men. The power thus given up by South-Carolina, was one she thought essential to her welfare, and had freely exercised for several preceding years. Such a relinquishment she would not have made at any period of the last five years; for in them she had passed no less than six acts interferring between debtor and creditor, with the view of obtaining a respite for the former under particular circumstances of public distress. To tie up the hands of future legislatures so as to deprive them of a power

of repeating similar acts on any emergency, was a display both of wisdom and magnanimity. It would seem as if experience had convinced the state of its political errors, and induced a willingness to retrace its steps and relinquish a power which had been improperly used" (Ramsay, *History*, II, 431–33).

2. See Charleston *City Gazette*, 22 May (RCS:S.C., 367).

The South Carolina Convention
Thursday
22 May 1788

Convention Proceedings, 22 May 1788[1]

The Convention met according to Adjournment, and the Journal of Yesterday was read.

A Motion was made by Mr. Edward Rutledge and Seconded by Coll. Huger that a Committee be appointed to draw up such Amendments to the Federal Constitution as they think ought to be recommended to Congress for adoption. After a considerable time spent in debate thereon, And the Question being put to agree to the same. It was Resolved in the Affirmative. The following Gentlemen were accordingly appointed. Vizt.

Mr. Edwd. Rutledge

Mr. Bee	Mr. Pringle
Mr. Justice Pendleton	Revd. Mr. Cummins
Coll. Huger	Mr. John Hunter
Mr. William Wilson	Colo. Hill

Mr. Edward Rutledge from the Committee appointed to draw up such Amendments to the Federal Constitution as they think ought to be recommended to Congress for Adoption delivered in a Report.

Ordered that the Report be taken into consideration to morrow Morning.

And then the Convention adjourned 'till Nine o'Clock to morrow Morning.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

Newspaper Report of Convention Proceedings, 22 May 1788[1]

Yesterday the convention determined that a committee should be appointed to consider if any and what amendments ought to be made in the new constitution, previous to putting the grand question.

The members of the committee were Mr. E. Rutledge, Mr. Bee, Mr. Pringle, Judge Pendleton, Rev. Mr. Cummings, Mr. Hunter, Col. Huger, Col. Hill, and Mr. William Wilson.

The committee reported in nearly the following words:[2]

As the obtaining the following amendments would tend to remove the apprehensions of some of the good people of this state,[3] and confirm the blessings intended by the said constitution, We do declare, that as the right to regulate elections to the federal legislature, and to direct the manner, times, and places of holding the same is, and ought to remain to all posterity a fundamental right,

Resolved, That in the opinion of this convention the general government of the United States ought not to interfere therein, but in cases where the legislatures shall refuse or neglect to execute that branch of their duty to the constitution.[4]

Resolved, That in the opinion of this convention, the 3d section of article 6th should be amended, by inserting the word "other" between the words *no* and *religious*.

Resolved, That the general government of the United States ought never to impose direct taxes, but where the monies arising from the duties, imposts and excise are insufficient for the public exigencies; nor then until congress shall have made a requisition upon the states to assess, levy, and pay their respective proportions of such requisitions, and in case such state shall neglect or refuse to pay its proportion, pursuant to such requisition, then congress may assess and levy such state's proportion, together with interest thereon, after the rate of six per cent. per annum, from the time of payment prescribed by such requisitions.

Resolved, That the states respectively, do retain every power not expressly delegated by this constitution to the general government of the union.

Resolved, That it be a standing instruction to such delegates as may hereafter be elected, to represent this state in the general government, to use every possible and necessary exertion to obtain an alteration of the constitution conformable to the aforegoing resolutions.

Then they adjourned till this morning at nine o'clock.

1. Printed: Charleston *City Gazette*, 23 May. Reprinted in ten newspapers by 18 June: Pa. (1), Md. (3), Va. (5), Ga. (1). The *Maryland Journal*, 3 June, briefly compared the South Carolina amendments to the Maryland amendments immediately following its reprinting of this item (RCS:S.C., 453). The Baltimore *Maryland Gazette*, 3 June, offered a more extensive commentary on the substance of the South Carolina amendments after its reprinting of the *City Gazette* report (RCS:S.C., 453–55n).

2. The article accurately notes that it did not report the exact wording of the amendments. In addition, the amendments as adopted appear in a different order. For the version adopted by the Convention, see South Carolina Form of Ratification, 23 May (RCS:S.C., 399–400).

3. The opening phrase of the preamble did not appear in the amendments adopted

by the Convention. The language reported here was taken from the preamble to the amendments adopted by the Massachusetts Convention which stated that amendments: "would remove the fears, and quiet the apprehensions of many of the good people of this commonwealth" (CC:508; RCS:Mass., 1477).

4. For background on the next four resolutions, see Convention Proceedings, 23 May, notes 5–8 (RCS:S.C., 398n–99n).

Convention Speeches of Patrick Dollard and Alexander Tweed 22 May 1788, and the Controversy over Their Publication 6 June–24 July 1788

Speeches delivered by two delegates from the low country parish of Prince Frederick generated controversy on their publication after the adjournment of the Convention. The delegation from Prince Frederick's Parish voted 4–3 in favor of an early adjournment of the Convention and then voted 4–3 in favor of ratification. Antifederalist Patrick Dollard and Federalist Alexander Tweed expressed differing positions on whether a delegate's vote should be guided by his constituents' wishes or instructions. The debate, which occurred in June and July 1788, was over the propriety of publishing critical statements about the Constitution after ratification and whether they accurately reflected the attitudes of citizens of Prince Frederick's Parish toward the Constitution.

Patrick Dollard (c. 1746–1800) was a tavern keeper and owner of the Red House Inn on Black Mingo Creek. He represented Prince Frederick's Parish in the state Convention and voted against ratification. He served in the South Carolina House of Representatives, 1789–90. Alexander Tweed (c. 1735–1803) also represented Prince Frederick's Parish in the Convention but voted to ratify the Constitution. Both Dollard and Tweed agreed that the people in the parish opposed ratification of the Constitution; however, Tweed asserted that he was not bound to follow his constituents' wishes. He noted that concerns about the problems of the federal union had been overstated, but was impressed with the oratory of the more learned delegates of the Convention. Dollard spoke strongly about the opposition to the Constitution in Prince Frederick's Parish, especially due to the lack of a bill of rights. He warned that citizens of the parish would not accept the Constitution and that the federal government would have to "ram it down their throats with the points of Bayonets."

The Charleston *City Gazette* had been publishing the debates from the state Convention in the same manner as it had covered the debates on the Constitution the previous January in the state House of Representatives, with publication trailing the day's session by several days. By 21 May, the *City Gazette* was still printing speeches from 14 May, the first full day of debates. Once the Convention voted not to adjourn on 21 May, the *City Gazette* halted publication of Convention debates and announced that day "A continuation of the proceedings in the convention is postponed until the house breaks up." The paper never resumed publication of the full debates, and thereafter published only selective speeches, including those delivered by Charles Pinckney on 17 May (*City Gazette*, 26 June); Peter Fayssoux on 19 May (*City Gazette*, 20, 23, 24 May) Francis Cummins on 20 and 23 May (*City Gazette*, 26 May), and the speeches of Dollard and Tweed (*City Gazette*, 29 May). The publication of the latter two

speeches generated controversy over whether it was appropriate to publish speeches in opposition to the Constitution after the Convention had voted to ratify.

The speeches of Dollard and Tweed had raised enough concern in Charleston that on 6 June, "A Bye Stander" inquired whether or not they were really delivered in the state Convention. "Bye-Stander" was convinced by 10 June that they were authentic and had no concern with Tweed's speech. Two days later, "A Spectator," who previously had written a critical piece on the oratory of an Antifederalist (see "A Spectator," Charleston *Columbian Herald*, 22 May 1788, RCS:S.C., 417–18), questioned the propriety of printing the speech and doubted whether Dollard accurately reflected the opinions of his constituents. Another writer forwarded information about a celebration of ratification in the parish that cast doubt on Dollard's claims. A month later, "A Planter" wrote to refute "A Spectator," claiming that one of the other delegates from Prince Frederick's Parish, whom he called "Trimmer," was behind "A Spectator's" attack. "A Planter" argued for the rights of the minority in the Convention to have their speeches printed, hoping that "the liberty of the press is not yet restrained." "A Spectator" replied, arguing that he had no dispute with Dollard giving the speech in the Convention but again raised the question of whether its publication was of any public benefit.

Neither of the original South Carolina printings dated the speeches. Elliot, *Debates*, IV: 332–33, 336–38, follows the 1831 Charleston printing of the state Convention speeches, which dates them as 20 May 1788. The Philadelphia *Freeman's Journal*, 11 June, and the Providence *United States Chronicle*, 3 July, date the speeches as being delivered on 22 May. From the context, it seems likely that they were delivered closer to the final vote on ratification and consequently are placed here.

Charleston City Gazette, 29 May 1788[1]

It being mentioned in convention, that it would be proper to know, from gentlemen, what were the sentiments of their constituents, with regard to the new constitution. Mr. Dollard, a member from Prince Frederick's parish, made the following speech, to which his colleague Mr. Tweed added.[2]

[Patrick Dollard's Speech]

Mr. President, I rise with the greatest diffidence to speak on this occasion, not only knowing myself unequal to the task, but believing this to be the most important question that ever the good people of this state were called together to deliberate upon. This constitution has been ably supported, and ingeniously glossed over by many able and respectable gentlemen in this house, whose reasoning, aided by the most accurate eloquence, might strike conviction even in the predetermined breast, had they a good cause to support. Conscious that they have not, and also conscious of my inabilities to point out the consequences of its defects, which have in some measure been defined

by able gentlemen in this house, I shall therefore confine myself within narrow bounds, that is, concisely to make known the sense and language of my constituents. The people of Prince Frederick's parish, whom I have the honor to represent, are a brave, honest and industrious people. In the late bloody contest they bore a conspicuous part, when they fought, bled and conquered, in defence of their civil rights and privileges, which they expected to transmit untainted to their posterity. They are nearly to a man opposed to this new constitution, because, they say, they have omitted to insert a bill of rights therein, ascertaining and fundamentally establishing the unalienable rights of men, without a full, free and secure enjoyment of which there can be no liberty, and over which it is not necessary that a good government should have the controul. They say, that they are by no means against vesting congress with ample and sufficient powers, but to make over to them or any set of men, their birthright comprized in Magna Charta, which this new constitution absolutely does, they can never agree to. Notwithstanding this they have the highest opinion of the virtue and abilities of the honorable gentlemen from this state, who represented us in the general convention; and also a few other distinguished characters, whose names will be transmitted with honor to future ages; but I believe at the same time, they are but mortal, and therefore liable to err; and as the virtue and abilities of those gentlemen will consequently recommend their being first employed in jointly conducting the reins of this government, they are led to believe it will commence in a moderate aristocracy, but that it will in its future operations produce a monarchy, or a corrupt and oppressive aristocracy they have no manner of doubt.[3] Lust of dominion is natural in every soil, and the love of power and superiority is as prevailing in the United States at present as in any part of the earth; yet in this country, depraved as it is, there still remains a strong regard for liberty: an American bosom is apt to glow at the sound of it, and the splendid merit of preserving that best gift of God, which is mostly expelled [from] every country in Europe, might stimulate indolence, and animate even luxury herself to consecrate[4] at the altar of freedom. My constituents are highly alarmed at the large and rapid strides which this new government has taken towards despotism. They say it is big with political mischiefs, and pregnant with a greater variety of impending woes to the good people of the southern states, especially South-Carolina, than all the plagues supposed to issue from the poisonous box of Pandora. They say it is particularly calculated for the meridian of despotic aristocracy—that it evidently tends to promote the ambitious views of a few able and designing men, and enslave the rest; that it carries with it the appearance of an old phrase formerly

made use of in despotic reigns, and especially by ar[ch]bishop Laud[5] in the reign of Charles the 1st, that is "*non resistance.*"[6] They say they will resist against it—that they will not accept of it unless compelled by force of arms, which this new constitution plainly threatens; and then, they say, your standing army, like Turkish Janizaries enforcing despotic laws, must ram it down their throats with the points of Bayonets. They warn the gentlemen of this convention, as the guardians of their liberty, to beware how they will be accessary to the disposal of, or rather sacrificing their dear bought rights and privileges. This is the sense and language, Mr. President, of the people; and it is an old saying, and I believe, a very true one, that the general voice of the people is the voice of God. The general voice of the people to whom I am responsible is against it; I shall never betray the trust reposed in me by them, therefore shall give it my hearty dissent.

[Alexander Tweed's Speech]

Mr. President, Since I came to town I have more than once heard it asserted, that the representatives of the parish of Prince Frederick were, prior to their election, put under promise to their constituents that they should by no means give their sanction to the adoption of the new constitution: any such restriction sir, on my own part, I deny; had they taken upon them so far to dictate for me, I should have spurned at the idea, and treated such proposals with that contempt they would have justly merited; and I am clearly of opinion, and I think warranted so to say, that this is the sentiments and situation of (at least) some others of my colleagues. Notwithstanding sir, from all I have heard or can learn, the general voice of the people is against it. For my own part, Mr. President, I came not here to echo the voice of my constituents, nor determinately to approve or put a negative upon the constitution proposed; I came with a mind open to conviction, in order to hear what in the course of the debates of this house might be said for and against it. Much, very much sir, has been advanced on both sides. The matter in hand I look upon to be the most important and momentous that ever came before the representatives of the people of South-Carolina. We were told sir, some days ago, by a learned and honorable gentleman now on the floor, that as our case at present stood, we must adopt the constitution proposed; for if we did not, in all probability some powerful despot might start up and seize the reins of government. Another learned and honorable gentleman on my left hand said, we must look up to it as the rock of our salvation. To make short sir, *necessitas non habeat legem*[7] was the word. Those gentlemen, Mr. President, and some others, members of this respectable convention, whose profound oratory and elocution would, on the journals of a British

house of commons, stand as lasting monuments of their great abilities: a man of my circumscribed scale of talents is not adequate to the task of contending with, nor have I a turn for embellishing my language or bedecking it with all the flowers of rhetoric. In a word, Mr. President, my idea of the matter now under our consideration is, that we very much stand in need of a reform of government, as the very sinews of our present constitution are relaxed. But, sir, I would fondly hope, that our case is not so very bad as represented: are we invaded by a foreign enemy? Or, is the bowels of our country torn to pieces by insurrections and intestine broils? I answer, no.

Sir, admit but this, and then allow me to ask, if history furnishes us with a single instance of any nation, state, or people, who had it more in their power than we at present have, to frame for ourselves a perfect, permanent, free and happy constitution. The constitution sir now under consideration, was framed (I shall say) by the wisdom of a general convention of the United States, it now lies before us to await our concurrence or disapprobation. We sir, as citizens and freemen, have an undoubted right of judging for ourselves; it therefore behoves us, most seriously to consider, before we determine a matter of such vast magnitude. We are not acting for ourselves alone, but to all appearance for generations yet unborn.

1. Reprinted: *State Gazette of South Carolina*, 5 June; *Pennsylvania Packet*, 7 June; Philadelphia *Freeman's Journal*, 11 June; *Newport Mercury*, 16 June; Providence *United States Chronicle*, 3 July; and in the August issue of the Philadelphia *American Museum*. The *United States Chronicle* prefaced its reprinting with the following:

> Mr. WHEELER, *I send you a late New-York Paper, containing two Speeches against the new Constitution which a Number of your Readers desire you to publish in your next Paper.*
>
> June 27, 1788.

2. The *State Gazette of South Carolina*, 5 June, omitted this paragraph and substituted the following: "By inserting the following speeches which were delivered by Mr. Dollard and Mr. Tweed, delegates to the state convention from Prince Frederick's Parish, which are the real sentiments of their constituents, you will oblige a customer."

3. A reference to George Mason's objections to the Constitution, which had been published in the Charleston *Columbian Herald*, 27 December 1787, and the *State Gazette of South Carolina*, 7 January 1788 (CC:276–A and Editors' Note, RCS:S.C., 59–60). Mason had written "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."

4. The Philadelphia *American Museum* reprinting added an internal footnote here: "*This passage appears erroneous.—C* [i.e., Mathew Carey, the editor]."

5. William Laud (1573–1645) was Archbishop of Canterbury, 1633–45.

6. Article IV of the Maryland Declaration of Rights of 1776 reads "the doctrine of non-resistance, against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind" (RCS:Md., 771). Article X of the New Hampshire Bill of Rights of 1783 reads the same except for some changes in punctuation (Evans

18043). The Virginia Convention included this provision as one of its recommendatory amendments (RCS:Va., 1551).

7. Latin: "Necessity has no law."

A Bye Stander
Charleston City Gazette, 6 June 1788

Messrs. Printers, On perusing the *State Gazette* of this day,[1] two speeches have appeared from *Prince Frederick's parish,* which have not a little alarmed the citizens of *Charleston.* Without entering into the merits of the case, or bestowing any encomium on the composition, I would be glad to know whether they were really delivered before the convention?

1. The author is referring to the *State Gazette of South Carolina,* 5 June, which reprinted the Convention speeches of Patrick Dollard and Alexander Tweed from the *City Gazette,* 29 May (immediately above).

Charleston City Gazette, 10 June 1788

⁂ See The author of the BYE-STANDER having been convinced that both speeches were actually delivered by Mr. Dollard and Mr. Tweed, at the late convention, of which he was not acquainted, and for which he sought information in the City Gazette, did allude to the first speech,[1] as on a reperusal of the second he finds nothing intended to inflame the minds of the citizens.

1. A reference to Patrick Dollard's remarks.

A Spectator
Charleston Columbian Herald, 12 June 1788

Messrs. Printers, It was reasonably to be expected that upon the decision in favor of the new constitution, especially by so large and respectable a majority in convention, all opposition to it, in this state, would immediately cease. We were particularly flattered in our expectations, that this would be the case, by observing the candor and moderation of a number of gentlemen that were in the minority, who declared that they would immediately retire to their respective parishes, and there use all their influence to reconcile the minds of such as were prejudiced against the proposed government. Among others who made these declarations was, if, my recollection serves me, Mr. Dollard, from Prince Frederick's parish. It was considered as an evidence of a very conciliating temper, as that gentleman had, in the course of the debates, read a very warm and threatening speech against the adoption

of it. But after making such a declaration, and professing such a peaceable disposition as he did at the close of the business, I ask, with what propriety could he procure the publication of the inflamatory and menacing speech above alluded to? What could have been his reason for obtruding it upon the world, after the business was settled? Was it the vanity of appearing in print? I shall not make any remarks upon the composition; but I trust this was not his motive. Was it for the sake of giving information upon so important a subject? No; for he has given none. It is true, he has given what he calls the opinion of his constituents, but which, on the very face of it, looks much more like the expression of his own particular ideas on the subject, than the general *sense and language* of his constituents. Was it then to promote the laudable design which he declared was his wish, viz. to conciliate the minds of the people to this new constitution? No; for if it is to produce any effect at all, it must produce an effect very different from the one designed—it must tend still to inflame the mind of those who are weak enough to pay it any regard. Leaving, therefore, the author's design to himself, let us, since it has crept into the world, make a remark or two upon this production, which he has, it seems, thought worthy of a publication in two of our newspapers.—After pretending a great deal of diffidence, he proceeds to draw the character of the people of Prince Frederick's, and with mighty pomp lugs in the good old hackneyed neighbours, *fought, bled and conquered*, which has just as much to do with the subject, as if he had said, they ate, drank and slept. It is observable here, that he modestly says *they*, not *we* fought, &c. He then tells us, that it is the language of his constituents, that "their birth-right is comprised in *Magna Charta*, and that this new constitution is about to deprive them of it." Are they then, or do they wish to become British subjects, and again enjoy the *blessings* of British government. As Americans, they have no more to do with *Magna Charta* than with the Alcoran.[1]—This birth-right, therefore, whatever it is, will not be violated by the new constitution, since, as Americans, they have no dependance upon this boasted Magna Charta, and this government is for the people of the United States. In this I have not a doubt, but Mr. D's constituents will concur with me; he must therefore have given his own, and not the sentiments of his constituents. He afterwards proceeds to inform the convention that his constituents *say*, that this new constitution is pregnant with a greater variety of impending woes to the good people of the Southern States, especially South Carolina, than all the plagues supposed to issue from the poisonous box of Pandora. It is a doubt with me, whether above one in a hundred among the people at large

ever heard of Pandora's box. How then could this have been the general *language* of Mr. D's constituents. But the gentleman has not attempted to enumerate these woes. I suppose he was deterred from it by a contemplation of their numbers. However, as Pandora and her box never had any other than an imaginary existence, I hope and trust that the evils feared from this constitution, will never exist but in Mr. D's heated and frightened imagination. Further, *they* say, that is, Mr. D says, that they will resist against it, and that *they* will not accept of it unless you *ram* it down their throats with the points of bayonets. They surely need not be informed that the new constitution is not an *eatable article*. But to be serious, I have a better opinion of the good sense of the people of Prince Frederick's than to believe that this was ever said by them generally, and I have too high an opinion of their prudence to suppose they would ever attempt to rise in rebellion against the government of their country, established by the general *voice of the people*, which Mr. D says is the voice of GOD. Indeed, I always consider such threats as mere bugbears, or as insults to a deliberative assembly; and I was only surprised, when this was thrown out, that it was treated with so much moderation and tenderness as it received.

1. The Koran.

Charleston City Gazette, 19 June 1788[1]

Accounts from various parts of the state afford the most pleasing hopes of the New Constitution being highly acceptable to our fellow-citizens in the country; and as a proof of the grounds upon which Mr. Dollard asserted in convention, that his constituents would not submit to that system of government, without coercion; and how far they coincide with him in sentiment—we insert the following information, related by a gentleman directly from Prince Frederick's parish:

"That on Thursday last, the 11th instant, being the usual muster day of the Blackmingo company of militia, under the command of Capt White, they assembled, together with a number of other inhabitants, for the purpose of testifying their approbation of the federal constitution. They formed a large procession, and marched in the greatest regularity and order, from the ferry to the house of Capt. Weatherly, where several well-conducted platoons of musketry were fired by the company of militia, and from thence returned to Mr. Zuill's; having the federal ship properly rigged and decorated, and placed upon a waggon, she was launched into the river, and the procession crossing the river, they resumed their former order, and proceeded to Mr. Mulligan's, where a great number of patriotic toasts were drank, and having

spent the day in festive mirth, they very satisfactorily returned to their respective homes."

We are sorry to add to the above, a circumstance of a very unpleasing nature. In the course of the firing one of the guns being unluckily loaded, which was unknown to the person who discharged it, and the contents being lodged in Mr. Samuel Stillwell's thigh and leg, in a short time he expired.

1. Reprinted: Charleston *Columbian Herald*, 23 June (first paragraph omitted); *Pennsylvania Mercury*, 8 July (last paragraph omitted); *Pennsylvania Packet*, 17 July; New York *Daily Advertiser*, 21 July.

A Planter
State Gazette of South Carolina, 21 July 1788

> *A vile conceit in pompous words express'd,*
> *Is like a clown in regal purple dress'd.*[1]

Our local business as Planters, and interior situation from the capital, contented, and unambitious in our station, must render a person thus circumstanced, an unfit candidate for public attention in your Gazette: nor should I now attempt it, was not the character of one of our members to the late convention, insiduously attacked in the Columbian Herald of the 12th of June last, (which has not appeared here until yesterday evening) by a writer under the signature of a SPECTATOR.

This writer adopts the foibles of a man, who in our vicinity, goes by the name of TRIMMER, and with specious language falls to calumniate a gentleman 80 miles distant, without giving any apparent reason, but for discharging his duty to his country, his conscience, and constituents.—He begins his cavilling declamation in these words, viz. "The Speech M. Dollard read in the Convention"—here he begins his unjust remarks, M Dollard never read a Speech in the Convention,—if he had said old TRIMMER,[2] to whom he became procurator, put on his SPECTACLES, and in that honorable house read his RECANTATION, he would be nearly right.—This cavilling hero, with an assumed air of authority, demands, with what propriety could M. D. procure the publication of his inflammatory and menacing speech above alluded to?—Could such a question be asked by an American in his proper senses? I answer no! I hope the Minority had an equal right with the Majority in that honorable house to have their speeches inserted in the public papers;—the liberty of the press is not yet restrained.

But, poor man! perhaps he wants a pension, and it is expected his employer old TRIMMER, will be grateful, and use his influence with

government in order to procure him one.—This cavilling CRITIC, influenced by TRIMMER, displays his abilities as follows, viz. "He proceeds to draw the character of P—— Frederick, and with Almighty pomp lugs in the good old hackneyed neighbours, fought, bled, and conquered, which had as much to do with the subject as if he had said they ate, drank, and slept, its here observable, he modestly says, they, not we, fought, &c." Here the SPECTATOR, or rather TRIMMER, run blindfold like *Jack* in the *Tale of a Tub*,[3] and struck his nose against a post, he should cautiously avoid, as it is well known M. D—— could with propriety say WE: Can he say as much for old TRIMMER?—I say, M. Dollard could with propriety say, we fought for the rights of a free people, as contained in Magna Charta, and the Minority in the late Convention contended for a Bill of Rights similar thereto, though this misguided partisan, says we had no more to do with it, than with the Alcoran.[4]

After casting a general reflection on the people of P. Frederick, parish, by saying, "not one out of one hundred of them ever heard the name of PANDORA," he says, "I hope the evils feared from this CONSTITUTION will never exist, but in M. D——'s heated and frighted imagination," and with a flow of language pedantickly applied, endeavours to insinuate M. D——'s speech was not the sense of the people of P. Frederick, but advanced in the house designedly to inflame, and promote discontent among them.—I can assure this abusive Caviller, he has quite mistaken the spirit of the man, M. D——'s speech was not only the general sense of the people, but founded on the principle of honor, virtue, and justice to his constituents; I ask this assuming SPECTATOR, can he say as much for his Colleague old TRIMMER? I say no! tho' he read his RECANTATION in an humble manner, which it is said (by the bye) lost the town gentlemen some wine, and dinners, to prepare him for his conversion.—If this pretended advocate for the new government has not taken the direction of the Press under his inspection, I shall shortly publish old TRIMMER's Address to the people of P—— Frederick's parish, before he went down to attend the late Convention, filled with the most ignorant, and abusive language, against the new Constitution, and the framers of it also, which may soon convince the Charleston gentlemen who endeavoured to inflame the minds of the people most, M. Dollard, or old Trimmer.—In short, we believe that Cavilling Libel (we can call it by no other name) was artfully designed by old T—— (tho' not capable himself) in order to inflame minds, and raise a dust against that government our country has adopted, and which I believe M. Dollard would wish now to support.—If this florid Spectator intends to prostitute his talents further,

in order to please his employer, he would do well, not to shade the Hypocrite under the cloak of the new CONSTITUTION, as we are not disposed to oppose him in that line, nor would we now trouble your Gazette, had not this Cavilling Partisan, with a flow of insinuating language, charged a member of our parish, with designs he was not capable of, and whose INTEGRITY in his public, and private capacity, can stand the TEST, whilst old TRIMMER's fluctuating, and unhappy conduct, will be execrated, and treated by all good men, who knows him, with that sovereign contempt it deserves.
Prince Frederick's parish, July 3, 1788.

1. Alexander Pope, *An Essay on Criticism* (London, 1711), 20.

2. Based on the description provided by "A Planter," old "Trimmer" was a delegate to the Convention from Prince Frederick's Parish who opposed the Constitution before he went to Charleston, but changed his position at Charleston and who read a "recantation" or speech in the Convention. Four delegates from Prince Frederick's Parish voted for ratification: William Frierson, James Pettigrew, Alexander Tweed, and William Wilson. Pettigrew or Tweed are the most likely candidates to be "old TRIMMER." James Pettigrew voted with other Antifederalists for adjournment on 21 May but changed sides and joined Federalists to vote for ratification on 23 May. Pettigrew represented Prince Frederick's Parish in the South Carolina House of Representatives, 1787–88, but was not reelected in the fall of 1788. Tweed voted with Federalists both against adjournment and for ratification. In his speech in the Convention, Tweed spoke with ambivalence about the Constitution, pointing out that both sides had sound arguments. He also noted that his constituents opposed the Constitution.

3. Jonathan Swift, *A Tale of a Tub* (London, 1704).

4. The Koran.

A Spectator
Charleston Columbian Herald, 24 July 1788

Messrs. Printers. I have just been reading, in the State Gazette of this day,[1] a reply to some remarks made in June last on Mr. Dollard's speech in Convention; and I should not trouble you with a syllable further upon the subject had not Mr. Planter quite mistaken or misrepresented the truth in several material points. In the first place, Mr. Planter may rest assured that I had not a single objection against the speech above alluded to being delivered in convention, whether it contained truth or falshood, or both; but I could not then, nor can I yet see how the publishing of it in two or three different papers, especially after the important question was decided against him, was "discharging his duty to his country or conscience."—I shall not enter into a controversy upon the subject—I shall just set the Planter right with regard to one particular, for which chiefly I have now taken up my pen for a moment. He imagines that I wrote at the request or under the influence of some

person whom he is pleased to characterize by the handsome epithet of Old Trimmer, and who is threatened with revenge by a publication of some speech of his made to the people of Prince Frederick's parish before he came down to attend the late convention. All that I know, either of the person or character of Old Trimmer is collected from Mr. Planter.—From his hints we are led to suppose that he was a delegate to the convention from Prince Frederick's. In justice therefore to the person, whoever he is, that has been so unfortunate as to fall under Mr. Planter's severe displeasure, I must declare that no delegate from Prince Frederick's, nor any member of the convention ever saw the remarks which were made on Mr. D's speech before their appearing in print, nor is any person answerable for any of those remarks but the writer. I would therefore advise Mr. Planter to relinquish his meditated revenge against a man who certainly never had any thing to do with the remarks that have so highly offended him—With regard to myself, Mr. Planter is welcome to write or speak what he pleases.—The object which was nearest my heart is obtained—The new Constitution, which I consider as the firm basis of the future greatness of America, has already been adopted by TEN States. As long as the matter was in suspence, I held it to be my duty to use my feeble endeavours to counteract all attempts to prevent its adoption. The decision of Virginia has put it beyond all doubt.—The new constitution will now become the law of the land, and I am satisfied and happy. Any controversy upon the subject is now useless if not improper.—It is our duty, as good citizens, to forget all distinctions of party, and to unite our endeavours to preserve peace and harmony, and to support that government under which we are to live.

July 21.

1. A reference to "A Planter," *State Gazette of South Carolina*, 21 July (immediately above).

The South Carolina Convention
Friday
23 May 1788

Convention Proceedings, 23 May 1788[1]

The Convention met according to Adjournment and the Journal of Yesterday was read.

Agreeably to the order of the Day. The Convention proceeded to take into consideration the Report of the Committee appointed to draw

up such Amendments to the Federal Constitution, as they think ought to be recommended to Congress for Adoption. On reading the Second Resolution contained in said Report.

A Motion was made by Mr. Justce. Burke and seconded by Major Snipes[2] that the following Resolution should become a part of the Report. Vizt. Resolved that it is the opinion of the Convention that the eligibility of the President after the expiration of Four Years, is dangerous to the Liberties of the people, calculated to perpetuate in One person during Life the high Authority and influence of that Magistracy in a short time to terminate in what the good people of this State highly disapprove of An hereditary Monarchy.

On the Question being put to Agree to the same, The Ayes and Nays were required by a Majority of the Members of the Districts of Ninety Six and Saxe-Gotha, and are as follows, Vizt.

For the Parishes of St. Philip and St. Michael Charleston.	
Charles Cotesworth Pinckney	No
Christopher Gadsden	No
Honble. Edward Rutledge	No
David Ramsay	No
Honble. Thomas Heyward Junr.	No
Edward Darrell	No
Isaac Motte	No
His Hon. Lieut. Governor Thomas Gadsden	No
Honble. John Matthews	No
Edward Blake	No
Thomas Bee	No
Honble. Daniel DeSaussure	No
Thomas Jones	No
Honble. John Faucheraud Grimkie	No
William Johnson	No
Honble. John Julius Pringle	No
John Blake	No
Daniel Stevens	No
Daniel Cannon	No
Anthony Toomer	No
Hugh Rutledge	No
John Budd	No
Francis Kinloch	No
William Sommersall	No
Michael Kalteisen	No
Richard Lushington	No
Nathaniel Russell	No
Josiah Smith	No
Lewis Morris	No
Edward Lightwood	No
John Edwards	No
Christ Church.	
Honble. Charles Pinckney	No
Honble. John Rutledge	No
Honble. Arnoldus Vanderhorst	No
Joseph Manigault	No
Jacob Read	No
Joshua Toomer	No
St. John, Berkley County.	
Honble. Henry Laurens [Sr.]	No
Honble. William Moultrie	No
Peter Fayssoux	No
Henry Laurens, Junior	No
Thomas Walter	Ay
St. Andrew.	
Glen Drayton	No
Honble. Richard Hutson	No
Thomas Fuller	No
James Ladson	No
Ralph Izard, Junr.	No

Charles Drayton	No
Honble. William Scott	No
St. George, Dorchester.	
John Glaze	No
Morton Waring	No
Thomas Waring	No
Major John Postell	No
William Postell	No
Matthias Hutchinson	No
John Dawson	No
St. James, Goose Creek.	
Honble. Ralph Izard [Sr.]	No
Peter Smith	No
Honble. Benjamin Smith	No
Gabriel Manigault	No
William Smith	No
John Parker, Junior	No
John Deas, Junior	No
St. Thomas and St. Dennis	
Honble. John Huger	No
Thomas Karwon	No
Thomas Screven	No
Robert Daniel	No
Lewis Fogartie	No
Isaac Harleston	No
Isaac Parker	No
St. Paul's Parish.	
Paul Hamilton	No
Jehu Wilson	Ay
Honble. Melcher Garner	Ay
George Haig	Ay
Joseph Slann	No
Roger Parker Saunders	No
Honble. William Washington	No
St. Bartholomew.	
Benjamin Postell	Ay
William Clay Snipes	Ay
Obrian Smith	Ay
Paul Walter	Ay
Honble. John Lloyd	No
John Croskeys	No
St. Helena	
Honble. John Barnwell Esqr.	No
John Joyner	No
John Kean	No
William H. Wigg	No
Robert Barnwell	No
William Elliot	No
James Stewart	No
St. James, Santee.	
Lewis Miles	No
Samuel Warren	No
Richard Withers	No
John Mayrant	No
John Bowman	Ay
Thomas Horry	No
Prince George, Winyah.	
Honble. Thomas Waties	No
Samuel Smith	No
Cleland Kinloch	No
Honble. William Allston, Junr.	No
All Saints	
Thomas Allston	No
Daniel Morrall	No
Prince Frederick	
William Wilson	No
Patrick Dollard	Ay
William Frierson	No
William Reed	Ay
James Pettigrew	No
John Burgess Junior	Ay
St. John, Colleton County.	
Thomas Legare	No
Richard Muncreef Junr.	No
Honble. Daniel Jenkins	No
Hugh Wilson	No
Isaac Jenkins	No
Ephraim Mikell	No
William Smelie	No
St. Peter.	
John Fenwicke	No

John Chisholm	No
Joachim Hartestone	No
John Lewis Bourquin, Junr.	Ay
Seth Stafford	No
Revd. Henry Holcom	No
Prince William.	
Thomas Hutson	No
James Maine	No
John A. Cuthbert	No
John Lightwood	No
John Simmons	No
Stephen Deveaux	No
St. Stephen	
John Palmer	No
Honble. Hezekiah Maham	No
Samuel Dubose	No
John Peyre	No
District Eastward of the Wateree.	
Thomas Sumter	Ay
Andrew Baskins	Ay
John Lowry	Ay
Benjamin Cudworth	Ay
William Massey	Ay
Hugh White	Ay
Thomas Dunlap	Ay
Samuel Dunlap	Ay
John Montgomery	Ay
District of Ninety Six.	
James Lincoln	Ay
Adam Crain Jones	Ay
Andrew Hamilton	Ay
Dr. John Harris	No
Edmond Martin	Ay
Joseph Calhoun	Ay
William Butler	Ay
John Bowie	Ay
Honble. John Lewis Gervais	Ay
North Side of Saluda.	
Samuel Earle	Ay
John Thomas, Junior	Ay
South Side of Saluda.	
John Miller	No
William McCaleb	Ay
District of Saxe-Gotha.	
Honble. Richard Hampton	Ay
Joseph Culpeper	Ay
Lewellin Threewits	Ay
John Threewits	Ay
Wade Hampton	Ay
Honble. Henry Pendleton	No
Lower District between Broad and Saluda Rivers.	
Honble. Ædanus Burke	Ay
John Lindsey	Ay
Philemon Waters	Ay
Robert Rutherford	Ay
Honble. John Hampton	Ay
Little River, District.	
John Hunter	No
Thomas Wadsworth	No
Joshua Saxon	Ay
Upper or Spartan District.	
William Kennedy	Ay
James Jordan	Ay
Charles Sims	Ay
Thomas Brandon	Ay
Honble. Zachariah Bulloch	Ay
District between Broad and Catawba Rivers Vizt. Richland County.	
Honble. Thomas Taylor	Ay
William Meyer	Ay
Thomas Howell	Ay
Fairfield County	
James Craig	Ay
John Grey	Ay
John Cook	Ay
Chester County	
Edward Lacey	Ay
Joseph Brown	Ay
William Miles	Ay

James Knox	Ay
District called the New Acquisition.	
Honble. William Hill	Ay
Robert Patton	Ay
Samuel Watson	Ay
James Martin	Ay
James G. Hunt	Ay
Andrew Love	Ay
John McCaw	Ay
Adam Meek	Ay
St. Matthew.	
Honble. William Thompson	No
John Linton	Ay
Paul Warley	No
Orange.	
Lewis Lestergette	No
Jacob Rumph	No
Donald Bruce	No
St. David.	
Lamuel Benton	No
William Dewitt	No
Samuel Taylor	No
R. Brounfield	No
Benjamin Hicks Junior	No
District between Savannah River and the North Fork of Edisto.	
Stephen Smith	No
Honble. William Dunbar	No
Joseph Vince	No
William Robison	No
John Collins	No
Jonathan Clark	No
Ayes 68	Noes 139

So the Question was Lost.

A Motion was made by Mr. Cudworth and Seconded by Mr. Samuel Lowrey, that the following Resolution should become a part of the Report, Vizt. Resolved the words "without the consent of Congress" in the 9th Section, 7th Paragraph of Article the 1st. be expunged.[3]

On the Question being put to agree to the same, It passed in the Negative.

A Motion was made by Colo. Gervais[4] and seconded by Mr. Bowman that the following Resolution should become a part of the Report, Vizt. Resolved that the Militia shall not be subject to the Rules of Congress, nor marched out of the State without consent of the Executive of such State. On the Question being put to agree to the same. It passed in the Negative.

The Report being then read through was agreed to, and is as follows, Vizt. And Whereas it is essential to the preservation of the rights reserved to the Several States, and the freedom of the people under the Operations of a general Government that the right of prescribing the Manner, time and places of holding the Elections to the federal Legislature should be forever inseperably Annexed to the Sovereignty of the Several States.—

This Convention doth declare that the same ought to remain to all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government, except in cases where the Legislatures of the States shall refuse or neglect to perform and fulfill

the Same according to the tenor of the said Constitution.[5] This Convention doth also declare that no Section or paragraph of the said Constitution warrants a Construction that the States do not retain every power, not expressly relinquished by them and vested in the General Government of the Union.[6]

Resolved that the General Government of the United States ought never to impose direct taxes but where the Monies arising from the Duties, imposts, and excise are insufficient for the public exigencies, nor then until Congress shall have made a requisition upon the States to Assess, Levy and pay their respective proportions of Such requisitions and in case any State shall neglect or refuse to pay its proportion pursuant to such requisition, then Congress may Assess and Levy such State's proportion together with Interest thereon at the rate of Six P Ct. per annum from the time of payment prescribed by such requisition.[7]

Resolved that the third Section of the Sixth Article ought to be amended by inserting the word "other" between the words "no" and "religious."[8]

Resolved that it be a standing instruction to all such Delegates as may hereafter be elected to represent this State in the General Government to exert their utmost abilities and influence to effect an alteration of the Constitution conformably to the foregoing Resolutions.—

A Motion was made by Mr. Bowman and seconded by Capt. William Butler,[9] That a Committee be appointed to draw up a Bill of Rights to be proposed as an Amendment to the Constitution now under consideration—

On the Question being put to agree to the same. It passed in the Negative.

On Motion Resolved That this Convention do assent to and ratify the Constitution agreed to on the Seventeenth day of September last by the Convention of the United States of America, held at Philadelphia. On the Question being put to agree to the same, the Ayes and Nays were required by the Unanimous voice of the Convention, are as follows, Vizt.

For the Parishes of St. Philip and St. Michael, Charleston.		Edward Darrell	Ay
		Isaac Motte	Ay
Charles Cotesworth Pinckney	Ay	Honble. Thomas Gadsden	Ay
Christopher Gadsden	Ay	Honble. John Matthews	Ay
Honble. Edward Rutledge	Ay	Edward Blake	Ay
David Ramsay	Ay	Thomas Bee	Ay
Honble. Thomas Heyward Junr.	Ay	Honble. Daniel DeSaussure	Ay
		Thomas Jones	Ay

Honble. John Faucheraud Grimkie Ay
William Johnson Ay
Honble. John Julius Pringle Ay
John Blake Ay
Daniel Stevens Ay
Daniel Cannon Ay
Anthony Toomer Ay
Hugh Rutledge Ay
John Budd Ay
Francis Kinloch Ay
William Sommersall Ay
Michael Kalteisen Ay
Richard Lushington Ay
Nathaniel Russell Ay
Josiah Smith Ay
Lewis Morris Ay
Edward Lightwood Ay
John Edwards Ay

Christ Church.

Honble. Charles Pinckney Ay
Honble. John Rutledge Ay
Honble. Arnoldus Vanderhorst Ay
William Read Ay
Joseph Manigault Ay
Jacob Read Ay
Joshua Toomer Ay

St. John, Berkley County.

Honble. Henry Laurens [Sr.] Ay
Honble. William Moultrie Ay
Peter Fayssoux No
Keating Simons No
Henry Laurens Junr. Ay
Thomas Walter No

St. Andrew.

Glen Drayton Ay
Honble. Richard Hutson Ay
Thomas Fuller Ay
James Ladson Ay
Ralph Izard Junr. Ay
Charles Drayton Ay
Honble. William Scott Ay

St. George, Dorchester.

John Glaze Ay
Morton Waring Ay
Thomas Waring Ay
Major John Postell Ay
William Postell Ay
Matthias Hutchinson Ay
John Dawson Ay

St. James, Goose Creek.

Honble. Ralph Izard [Sr.] Ay
Peter Smith Ay
Honble. Benjamin Smith Ay
Gabriel Manigault Ay
William Smith Ay
John Parker Junr. Ay
John Deas Junr. Ay

St. Thomas and St. Dennis.

Honble. John Huger Ay
Thomas Karwon Ay
Thomas Screven Ay
Robert Daniel Ay
Lewis Fogartie Ay
Isaac Harleston Ay
Isaac Parker Ay

St. Paul's Parish.

Paul Hamilton Ay
Jehu Wilson No
Honble. Melcher Garner No
George Haig Ay
Joseph Slann Ay
Roger Parker Saunders Ay
Honble. William Washington Ay

St. Bartholomew.

Benjamin Postell No
William Clay Snipes No
Obrian Smith No
Paul Walter No
Honble. John Lloyd Ay
John Croskeys Ay

Edmond Bellinger	No
St. Helena	
Honble. John Barnwell Esqr.	Ay
John Joyner	Ay
John Kean	Ay
William H. Wigg	Ay
Robert Barnwell	Ay
William Elliot	Ay
James Stewart	Ay
St. James, Santee.	
Isaac Dubose	Ay
Lewis Miles	Ay
Samuel Warren	Ay
Richard Withers	Ay
John Mayrant	Ay
John Bowman	No
Thomas Horry	Ay
Prince George, Winyah.	
Honble. Thomas Waties	Ay
Samuel Smith	Ay
Cleland Kinloch	Ay
Honble. William Allston Junr.	Ay
All Saints.	
Thomas Allston	Ay
Daniel Morrall	Ay
Prince Frederick.	
William Wilson	Ay
Patrick Dollard	No
Alexander Tweed	Ay
William Frierson	Ay
William Reed	No
James Pettigrew	Ay
John Burgess Junr.	No
St. John, Colleton County.	
Thomas Legare	Ay
Richard Muncreef, Junr.	Ay
Honble. Daniel Jenkins	Ay
Hugh Wilson	Ay
Isaac Jenkins	Ay
Ephraim Mikell	Ay
William Smelie	Ay
St. Peter	
John Fenwick	Ay
John Chisholm	No
Joachim Hartestone	Ay
John Lewis Bourquin Junr.	No
Seth Stafford	Ay
Revd. Henry Holcom	Ay
Prince William.	
Thomas Hutson	Ay
John McPherson	Ay
James Maine	Ay
John A. Cuthbert	Ay
John Lightwood	Ay
John Simmons	Ay
Stephen Deveaux	Ay
St. Stephen.	
John Palmer	Ay
Honble. Hezekiah Maham	Ay
Samuel Dubose	Ay
John Peyre	Ay
District Eastwd. of the Wateree.	
Thomas Sumter	No
Andrew Baskins	No
John Lowry	No
Benjamin Cudworth	No
William Massey	No
John Chesnut	Ay
Hugh White	No
Thomas Dunlap	No
Samuel Dunlap	No
John Montgomery	No
District of Ninety Six.	
James Lincoln	No
Adam Crain Jones	No
Andrew Hamilton	No
Dr. John Harris	Ay
Edmond Martin	No
Joseph Calhoun	No
William Butler	No
John Bowie	No
Honble. John Lewis Gervais	No

North Side of Saluda.

Samuel Earle	Ay
Lamuel James Allston	Ay
John Thomas Junr.	Ay

South Side of Saluda.

John Miller	Ay
William McCaleb	Ay

District of Saxe-Gotha.

Honble. Richard Hampton	No
Joseph Culpeper	No
William Fitzpatrick	No
Lewellin Threewits	No
John Threewits	No
Wade Hampton	No
Honble. Henry Pendleton	Ay

Lower District between Broad and Saluda Rivers.

Honble. Ædanus Burke	No
John Lindsey	No
Philemon Waters	No
Robert Rutherford	No
Honble. John Hampton	No

Little River District.

John Hunter	Ay
Samuel Saxon	No
Thomas Wadsworth	Ay
Joshua Saxon	No

Upper or Spartan District.

William Kennedy	No
James Jordan	No
Charles Sims	No
Thomas Brandon	No
Honble. Zachariah Bulloch	No

District between Broad and Catawba Rivers, Vizt. Richland County.

Honble. Thomas Taylor	No
William Meyer	No
Thomas Howell	No

Fairfield County.

James Craig	No
Jacob Brown	No
John Cook	No
John Grey	No

Chester County.

Edward Lacey	No
Joseph Brown	No
William Miles	No
James Knox	No

District called the New Acquisition.

Honble. William Hill	No
Robert Patton	No
Samuel Watson	No
Revd. Francis Cummins	Ay
James Martin	No
James G. Hunt	No
Samuel Lowrey	No
Andrew Love	No
John McGaw	No
Adam Meek	No
Abraham Smith	No

St. Matthew.

William Thomson	Ay
John Linton	No
Paul Warley	Ay

Orange.

Lewis Lestergette	Ay
Jacob Rumph	Ay
Donald Bruce	Ay

St. David.

Lamuel Benton	Ay
William Dewitt	Ay
Calvin Spencer	Ay
Samuel Taylor	Ay
R. Brounfield	Ay
Benjamin Hicks Junr.	Ay

District between Savannah River and the North Fork of Edisto.

Stephen Smith	Ay
Honble. William Dunbar	Ay
Joseph Vince	Ay
William Robison	Ay
John Collins	Ay
Jonathan Clark	Ay

Ayes 149 Noes 73.

So it was Resolved in the Affirmative and is as follows, Vizt.

In Convention of the people of the State of South Carolina by their Representatives held in the City of Charleston on the Twelfth day of May One Thousand Seven hundred and Eighty eight and in the Twelfth Year of the Independence of the United States of America.

The Convention having maturely considered the Constitution or Form of Government reported to Congress by the Convention of Delegates from the United States of America and Submitted to them by a Resolution of the Legislature of this State passed the Seventeenth and Eighteenth days of February last[10] in order to form a more perfect Union, Establish Justice, ensure Domestic tranquility, provide for the Common defence, promote the General Welfare, and Secure the blessings of Liberty to the people of the said United States and their posterity. Do in the name and behalf of the people of this State hereby Assent to and Ratify the said Constitution.

Done in Convention the Twenty third day of May in the Year of our Lord One Thousand Seven hundred and Eighty eight and of the Independence of the United States of America the Twelfth.—

Thomas Pinckney

Attest

John Sandford Dart, Secretary

[The amendments that appear above (RCS:S.C., 392–93), were repeated here.]

Done in Convention the Twenty third day of May in the Year of our Lord, One Thousand Seven hundred and Eighty Eight and of the Independence of the United States of America the Twelfth.—

Thomas Pinckney

Attest

John Sandford Dart, Secretary

On Motion Resolved That two Copies of the Constitution of the United States of America as agreed upon by the Convention of Delegates of the United States held at Philadelphia together with the Assent, ratification and Resolutions aforesaid be engrossed on parchment, and that his Excellency Thomas Pinckney Esquire, President of this Convention, transmit one of them countersigned by the Secretary of the Convention, under their hands and Seal, to the United States in Congress Assembled,[11] and that the other be Lodged in the Secretary's Office.

A Motion was made by Colo. Hill and Seconded by Mr. Bee that 1200 Copies of the Constitution of the United States of America as agreed upon by the Convention of Delegates of the United States held at Philadelphia with the Amendments proposed by this Convention, be printed

by the State printer, and that the Members of the Convention be furnished with Six Copies thereof,[12] And which was Agreed to.—

And then the Convention adjourned until Eleven o'Clock to Morrow fore-noon.—

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

2. William Clay Snipes (1742–1806), a low country planter and a major in the militia during the Revolutionary War, served in the South Carolina House of Representatives, 1787–88, and the Senate, 1789–90. He represented the parish of St. Bartholomew in the state Convention, where he voted against ratification.

3. The seventh paragraph of Article I, Section 9, of the Dunlap and Claypoole printing of the Constitution (CC:76) reads "No title of nobility shall be granted by the United States:—And no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state." The amendment is similar to the ninth amendment adopted by the Massachusetts Convention, which reads: "Congress shall, at no time, consent, that any person, holding an office of trust or profit, under the United States, shall accept of a title of nobility, or any other title or office, from any king, prince, or foreign state" (CC:508 and RCS:Mass., 1470).

4. John Lewis Gervais (c. 1741–1798), born to French parents in Germany, immigrated to South Carolina in 1764, where he partnered with Henry Laurens, Sr., in a land development project in Ninety Six District and later established himself as a Charleston merchant. During the Revolutionary War he was a colonel in the Continental Army. He served in the South Carolina Provincial Congress, 1775–76; House of Representatives, 1776–78, 1788; Senate, 1779–86, 1789–91 (Senate president, 1782); and Confederation Congress, 1782–83. He represented Ninety Six District in the state Convention, where he voted against ratification. See also the Charleston *City Gazette*, 26 June 1788, RCS:S.C., 472, for a comment by Gervais in the Convention.

5. The amendment is similar to the third amendment adopted by the Massachusetts Convention, which reads: "That Congress do not exercise the powers vested in them by the 4th sect. of the 1st art. but in cases when a state neglect or refuse to make regulations therein mentioned, or shall make regulations subversive of the rights of the people, to a free and equal representation in Congress, agreeably to the constitution" (CC:508 and RCS:Mass., 1469).

6. The amendment is similar to the first amendment adopted by the Massachusetts Convention, which reads: "That it be explicitly declared, that all powers, not expressly delegated by the aforesaid constitution, are reserved to the several states, to be by them exercised" (CC:508 and RCS:Mass., 1469).

7. The amendment is similar to the fourth amendment adopted by the Massachusetts Convention, which reads: "That Congress do not lay direct taxes, but when the monies arising from the impost and excise are insufficient for the publick exigencies; nor then, until Congress shall have first made a requisition upon the states, to assess, levy and pay their respective proportions of such requisition, agreeably to the census fixed in the said constitution, in such way and manner as the legislature of the state shall think best,—and in such case, if any state shall neglect or refuse to pay its proportion, pursuant to such requisition, then Congress may assess and levy such states proportion, together with interest thereon, at the rate of six per cent. per annum, from the time of payment prescribed in such requisition" (CC:508 and RCS:Mass., 1469–70).

8. The relevant part of Article VI reads "but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." For the origin of this provision, see "Convention Speech of Francis Cummins," 20 May (RCS:S.C., 359–

61). Article XXXVI of the South Carolina constitution of 1778, which specified an oath, concluded with the words "So help me God" (RCS:S.C., 502). The oath appearing in Article IV of the South Carolina constitution of 1790 did not include the words "So help me God" (Thorpe, VI, 3263).

9. William Butler (1759–1821), a planter from Ninety Six District, was a captain in the militia during the Revolutionary War and served in the South Carolina House of Representatives, 1787–95. He represented Ninety Six District at the state Convention where he voted against ratification. He later served in the U.S. House of Representatives, 1801–13.

10. See "Resolutions Calling a State Convention," 18 February, note 2 (RCS:S.C., 190n).

11. For Thomas Pinckney's 24 May transmittal letter, see RCS:S.C., 406.

12. No copy of this printing of the Constitution has been located (RCS:S.C., 7).

South Carolina Form of Ratification, 23 May 1788[1]

[The U.S. Constitution appears here.]

In Convention of the people of the state of South Carolina by their Representatives held in the city of charleston, on Monday the twelfth day of May and continued by divers Adjournments to friday the twenty third day of May Anno Domini, One thousand seven hundred and eighty eight, and in the twelfth Year of the Independence of the United States of America.

The Convention having maturely considered the constitution or form of Government reported to Congress by the Convention of Delegates from the United States of America and submitted to them by a Resolution of the Legislature of this State passed the seventeenth and eighteenth days of February last[2] in order to form a more perfect Union, establish Justice, ensure Domestic tranquillity, provide for the common defence, promote the general Welfare, and secure the blessings of Liberty to the people of the said United States and their posterity Do in the name and behalf of the people of this State hereby assent to and ratify the said Constitution.

Done in Convention the twenty third day of May in the Year of our Lord One thousand seven hundred and eighty eight, and of the Independence of the United States of America the twelfth.—

Thomas Pinckney President

Attest John Sanford Dart, Secretary

And Whereas it is essential to the preservation of the rights reserved to the several states, and the freedom of the people under the operations of a General government that the right of prescribing the manner time and places of holding the Elections to the Federal Legislature, should be for ever inseparably annexed to the sovereignty of the several States. This convention doth declare that the same ought to remain to

all posterity a perpetual and fundamental right in the local, exclusive of the interference of the General Government except in cases where the Legislatures of the States, shall refuse or neglect to perform and fulfil the same according to the tenor of the said Constitution.—

This Convention doth also declare that no Section or paragraph of the said Constitution warrants a Construction that the states do not retain every power not expressly relinquished by them and vested in the General Government of the Union.—

Resolved that the general Government of the United States ought never to impose direct taxes, *but* where the monies arising from the duties, imposts and excise are insufficient for the public exigencies *nor then until* Congress shall have made a requisition upon the states to assess levy and pay their respective proportions of such requisitions and in case any State shall neglect or refuse to pay its proportion pursuant to such requisition then Congress may assess and levy such state's proportion together with Interest thereon at the rate of Six per centum per annum from the time of payment prescribed by such requisition.—

Resolved that the third Section of the Sixth Article ought to be amended by inserting the word "*other*" between the words "*no*" and "*religious*"

Resolved that it be a standing instruction to all such delegates as may hereafter be elected to represent this State in the general Government to exert their utmost abilities and influence to effect an alteration of the Constitution conformably to the foregoing Resolutions.—

Done in Convention the twenty third day of May in the Year of our Lord one thousand Seven hundred and eighty eight and of the Independence of the United States of America the twelfth—

Thomas Pinckney President

Attest, John Sanford Dart, Secretary—

1. Engrossed MS, RG 11, Certificates of Ratification of the Constitution and the Bill of Rights . . . , 1787–92, DNA. The document is headed "The CONSTITUTION of the United States of America As agreed upon by the Convention of Delegates of the United States held at Philadelphia." The text of the Constitution appears before the Form of Ratification. Convention President Thomas Pinckney transmitted the engrossed form to Congress on 24 May. (See Thomas Pinckney to South Carolina Delegates in Congress, 24 May, RCS:S.C., 406.) John Kean, a delegate to the state Convention and a former member of Congress, carried the form with him to New York on the ship *Phoenix*. Kean presented the document to Congress on 6 June (New York *Daily Advertiser*, 7 June 1788; JCC, XXXIV, 208n).

The South Carolina Form of Ratification was first printed in South Carolina on 26 May in the Charleston *Columbian Herald*, and the *State Gazette of South Carolina*. The Charleston *City Gazette*, 28 May, omitted the recommendatory amendments from its printing. The form with the amendments was reprinted in forty-seven other newspapers

by 30 June: Vt. (1), N.H. (3), Mass. (11), R.I. (4), Conn. (6), N.Y. (9), N.J. (2), Pa. (6), Md. (2), Va. (3), N.C. (1). It also appeared in the August issue of the Philadelphia *American Museum*. The Litchfield, Conn., *Weekly Monitor*, 16 June, reprinted only the amendments.

For a handbill of the Form of Ratification without the amendments, see Form of Ratification Broadside, 26 May (RCS:S.C., 448).

2. See "Resolutions Calling a State Convention," 18 February, note 2 (RCS:S.C., 190n).

Newspaper Report on Convention Proceedings, 23 May 1788[1]

Yesterday the convention went through the new constitution, and also the proposed amendments published yesterday; after which it was moved, That this convention do assent to and ratify the constitution agreed to on the 17th of September last, by the convention of the united states of America held at Philadelphia.

The yeas and nays being called for, there appeared to be, for the ratification, 149. Against it, 73.

After the main question was carried, General Sumter, Judge Burke, Colonel Hill, Mr. Cudworth, Mr. Dollard, Mr. Lowrey, Mr. Lincoln, and Dr. Fayssoux, in a liberal and candid manner, expressed their intention, as so large a majority appeared to be in favor of the constitution, that they would exert themselves to the utmost of their abilities to induce the people quietly to receive, and peaceably to live under the new government. The convention then adjourned until this day.

[A list of those voting aye followed by those voting no appears at this point][2]

1. Printed: Charleston *City Gazette*, 24 May. The *Georgia State Gazette*, 31 May, and the *Virginia Independent Chronicle*, 11 June, reprinted the entire item. The first three paragraphs (without the roll call) were reprinted in seven other newspapers by 12 June: Mass. (1), N.J. (1), Pa. (1), Md. (1), Va. (2), Ga. (1). The third paragraph was reprinted in an additional fourteen newspapers by 23 June: N.H. (2), Mass. (5), R.I. (1), Conn. (2), N.Y. (1), Pa. (3). The *New Hampshire Spy*, 10 June, followed its reprinting of the third paragraph with "(*Patriotic indeed.*)"

2. All three Charleston newspapers subsequently reprinted the roll call. The Charleston *City Gazette*, 26 May, again printed its version of the yeas and nays, preceded by the two Convention speeches of Francis Cummins (RCS:S.C., 359–61, 402–3). The Charleston *Columbian Herald*, 26 May, printed the roll call with the resolution for ratification but organized the votes by parish or district. The *State Gazette of South Carolina*, 2 June (Mfm:S.C. 40), followed the model used by the *Columbian Herald* but added additional information. It included honorifics and first names of the delegates, noted a vacancy for St. Stephen's Parish, and listed state Convention president Thomas Pinckney as present but not voting. It also listed the delegates whose names do not appear in the Convention journal because they did not vote: Francis Marion (St. John's Parish, Berkeley), Peter Horry (Prince George's Parish, Winyah), William Stafford (St. Peter's Parish), Thomas Cooper and Thomas Palmer (St. Stephen's Parish), Samuel Boykin (District Eastward of the Wateree), John Ewing Colhoun and Charles Davenport (Ninety Six District), Robert

Anderson (Ninety Six District—South of Saluda), James Mayson (Little River District), Lewis Golsan (Orange Parish), Tristram Thomas (St. David's Parish), and William Bufort (District between Savannah River and the North Fork of Edisto). All the delegates listed here were also absent for the 21 May vote on adjournment except for Samuel Boykin and Charles Davenport.

The resolution or motion to ratify with the vote total (but without the roll call) was reprinted in the *Pennsylvania Packet*, 5 June; *Connecticut Gazette*, 13 June; Lansingburgh, N.Y., *Federal Herald*, 23 June, and the June issue of the Philadelphia *Columbian Magazine*.

Convention Speech of Francis Cummins, 23 May 1788[1]

Previous to the question being put in the convention for ratifying the constitution, the Rev. Mr. Cummins, rose and expressed himself in the following words.

MR. PRESIDENT,

When the question for adjournment was put the other day, from various considerations, I thought it prudent, and my duty, to be on the side for the adjournment.

But since the majority has determined that an adjournment would be improper, and the final question for adopting or rejecting the proposed constitution is consequently coming—a question truly interesting to every man, and to which every honest man will answer according to the best of his judgement: I beg leave to observe, however I may differ from some worthy gentlemen, that although I conceive there are defects in the constitution, as there must and ever will be found in all human things, yet when I consider the present state of our nation, and the very small probability of our obtaining in due time a better constitution than the one now under consideration; and when I compare the proposed constitution, with all its defects, and all its merits, to our present confederation, I confess I hope for and expect from our adoption of the constitution, more general good to the nation, than can arise from rejecting it. This being the conviction of my mind, [as?] arising from the strictest attention to the arguments on both sides, from the most impartial and dispassionate consideration of the constitution in my private hours; and also from considering that political abilities, and I hope integrity, equal at least to any in America, were employed in framing this constitution, and employed under such circumstances as could not possibly countenance or cherish a conspiracy against the happiness of this country: from considering moreover, that General Washington, whose unsullied and patriotic character, is equal, if not superior to any in this world; who would not suffer an everlasting blot to fall on the last period of his exalted reputation, by winking at the

ruin of his country, signed the constitution. The conviction of my mind from those considerations, and others of a similar nature, being such, I cannot in my own judgement and conscience vote against the constitution—I must therefore with an eye to the public general good, risquing all private hardships, vote for the ratification of it; persuaded that in the course of divine providence such amendments as may conduce to the happiness of the nation at large will soon take place. I have taken notice, that many gentlemen in this convention have acknowledged the proposed constitution is better than the present confederation and none have said to the contrary. We are sure we can have and enjoy this one, we are not sure we can ever have a better—common sense then says we ought to take this, and I as an individual must accordingly vote for it.

1. Printed: Charleston *City Gazette*, 26 May. Reprinted in whole or in part by ten newspapers by 26 June: N.H. (2), Mass. (4), R.I. (1), Pa. (2), Va. (1). The newspaper does not provide a date for Cummins' speech, but from the context it appears to have been delivered on 23 May, prior to the vote on ratification.

Private Commentaries on the Convention, 23 May 1788

Letter from Charleston to a Friend in Baltimore, 23 May 1788[1]

Extract of a Letter from a Gentleman in Charleston, to his Friend in this Town, dated the 23d Instant.

"After much Debate, from the 12th Instant to this Evening, the grand Question was moved for, *viz.* Whether the new Constitution should be adopted or not;—and, upon a fair Division, there appeared for the Constitution, I think, a Majority of 76.—The Minority were not displeased at this great Event, and signified that they would endeavour to quiet the Minds of the People; I mean those who had particular Instructions to vote against the Constitution."

1. Printed: *Maryland Journal*, 3 June. Reprinted: *Carlisle Gazette*, 11 June; *Virginia Centinel*, 11 June; Winchester *Virginia Gazette*, 11 June; and *Virginia Gazette and Weekly Advertiser*, 12 June. The *Carlisle Gazette* added this paragraph after its reprinting: "South-Carolina, being a rich and powerful state, may be considered as a valuable acquisition to the proposed union, and must afford a happy presage of its further success."

Letter from Charleston to a Friend in Philadelphia, 24 May 1788[1]

Extract of a letter from a gentleman (of great experience in political affairs, and of great eminence and integrity) to his friend in this city, dated Charleston, May 24, 1788.

"This day being the 12th of our session in convention of the people,

the new constitution for the government of these United States will be finally ratified. Debates ran excessively, nor were we without from that part of the convention which came from the upper parts of the state: I supported it to the best of my ability in every article, and so did your fellow traveller.—Interested motives in some, obstinacy and ignorance in others, misguided by the first class, are not soon to be conquered; but I trust that after the first ebullitions, we shall be blessed with a calm.—I declared in convention, that had I gone there prejudiced against the constitution, the weakness of the arguments on the part of opposition would have converted me.—Now, my friend, you know my sentiments on this important subject, and you are welcome to publish them to the world.—Our majority yesterday for ratifying was, Ayes 150, Noes 73—say, Aye, including the President, who delivered his sentiment, but did not vote, 150, No 73.[2] A hard struggle was made about five days ago, for adjourning to the 20th of October. The object which that extraordinary manœuvre had in view was the meeting of our general assembly on the 7th of October, when an attempt was intended, to make an instalment-law for seven or ten years, or to emit a flood of paper money.[3]—Those 13 days would give us 13 severe stripes;—but upon the question we found a majority, including the President, of 48 against the motion.[4] I think this will be the last public business I shall appear in."

1. Printed: *Pennsylvania Packet*, 11 June. Reprinted: *New York Packet*, 13 June; *New Jersey Journal*, 18 June.

2. The state Convention voted 149–73 for ratification. The letter writer is including Convention president Thomas Pinckney, who did not vote but supported ratification.

3. Debtor relief would be one of the major issues at the special session of the South Carolina legislature, scheduled to start on 7 October.

4. The motion for adjournment on 21 May was defeated by a vote of 135 to 89, or a margin of 46 without the vote of the Convention's president.

Letter from Charleston, 26 May 1788[1]

Extract of a letter from Charleston, South-Carolina, dated May 26.

"You will have heard of the adoption of the Federal Government by this State, before this reaches you.—I was highly pleased in my attendance on the debates in the Convention, (especially the two last days), with the moderation of the majority, and not less so with the candor and conciliatory behavior and conduct of the minority.—After the grand question upon the ratification was decided, the leaders of the opposition rose and declared, that altho' they did not entertain the same opinion of the Constitution with the gentlemen of the majority; they, notwithstanding, looked upon themselves to be as firmly bound by it, as if it had met with their approbation; and that they considered it as

their duty, and most certainly should not only endeavor to reconcile their Constituents to it, but give it every support in their power.—This declaration does them much honor."

1. Printed: New York *Daily Advertiser*, 19 June. Reprinted: *Massachusetts Spy*, 3 July.

The South Carolina Convention
Saturday
24 May 1788

Convention Proceedings, 24 May 1788[1]

The Convention met according to Adjournment and the Journal of Yesterday was read.—

The Convention proceeded to the Ratification of the Constitution agreed to on the Seventeenth day of September last, by the Constitution [i.e., Convention] of the United States of America held at Philadelphia, which was Signed by his Excellency Thomas Pinckney Esquire President of the Convention, and Attested by the Secretary.

On Motion of Mr. Chancellor Mathews and Seconded by General Gadsden.

Resolved. That the Thanks of the Convention be returned to his Excellency Thomas Pinckney Esquire. President of the Convention for his unremitted Attention to, and faithful discharge of the Duties of that Office.—

On Motion of Colonel Read and Seconded by Mr. Speaker Pringle

Resolved. That the Thanks of this Convention be presented to the Honorable John Rutledge, the Honorable Charles Cotesworth Pinckney, the Honorable Charles Pinckney and the Honorable Pierce Butler Esquires, Delegates from this State to the Convention of the United States lately held in the City of Philadelphia, for their very Able and faithful discharge of the Trust reposed in them by the Legislature of this State. And their great Attention to the particular Interests of South Carolina as well as to the General Welfare of the Confederacy.[2] And that His Excellency the President of this Convention be requested to transmit this Vote of Thanks to the Several Delegates from this State to the General Convention.[3]—

On Motion of Doctor Ramsay and Seconded by General Gadsden.

Resolved That his Excellency the President of this Convention, do at the next Meeting and Sitting of the Legislature recommend to them, to Provide a Sum of Money for Paying of the Secretary, Messenger, Door and Bar Keeper, and for other Expences incurred by this Convention.[4]—

On Motion of Mr. Justice Pendleton and Seconded by Colo. Huger. Resolved that this Convention do now dissolve themselves.—

His Excellency the President Dissolved the Convention accordingly.

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar.

2. The engrossed journal has several lines of text crossed out at this point that are readable in the rough journal: "so Eminently displayed in the Excellent Constitution or Form of Government ratified by this Convention on this Day on behalf of the People of South Carolina."

3. For Thomas Pinckney's 24 May letter, see RCS:S.C., 407.

4. The legislature provided the requested funding during its fall 1788 special session. See RCS:S.C., 480–81.

Newspaper Report of Convention Proceedings, 24 May 1788[1]

Saturday last the Convention met at 11 o'Clock in the forenoon, and having gone through the forms of Ratifying the Constitution, passed a unanimous vote of thanks to his excellency the Governor, for his upright conduct in the chair of the Convention. They likewise unanimously resolved that the president return by letter, the thanks of their body to the delegates who represented this state in the Federal Convention— and then the Convention dissolved themselves.

1. Printed: Charleston *Columbian Herald*, 26 May. Reprinted in twenty-six other newspapers by 23 June: N.H. (2), Mass. (6), Conn. (1), R.I. (2), N.Y. (7), N.J. (2), Pa. (4), Va. (2).

Thomas Pinckney to South Carolina Delegates in Congress Charleston, 24 May 1788[1]

It is with considerable pleasure I communicate to you the intelligence of your State having adopted the Constitution proposed for the General Government of the United States by the fœderal Convention.

The Instrument of Ratification which accompanies this letter you will please present to the United States in Congress assembled pursuant to the Resolution of the fœderal Convention the 27th [i.e., 17th] day of September 1787.[2]

1. FC, Letterbook, Pinckney Family Papers, DLC. For the reply to this letter, see John Parker and Thomas Tudor Tucker to Governor Thomas Pinckney, 21 June (RCS:S.C., 467–68n). John Kean carried this letter and the Form of Ratification to New York City, taking the sloop *Phœnix* from Charleston (New York *Daily Advertiser*, 7 June).

2. For the South Carolina Form of Ratification, 23 May, see RCS:S.C., 399–401n.

Thomas Pinckney to the Governor of New York Charleston, 24 May 1788[1]

I have the honor of informing your Excellency that the Convention of the people of South Carolina this day ratifyed the Constitution pro-

posed for the Government of the United States by the fœderal Convention
[P.S.] Ayes 149—Nays 73

1. RC, Pierpont Morgan Library. The letter is headed "*Circular.*" Pinckney sent identical letters to the governors of the states. In addition to New York, eight other letters have been located: Delaware (Franklin Collection, Yale University), Georgia (Peter Force Transcripts, Georgia Miscellaneous List of Letters, DLC), New Hampshire (Thomas Pinckney Papers, DLC), New Jersey (New York State Library), North Carolina (Governors Papers, North Carolina Division of Archives and History), Rhode Island (Letters to the Governor, Rhode Island State Archives), and Virginia (Executive Communications, Virginia State Library). The Pennsylvania letter was printed in the *Pennsylvania Mercury*, 13 September. Two letterbook copies are in the Pinckney Family Papers, DLC.

Thomas Pinckney to South Carolina Constitutional Convention Delegates, Charleston, 24 May 1788[1]

The Convention of the people of the state of South Carolina, having considered and ratified the Constitution proposed for the Government of the United States, have directed me to return you their unanimous thanks for your Services and Conduct as Delegates from this State to the Late fœderal Convention

The gratification I receive in Communicating this public Acknowledgement can only be exceeded by those finer feelings which must be excited in your breasts by the Consciousness of having merited this honorable testimony of your Countrys approbation

with every Sentiment of regard & esteem

1. MS, Constitutional and Organic Papers, Engrossed Convention Journal, Sc-Ar. A copy of the letter to Pierce Butler, Charles Pinckney, Charles Coteworth Pinckney, and John Rutledge appears in the volume with the Convention journal immediately following the proceedings of 24 May. Another copy appears in the Pinckney letterbook in the Pinckney Family Papers, DLC.

Thomas Pinckney and Payment Certificates for Members of the Convention, 24 May 1788

The 18 February resolutions calling the state convention authorized members to be paid the same allowance as members of the General Assembly, but the funds had never been appropriated to pay them or other Convention expenses. On its final day, the Convention adopted a motion calling on Governor Thomas Pinckney to recommend to the legislature that they pay the expenses of the Convention. On 23 or 24 May Pinckney, as Convention president, signed certificates for the members calling for payment of two dollars for each day attending the Convention and each travel day, the same payment that members of the legislatures received.

One of the certificates is printed below. The remaining extant certificates can be found in Mfm:S.C. 41 A–NN. For the payments to the members of the South Carolina Convention, see RCS:S.C., 482–88.

Payment Certificate of John Cook for Attending South Carolina Convention Charleston, 24 May 1788[1]

In CONVENTION.

May 24: 1788

GENTLEMEN, Pay to John Cook Esquire, Twenty-four Dollars for Four Days Attendance, as a Member of the Convention; and Eight Days Travelling from and to his Home.

Thomas Pinckney Prest.

To the Commissioners of the Treasury.

1. Printed form, Sc-Ar. The certificates were printed and a clerk needed to enter the day of the month, the name of the delegate, the number of days in attendance and days of traveling, and the dollar amount owed. The certificate was signed by Governor Thomas Pinckney, president of the Convention. Forty certificates are extant (three in repositories other than the State Archives). John Cook represented Fairfield County in the Convention. The certificate was redeemed at the state treasury on 8 June 1791.

Commentaries on the South Carolina Convention

John Kean: Notes on the New Constitution, c. May 1788[1]

The following undated notes in the hand of state Convention delegate John Kean are endorsed: "Hints on the new Constn./Convention in So. Carolina." It is unclear whether the document was written during, prior to, or after the Convention. Kean began these notes on the verso of a page he had used for an October 1787 draft congressional resolution on copper coinage (JCC, XXXIII, 631). The verso also includes some additional notes in Kean's hand that read: "What is proved—that the genl. govt. will not have any occn. to lay any taxes. The means shall be fit to the end[– – –] were [– – –] let us to be [– – –] Right not to be depd. upon—Why were the [– – –] powers provided to pay quota for the domestic debt." Contractions and abbreviations are expanded in brackets in the transcription of the document below.

What are the Constituent parts of a free government?
A legislature wherein the rights of the individual and property are balanced as nearly as possible—& who has no executive or judicial powers to exercise—

An executive who shall in some degree be the arbitrator between property & personal rights so that neither shall encroach on the other—

A Judicial who are independent of either & who during good behaviour cannot be molested—

The Legis[latu]re should be for so long a time as to keep an uniformity in their policy—but not for so long a term as to obliterate from their memory that they depend on the people—the same of the Executive—

The Judicial should be responsible on impeach[en]t only—

Personal rights ought to be clearly defined and the property sacredly defended—

What does an individual look for in Gov[ernmen]t. Protection of his person against all illegal proceeding & injuries from individuals—
A full enjoyment of the proceeds of his industry—& of his opinions that do not interfere w[i]th the rights of society established by law or custom.

Legislative
Senate & Assembly } Ought to be entirely independant of each other & have a negative on the proceedings of each—
Executive

Judicial—Ought to be independant of the Leg[islati]ve & Ex[ecuti]ve their duty ought to be clear & explicit

Revenue—certain.

Defence—Whether by Army or Militia—absolute in one—appointment of officers—ought not be exercised by the Legislature—

Commerce—

——

Judicial—who are Citizens of a State, decide by the Const[itutio]ns of the States—

What will be the operation of the Presidents powers—
_____ of the Vice: Presidents
_____ of the Senates.
_____ of the Legislature
_____ of the Judicial

With respect to the defence of property—personal rights—State rights & interests—

Commerce—

Suppose the States from Pen[nsylvani]a to N[ew] H[ampshire] inclusive determined on a measure evidently partial & a full representation present—they w[oul]d bring forw[ar]d 35 Votes in the Represent[ative]s & 14 in the Senate & they w[oul]d be opp[ose]d by 30 in the Repre[sentati]ves & 12 in the Senate—no President w[oul]d assent on such terms—

Demands & Compet[itio]n is the soul of Commerce & forms the price of the commodity—

All Nations who have treaties w[i]th us will be competitors, if that is not suff[icien]t the price must fall but that very circumstance will be

an inducement for other nations to come into the competition—but allowing the monopoly compleat its effect w[oul]d be the turning some part of the Agricultural capital into a commercial one by which the Competition w[oul]d be restored—

1. MS, John Kean Papers, Liberty Hall Museum, NjUN.

A Taxable Citizen: Scene in a Piazza
Charleston City Gazette, 14, 19, 22, 23 May 1788

"A Taxable Citizen" was the pseudonym of a writer who created the fictional characters of Obadiah Spriggens and Arthur McGlatherill. "A Taxable Citizen" published eight pieces in 1787 and 1788 in the *City Gazette* and its predecessor, the *Charleston Morning Post*, on a variety of public subjects, ranging from the State House fire to excessive spending on funerals. He first introduced the character of Mrs. Spriggens on 13 February 1788, which was followed by the character of Obadiah Spriggens on 29 March. The first extended use of the character of Obadiah Spriggens appeared in a 10 April satire on elections for the state convention (see "A Taxable Citizen," Charleston *City Gazette*, 10 April, RCS:S.C., 293–95). The following essay, which appeared in four parts under the title "Scene in a Piazza," was published during the South Carolina Convention and satirized the Antifederalist leanings of upcountry delegates.

The cast included Obadiah Spriggens (referred to as O. S.), Arthur McGlatherill (A. McG or A. M.), Taxable Citizen (T. C.), and Stephen, the barkeeper. Spriggens was a jovial fellow who enjoyed his liquor and supported the Constitution, although he was not very effective in making the case on its behalf. McGlatherill was a delegate to the state Convention from an upcountry district about 240 miles from Charleston, which would put it in the vicinity of Pendleton County. McGlatherill lodged with Spriggens when in Charleston and planned to vote against ratification because he was concerned about the lack of protections for a free press and for religious freedom. Spriggens, McGlatherill, and Taxable Citizen were drinking on the piazza of a Charleston tavern where they were served by the barkeeper, Stephen. (The term "piazza" in Charleston refers to two- or three-story covered porches attached to the side of the Charleston "single house," positioned to take advantage of harbor breezes.)

Taxable Citizen refuted each argument raised by McGlatherill and succeeded in changing the upcountry delegate's mind despite Spriggens' regular interruptions (usually dealing with resupplying their drinks). The story ended with McGlatherill leaving the tavern to meet with his other upcountry delegates, where he planned to explain the Constitution to them, but not before drinking another round and toasting to ratification by Maryland.

The newspaper usually placed each speaker's words in a separate paragraph, but occasionally ran lines of dialogue together in a single paragraph. All dialogue has been divided here into separate paragraphs.

SCENE in a PIAZZA.

Obadiah Spriggens, Arthur McGlatherill, Taxable Citizen.

Obadiah Spriggens.

I Say clearly that I am for the convention.

A. McG. Yes, so I would be, but let us hear the *whole matter*, you have been reading all the pieces with the objections, but I have not seen one; and although I am to vote, I am unacquainted with the history.

O. S. Arthur, some body has injured your principles, your taste is vitiated, and you do not relish the new government.

A. McG. Zounds, I want information; but, Mr. Spriggens, if you or all the men in the United States should agree, unless I am *properly convinced*, I would never acquiesce.

O. S. You have been hurted on the road—*I am for the convention.*

A. McG. Yes, so should I, but I will not be dragooned into the service—You are a very extraordinary man, why will you not hear me.

O. S. Well I'll try to compose myself, but the—convention—Arthur don't be angry—our general[1] said we must give up a *part* to save the *rest*—that matter sticks close to me.

A. McG. Yes, and no man hath a greater regard than I for the general, but where we are called upon a new government, every man has the undoubted right of examining it; and although I am conscious and do confess that they were composed by the first class of American genius, yet when I stand as a representative for ——, I shall vote against it unless I am convinced of its real utility.

O. S. My friend, things can be better suited to your taste than you apprehend.

T. C. You had better, neighbour Spriggens, step into the next room and make a bowl of punch, the materials are all ready, while I speak to Mr. McGlatherill.

O. S. If the materials are ready I'll mix them—Stephen come in—squeeze the limes, but no noise.

A. McG. That is a droll character, I live with him, which pardons a number of faults—he is convention mad—for my part, I have embarked my whole family to this country, and am to all intents and purposes a citizen; but yet when I left my native country, I brought with me the right of judging, and until I can see matters plainer, I shall be of the plain side—they were sent to amend the *old constitution*, and have brought us a *new one.*

T. C. This matter is of importance, and you ought to be informed, and when you have fairly seen the whole, you will be a federalist to all intents and purposes. But here he comes.

O. S. Faith it is a convention bowl—and I'll take the first—May unanimity prevail from the president to the door keeper.

Amen, Amen, so we say all.

(*To be continued as circumstances may happen.*)

[19 May] *Arthur McGlatherill.*

The last words my constituents told me, were, "Arthur you are now going to the city to represent us, we depend on you—do the thing that is right—but don't be *humm'd* by any man, for when you return we expect an account sales of the whole matter"—now should not I be informed before I vote, I have rode 240 miles, and where I live am remote from intelligence.

Obadiah Spriggens. Arthur I wish you had not stopped at that tavern, I am afraid it was there you imbibed bad principles.

A. McG. I wish you would hold your tongue, if it was only for five minutes.

Taxable Citizen. Neighbour Spriggens be quiet a little, and let me inform this gentleman how the matter is.

A. McG. I should be very glad to hear you, and beg you would answer some objections.

T. C. I will to the best of my knowledge; but remember mine is only a *private opinion,* and I don't mean to press it upon any man, unless agreeable.

A. McG. Well, let us hear you, I'll be candid. These gentlemen were sent upon the express purpose of considering and amending the constitution, instead of that they have made a new one, and tell us positively—*take this or you'll get no other,* which is rather *crowding* upon us.

T. C. The objection can be removed by a single *metaphor.*

O. S. I'll have no metaphors, *Junius* was right when he said plain *market language* give and take.[2]

A. McG. Be civil, a man has a right to use his own words.

O. S. But I was present one night, when a metaphor liked to have caused a *rompus.*

A. McG. Why that's droll indeed.

T. C. Do let us hear this matter.

O. S. Why I was one night at a *lecture in Moorfield's*[3] and the *parson* was an *ex-trumpore*[4] *preacher,* he said my brethren I am the shepherd, you are the sheep,[5] and, pointing at the clerk, *Billy Woolston there* is the *black dog;* the clerk turned round and said he was no more a black dog than himself. Hold your tongue man said the parson, it is nothing but a *metaphor.* The congregation was confused, and several looked about for their sticks. When another preacher fearing the consequence, very prudently arose; he was a good looking young man, I believe he was bred a *tanner,* gave out a hymn to the tune of *chivey chase,*[6]—that composed us, and I never liked a metaphor since that.

A. McG. Faith it is merry enough.

T. C. Neighbour, as long as we have been acquainted you never told me that story.

O. S. And I have several others that I keep for the *convention night.*

A. McG. But you were going to tell me the rest.

T. C. Why as Obadiah don't like metaphors, I'll take a simile, which is a first cousin to it. Suppose you were to send a pair of shoes to be mended, and the shoemaker sent you a pair of new ones.

A. McG. Why he has not done what I ordered.

T. C. But would not you hear him before he is condemned.

A. McG. Certainly.

T. C. Suppose he told you, sir, I received the shoes and examined them—*they can't be mended*—the soles are gone—you must have a new pair or walk bare foot.

A. McG. Oh, if that's the case, I begin to understand the matter.

O. S. The leather was wore out.

[22 May] *T. C.* Without this you may have a visit from the Dey of Algiers.

O. S. His *plenipotentiary* is here already, curse the *song.*

A. M. Do hush.

O. S. I won't hush.

A. M. But you talk too much.

O. S. Zounds, these are talking times.

T. C. Neighbour do you really mean to interrupt us?

O. S. No, but I'll not interrupt myself.

T. C. Hadn't you better go and make a fresh bowl.

O. S. But I shall loose the conversation.

T. C. We won't talk about it till you come back, we'll have something else till you come back.

O. S. Then Stephen bring me the water; oh, 'tis ready I see. Hoist up that window, Stephen, that while I am squeezing I may hear what's going forwards.

T. C. Were you at club last night.

A. M. Yes.

T. C. Had you good many.

A. M. Oh, above twenty, there was a man sat opposite me made use of a whimsical argument; he said, he was afraid if it went down, if any body owed money in paper he would be obliged to pay it in specie.

O. S. Who was he.

A. M. I don't know him.

O. S. That's a sensible man, that fellow is deep I say neighbour.

T. C. In debt, I believe.

O. S. His ideas are all afloat—here Stephen, now the punch is done—throw in a glass of brandy. Arthur, if the convention goes down, the duty on brandy will be trifling; don't forget to carry up that matter when you go. But here I come, now let's try it, and if you don't like it, we'll have the amendments, as the saying is—here neighbour taste it.

T. C. 'Twill do, it is charming,—now Mr. McGlatherill your toast.

A. M. O no, yours.

T. C. No, I insist upon yours.

A. M. Why faith, as far as I understand it, I'll wish success to the convention.

O. S. Neighbour, drink deep, I shall set my tongue to the tune of a pint at least.

A. M. The toast sincerely. Here Obadiah.

O. S. Why Arthur, you have not left me a ladle full. Zounds, I don't think it fair.

A. M. Why I'm but a new federalist, and you told me to try it—I like it prodigiously.

T. C. Did not you desire me to drink deep.

O. S. O ho! Is that it, here Stephen, you saw how I made the last, make me a tumbler full, and you gentlemen shan't rest till I drink the toast.

T. C.—I think neighbour Spriggens you were taken in.

O. S. I don't mind the joke if the constitution goes down:—O hand it here, success to the constitution—now a clean pipe and I'll not interrupt you again. Stephen a fresh coal, but—no noise.

A. M. I say Mr. Taxable, the case stands thus, I represent a number of serious good people, why was not religion inserted, they are afraid of establishments.

T. [C.] It would have been one of the most impolitic things to have mentioned the word religion; if they had, the people would then have really suspected they meant an American establishment, instead of that they have just left it where they found it, under the protection of your own laws.

A. M. Well, that I did not know, but about the press, that matter has hurted the thing; people that are not acquainted, think they can stop it; nay some really makes it laughable, they say we shall have no Almanacks, Horn Books, Primers, &c. Now if you clear up this matter, I shall be satisfied.

T. C. Why I confess it is big with importance, and of the greatest consequence, but let us investigate the subject calmly: had the convention interfered in this, they would have ruined the whole, and defeated

the very intention of their delegation; and what a fine field would it have opened for the minority in Philadelphia, then papers would have teemed with the Palladium of liberty; we should have had Mr. Centinel in the morning, Mr. Freeholder at noon, and Mr. Watchman at night;[7] what a story they would have told you about their Diana, you would have heard it from Casco Bay to the banks of the Altamaha;[8] and the very men who now object to its insertion, would have been among the first to have opposed it, had it been mentioned.

[23 May] T. C. Methinks I see one of their papers, (for they really write well) and the idea stands so pictured on the busy imagination, that I will just suppose their diction, had such a thing taken place.

"Oh, what have we lost, after a tedious and bloody war, is it come to this. I think I now behold Mr. President seated in his dictatorial chair, arrayed in all the regalia of monarchy; in one hand he holds the armies of the United States, in the other the trident of Neptune, and commands entirely the American ocean; whilst surrounded by ambassadors, consuls, &c. He sits erect and like the Centurion in the Gospel, has many servants; and to one he says come and he comes, to another go and he goes;[9] none dare interrupt his political hand, or enquire wherefore doest thou this. All this I might bear, but where is the press? that friend who helped us through the war—that scourge of tyrants. Where is the liberty of the press? for which Americans especially ought to contend; don't we know how much we are indebted to this curious invention: before this the progress of knowledge was slow, because the mode of diffusing it was expensive and laborious, but under its benign auspices the most inferior genius, however impoverished, may spread his thoughts far and wide; we have the advantage of the sentiments of all individuals; through the press all writers and characters divulge their opinions, and conspire to support the general republic; 'tis by this the patriot acquaints his citizens of impending distress, and at the expence of a sheet of paper, may save his country from irremediable destruction. What! sap the constitution—disturb public tranquility—seize the press—ruin the state, yet tell us this is liberty. In vain have our heroes fought, bled, groaned, died. I can't proceed, the historic page must tell the rest, and hand down the dismal tale to children yet unborn, that we have abjured sovereignty and accepted despotism.["] Now view the beautiful contrast—the delegates have not said a word about the matter, they have left it with religion, and under the patronage of local laws; for Mr. McG. you must remember one thing, and pin it fast, or you'll derive no advantage from our conversation, that is, there is not a single thing given away from the old to the new constitution, but what is expressed in the law; and if any man say, when you return, that

they may do so and so, shew the deed and assure them that there is not one thing given away but what is therein mentioned, and any thing farther is not true; and here I give you a copy, and there is no error in it but in the 2d article, and 9th line of the 1st section, where through mistake of the printer, they have inserted the word *not*.

A. M. Sir I thank you sincerely, and now I am prepared, and when the question is put, I'll open both jaws, and hollow as loud as I can AYE.

O. S. Stephen, more materials, I'll be there—now my old friend I love you, but remember you sup with me that night, and we'll smoke a federal pipe together. Neighbour taxable you'll be there, and I'll go and mix up the ingredients.

A. M. Upon my honor I never understood it, and now I'll tell you, there are a number of worthy honest men of my acquaintance that came down with me, that I know, notwithstanding we have attended, heard all the gentlemen, and really, whenever a question was asked, they rose with the greatest chearfulness and readiness to explain every thing, yet I say they are now as ignorant as I was; I'll go immediately to club and tell all I know, and have not the least doubt, when they have heard all they'll be on our side.

T. C. I wish you would.

A. M. I'll go immediately—get some punch.

T. C. The old fellow is pleased now—here he is.

O. S. The last bowl to night. I think I'll drink first. Come, here's the state of Maryland.[10]

The state of Maryland, *(all)*.

A. M. Now I wish you a good night sir; as to you Obadiah, I shall see you after club.

T. C. Your most obedient sir.

O. S. I think we have convinced him, and now I'll move.

T. C. I believe he is an honest man.

O. S. Or he should never lodge with me. Neighbour, good night.

T. C. Here Stephen, take away the things and lock up the house.

1. Perhaps a reference to either George Washington or Charles Cotesworth Pinckney.

2. A reference to satire 6 of the *Satires* of Decimus Junius Juvenalis (Juvenal).

3. An area in London where John Wesley and other Methodist preachers held religious services in the eighteenth century.

4. Humorous reference to "*ex tempore*."

5. John 10:14: "I am the good shepherd, and know my sheep."

6. *The Ballad of Chevy Chase*, a popular English tune.

7. "Centinel," "Freeholder," and "Watchman" were pseudonyms of three Pennsylvania Antifederalist writers. For "Centinel," see CC:133; for "Freeholder," see Mfm:Pa. 190, 257; for "Watchman," see CC:Vol. 4, pp. 572–73.

8. From Maine to Georgia—a reference to Casco Bay in Maine and the Altamaha River in Georgia.

9. In Luke 7:8 the centurion states: "For I also am a man set under authority, having under me soldiers, and I say unto one, Go, and he goeth; and to another, Come, and he cometh." See also Matthew 8:9.

10. News that Maryland had ratified the Constitution on 26 April reached Charleston on 15 May. See RCS:S.C., 285–87.

A Spectator
Charleston Columbian Herald, 22 May 1788

Messrs Printers. It seems to be essentially necessary for a man who would be a leader in any business of importance, to preserve a consistency in all that he says or does with respect to such business. The moment that he becomes inconsistent or contradictory, he loses all his influence over men of unbiassed and unprejudiced minds.—I was, a few days ago, attending the debates in convention, and was astonished to observe a great degree of this inconsistency in the speech of an honorable gentleman, who makes no inconsiderable figure in the opposition to the proposed federal constitution. As all these speeches are in public, and on a subject too of immense consequence to the public, I imagine that any person has a right, with decency, to make such remarks upon them as he thinks proper.—The convention was debating upon the powers of congress; and the gentleman alluded to was endeavouring to shew the danger and impropriety of granting these powers to congress. After dwelling a considerable length of time with a good deal of vehemence upon the subject; as if he had quite forgotten the first part of his speech, he began to enumerate those powers which he conceived must necessarily be vested in the federal government; and, to my great surprise, he mentioned all those powers which are expressed in the section under debate, and expressly said that these powers were necessary in every government, and he particularly mentioned that they were necessary in a good federal government. He had previously declared that he wished for a firm, energetic, federal government as much as any gentleman upon that floor. I think I have not mis-represented the gentleman's speech—If I have not, must not all his opposition to these powers of congress fall to the ground. But the gentleman, seemingly aware of the injury he had done his cause, through inadvertence, no doubt, undertook to mend the matter by saying, that had all these powers been given to the present congress, all would have been well, there would have been no opposition. This gentleman's opposition, must therefore hereafter be to the proposed *organization*, and not to the *powers* of congress—that is, by the plainest construction he would grant all these powers to a *single* body, possessing undivided all the legislative judiciary and executive powers of government. Was he aware that he was attacking the principles of our own state constitution?

Yet, this was actually the case; and we have a right to conclude from his speech, that throwing the governor, who now possesses the executive, the judges who possess the judiciary, and the senate who possess a part of the legislative power, out of the government, he would place all power in the house of representatives alone. But what lover of good order and good government, what friend to liberty would give his voice for such a constitution? I dare say, that this gentleman himself would, *for more reasons than one*, be as clamorous as any body against such an arrangement in this state. But if dividing the powers of government in a state constitution, gives additional security to the liberty of the subject, what good reason can be given against introducing this principle into the general government? I confess I have never heard any; and till this gentleman can give us some solid reasons for this strange opinion, all his declamation upon the subject must be considered as *vox et preterea nihil*.[1]

1. Latin: "Voice and nothing more."

A Georgia Backwoodman
Charleston City Gazette, 24 May 1788[1]

To the Printers of the DAILY ADVERTISER.

Gentlemen, The benefits or injuries that may arise in the adoption of the federal constitution, is one of those interesting secrets which nothing but the latent womb of time will bring to a delivery. Mankind are subject to a variety of opinions, which vary with the impressions they receive; and the creator has wisely so ordered it, because were there no difference there would be a mental stagnation, or universal chaos of ideas.

The advantage derived from this rational discord, may be applied with propriety to the arguments made use of *pro.* and *con.* in this state's convention, for the ratification or rejection of the recommendatory articles of the federal constitution,[2] as ability, political ingenuity, and resolution, being opposed to each other on both sides, by their mutual friction produced those sparks of information that might have lain smothered. But it does not follow of course that a small body of men, moved by congenial impulse, may not produce equal advantage as when a majority decides.

Many references, in the course of debate, having been made to the precipitancy of Georgia's ratification, it may not be improper to remark on the observation. It ought to be considered, that the infantine situation of Georgia makes it more her interest to form a solid compact which will give health and vigor to the extremest parts of the political

body than any other state. The imbecility of her situation requires the efficient hand of a powerful government, having grown more grey in political disquietude and calamity than her sister states, altho' she has only the constitutional strength of infancy to support her. They also feel that constant movement in the human mind of providing against future contingent misfortunes, and endeavouring to profit herself by the advantage of melancholy experience. Hence the reason of its supposed precipitate adoption. All men saw no alternative. Every one knew of no other remedy, and there was none but prefigured to himself those convulsive scenes which are too apt to afflict a government whose sinews were not sufficiently strengthened by the maturity of manhood.

The reason why she proposed no amendments was this—that they considered it in the light of a contract upon which no defeazance could operate; or in other words, that it was impossible when the reservation for amendments were for other bodies and a future day, that amendments would be allowable or taken notice of, as the primitive contract was only to be founded on the acceptation of the whole of the federal articles. I have mentioned these thoughts on the subject, not on any defensive principle, but merely to fill up the vacancy of a moment; should it fill up a chasm in any other mind, the end will be answered.

1. Reprinted in the *Gazette of the State of Georgia*, 12 June, with the following introduction: "*The following piece was published in the Charleston Daily Advertiser of May 24th, and appears to be a refutation of the charges made by the Convention of South Carolina of the precipitancy of this state's adopting the Federal Constitution; said to be written by W. O——n.*"

2. The South Carolina Convention debated recommendatory amendments to the Constitution on 23 May (RCS:S.C., 388–93).

VI.
THE AFTERMATH OF RATIFICATION IN SOUTH CAROLINA 23 May–27 November 1788

Introduction

The delegates to the South Carolina Convention ratified the Constitution on Friday, 23 May, and Convention president Thomas Pinckney signed the Form of Ratification on Saturday, 24 May. In the immediate aftermath of the Convention, Federalists made efforts to demonstrate popular support for the Convention's actions and to show that Antifederalist delegates deferred to the will of the Convention's majority. On the same day that the Convention concluded, supporters of the Constitution worked hurriedly to prepare a massive celebration of ratification, scheduled for the following Tuesday, 27 May. Approximately 2,800 people marched in the parade through Charleston, a city of approximately 8,000 whites and 8,000 blacks. A planned oration by David Ramsay was cancelled due to the unexpected size of the crowd, and the celebration continued with a dinner and illuminations in Charleston harbor in the evening. Accounts of the celebration were published in all three Charleston newspapers and were reprinted widely throughout America.

Federalists in Prince Frederick's Parish celebrated ratification on 11 June, but an accidental shooting death marred the event. Residents of Camden and Cheraw Hill held their celebrations on 31 May and 4 July, respectively. The appearance of unanimous support for the Constitution was belied by counter demonstrations in the upcountry, where mock funerals for liberty were held.

The events of the previous decade caused Federalists to worry that ratification would not be well received in the upcountry. South Carolina had been marked over the decade by disorder, which sometimes turned violent. Vicious fighting took place in the upcountry during the final years of the Revolutionary War between native Patriots and Tories. The postwar era brought vigilante violence against former supporters of the British and the closing of courts by crowds of debtors. Charleston itself was not immune to these problems, with rowdy street demonstrations in the city. In the state Convention, delegate Patrick Dollard warned that his constituents would not support the Constitution "unless compelled by force of arms" and that the army "must ram it down their throats with the points of Bayonets" (RCS:S.C., 380).

Thus, when no violence took place in the aftermath of ratification and little debate appeared in the public prints, the overwhelming reaction of Federalists was one of relief at the absence of controversy. A month after ratification, David Ramsay commented to a friend in New York about how "Notwithstanding the threats of some every thing is peaceable & quiet in this country." A month later, he again remarked "that one seldom now hear any mention made of the convention or constitution" (to John Kean, 20 June, and note 2, RCS:S.C., 464, 464n). Edward Rutledge wrote a month after ratification that "People become more & more satisfied with the adoption" (to John Jay, 20 June, RCS: S.C., 466), while Charles Cotesworth Pinckney told a friend that "some districts that were very averse to it, are altogether reconciled to its adoption" (to Rufus King, 21 June, RCS:S.C., 468). The Reverend Francis Cummins compared the lack of a "pugnal or Paper War" in South Carolina favorably to the riots that took place in Pennsylvania (to Samuel Wilson, July, RCS:S.C., 473), and William Spotswood remarked in July that "there has been hardly any Thing said or wrote on the New Constitution since its adoption here" (to Mathew Carey, 5 July, RCS:S.C., 473). Indeed, as late as November, "Senex" commented in the *State Gazette of South Carolina* on the general lack of political discussion (27 November, RCS:S.C., 478–79).

The commentaries printed here consist largely of correspondence. Of the forty-two letters printed, only two are from Antifederalists. Twenty-four of the letters were from South Carolina and all but three of these from Charleston. Other letters originated in New York City, Philadelphia, North Carolina, Savannah, and London, England. The text of four of the letters was transcribed from newspapers in Massachusetts and New York because the manuscript versions are not extant and the authors have not been identified. Because of the time it took for letters to travel from South Carolina to the North, the letters are printed on the dates of the letters' composition rather than the dates of publication.

Letter writers forwarded news of South Carolina's ratification and offered analysis of the reasons for the Federalist victory. Aedanus Burke's letter to John Lamb provides the fullest discussion of the politics of the state Convention from an Antifederalist perspective. Burke attributed the Federalist victory to the lack of Antifederalist coordination, suppression of Antifederalist arguments in the press, and the holding of the Convention in Charleston (to John Lamb, 23 June, RCS:S.C., 469–70). (Curiously, in the 76 to 75 vote determining the site of the Convention, Burke voted in favor of the city.) Other significant commentaries on ratification of the Constitution and the politics of the Convention printed below come from French consul Jean-Baptiste Petry

(to Comte de la Luzerne, 24 May, RCS:S.C., 444–45); Philadelphian John Vaughan who passed on news received from David Ramsay and another unnamed South Carolina Federalist (to John Langdon, 6 June, RCS:S.C., 457–58); and North Carolinian John Wilson (to Samuel Wilson, 10 July, RCS:S.C., 474–75).

As William Spotswood noted, little original material was published in South Carolina after the celebration of ratification on 27 May other than accounts of that event. After that date, two speeches in the state Convention by Federalist Charles Pinckney were published on 3 and 26 June ("Opening Convention Speech of Charles Pinckney," 14 May, and "Convention Speech of Charles Pinckney," 17 May, RCS:S.C., 324–36n, 353–55). Publication of Antifederalist Patrick Dollard's Convention speech on 29 May provoked a flurry of newspaper items regarding the propriety of publishing Antifederalist sentiments after ratification that lasted in the Charleston press until 24 July, RCS:S.C., 377–88. Newspaper items printed here include accounts originating in Maryland and Massachusetts regarding reception of news about South Carolina's ratification.

Part VI concludes with documentation on the transmittal of the Convention proceedings to the South Carolina legislature and payment of Convention expenses.

VI–A. Celebrations of South Carolina Ratification 27 May–4 July 1788

The ratification of the Constitution by the first five states evoked limited celebrations. No reports have been preserved of any celebrations after the ratification by Delaware and Georgia. In the other three states—Pennsylvania, New Jersey, and Connecticut—some convention delegates marched to a central public place to announce ratification in their state. Bells pealed, cannon boomed, toasts were drunk, and huzzas were shouted; in Philadelphia, an impromptu parade of children, sailors, etc., frolicked through the streets. Massachusetts ratification spawned celebrations of a different kind and magnitude throughout that state and in several larger towns in other states. The most significant celebration occurred in Boston on 8 February, where, in addition to earlier celebrations by convention delegates and the more or less impromptu celebrations, Boston staged a giant parade with the public invited to participate. For the first time, a ratification celebration received widespread newspaper coverage throughout America. Instead of being local phenomena, grand federal processions became significant components in the national debate over the ratification of the

Constitution, as Federalists attempted to demonstrate the public's universal approbation of each state's ratification.

South Carolina also conducted a mammoth celebration three days after the close of the state Convention. On 24 May, the day the Convention adjourned, a self-styled Federal Committee that included four members of the Convention met to plan the event. Three days later, on Tuesday, 27 May, an estimated 2,800 people paraded through Charleston with various displays. Tradesmen, such as blacksmiths, carpenters, and painters, marched with their tools decorated. Ropemakers marched with hemp around their waists. John Markland, publisher of the *City Gazette*, marched with a wagon pulling a printing press while compositors set type. Clergymen, members of the judiciary, legislators, and city officials marched in groups. Secretary of State Peter Freneau held a copy of the Constitution while he marched. A miniature ship called the *Federalist*, was pulled by eight white horses, each with the name of one of the eight states that had ratified.

The procession began at Charleston Harbor and followed up Broad and Meeting streets to Federal Green, north of the city. After the procession, a public meal, which included a whole roasted ox, was provided "to which the People sat chearfully down, without distinction." The festivities continued into the evening when several ships in Charleston harbor were illuminated. The chairman of the organizing committee had asked David Ramsay to prepare an oration. Ramsay composed his oration in six hours but wrote that he was unable to deliver it because "the crowd was so great that it could not be spoken with convenience" (to Benjamin Lincoln, 20 June, RCS:S.C., 465).

Charleston's three newspapers—the *City Gazette*, the *Columbian Herald*, and the *State Gazette of South Carolina*—printed lengthy accounts of the celebration, which included a list of the participating groups that marched. These accounts were widely reprinted in whole or part. In addition, both the *City Gazette* and the *Columbian Herald* published a mock ship arrival announcement that celebrated the state's ratification, which confused some out-of-state newspapers that reprinted it (see *City Gazette* and the *Columbian Herald*, 29 May, RCS:S.C., 431). Finally, although David Ramsay was unable to deliver his oration, the printers of the *Columbian Herald* published the text that he had intended to deliver, both in their newspaper and as a pamphlet (see David Ramsay Oration, *Columbian Herald*, 5 June, RCS:S.C., 432–38).

At least three other Federalist celebrations of ratification took place in South Carolina. On 31 May, the residents of Camden celebrated with the firing of guns, exhibits, a parade, a meal, and the offering of toasts. On 11 June, "the Blackmingo company of militia" in Prince Frederick's

Parish led a parade with a wagon carrying "the federal ship," fired rounds of muskets, and drank toasts. The event ended in tragedy when one of the observers was accidently shot and killed during the firing of the cannon (see Charleston *City Gazette*, 19 June, RCS:S.C., 384–85). On 4 July, the inhabitants of Cheraw Hill marched to the local Baptist church where they heard a speech from the minister, followed by a dinner, toasts, and the firing of guns.

Antifederalists also held their own ceremonies, in which they mourned the ratification of the Constitution. According to Aedanus Burke, mock funeral processions were held in the state in which a black coffin was carried and publicly buried (see Burke to John Lamb, 23 June, RCS: S.C., 470).

Charleston, 27 May 1788

Charleston Federal Committee Minutes, 24 May 1788[1]

PRESENT,

Colonel [John] Mitchell, Doctor [James] Lynah, Nathaniel Russell, John Blake, Michael Kaltiesen;[2]

Resolved, That Nathaniel Russell, Esq. be appointed Treasurer; and that all monies received by the principal or heads of handy crafts, or other persons appointed to receive money on this occasion, be paid into his hands.

Resolved, That stewards be appointed to contract for, and to conduct the entertainment on Tuesday next on Federal Green—the Gentlemen chosen, are,

Samuel Legare, James Miller, J[oseph] Vesey, Thomas Stewart, William Crafts, R[ichard] Cole, William Price, Hary Grant, Esquires.

Extract from the Minutes,
P[eter] Bounetheau, Sec'ry.

1. Printed: Charleston *Columbian Herald*, 26 May. Reprinted: Charleston *City Gazette*, 28 May; *Virginia Centinel*, 18 June.

2. Daniel Stevens and Daniel Hall were also members of the Federal Committee (Charleston *City Gazette*, 28 May).

The Federal Procession, 27 May 1788

In preparing for the federal procession scheduled for 27 May, the Federal Committee prepared a handbill that was printed on 24 May. The no longer extant handbill included the planned order of procession, which later would be altered. William Mason sent a copy of the plan of the procession to William Bentley on 24 May (RCS:S.C., 443–44n), and Archibald Maclaine of Wilmington, N.C., reported having seen "a hand-bill in town, directing the procession

which is to take place" (Maclaine to James Iredell, Sr., 4 June, RCS:S.C., 455). The handbill was reprinted in the *Gazette of the State of Georgia*, 29 May (Mfm:S.C. 57). The handbill referred to the procession as taking place "*on Tuesday next, the* 27*th instant, (weather permitting)*" and omitted a number of groups that were added in later accounts of the procession. It also included the following statement, which did not appear in any of the newspaper reports of the actual procession: "In arranging the order of procession the different crafts have been placed or arranged as appeared most eligible, without any respect to precedence: It is therefore hoped no offence will be taken."

The account of the federal procession printed here is taken from the *City Gazette*, 28 May. The *Columbian Herald*, 29 May, printed a version that followed the *City Gazette*, but did not include the names of the group leaders. Published the day after the *City Gazette* version, the *Herald* added several additional groups of marchers omitted in the earlier publication. These additions from the *Herald* are printed here in angle brackets.

The *City Gazette* version was reprinted by the *State Gazette of South Carolina*, 2 June, without the first paragraph; *Pennsylvania Journal*, 7 June, omitting the names of the group leaders; and the *Virginia Gazette and Weekly Advertiser*, 19 June, also without the names of the group leaders. The *Columbian Herald* version was reprinted, in whole or in part, in twenty-three newspapers by 19 June: N.H. (1), Mass. (5), R.I. (3), Conn. (3), N.Y. (7), N.J. (2), Pa. (6), Md. (2), Va. (3), Ga. (1). The *Gazette of the State of Georgia*, 29 May, report was reprinted by the *Georgia State Gazette*, 31 May; *Massachusetts Gazette*, 10 June; *New Hampshire Gazette*, 12 June; and *Massachusetts Spy*, 12 June.

Yesterday being the 27th day of May, the citizens marched in procession from Roper's wharf to Federal Green, where a great number of persons sat down to dinner, in a truly republican style, those who were at table, saw, perhaps with a little innocent exultation, Generals, Judges, &c. wandering round the table, and politely thanking those who procured them something to eat. The day was remarkably fine, and the vast number of genteel people who formed the cavalcade, gave a stamp of approbation to the new constitution, highly honorable to its advocates. The planting and mercantile gentlemen were exceedingly numerous and respectable—that venerable, steady patriot, Col. Laurens graced the planters with his company, in a characteristic style of dress, and the day was happily terminated in social festivity.[1]

Federal Procession,

AND

ORDER OF MARCH.

⟨Band of music.⟩

1. Battalion of Artillery.
2. Gentlemen Planters.
   Col. Laurens.
3. Gardeners.
   John Watson & Robert Squibb.

4. Inspectors of Rice, Indigo, and Tobacco, with a hogshead of Tobacco, drawn by horses.
Thomas Singleton.
5. Butchers, with tools, decorated with ribbons.
Francis Cobea.
6. Bakers, ditto ditto ditto
John Mylne.
7. Brewers, do. do. do.
[Thomas] Hunt and [Thomas] Gregson.
8. Distillers, do. do. do.
John Michael.
9. Blacksmiths, do. do. do.
William Johnston.
10. Whitesmiths, do. do. do.
James Duncan.
11. Cutlers. do. do. do.
William Gunn.
12. Fire Engine Makers, do. do. do.
A[rchibald] Duncan & Murdoch.
13. Architects. do. do. do.
Mr. Emes & Mr. Hope.
14. House Carpenters, do. do.
John Clements.
15. Bricklayers, do. do. do.
John Horbleck.
16. Painters and Glaziers, do. do.
Joseph Badger.
17. Coach Painters, do. do.
David Oliphant.
18. Cabinet Makers, do. do.
William Axon.
19. Coach Makers, do. do.
John Cobea.
20. Wheelwrights and Turners, ditto ditto ditto.
John Reid.
21. Coopers, do. do.
James Mackie.
22. Tanners, Curriers & Skinners, do. do. do.
Frederick Dener.
23. Stocking Weavers, do. do.
Peter Giroux.
24. Shoe & Boot Makers, do. do.

Patrick Hinds & John Gourley.
25. Sadlers & Harness Makers, ditto do. do.
Thomas Holmes.
26. Hatters, do. do.
John Kerr.
27. Taylors and Habit Makers,[2] ditto do. do.
T[heodore] Trezevant & C[hristopher] Rogers.
28. Peruke Makers and Hair Dressers, do. do.
Joseph Creighton
29. Goldsmiths, do. do.
Enos Reeves.
30. Engravers, do. do.
T[homas] Coran and T[homas] Abernethie.
31. Watch and Clock Makers, ditto do. do
William Lee.
32. Copper Smiths and Brass Founders, do. do.
John Mears.
33. Gun Smiths, do. do.
Mr. [J. L.] Ransier.
34. Tallow Chandlers & Soap Boilers, do. do.
Christopher Fitzsimons.
35. Printers, with a stand and[3] compositors and press men at work.
John Markland.
36. Pilots,
Shadrick Turner.
37. Commissioners of the Pilotage
Edward Blake.
38. Harbour Master.
Mr. Cochran.
39. SHIP Federalist,
Capt. Cochran Mates and Crew[4]



⟨Commanded by Capt. Robert Cochran, with his Mates and Crew; drawn by eight white Horses, representing the eight States who have adopted the *Constitution;* each Horse having the name of his respective State on his forehead⟩[5]

40. Masters of vessels & Seamen.
41. Carters and Draymen.
Robert Howard.
42. Commissioners of the Marine Hospital.
Daniel Desaussure.
43. Commissioners of the Markets.
Joshua Lockwood.

44. Merchants preceded by the different Consuls.
Josiah Smith.
45. Factors.
Hugh Swinton.
46. Vendue Masters.
Job Colcock.
47. Ship Carpenters with Tools decorated.
Paul Pritchard.
48. ⟨Ship⟩ Joiners and Mast Makers.
Tulip and George May.
49. Rope Makers, with their waists encircled with Hemp.
Peter Rush, and Charles Snitter.
50. Block Makers with Tools decorated.
Nathaniel Libby.
51. Sail Makers do. do.
Patrick Doharty.
52. Boat Builders, do. do.
Abraham Hueland.
53. Ship Chandlers, do. do.
Edward North.
54. Carvers & Gilders with Tools.
John Parkinson.
55. Tinmen with do.
Emanuel Pincel.
56. Tobacconists do. do.
Peter Suder.
57. Umbrella Makers do. do.
John Anthony.
58. Glass Grinders, Rubbers, Diamond Cutters, Polishers and Silverers.
Edward Weyman
59. Mathematical Instrument Makers, with tools decorated.
Alexander McCleish.
60. Musical Instrument Makers.
John Speiseger.
61. Limners, ditto ditto.
Henry Benbridge.
62. Stationers and Book Binders, ditto ditto.
John M'Clean.
63. Schoolmasters, with their scholars, books, &c.
George Sheed.
64. Sugar Refiners.
Dominick Geoghan.

65. Vintners.
John Creighton.
66. Physicians and Surgeons,
Dr. John Budd.
67. Clergy of all denominations.
The Rev. Mr. [William] Smith & Doctor [Henry] Purcell.
68. Sheriffs, Clerks of Courts of Sessions and Common Pleas, Registers of Chancery and Admiralty, Coroner.
69. Judges of Chancery, Sessions and Pleas and Admiralty robed; Attorney General, Gentlemen of the Bar, Master in Chancery & Ordinary, with their Clerks.
70. Secretary of the State, bearing the constitution.
71. Collector of the Customs, Searcher and Waiters.
⟨Tax Collectors⟩
72. Commissioners of the Treasury, Auditor General, with their Clerks.
73. Surveyor General, Register of Mesne Conveyance.
74. Escheator.
75. Post Master.
⟨Commissioners of the Loan Office.⟩
⟨Commissioners of Accounts.⟩
76. The president, Members and Clerk of the Senate robed, and their officers.[6]
77. The Speaker of the House of Representatives, Members, and Clerk robed, with their officers.
⟨The Officers of Militia.⟩
78. The Intendant and City Council with their staves, preceded by the City Sheriff, Recorder and City Treasurer.
79. The Fusileer Company.

The line formed, and the order of march regulated by captain John Hamilton, Marshal of the procession.

1. The *Newport Mercury*, 16 June, also reprinted this paragraph.

2. The *Columbian Herald* reads "Cloathiers and Dyers" instead of "Taylors and Habit Makers."

3. The *Columbian Herald* reads "Printers, with a Press, Frames and Cases, on a Stage drawn by horses."

4. The handbill, as reprinted in the *Gazette of the State of Georgia*, 29 May, added the following at this point: "Captain/1st Lieutenant/Capt. Marines/2d Lieutenant/Master, Boatswain and 13 Seamen."

5. The *Boston Gazette*, 16 June, printed the following brief account based on this paragraph: "In the Grand Procession at Charleston, S. C. the Ship Federalist, was drawn by Eight White Horses, representing the States which have adopted the Constitution—each Horse bearing on his Forehead the Name of a State." Reprinted: *Newport Herald*, 19 June; *Connecticut Gazette*, 20 June; Middletown, Conn., *Middlesex Gazette*, 23 June; *Massachusetts Spy*, 3 July; and Northampton, Mass., *Hampshire Gazette*, 9 July.

6. The handbill, as reprinted in the *Gazette of the State of Georgia*, 29 May, included the following, immediately before the entries for the South Carolina Senate and the House: "His Excellency the Governor, his Honor the Lieutenant Governor, Privy Counsellors, Secretary to the Governor and Privy Council, with their officers."

Charleston Columbian Herald, 29 May 1788[1]

Tuesday last, according to appointment of the Citizens of Charleston, assembled at *Roper's Wharf*, for the purpose of celebrating the adoption (by the Convention of this State) of the proposed *Federal Constitution.* At Twelve o'Clock the procession began their march in the following order up Broad and Meeting Streets, to *Federal Green*, (the different professions carrying decorated emblems of their crafts) where an excellent *Collation* was provided; to which our worthy fellow citizens, the *Butchers*, added a *fine Ox*, roasted whole, and to which the People sat chearfully down, without distinction.—A joyful spirit of *Republicanism* seemed to pervade every breast; the utmost order and good harmony was preserved, and the day closed with hilarity. A gentleman from a convenient stand, counted upwards of *two thousand eight hundred* in procession.

In the Evening, several ships in the harbour exhibited a most beautiful spectacle; their masts, yards, &c. being richly illuminated, particularly the *Mercury*, Captain Grant, which was remarkably brilliant.

[A description of the federal procession appears here. See immediately above.]

1. Reprinted in thirty-one newspapers by 30 June: N.H. (1), Mass. (4), Conn. (3), R.I. (2), N.Y. (7), N.J. (2), Pa. (6), Md. (2), Va. (3), Ga. (1). The *Massachusetts Centinel*, 14 June, and Providence *United States Chronicle*, 19 June, published a slightly rewritten version of the account from the *Columbian Herald.*

State Gazette of South Carolina, 29 May 1788

Tuesday last being the day appointed by the committee for the celebration of the ratification of the Federal constitution; about five in the morning the business commenced with the ringing of bells and a round from the fort and vessels, and about eleven o'clock the citizens paraded at Roper's-wharf, with the insignias belonging to their different occupations, from whence they proceeded with great regularity to Federal-green, where dinner was prepared for a vast number; which ended with the greatest harmony, every person vieing with each other who could most testify their approbation; and in the evening the vessels in harbour made a handsome appearance, being decorated with lights from the top gallant mast to the deck. (*For want of room we are obliged to omit the procession till our next.*)[1]

1. On 2 June, the *State Gazette* reprinted the account from the *City Gazette*, 28 May (RCS:S.C., 425–29).

Charleston City Gazette, 29 May 1788[1]

FRANCE.

L'ORIENT, *May* 27, 1788.

Arrived this day from Charleston, South Carolina, the ship Federalist, Capt. Robert Cochran;[2] her cargo as follows, to be kept at the order of his excellency Thomas Jefferson, ambassador:[3]

	135 casks of Indigo,[5]
	46 barrels Turpentine,
	149 barrels Rice.
Marked	76 hogsheads Tobacco,
G. W.[4]	13 barrels of Pitch,
	8 barrels Tar,
	4 bags Cotton,
	7 packs Deer skins.

By the same vessel we received the welcome news of the adoption in the above state, of the late proposed Constitution; we congratulate our readers on this important occasion, and flatter ourselves to see shortly our ports filled with the thirteen stripes, and commerce flourish between this kingdom and the United States.

1. This essay, written in the style of a ship arrival notice, was printed in the Charleston *Columbian Herald* on the same day with some minor variations in spelling, capitalization, and the date of the ship's supposed arrival. It was reprinted in the *Gazette of the State of Georgia*, 5 June; *New York Journal*, 9 June; and Philadelphia *Independent Gazetteer*, 12 June. The New York and Pennsylvania papers prefaced the piece as follows: "The following is extracted from a Charleston paper of the 29th May, preceding the federal procession under the head of 'FRANCE,' dated 'L'Orient, May 28.' What is intended by this paragraph our reader[s] are to determine."

2. The ship *Federalist* was paraded in Charleston on 27 May, captained by Robert Cochran and a crew of mariners. Cochran, harbormaster for Charleston, moved to South Carolina in 1763 from Massachusetts and served in the South Carolina Navy during the Revolutionary War.

3. Thomas Jefferson was U.S. minister to France, 1785–89.

4. A reference to George Washington, who was expected to be the first president under the Constitution.

5. The quantities in the inventory are symbolic. Indigo refers to the number of votes in the state Convention against adjournment; turpentine to the margin of votes by which adjournment was defeated; rice to the number of votes for ratification; tobacco to the margin of victory for ratification; pitch to the number of states in the union; tar to the number of states that ratified; cotton to the number of amendments proposed by the Convention; and deer skins to the number of states that had ratified the Constitution before South Carolina.

David Ramsay Oration
Charleston Columbian Herald, 5 June 1788

David Ramsay prepared this oration for Charleston's 27 May celebration of South Carolina's ratification of the Constitution, but was unable to deliver it due to the large size of the crowd. The oration first appeared in print, without any indication that Ramsay was the author, in the Charleston *Columbian Herald*, 5 June, and as a twelve-page pamphlet struck by Bowen & Co., the printers of the *Herald* (Evans 45319). Both versions were struck from the same plates. The pamphlet was entitled *An Oration, Prepared for Delivery before the Inhabitants of Charleston, Assembled on the 27th May, 1788, to Celebrate the Adoption of the New Constitution by South-Carolina.* When it printed the oration, the *Columbian Herald* did not indicate that the oration had been prepared for the Charleston celebration. Ramsay identified himself as the author of the oration when he sent copies to Benjamin Lincoln of Hingham, Mass., and John Kean, in New York, both on 20 June (RCS:S.C., 464, 465).

The oration was reprinted in whole or in part in the New York *Daily Advertiser*, 17 July; *Pennsylvania Mercury*, 17 July; *New Haven Gazette*, 24 July; Baltimore *Maryland Gazette*, 29 July; Charleston *City Gazette*, 29 July; and *Virginia Centinel*, 13, 20 August, all of which noted that Ramsay was the author and that the oration had been prepared for the celebration of South Carolina ratification. The Charleston *City Gazette* reprinted the oration from the New York *Daily Advertiser*, almost two months after it had first been published in Charleston. The Baltimore *Maryland Gazette* prefaced its reprinting with this statement: "An Oration, prepared by the ingenious Doctor Ramsay, of Charleston, for the purpose of celebrating the adoption of the new Constitution by South-Carolina, having appeared in several of the public prints, we intended to have treated our customers with a copy of the whole, but the want of room will only permit us to make a few extracts from the same, which we hope will be acceptable." The *Gazette* reprinted the second and third paragraphs and the penultimate paragraph. The text in angle brackets was printed in the *Massachusetts Centinel*, 20 August, and ten other newspapers by 1 October. See CC:Vol. 6, p. 402.

I congratulate you my fellow-citizens on the ratification of the new constitution. This event, replete with advantages, promises to repay us for the toils, dangers and waste of the late revolution. Merely to have established independence was but half the work assigned to this generation. Without an efficient government to protect our rights, in vain have our heroes spilt their blood in emancipating us from Great-Britain; that the blessings of such a government have not yet descended upon us is a melancholly truth too universally known and felt to be disguised. I will not wound your feelings on this festive day, by recapitulating our national distresses since the peace. When we thought our sufferings were ended, we found them only to be varied; nor is it wonderful that constitutions hastily instituted by young politicians and in the tumult of war, should not fully answer their ends in time of peace—Expiring credit, languishing commerce, with a group of concommittant evils,

proclaimed aloud something to be fundamentally wrong.—The spirit of the country was once more roused. Unattacked by foreign force—unconvulsed by domestic violence, America called forth her sons to meet and form a constitution for the future good government of her widely extended settlements. To combine in one system, thirteen states differing in climate, soil and manners, and impelled by variant interests, was the arduous work assigned to this band of patriots. Heaven smiled on their deliberations, and inspired their councils with a spirit of conciliation: hence arose a system, which seems well calculated to make us happy at home and respected abroad. The *legislative powers* are resolveable into this principle, that the sober second thoughts and dispassionate voice of the people, shall be the law of the land. The *executive* department amounts to no more than that the man of the people shall carry into effect the will of the people. The *judicial* declares, that where impartial trials from the nature of the case cannot be expected from state tribunals, there the federal judiciary shall interpose. All this power is derived from the people, and at fixed periods returns to them. No privileges are conferred on the rich or the few, but what they hold in common with the poor and the many. All distinctions of birth, rank and titles are forever excluded. Public offices are open to merit and talents wherever found, and nought forbids the poorest man in the community from attaining to the highest honors.

One of the many advantages we may expect from the adoption of this constitution, is a protecting navy. What is there at present to secure our sea-coast from being laid under contribution by a few frigates? Are either the treasuries of the continent or of the individual states sufficiently replenished to command the means of defence? We have hitherto lain at the mercy of the most inconsiderable maritime powers, and even of a single daring pirate; but we have now well-grounded hopes of an alteration in our favor.

Nothing is more likely to secure a people from foreign attacks than a preparedness for repelling them. On this principle the militia arrangements of the new constitution promise a long exemption from foreign war.—What European power will dare to attack us, when it is known that the yeomanry of the country uniformly armed and disciplined, may on any emergency be called out to our defence by one legislature, and commanded by one person? Tradition informs us, that about forty years ago France meditated an invasion of New-England; but on reading the militia law of Massachusetts, declined the attempt. If this was the case under the wholesome regulations of one state, what room is there to fear invasion when an union of force and uniformity of system extends from New-Hampshire to Georgia?[1] Domestic violence

will on the same principles be either prevented or controled—faction will not dare to disturb the peace of a single state, nor will any aspiring leader presume to oppose lawful authority, when it is known that the strength of the whole is subjected to the will of one legislature, and may be called forth under the direction of one man for the safety of each part. How widely different would be our case under a loose federal government, or the more pernicious system of two or more separate confederacies? Let us for a moment suppose these states detached from a common head—what a field for European intrigue! It would be their interest to play off one state or confederacy against another, and to keep us at constant variance. Standing armies would then be multiplied without end, for the defence of the respective parts—good militia arrangements will for the most part be sufficient for our defence when united, but they would be far short of that purpose when our most inveterate enemies might be our next neighbours. After we had weakened ourselves with mutual devastation, we could expect no better fate than that of Poland, to be distributed as apendages to the sovereigns of Europe.[2] To disunite the states of America, would be to entail discord and wars on our unoffending posterity, and turn a band of brethren into a monster, preying upon itself, and preyed upon by all its enemies. How much wiser that policy which embraces our whole extent of territory in one efficient system? This is not only the path to safety but to greatness. While our government was nerveless,[3] nothing could be undertaken which required a persevering unity of design. Much may be done to improve our inland navigation and facilitate our intercourse with each other: but who would expend his capital on any project of this kind, while legislative assemblies claimed and exercised the right of making ex post facto laws? Under the stability and energy which our new constitution promises, methinks I see the rivers of these states wedded to each other. The western country attached to the sea-coast, while turnpike roads enable travellers with ease and expedition to traverse the whole of our country. These beneficial improvements must have been in a great degree relinquished, unless one legislative power had pervaded the whole of the United States.

Under the same patronage, justice will again lift up her head. While legislative assemblies interfered between debtors and creditors, what security could there be for property? He that sold, did not know that he should ever get the stipulated price, he that parted with his money could not tell when it would be replaced.—hence a total want of confidence and of credit. From this day forward, these evils will be done away; creditors knowing that they can recover payment, will be less

disposed to distress their debtors than when under a fluctuating system which might induce them to make the most of present opportunities, lest future laws should create new impediments to the course of justice. Debtors, despairing of farther legislative indulgences, and knowing that they can be compelled to pay, will be stimulated to double exertions for acquiring the means of discharging their debts. The gold and silver which have long rusted in the desks of the cautious, will once more see the light and add to the circulating medium of our country. That useful order of men, formerly called money lenders will be revived, and the distresses of the unfortunate relieved without sacrificing their property, or administering to the rapacity of usurers. Time would fail me in dilating at full length on that section of the constitution which declares, that "no state shall emit bills of credit, make any thing but gold and silver a tender in payment of debts, pass any bill of attainder or ex post facto law, impairing the obligation of contracts." This will restore credit; and credit is a mine of real wealth, far surpassing those of Mexico and Peru. It will soon bring back the good old times under which we formerly flourished and were happy.

Our new constitution will also make us respected abroad. What have these states to fear? What may they not hope for when united under one protecting head? The wealth and colonies of the most powerful nations of Europe are near our borders. In case of their future contentions, these states will stand on high ground; that scale into which they throw their weight, must, in the ordinary course of events, infallibly preponderate. The contiguity of our harbours to their territories, and that marine which will grow out of our new constitution, will enable us to hold the balance among European sovereigns. While they contend for their American possessions, those whom the United States favor will be favored, and those whom they chuse to depress will be depressed. Far be it from me to wish this country to be involved in the labyrinth of European politics, but it is both our duty and interest to improve local advantages for procuring us that respect abroad, which will promote our happiness at home. Under such circumstances, and when our citizens can be brought to act in unison, what beneficial treaties may we not expect? At present our commerce is fettered by those very powers which under the new constitution will, for their own sakes, court our friendship. For a long series of years we shall be principally a nation of farmers and planters, and disposed to purchase many manufactures from Europe. To old countries overstocked with inhabitants, and abounding with manufactures, the privilege of supplying our growing numbers with those articles we want to purchase and they to sell, will

be an object for which they can afford a valuable consideration; the equivalent which might have been commanded on this account we have hitherto lost, from the want of an efficient government. It is not more melancholy than true, that the inhabitants of this state, in consequence of our deranged police, are now paying nearly as much of the taxes of Great-Britain, as they pay to support their own government. The public benefits which will flow from a constitutional ability to direct the commerce of these states on well regulated permanent principles, will enable us once more to raise our heads and assume our proper rank among the nations. Hitherto, while we were under an unbraced confederation of states, the members of the confederacy could not be brought to draw together, and in consequence thereof our ships have rotted, our commerce has either been abandoned or carried on to our prejudice.

The good consequences which may be expected to result from our new constitution, will also extend to agriculture and manufactures. The stability of government will enhance the value of real property. Our protected commerce will open new channels for our native commodities, and give additional value to the soil, by increasing the demand for its productions. At the same time, judicious arrangements of bounties and duties, will give encouragement to such manufactures as suit our country.

That coasting trade, which under state regulations, would probably have been a source of contention, will, when directed by one legislature, become a nursery for seamen and a cement of our union. Bound together by one general government, we may defy the arts and intrigues of Europe. Commanding our own resources and acting in concert, we can form a little world within ourselves, and smile at those who are jealous of our rising greatness; their efforts against us would resemble waves dashing themselves into foam against a rock. It would be easy to enumerate a variety of other particulars, and from each of them point out advantages that will result from adopting the new constitution. We thereby become a nation, and may hope for a national character. Hitherto our manners, customs and dress have been regulated by those of Europe: But, united under one head, our people will have something original of their own, from which they may copy, and save that money which is now absurdly expended in following the fashions of foreign countries; these may well accord with their policy, but are apparent from ours.

On the whole, to separate from Britain was the least considerable object of the late revolution, and amounted to nothing more than to acquire a capacity for taking care of ourselves. To pull down one form

of government without substituting something in its place that would answer the great ends for which men enter into society, would have been to trifle with posterity. The event which we are this day celebrating, acquits us of that heavy charge. The fathers of our country have proposed, and we have adopted a constitution which promises to embrace in one comprehensive system of liberty, safety and happiness the inhabitants of that vast extent of territory which reaches from the Atlantic to the Missisippi, and from the lakes of Canada to the river St. Mary. Judging of the future by the past, a child born on this day, has a prospect of living to see the time when fifty millions of freemen will enjoy the blessings of government under the administration of the president of the United States. Our new constitution is of that expansive nature as to admit of a communication of its privileges to that group of new states, which, ere long will be planted in our Western territory; provision is made for receiving them into the union as fast as they are formed. This is founded on such generous principles, as will divert them from foreign connexions or separate confederacies. What a God-like work, to embrace our growing numbers and extending settlements in one efficient system of government. This our new constitution promises; and from the humanity of the age and the liberal principles of its policy, it is likely to perform. Within one century, the citizens of the United States will probably be five times as numerous as the inhabitants of Great-Britain. Had not the present constitution, or something equivalent been adopted, no one can compute the confusion and disorder which would probably have taken place from the jarring interests of such an ungoverned multitude. The articles of confederation were of too feeble a texture to bind us together, or to ward off threatened evils. Had it not been wisely resolved to introduce a more energetic system, the states must soon have crumbled to pieces; in that case what was to protect the weak from the strong? What was to restrain some adventurous Cromwell from grasping our liberties and establishing himself on a throne of despotism? One Cromwell, did I say—more probably there would have been a score, and each contending for the sovereignty through our desolated country, bleeding in a thousand veins. Thanks to Heaven, far different are our prospects; united under one head, the force of the union will soon bring an aspiring individual, or overbearing state to reason and moderation. We shall be protected from foreign invasion and restrained from warring on one another. At the same time agriculture, commerce and the useful arts of life will be cherished and protected by federal arrangements pervading all the states, and raising them to an eminence unattainable in any circumstances of separation.

We have now in our view the fairest prospects of political happiness; the wisdom, energy and well poised ballances of our new system, promise to confute the assertions of those who maintain "that there are incurable evils inherent in every form of republican government." ⟨From the federal house of representatives we may expect a sympathy with the wants and wishes of the people—from the senate, wisdom, unity of design and a permanent system of national happiness.—from the executive, secrecy, vigor and dispatch.⟩ In short, our new constitution is a happy combination of the simple forms of government and as free from the inconveniences of each, as could be expected from the inseparable imperfection of all human institutions. ⟨It unites liberty with safety, and promises the enjoyment of all the rights of civil society, while it leads us up the steep ascent to national greatness.⟩

Before I conclude, I beg leave to inculcate a sentiment which cannot be too often presented to the view of the public. No form of government can make a vicious and ignorant people happy.—When the majority of our citizens becomes corrupt, even our well ballanced constitution cannot save us from slavery and ruin. Let it therefore be the unceasing study of all who love their country, to promote virtue and dispense knowledge through the whole extent of our settlements. Without them our growing numbers will soon degenerate into barbarism; but with them the citizens of the United States bid fair for possessing, under the new constitution, as great a share of happiness, as any nation has hitherto enjoyed.

1. Ramsay was probably influenced in his discussion of the Massachusetts Militia law by a speech that James Wilson made in the Pennsylvania Convention on 11 December 1787 (RCS:Pa., 578). The speech appeared in Thomas Lloyd's *Debates of the Convention, of the State of Pennsylvania* . . . , which was first advertised for sale on 7 February 1788 (CC:511). See "The Sale of Thomas Lloyd's Debates of the Pennsylvania Convention as Advertised in the Charleston Columbian Herald," 3 April–12 June (RCS:S.C., 242–44).

2. A reference to the partition of Poland in 1772 by Austria, Prussia, and Russian.

3. At this time, "nerveless" meant void of strength, weak, insipid.

Massachusetts Salem Mercury, 10 June 1788[1]

On Tuesday the 27th ult. there was to be a grand Federal Procession at Charleston, after the manner of those of Boston and Baltimore: The Governour, Lieut. Governour, President of the Senate, Speaker of the House, & other great Officers of State, were to join in the Procession. The 57th class was to consist of Schoolmasters, with their Scholars:[2] We have not observed this rank in either of the former Processions.

1. Reprinted: Boston *Independent Chronicle*, 12 June; *New Hampshire Spy*, 14 June; Northampton, Mass., *Hampshire Gazette*, 18 June; and Portland, Maine, *Cumberland Gazette*, 19 June.

2. Schoolmasters were the 57th class in the handbill giving the order of procession that was reported in the *Gazette of the State of Georgia*, 29 May, printing of the plans for the procession (Mfm:S.C. 57). They were 63rd in the accounts of the actual procession that appeared in the Charleston *City Gazette*, 28 May (RCS:S.C., 428).

Letter from Charleston, 29 June 1788[1]

Extract of letter from Charleston, June 29.

"It is a fact well known by every one here, that in the grand procession that lately was made in this city, upon the adoption of the new constitution, the carriage that bore the printing press and other typographical materials, broke down in the street, and lay for a considerable time on the pavement, till the men of the type, could borrow a new set of wheels to support it. Whether this be ominous to the liberty of the press under the proposed new government, will be left to time to determine."

1. Printed: *New York Journal*, 7 July. Reprinted in the Poughkeepsie, N.Y., *Country Journal*, 15 July.

Camden, 31 May 1788

Charleston City Gazette, 11 June 1788

To the *Printers* of the *City-Gazette.*

Gentlemen, *If you think the following worthy of a place in your paper, it will oblige a friend by the insertion.*

I am happy to inform the public, through your paper, that notwithstanding the very great backwardness this district in general has shewn to the promotion of the late federal constitution, there are a great many gentlemen in this vicinity that are staunch federalists, and to shew their patriotic disposition, unanimously agreed to celebrate this state's ratification thereof, on Saturday last. The description, perhaps, will not be disagreeable to some of your readers; and it is hoped it may wipe away any ill opinion they may have formed of us. The morning was ushered in with the discharge of artillery, and the hoisting of a large superb flag, made for the express purpose; under which staff were exhibited in miniature, the different staple commodities of the Wateree; upon the right was a field of corn; next to that rice, wheat, barley, rye, oats, hemp, flax, &c. planted in different positions; then a field of indigo, with all the implements of husbandry; and the staff itself was

decorated with hop vines in full blossom. At 11 o'clock the populace drank the following toasts:

Security to agriculture and commerce.

The staples of the Wateree—may they always flourish and continue to diffuse wealth and happiness along its fertile banks.

The mechanical professions in Camden—may their industry continue to increase the beauty and advantage of our village.

And each toast was honored with a salute of artillery and three cheers. At 12 o'clock thirteen cannon were fired in honor of our independence; and the company of dragoons commanded by capt. John Kershaw, to do honor to the day, exhibited themselves, mounted on good steeds, all in their uniforms, with caps and holsters complete; and after having gone through the different manœuvres of their exercise, paraded before the flag and drank to the federal constitution. At 2 o'clock the company walked in procession from the flag to the sign of General Washington, where there was an elegant repast provided for their entertainment; after which the 13 following toasts were drank, each saluted with a piece of artillery and three huzzas.

1. The Federal Constitution.
2. General Washington, president of the federal convention.
3. The members of the federal convention.
4. Gov. Pinckney, president of the state convention.
5. The members of the state convention.
6. The agricultural interest of South-Carolina.
7. The commercial interest of South-Carolina.
8. May the manufactures of America flourish.
9. May a treaty of commerce with foreign powers shortly take place.
10. The staple commodities of Wateree.
11. An oblivion to all animosities between the opposite parties in the late state convention,—(*This toast was saluted with thirteen cheers.*[)]
12. Columbia—may it be the source of good and orderly administration to South-Carolina.
13. Charleston—May its commerce flourish and its wealth increase.

After having spent the principal part of the day in festive harmony, they broke up about 6 o'clock, when there was 11 guns fired in compliment to our 11 representatives; & at 8 one gun closed the scene.

Camden, June 2, 1788.

Parish of Prince Frederick, 11 June 1788

[For the celebration, see the Charleston *City Gazette*, 19 June (RCS:S.C., 384–85).]

Chatham, 4 July 1788

Charleston City Gazette, 15 July 1788[1]

Extract of a letter from Chatham, Cheraw Hill, July 7th, 1788.

"The news of the federal constitution being adopted by this state was received here with universal satisfaction. The neighboring inhabitants, in order to demonstrate their feelings on the joyous occasion, agreed to celebrate the same on the 4th of July, the auspicious day which gave birth to the glorious charter of American Independence, and accordingly met at the house of Mr. Stanley, from whence they went in procession to the church, where an excellent discourse, pertinent and applicable to the occasion, was delivered by the Rev. Joshua Lewis;[2] after which, the Friendly Club dined together, at Mr. Stanley's, in the most convivial and satisfactory manner, and drank the following toasts, each being accompanied by a volley of guns, and at the conclusion of the whole a federal salute of 13 guns was fired in honor of the day:

1. May the sons of America ever with chearfulness recognize the Anniversary of their Independence.
2. His Excellency the Governor and the state.
3. General Washington.
4. Lewis the XVIth of France.
5. The memory of General Greene.
6. The memory of those brave men who fell in defence of the liberties of America.
7. The honorable Members of the Federal Convention.
8. May the Federal Constitution be a blessing to the United States.
9. May America never want Sons to conduct her Councils, or defend her Liberties.
10. Success to American Manufactories.
11. Agriculture and Commerce.
12. Peace, Liberty and Safety.
13. May Religion and Piety flourish throughout the Land.

The day was spent in the utmost harmony, and every person testified by his countenance and conduct the joy which pervaded his breast from a pleasing prospect of having our Independence more firmly established by the adoption of that happy system of government which was framed by the combined wisdom of America."

1. Reprinted: *Pennsylvania Packet*, 6 August. The town of Chatham was on the west side of the Great Pedee River near the North/South Carolina border in Chesterfield County in the Cheraws Judicial District.

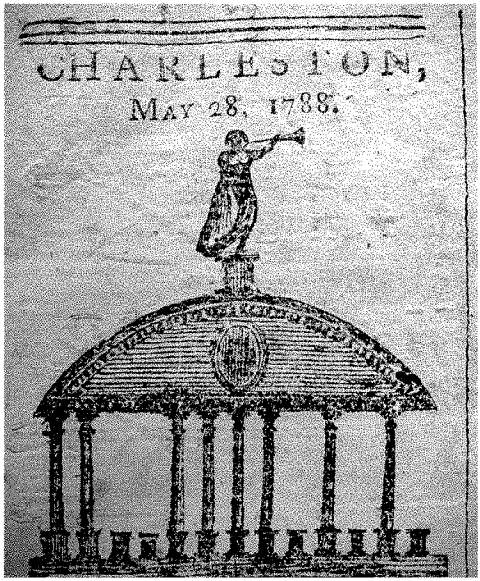
2. The Reverend Joshua Lewis had been pastor of the Baptist Church in Cheraw Hill since 1782.

VI–B. Public and Private Commentaries on the Constitution, 23 May–27 November 1788

South Carolina: The Eighth Pillar Under the Federal Dome 23 May 1788

The Charleston *City Gazette* published for the first time on 28 May its unique dome and pillars illustration showing the states that ratified the Constitution. Benjamin Russell, the printer of the *Massachusetts Centinel*, originated "the federal pillars" on 16 January. The cartoon showed five state pillars erected with a sixth pillar labeled "Mass." in the process of being raised. Russell updated his cartoon as additional states ratified the Constitution (see RCS:Mass., 1603–7; CC:Vol. 3, pp. 564–67). The *City Gazette* modified the image with its dome woodcut following South Carolina's ratification. The state columns run south to north, starting with Georgia on the left and ending with New Hampshire on the right. The missing states are (from left to right) North Carolina, Virginia, New York, Rhode Island, and New Hampshire. The *City Gazette* published the image with additional pillars as more states ratified. The image appeared three more times in 1788—16 July for Virginia, 22 July for New Hampshire, and 11 August for New York—and once on 16 December 1789 for North Carolina.

The dome and pillar cartoon was followed by the South Carolina Form of Ratification (minus the recommendatory amendments) and the *City Gazette's* account of the Federal Procession in Charleston on 27 May (RCS:S.C., 399–401n, 424–30n).



Letter from Charleston to a Friend in Boston, 23 May 1788[1]

Extract of a letter dated Charleston, (S. C.) May 23d,
to a Gentleman in town, brought by Capt. Smith.[2]

"This conveyance gives me an opportunity just to congratulate you upon the adoption of the Federal Constitution by the Convention of this State.—The Majority SEVENTY-SIX.—This measure will be followed by similar conduct in the State of Virginia and North-Carolina."

1. Printed: *Boston Gazette*, 9 June. This item was reprinted in toto in the *New Hampshire Spy*, 10 June; *Massachusetts Gazette*, 10 June; *Massachusetts Spy*, 12 June; *Newport Herald*, 12 June; and Exeter, N.H., *Freeman's Oracle*, 13 June; it was excerpted in the *Salem Mercury*, 17 June. The *Massachusetts Gazette* appended: "In consequence of the foregoing agreeable intelligence, the bells of the different churches in this town began ringing at the dawn of yesterday, and continued to sound the joyful peal for several succeeding hours."

2. Phinehas Smith, captain of the Schooner *Joseph*, had arrived in Boston on 8 June in thirteen days from Charleston (*Boston Gazette*, 9 June).

William Mason to William Bentley
Charleston, 23–24 May 1788 (excerpts)[1]

Permit me to congratulate you, on the accession of an eighth pillar to that Fabric, on which America is to build her prosperity. The convention of the State of S. Carolina, ratified & confirmed the proposed constitution, at 4 o'clock this afternoon by a majority of —— to ——. They have adjourned till tomorrow 12 o'clock,[2] when all matters respecting it are to be concluded in the assembly. I will for your satisfaction, write you the particulars of each day's proceedings.—

The printer has this moment sent me the daily papers; therefore, I need not pursue my plan of copying the proceedings of the House.—I am informed, that a procession is determined upon & that accounts will be given of the manner in which it is to be conducted in tomorrows paper. If I can keep my letters open till that time, you shall have that gazette, and every other particular which I may collect. . . .

[24 May 1788] I enclose to day a plan of the procession which is to take place on tuesday next.[3]. . .

1. RC, Bentley Papers, American Antiquarian Society. Mason (c. 1769–1805), a native of Salem, Mass., and a graduate of Harvard College (1787), was teaching in an academy in Charleston. He joined Benjamin F. Timothy as publisher of the *South Carolina State Gazette* in 1794. Bentley (1759–1819), a graduate of Harvard College (1777) and a linguist and biblical scholar, was colleague pastor of the Congregationalist East or Second Church in Salem, Mass., from 1783 to 1788; he became sole pastor in the latter year and held that position until his death. Several years after settling in Salem, Bentley became a leader of the Unitarian movement.

2. The state Convention adjourned until 11:00 a.m. according to its journal.

3. Mason likely sent Bentley the handbill that was circulating in Charleston prior to the procession on 27 May. (See RCS:S.C., 424n–25n, for a discussion of the handbill.)

Lewis Morris, Jr., to Staats Morris
Charleston, 24 May 1788 (excerpt)[1]

. . . Yesterday the Convention of the State ratified the new constitution by a respectable majority of 76—all parties united in a determination to give it respectability and support—South Carolina is now the 8th Pillar in the Fœderal Union. . . .

1. Draft, Lewis Morris Collection, South Caroliniana Library, ScU. The draft is written on the verso of Staats Morris to Lewis Morris, 29 January (RCS:N.Y., 672). Lewis Morris, Jr. (1752–1824), a 1774 graduate of the College of New Jersey (Princeton), was born in New York and came to South Carolina in 1780 as a lieutenant colonel in the Continental Army. He remained in the state after the war, and owned plantations on Charleston Neck and in St. Bartholomew's Parish. Morris served in the South Carolina House of Representatives, 1789–94, 1799–1801, and as lieutenant governor, 1794–96. He represented the parishes of St. Philip and St. Michael in the state Convention, where he voted to ratify the Constitution. Staats Morris of New York was his brother.

Jean-Baptiste Petry to Comte de la Luzerne
Charleston 24 May 1788[1]

The Convention of the people of the state of South Carolina, assembled in this city for the purpose of considering, approving or rejecting the federal constitution proposed by the delegates of the several states assembled at Philadelphia in September last, approved and ratified it yesterday by a majority of 76 votes, 149 for and 73 against. I have the honor to send you herewith the act of Ratification with the amendments which this convention believed necessary to add.[2]

The opposition, sir, in the debates distinguished itself neither by talents of eloquence, nor by the correctness of its principles, nor by its knowledge of framing a government, nor finally by the freedom of its opinions; when it observed, however, the instant that the final question was proposed, that the majority was in favor of the Constitution, [it] committed itself to support it with all its power [and] all its influence and to advise the people to comply with the new general government. Its conduct thus merits the same praises as that of the Federalists all during this session.

The opposition's scheme, sir, was first to adjourn the Convention to October next with the pretext of giving its constituents the information that it had received, to enlighten them and to change their opinion. The motion made on the 24th[3] of this month was lost by 89 against 135 and simultaneously guaranteed the ratification of the Constitution

by an even larger majority. If it had won, one cannot think that this state would have adopted it other than by force.

The real motive for the delay demanded by the opposition was to wait for the decision Virginia would take on the same subject and to conduct itself accordingly. It is claimed, and there is even reason to Believe it, that there was a [plan] to remove the four southern states from the Union and to form a separate confederation from them. In 1784 proposals of this nature were made by an agent who was said to have full power of the British minister behind the matter, and none had overlooked the most magnificent promises to those the British wished to seduce. Be that as it may, the ratification of this Constitution by this state, according to all the letters received from Virginia, should cause that state to take the same part; then the opposition of North Carolina powerful and numerous as it is will become nonexistent and will be obliged to yield.

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 372, Charleston, ff. 289–92, Archives Nationales, Paris. César-Henri, Comte de la Luzerne (1737–1799), was French Minister of Marine and Colonies from 1787–90. He is sometimes confused with his brother, the Marquis de la Luzerne, who had been French minister plenipotentiary to the United States.

2. See South Carolina Form of Ratification, 23 May (RCS:S.C., 399–401n). Petry enclosed a French translation of the document.

3. The motion was made on 21 May.

Charles Cotesworth Pinckney to Rufus King
Charleston, 24 May 1788 (excerpts)[1]

. . . This State has ratified the fœderal Constitution by a Majority of 149 to 73—The antifœderalists had been most mischievously industrious in prejudicing the Minds of our Citizens against the Constitution;—Pamphlets, Speeches & Protests from the disaffected in Pennsylvania were circulated throughout the State, particularly in the back Country; but notwithstanding all the Arts of those who were determined to prevent the adoption of the Constitution if they possibly could, it was received & confirmed, after being ten days under debate, by the above respectable Majority—Our Minority then imitated the Candour of the Minority of your State[2] and declared they would exert themselves when they returned home in reconciling the Minds of their Neighbours to the Constitution now adopted by their Country. . . .

Your Sincere Friend . . .

1. RC, Rufus King Papers, NHi. King (1755–1827), a lawyer, had represented Massachusetts in the Confederation Congress, 1784–87, and the Constitutional Convention. He voted to ratify the Constitution in the Massachusetts Convention in February 1788. King had recently moved to New York City. He later served as U.S. Senator for New York,

1789–96, 1813–25, and U.S. Minister to Great Britain, 1796–1803, 1825–26. King was the Federalist candidate for Vice President in 1804 and 1808 and for President in 1816.

2. For the acquiescence of Antifederalists in the Massachusetts Convention, see RCS: Mass., 1494, 1645–57.

Charles Cotesworth Pinckney to George Washington
Charleston, 24 May 1788 (excerpts)[1]

Dear General,

South Carolina has ratified the fœderal Constitution. Our Convention assembled the 12th. Instant, & yesterday the vote of ratification was taken—149 Ayes—& 73 Noes—I enclose you a list[2] of the Members who voted on each side. You will be pleased to find that the names you are best acquainted with, were in favour of the Constitution, and that those who were against it, have declared they would do all in their power to reconcile their Constituents to its adoption, and would exert themselves in its support. . . .

Your devoted & affectionate hble Sert

[P. S.] Major [Pierce] Butler out of a principle of delicacy too refined, declined serving in the State Convention, you will not therefore see his Name among the Yeas or Nays—

1. RC, Washington Papers, DLC. Printed: Abbot, *Washington, Confederation Series*, VI, 288–89. Washington replied to Pinckney on 28 June and sent him news of ratification by Virginia and New Hampshire. See CC:792.

2. Pinckney likely enclosed the roll-call vote from the Charleston *City Gazette*, 24 May. See RCS:S.C., 401–2n.

From Joseph Clay
Savannah, Post-24 May 1788 (excerpt)[1]

. . . I heartily congratulate you on the accession of So. Carolina to the New Constitution, tho I hope at [the] same time it may be amended before it goes into full operation—but on the acceptance of it in the first [inst?] the most serious consequences depends, & in my opinion [ought?] to be most devoutly to be wished. . . .

1. FC, Clay Letterbook, GHi. The excerpt comes from an undated last page of a letter which appears in the letterbook after a letter dated 18 September. On the back side of the fragment is the first page of a letter dated 30 September. The frayed right margin makes several words difficult to read. Clay (1741–1804), formally paymaster-general of the Continental Army for the Southern Department, was a Savannah merchant.

Francis Kinloch to Thomas Boone
Charleston, 26 May 1788 (excerpt)[1]

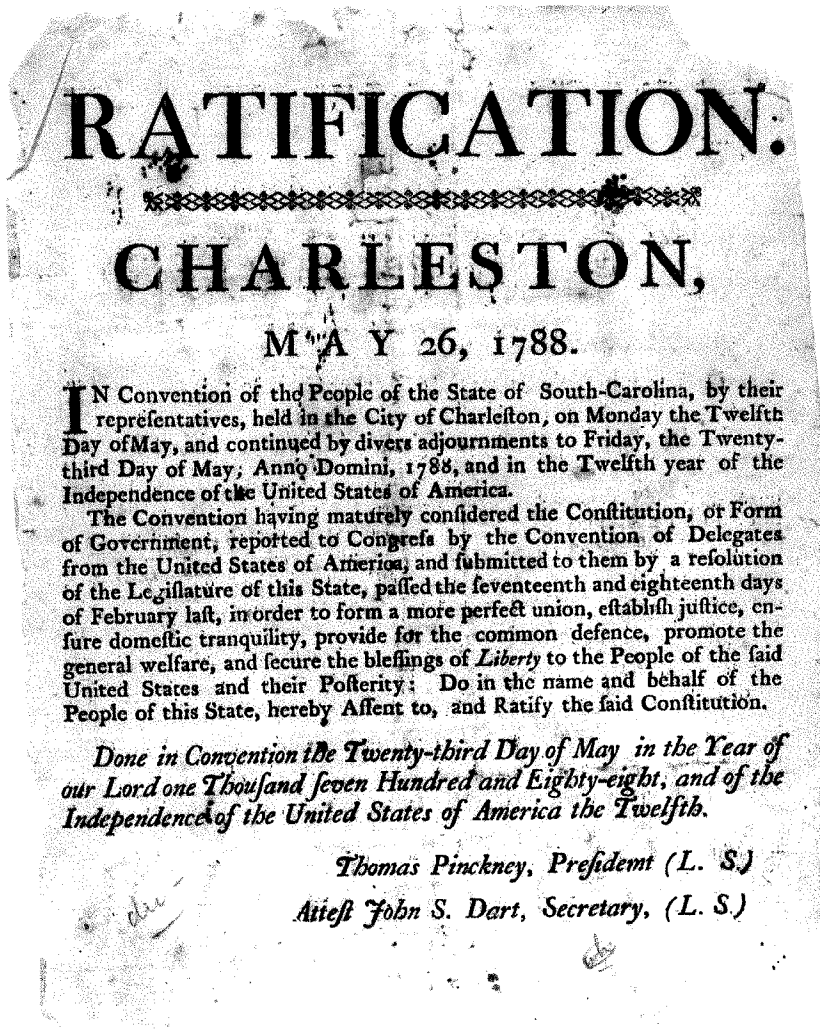
. . . You must have heard of our approaching change of government, which will not I believe surprise you—It is now obvious to every one,

that we have not virtue enough for that free form of government in the attainment of which so much blood has been shed, & so much money expended,—& Congress have observed, that the words "recommendation" & "requisition", which were their only engines of power, having no meaning whatsoever in our political dictionary: South Carolina makes the eighth state which has acceeded, & the accession of nine states will put the new constitution in motion. We are to have an elective President—who is eligible at the end of every four years for life—he will have a qualified negative on the laws of the new Congress, & will enjoy somewhat more power than the Statholder of the united Provinces, though the Statholder's influence in consequence of many different circumstances is much greater;—A Senate, chosen by the different Legislatures of the States, who share the Executive power with the President, & the Legislative with the house of representatives,—(this body unites the powers of your privy council & House of Lords, but has no judicial capacity except in cases of impeachment)—& A House of Representatives chosen by the *People* of the different states, which has no right of interference with the Executive, but enjoys the peculiar privileges of your house of Commons.—The regulation of Commercial affairs,—the right of imposts, of excise, of ordering out & commanding the Militia with many &c:—are given up by the individual States to the Fœderal Government, & we are getting back fast to the system we destroyed some years ago.—

[The remainder of the letter is missing.]

1. RC, Kinloch Correspondence, Stadtbibliothek of Staffenhausen, Switzerland. Printed in Felix Gilbert, ed., "Letters of Francis Kinloch to Thomas Boone, 1782–1788," *Journal of Southern History*, 8 (1942), 103–5. Boone (c. 1730–1812) was a commissioner of customs in England. He had served as governor of South Carolina, 1761–64, where he clashed with the Commons House of Assembly over the seating of Christopher Gadsden.

South Carolina Form of Ratification Broadside, 26 May 1788[1]



RATIFICATION.

CHARLESTON,

MAY 26, 1788.

IN Convention of the People of the State of South-Carolina, by their repreſentatives, held in the City of Charleſton, on Monday the Twelfth Day of May, and continued by divers adjournments to Friday, the Twenty-third Day of May, Anno Domini, 1788, and in the Twelfth year of the Independence of the United States of America.

The Convention having maturely conſidered the Conſtitution, or Form of Government, reported to Congreſs by the Convention of Delegates from the United States of America, and ſubmitted to them by a reſolution of the Legiſlature of this State, paſſed the ſeventeenth and eighteenth days of February laſt, in order to form a more perfect union, eſtabliſh juſtice, enſure domeſtic tranquility, provide for the common defence, promote the general welfare, and ſecure the bleſſings of *Liberty* to the People of the ſaid United States and their Poſterity: Do in the name and behalf of the People of this State, hereby Aſſent to, and Ratify the ſaid Conſtitution.

Done in Convention the Twenty-third Day of May in the Year of our Lord one Thouſand ſeven Hundred and Eighty-eight, and of the Independence of the United States of America the Twelfth.

Thomas Pinckney, Preſident (L. S.)

Atteſt John S. Dart, Secretary, (L. S.)

1. Broadside (Evans 45364). The document is dated after the adjournment of the Convention but one day before the Grand Procession in Charleston. This version of the form of ratification omits the recommendatory amendments adopted by the Convention.

John Kean to Susan Livingston Kean
Charleston, 27 May 1788 (excerpt)[1]

The force of truth has prevailed and the Convention of South Carolina have added an eighth pillar to the federal temple—the majority was greater than we at first expected—one hundred & fifty to seventy three[2] which is more than two to one—I rejoice in this event exceedingly because I believe it will contribute to the happiness & tranquility of my country—

Now the first vessel shall waft me to my love & true felicity unalloyed with pain I hope will be our summer companion. . . .

1. RC, John Kean Papers, Liberty Hall Museum, NjUN. Only the last two pages of this letter are extant.

2. The vote was 149–73. Kean included Convention president Thomas Pinckney, who did not vote but supported ratification.

Letter from Charleston to a Friend in New York City, 27 May 1788[1]

Extract of a letter from a gentleman in Charleston, South-Carolina, to his friend in this city, dated May 27.

"The respectability of the majority, composing the principal characters in the State, I hope will have considerable weight with those States that have yet to take up this grand question; and impress them with the idea that is generally expressed here—that considering the weight of influence and talents of the gentlemen of the majority, it may be said to have been with propriety, the general voice of the people of this State.

"General [Christopher] Gadsden, a gentleman upwards of seventy, on the question being carried, rose and said, 'Mr. President, my age is such that I can have but little expectation of seeing the happy effects that will result to my country from the wise decisions of this day—but shall I say with good old Simeon, Lord, now lettest thou thy servant depart in peace, for mine eyes have seen the salvation of my country.'[2]

"A grand procession took place this day, and I was happy to find a number of the minority walked.—I enclose you the list."[3]

1. Printed: New York *Daily Advertiser*, 7 June. Reprinted in the Charleston *City Gazette*, 30 June, and in whole or in part by seven other newspapers by 26 June: R.I. (1), Conn. (4), N.J. (1), Pa. (1).

2. Luke 2:29–30: "Lord, now lettest thou thy servant depart in peace according to thy word. For mine eyes have seen thy salvation." See "Letter from Charleston," 20 June, note 4 (RCS:S.C., 467n).

3. For the federal procession in Charleston, see RCS:S.C., 424–30n.

Comte de Moustier to Comte de Montmorin
New York, 29 May 1788 (excerpt)[1]

The adoption of the new Constitution in South Carolina begins to become a probability, despite the very strong opposition of the interior districts. These districts are populated by a large number of Scots and Germans, all of them disposed to an unrestricted liberty, the former as a result of Presbyterianism, the latter because they suffered the disadvantages of an absolute Government in their native country. The Convention of that State, which is currently assembled, has just rejected by a large majority the motion made by Antifederalists to adjourn until the 20th of next October under the pretext that the inhabitants of the Backcountry had not had time to read and examine the new Constitution and that through ignorance they had given instructions to oppose it. The debtors, who form at least four-fifths of the population of Carolina, fear that a more powerful Government would prevent them from printing paper money and from taking other measures equally prejudicial to their creditors. It is nevertheless hoped that this State will be the eighth column that will support the new federal edifice. . . .

1. RC (Tr), Correspondance Politique, Etats-Unis, Vol. 33, ff. 178–81, Archives du Ministere des Affaires Etrangères, Paris. This letter, dispatch number 13, was endorsed as received on 10 July. Untranslated excerpts from this letter are found in the Edmond Charles Genêt Papers at the Library of Congress. For a longer excerpt, see CC:767. In September 1787 the Comte de Moustier (1751–1817) was appointed minister plenipotentiary to the United States. Moustier arrived in New York City on 18 January 1788 and presented his credentials to Congress on 26 February. He remained in America until October 1789.

Nicholas Gilman to Jeremiah Wadsworth
New York, 29 May 1788[1]

I have the pleasure to inform you that, by authentic letters received last evening from a gentleman in the Convention of South Carolina, it appears there is a respectable majority in favor of the new System—an account of the ratification is hourly expected and there is good reason to believe that the majority will be greater than appears against the adjournment (vide the enclosed paper)[2] as many of the minority came from the back Country fettered with instructions repugnant to their present sentiments and who will probably vote in favor of the System being unable to obtain an adjournment—In haste

1. RC, Emmet Collection, New York Public Library. Gilman (1755–1814) represented New Hampshire at the Constitutional Convention and served in the Confederation Congress, 1787–89, U.S. House of Representatives, 1789–97, and U.S. Senate, 1805–14. Wadsworth (1743–1804), a Hartford merchant, served as a delegate in the Connecticut

Convention, where he voted to ratify the Constitution, and later in the U.S. House of Representatives, 1789–95. Gilman sent a similar letter on the same date to John Langdon of New Hampshire (Mfm:S.C. 56).

2. See the Charleston *City Gazette*, 22 May (RCS:S.C., 366–67).

Edward Carrington to James Madison
New York, 30 May 1788[1]

The inclosed papers contain some of the debates of the Convention of South Carolina, and a vote of a vast majority,[2] which shews the dispositions of that Body upon the Constitution.[3] These papers will be of use to you, and therefore I take this the last moment that offers before the departure of the post to forward them.

1. RC, Madison Papers, DLC. Carrington (1749–1810), a Federalist, was a Virginia delegate to Congress, 1786–88. Madison, also a delegate to Congress, was at his home in Orange preparing for the Virginia ratifying convention, where he was a delegate. The next day, Carrington wrote to Madison "We are in hourly expectation of receiving information of the adoption of the constitution in South Carolina" (See Carrington to Madison, 31 May, Madison Papers, DLC).

2. Carrington is referring to the 135-89 vote in the state Convention on 21 May defeating a motion for adjournment. He might have enclosed the Charleston *City Gazette*, 22 May (RCS:S.C., 366–67).

3. On 31 May, Carrington also sent the papers containing the South Carolina debates to Virginia Governor Edmund Randolph, using similar language (Mfm:S.C. 60).

Maryland Receives News of South Carolina's Ratification
31 May 1788

News of South Carolina's ratification of the Constitution was probably first announced in Maryland in a no longer extant broadside printed in Baltimore on 31 May. Several newspaper accounts in Philadelphia on 3 June with a dateline of "Baltimore, 31 May 1788" appear to be reprintings of this non-extant broadside. A broadside printed in Trenton, New Jersey, on 5 June by Frederick C. Quequelle and George M. Wilson, the printers of the *Trenton Mercury*, also carried the "BALTIMORE, *May* 31, 1788" dateline and was probably similar to the original Baltimore broadside (Evans 21469).

The transcription of the four paragraphs printed here is taken from the *Maryland Journal*, 3 June. In addition to the Trenton broadside, thirty-eight newspapers reprinted different permutations of the four paragraphs by 28 June: Vt. (1), N.H. (1), Mass. (5), R.I. (3), Conn. (3), N.Y. (7), N.J. (1), Pa. (11), Md. (1), Va. (4), S.C. (1). (The Charleston *City Gazette*, 28 June, printed the third paragraph.) Only three newspapers printed all four paragraphs that appeared in the *Maryland Journal*: the *Carlisle Gazette*, the Winchester *Virginia Gazette*, and the *Virginia Centinel* (all on 11 June). Twenty-eight newspapers reprinted the first paragraph, twenty-eight the second, thirty-three the third, and only six reprinted the paragraph with the toasts. The reprinting in the *Pennsylvania Packet*, 3 June, contained a prefatory statement: "A Gentleman

who arrived in town yesterday from Baltimore, has favored us with the following important Intelligence." Some variation of this statement appeared in eighteen newspapers. The *Pennsylvania Journal*, 4 June, titled its reprinting: "The EIGHTH PILLAR, to the *New Constitution*." Only the *New York Packet*, 6 June, and the Poughkeepsie *Country Journal*, 10 June, repeated this title. After its reprinting of the first three paragraphs, the *Pennsylvania Gazette*, 4 June, printed a one-sentence paragraph: "On the receipt of the foregoing intelligence, the bells of Christ-Church were rung, and a general joy pervaded the city." The *New Haven Gazette*, 12 June, included this sentence at the end of its reprinting of the first three paragraphs.

A variant version of the report of South Carolina's ratification followed by the eight toasts appeared in the Baltimore *Maryland Gazette*, 3 June (Mfm:Md. 128), and was reprinted in full in the Philadelphia *Independent Gazetteer*, 6 June, and the Charleston *Columbian Herald*, 3 July.

Maryland Journal, 3 June 1788

The Sloop George, Capt Chace, which carried the Account of the Ratification of the Federal Constitution by this State to South-Carolina, returned on Saturday last, and brought the following interesting Information:

"On the 23d Instant, at Five o'Clock in the Evening, the Question was put, that the Convention assent to and ratify the Federal Constitution for the United States of America, upon which the Votes stood as follow:—For the Ratification, 149—against it, 73—Majority, 76."

South-Carolina is the Eighth State which has ratified the Constitution; and as it appears, from the best Authority, that Virginia is well disposed to its Adoption, and met in Convention Yesterday, we may flatter ourselves she will make the Ninth. Thus there is the strongest Probability, that, in a few Weeks, one of the greatest of human Revolutions will be accomplished—a free Government erected by a free People, capable of reviving our Trade, protecting our Manufactures, and rendering us happy at home, and respected abroad. There was a Discharge of Artillery from FEDERAL-HILL, on Saturday Evening, at Five o'Clock, IN HONOUR OF THE STATE OF SOUTH-CAROLINA.—A Number of Gentlemen convened at Mr. Grant's Tavern on the Occasion, when the following Toasts were drank to the Discharge of the Artillery.

1. The State of South-Carolina.
2. The South-Carolina Convention.
3. Our Sister Virginia.—May she soon complete the Arch of the grand Federal Buildling.
4. May the noble Spirit of the Minorities of the Conventions of Massachusetts and South-Carolina, be imitated by the Opposers of the Federal Constitution.

5. The illustrious GEORGE WASHINGTON.
6. The Federal Writers.
7. The Learning, Agriculture, Trade, and Manufactures of America.
8. May the Flag of the United States soon become a Favourite of the Ocean, and ever guard from Invasion the Liberties of America.

Maryland Journal, 3 June 1788[1]

A Correspondent observes, on the amendments reported to the South-Carolina Convention, that there is only one of them and part of another, which correspond with the amendments offered by the Maryland opposition.[2]

1. Reprinted in ten newspapers by 20 June: N.Y. (4), Pa. (4), Va. (2). This commentary appeared immediately following the *Journal's* reprinting of the Charleston *City Gazette*, 23 May, account of the state Convention proceedings of 22 May (see RCS:S.C., 375–77n). The *City Gazette* article printed the report of the Convention's committee on amendments. The amendments in the *City Gazette* differed in wording and order than the ones adopted by the state Convention, but were similar in substance.

2. On 26 April, after ratifying the Constitution, the Maryland Convention appointed a committee of thirteen to consider amendments to the Constitution. The committee agreed upon thirteen of the twenty-eight amendments proposed, but could not agree upon a report and the amendments were never formally presented to the Convention. Two of the Maryland amendments were similar to ones adopted by South Carolina. The second South Carolina amendment, dealing with rights reserved to the states, was similar to the first of the thirteen amendments agreed to by the Maryland committee: "That congress shall exercise no power but what is expressly delegated by this constitution." The first South Carolina amendment, regarding the regulation of elections, was similar to the second of the fifteen amendments rejected by the Maryland committee: "That congress shall have no power to alter or change the time, place or manner, of holding elections for senators or representatives, unless a state shall neglect to make regulations, or to execute its regulations, or shall be prevented by invasion or rebellion; in which cases only congress may interfere, until the cause be removed." For the twenty-eight proposed Maryland amendments, see CC:716–B; RCS:Md., 659–84. For the South Carolina amendments, see South Carolina Form of Ratification, 23 May 1788, RCS:S.C., 399–401n.

Baltimore Maryland Gazette, 3 June 1788[1]

A correspondent observes, that there is a very striking contrast between these amendments and the amendments proposed by the opposition in the Maryland Convention.[2]

Could we suppose it possible, says he, that a sufficient number of States could be found to agree to the amendments of the Maryland opposition, so as to have them made a part of the Constitution, they would so far *revert* in the State Legislatures, the powers the people have taken from them and *transfered* to *Congress*, as to render our situation very little different from what it is at present.

With respect to those of South-Carolina. The 1st, 2d and 4th, he considers as merely of an explanatory nature, the admission of which would make no alteration whatever in the power of the Constitution.[3] As to the 3d the probability is, that Congress will never lay a *land tax* till the other sources of revenue are exhausted.[4] This opinion rests on the presumption that the *landed interest* must and will predominate in both branches of Congress, which interest he supposes, will not be induced to tax the land without an evident and urgent necessity. As to calling upon the States in the old way by requisition, and allowing them a reasonable time to furnish the money, the Constitution, he remarks, clearly authorises Congress to proceed after this mode whenever they may judge it expedient. This he thinks is limitation sufficient, considering who are to exercise the power. He thinks also, that to oblige Congress to make requisitions in every instance under the restrictions proposed might be attended with the most fatal consequences. It will occur, says he, on a little reflexion, that although this amendment, leaves it with Congress to raise the money in cases of delinquency, yet cases may happen, when, such a restriction would be deprecated by every lover of his country. Let us suppose imposts, duties and excises to be exhausted and the United States engaged in a dangerous war. In this situation Congress makes a requisition on the States. Twelve months at least must be allowed them to lay and collect the tax, before the United States could proceed to enforce the requisition; after which we must allow nearly another year for Congress to execute their own act and collect the money; by which time the country may be ruined by the enemy, or opportunities lost to obtain the most decided advantages. This alone shews the danger of such a restriction, while, as has been before observed, the superior influence of the landed interest renders it at all times unnecessary. Indeed it would appear that this as well as the other amendments (as they are called) were by no means looked upon as essential, and only proposed, as the preamble states, in order "*to remove the apprehensions of some of the good people*"[5] who were opposed to the Constitution.

South-Carolina, being a rich and powerful State, may be considered as a valuable acquisition to the proposed union, and must afford a happy presage of its further success.

1. This commentary appeared immediately after the Baltimore *Maryland Gazette's* reprinting of the Charleston *City Gazette*, 23 May, account of the South Carolina Convention proceedings of 22 May (RCS:S.C., 375–77n). The *City Gazette* article printed the report of the Convention's committee on amendments. The amendments in the *City Gazette* differed in wording and order from the ones adopted by the South Carolina Convention, but were similar in substance.

2. See *Maryland Journal*, 3 June, note 2, immediately above.

3. The first, second, and fourth amendments in the Charleston *City Gazette* report dealt with the regulation of elections, oaths of office, and powers reserved to the states (RCS: S.C., 376).

4. The third South Carolina amendment prohibited Congress from levying direct taxes unless other taxes were insufficient and states had refused to pay a requisition from Congress ("Newspaper Report of Convention Proceedings," 22 May, RCS:S.C., 376).

5. The Charleston *City Gazette* reported that the South Carolina amendments opened with a preamble that began "As the obtaining the following amendments would tend to remove the apprehensions of some of the good people of this state . . ." (RCS:S.C., 376). This language did not appear in the amendments as adopted by the South Carolina Convention. The wording is from the preamble to the amendments adopted by the Massachusetts Convention, which stated that amendments: "would remove the fears, and quiet the apprehensions of many of the good people of this commonwealth" (CC:508).

Archibald Maclaine to James Iredell, Sr.
Wilmington, N.C., 4 June 1788[1]

I had scarcely reached this before I received the pleasing intelligence that South Carolina had adopted the new Constitution, by a majority of 77. Though I have not seen a line on the subject, yet it is past all doubt, as there is a hand-bill[2] in town, directing the procession which is to take place, at the celebration of this happy event—It is said to exceed that of Massachusetts, and was ordered by the Convention, being drawn up by a committee appointed for that purpose. I understand it is to be in a very few days,—I suppose on the anniversary of a fortunate one.

By a letter which I found on my return, dated the day after the convention met, it was expected that the majority wold be small, as great [pains?] had [been taken?] in the back country to poison the minds of the people; yet it was carried by above two to one.

Though I [can?] not be more particular in my information, I would not omit communicating what I know will give you heart-felt satisfaction.

1. RC, Iredell Papers, North Carolina Division of Archives and History. Maclaine (d. 1791), a North Carolina lawyer, served as a delegate to the first North Carolina Convention in 1788 and supported ratification. He wrote an essay arguing for ratification under the name "Publicola" (see CC:633). Iredell (1751–1799) was a North Carolina lawyer who led the unsuccessful attempt to ratify the Constitution at the first North Carolina Convention. He served as associate justice of the U.S. Supreme Court from 1790 until his death.

2. For a discussion of the handbills, see RCS:S.C., 424n–25n.

John Vaughan to Benjamin Vaughan
Philadelphia, 4 June 1788 (excerpt)[1]

I wrote you 24 May & send a Copy as also another of Fitch's pamphlets, to be left with Wm. if you recd. the first this letter goes by the

way of Falmouth & by same Vessel have Sent to care of Fox & Sons Magaz & Museum for May[2] News papers & a Copy of the Confirmation of our New Govnt. in Carolina the question was carried by a Majority of 73[3] near 2 to 1 & You will observe the *Laurenses*[4] are in Favor & against it in general the Back Country members who were chosen by people who had no opportunity of information & who being worked upon by a few designing men in many instances gave instructions which the Delegates would have wish them freed from when the subject was more fully explained to them in Convention. It was impossible to allow time for fresh instructions. I hope soon to hand you the 9th. Confirmation which will be the Keystone to the Arch. . . .

1. FC, Copies of John Vaughan's Letters, American Philosophical Society. John Vaughan (1756–1841) was a Philadelphia merchant who emigrated from England in 1782. His brother, Benjamin Vaughan (1751–1835), was an English political economist who participated in 1782 in an unofficial capacity in the peace negotiations ending the Revolutionary War. Benjamin Vaughan moved to the United States in 1796 and eventually settled in Maine.

2. Probably a reference to the *Columbian Magazine* and the *American Museum*, both magazines published monthly in Philadelphia.

3. The Convention ratified the Constitution by a vote of 149 to 73, a majority of 76.

4. Henry Laurens, Sr., and Henry Laurens, Jr., both voted in favor of ratification in the Convention.

Comte de Moustier to Comte de Montmorin
New York, 5 June 1788 (excerpt)[1]

. . . The troubles that Georgia has to fear from the restless nature and ferocity of these Savages will make it fervently desire the establishment of a more effective Government. It is supported in this regard by South Carolina, which has just ratified the new Constitution by a majority of 149 to 73. The news of this important event, which took place on the 25th[2] of last month, has only arrived today, and it was received by Federalists with the greatest satisfaction. . . .

1. RC (Tr), Correspondance Politique, États-Unis, Vol. 33, ff. 184–87, Archives du Ministère des Affaires Étrangères, Paris. This letter, dispatch number 14, was endorsed as received on 10 July. For longer excerpts, see CC:771.

2. The state Convention ratified the Constitution on 23 May.

James Bryson to John Langdon
Philadelphia, 6 June 1788 (excerpt)[1]

As our friend Mr. Vaughan has wrote you[2] I sent you the particular good News from Charleston—I can only say that I congratulate you sincerely on the Magnanimous manner in which the New Constitution

has been adopted by the State of South Carolina—now "it must, & it shall go down."...

1. RC, Langdon Papers, Portsmouth Athenæum. Bryson (1744–1813) was postmaster of Philadelphia and the assistant to Postmaster General Ebenezer Hazard. Langdon (1741–1819), a New Hampshire merchant, was president of New Hampshire, 1785–86, 1788–89, and U.S. Senator, 1789–1801. He signed the Constitution in the Constitutional Convention and voted to ratify the Constitution in the New Hampshire Convention in June 1788.

2. See John Vaughan to John Langdon, 6 June (immediately below).

John Vaughan to John Langdon
Philadelphia, 6 June 1788 (excerpt)[1]

... I have the pleasure of handing an account of the raising of the Eight[h] Pillar to this important edifice[.] South Carolina has adopted the Constitution 149–73[.] In addition to the account in the papers, Dr Ramsay informs me that there was a formidable oposition from the Back Country (which you will See by looking at the Carolina paper where the Votors are classed in Districts)[2] "but they were treated with Candor, pains taken to remove prejudices & give information & Several who came down prejudiced against the Constitution, yet on Conviction of its utility voted for it.—An Infinity of Falsehoods were circulated to the prejudice of the Fœderalist, but were all removed in time to prevent mischief. There is no doubt of this State coming peaceably into it—The Virtue learning & Wealth of the Country are for it—The leaders of opposition promised to acquiesce in the determination of their Country & except two or three went home in good humor"

"Thy anxiety about the Adoption of the Constitution is now at an end, my present anxiety is about Such a Wise administration of it as shall answer the expectations of its friends. I fear that either the public *Interest* will be unpaid, or the people be alarmed by the heaviness of the Burthen."

another friend of the Convention writes me "a majority Comprehends every man of property but Mr Bowman, & every man who distinguished himself in the last war except Genl Sumpter. Fearful of that Inveterate Spirit which as such appeared wth you, every Soothing measure was taken with the minority & the Spectators cautioned against those bursts of applause which might hurt their feelings"[3]

Of *The Instructions*. If ever *two* of the amendments proposed by them were adopted the Governmt. would lose its force—I mean the appointing the time & place of Elections—& direct Taxation.[4]—I mention this that you may judge of the propriety of publishing this part—I Confess I find great impropriety in proposing amendments & binding delegates

to propose them, before any trial is made whether they are wanting or not.—& I fear that the First assembly [fettered?] in this manner will have its attention drawn off from the main object, Solid organization, to the parts which can with more ease & efficacy be afterwards considered—By letters from England I find that That Governmt. are looking Seriously towards this Country & Such is the present State of Europe that the Political existence or importance of this Country depends upon the Speedy operation of this New Government.—When any Commercial advantages are asked for, "what can you give us in return, where are Your powers to Treat."—"where the Security that your States will be bound.["]. . .

1. RC, Langdon/Elwyn Papers, New Hampshire Historical Society. For the complete letter, see CC:775.

2. Vaughan probably included a copy of the Charleston *Columbian Herald*, 26 May, which gave the vote by districts. See "Newspaper Report of Convention Proceedings," 23 May, note 2 (RCS:S.C., 401n–2n).

3. See "Newspaper Reports of Convention Proceedings," 21 May (RCS:S.C., 367).

4. For the recommendatory amendments, see South Carolina Form of Ratification, 23 May (RCS:S.C., 399–401n).

Gaspard Joseph Amand Ducher to Comte de la Luzerne
Wilmington, N.C., 6 June 1788 (excerpts)[1]

I have the honor to inform you that the new constitution has been ratified by the conventions of the states of *Maryland* and *South Carolina*, on 28 April and 23 May. These two conventions nevertheless resolved upon amendments to be proposed to the *new* Congress. . . .

The South Carolina Convention held at Charleston was composed of 237 members, 39 of which *for the single city* of Charleston;[2] on 21 May, the party against the New Constitution wanted to adjourn the Convention to 20 October next, and this was the difference in the votes: for adjournment, 89—against adjournment, 135—members who did not vote, 13. The question of *adjournment* was thus negatived by a majority of 47 [46] out of 224.

On 23 May, on the question of *adoption*, 15 members did not vote; 149 were for, 73 against: the New Constitution was thus ratified by a majority of 76 out of 222.

The city of Charleston following the Good example of Boston and Annapolis, also gave a festival.[3] In the states of Massachusetts, Maryland and South Carolina the people from the cities, the merchants, and artisans showed much joy over the adoption of the New Constitution. There were *federal processions* in these three states; but the conventions of these three states are proposing very restrictive amendments to the new system, *limiting the powers of the New Congress*, [and] instructing the

delegates to the *new congress* to request an alteration of the New Constitution conforming to the amendments resolved upon by each of the three states.

Without the hope, well founded or not, that these amendments will be adopted, it seems clear enough that the New Constitution would not have been ratified either at Boston, Annapolis, or Charleston. . . .

1. RC (Tr), Correspondance Politique, États-Unis, Supplement, Vol. 4, ff. 532–53, Archives du Ministère des Affaires Étrangères, Paris. This letter, dispatch number 17, was endorsed as received on 16 July. For the complete letter, see CC:774. Ducher was French vice consul at Portsmouth, N.H., 1785–87, and at Wilmington, N.C., 1787–88.

2. The Charleston parishes of St. Philip and St. Michael were entitled to send thirty-two delegates to the Convention. Ducher likely is including in his totals neighboring Christ Church Parish, which sent a delegation of seven leading citizens associated with Charleston, including Charles Pinckney, John Rutledge, and Jacob Read.

3. A reference to the federal procession held in Charleston on 27 May (RCS:S.C., 424–30n).

George Miller to Marquis of Carmarthen
Charleston, 6 June 1788 (excerpt)[1]

. . . The Convention of this State met here the 12th. Ulto., and took the new Constitution under their consideration.—The debates which were but feebly supported on the side of the opposition, continued to the 23d., when the question was put for its ratification, and carried by a majority of 76. . . .

1. RC, Foreign Office, Class 4, America, Vol. 6, ff. 165–66, Public Record Office, London. Miller was the British consul in Charleston. The Marquis of Carmarthen (1751–1799) was the British Foreign Secretary.

Nathan Dane to Moses Brown
New York, 7 June 1788 (excerpt)[1]

. . . at present I have the pleasure to convey to you the information respecting the adoption of the Constitution in South Carolina, contained in the enclosed Newspaper—the Numbers in favor of the adoption was 149—again[s]t 73—majority 76—you will perceive that State has in some measure adopted Massachusetts ideas about Some future alterations,[2] and well as Maryland has copied after Massachusetts in the mode of expressing her Satisfaction and Joy on the occasion. . . .

1. RC, Brown Papers, Beverly Historical Society, Beverly, Mass. For the entire letter, see CC:776. Dane (1752–1835) was a Massachusetts delegate to Congress who took part in the debates on transmitting the Constitution to the states. Dane at first opposed the Constitution, but after Massachusetts ratified in February 1788 he became an advocate for ratification. In 1788 he was an unsuccessful candidate for the U.S. Senate and the House of Representatives. Brown (1748–1820), a captain in the Continental Army in 1776, was a prominent Beverly merchant.

2. For the influence of Massachusetts on the recommendatory amendments adopted by the South Carolina Convention, see Convention Proceedings, 23 May, notes 5–7 (RCS: S.C., 398n).

Antoine de la Forest to Comte de la Luzerne
New York, 9 June 1788 (excerpt)[1]

The South Carolina Convention ratified the new constitution of the United States at the end of last month. The opposition was powerful; but the news of the accession of Maryland came opportunely in the middle of the debates,[2] to strengthen the *federalist* party; they succeeded by 149 affirmative votes to 73 negative ones; it is a majority of two to one, and it has all the more weight as the minority seemed to submit with good grace. However, this ratification, like that of Massachusetts, was followed unanimously by an injunction to all the future representatives of the State in the general Government to put their efforts into obtaining several alterations.[3] The two principal ones are limiting the head of the union [i.e., Congress] to the exercise of only those powers *expressly* delegated by the member states and obliging it to try means of requisitions in each State before levying direct taxes when the receipts from customs duties and from the Excise are not sufficient for public needs. The first point, if it were established, would give an unceasing hold to the Jealousy between the legislatures and Congress that will naturally occur. The second would take away from it all means of acting in urgent situations. But whatever the new Government becomes afterwards, it is on its adoption that the salvation of the United States depends at this time; and it is to it alone that I take the liberty of calling your attention, My Lord. Eight States have had their ratifications [carried?] to Congress; only one more is necessary for this assembly to set the Day when the nine states [should?] appoint their representatives and when the new [federal?] body should replace the old one. . . .

1. RC (Tr), Affaires Étrangères, Correspondance Consulaires, BI 910, New York, ff. 64–65, Archives Nationales, Paris. For the complete letter, see CC:777. This undated letter was probably written on 9 June because Forest says that the New York Convention will meet in eight days. (The Convention was scheduled to convene on 17 June.) The letter, number 235, was received on 9 July. Antoine René Charles Mathurin de la Forest (b. 1756) was French vice consul for the United States stationed in New York City.

2. See "Newspaper Reports of Peter Fayssoux's Comments in Convention Debates," 19 May (RCS:S.C., 356–58), and Aedanus Burke to John Lamb, 23 June (RCS:S.C., 470).

3. For the South Carolina amendments, see South Carolina Form of Ratification, 23 May (RCS:S.C., 399–401n). The Convention resolved "that it be a standing instruction to all such delegates as may hereafter be elected to represent this State in the general Government to exert their utmost abilities and influence to effect an alteration of the Constitution conformably to the foregoing Resolutions."

St. John de Crevecoeur to William Short
New York, 10 June 1788 (excerpt)[1]

. . . Good news from Charles Town are Just now arrived by Mr. Keane[2] a Member of the Convention & a delegate in Congress; spite of the most Extraordinary efforts made in S: Carolina by the partisance of your nefarious & highly Criminal P. Henry, to Form a Confederation of the Southern States,[3] the Constitution has Triumphed over its Numerouse Ennemys. Inclosed I send you the Charles town Papers the Perusal of which will please you & Mr. Jefferson I am persuaded you'll See that the Processional Idea of Boston has been adopted & Followd in Maryland as well as in South Carolina.[4] . . .

1. RC, Short Papers, DLC. For a longer excerpt, see CC:779. This letter was docketed: "Crevecoeur June. 10/July. 10." Crevecoeur (1735–1813), a native of France but a naturalized citizen since 1765, was French consul for New York, New Jersey, and Connecticut since 1783. Short (1759–1849), a Virginia attorney, was Thomas Jefferson's private secretary at the American legation in Paris, France.

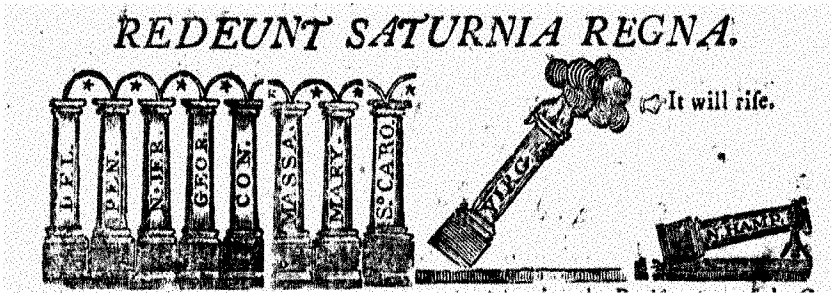
2. John Kean was a member of the South Carolina Convention, but no longer was a delegate to Congress, his term having ended in November 1787.

3. For Patrick Henry's alleged support of a separate Southern confederacy, see CC:276, note 4, and RCS:Va., *passim*.

4. For the federal procession held in Charleston on 27 May, see RCS:S.C., 424–30n.

Massachusetts Centinel, 11 June 1788

On 16 January 1788, the *Massachusetts Centinel* originated the illustration of "federal pillars" (see RCS:Mass., 1603–7; CC:Vol. 3, pp. 564–67). The cartoon showed five state pillars erected with a sixth pillar labeled "Mass." in the process of being raised. Benjamin Russell, the *Centinel's* printer, updated his cartoon as additional states ratified the Constitution. The Charleston *City Gazette*, 28 May, published its own version using the motif with the addition of a dome (see "South Carolina: The Eighth Pillar Under the Federal Dome," 23 May, RCS:S.C., 442). The heading, "Redeunt Saturnia Regna" is Latin (taken from Virgil, *Eclogues*, Book IV, line 6), meaning "The reign of Saturn returns."



EIGHTH PILLAR

As we predicted in several preceeding papers, so has the fact been verified. Since our last the pleasing intelligence of the accession of another PILLAR in support of the *Grand Federal Superstructure*, has been received in this town by a vessel in 13 days from Charlestown. On this event, we congratulate the publick—as from her importance and respectability, the influence of the decision of the State of South Carolina, on the other States that have not yet had opportunity to adopt the Constitution, must be the most favourable. The particulars of this event follow:

[The *Centinel* reprinted (1) the Convention Proceedings for 23 May as reported in the Charleston *City Gazette*, 24 May (RCS:S.C., 401–2n), and (2) the Convention Proceedings for 24 May as reported in the Charleston *Columbian Herald*, 26 May (RCS:S.C., 406). The *Centinel* added the following editorial note between the second and third paragraphs of the *City Gazette's* report: "(The *yeas* on the question of ratification are in general gentlemen of the most respectable character for wisdom, integrity and a strict regard to publick and private faith—men well versed in the politicks of their country—and deeply impressed with the importance of an inviolable union of the States.)"]

FORM of RATIFICATION.

[The *Centinel* reprinted the Form of Ratification from the Charleston *City Gazette*, 26 May, here.]

(*For the amendments proposed see the* 1*st page.*)

On Monday morning, the felicity of the citizens of this metropolis, on an event so pleasing to every federalist, as the accession of the respectable State of South-Carolina to the Union, was expressed by the ringing of all the bells in the churches; and in those mutual congratulations which distinguish men who know the importance and necessity of a federal union.[1]

Our last accounts from Charlestown, South-Carolina, say, that a PROCESSION for the purpose of celebrating the Ratification of the Constitution by that State, had been proposed—and would proceed the day after the date of our accounts—From the plan, it is to be similar to that *originally* formed in this town; and besides SIXTY ONE different orders of FARMERS, MERCHANTS and MECHANICKS, would consist of the *School Masters* and *Scholars*—the *liberal professions*—all the State and city civil and political officers, &c. and closed by a military company. This is as it *was* to be—what it really was, will be particularly noticed when the account arrives.

1. This paragraph was reprinted in the *Connecticut Courant*, 16 June; *Connecticut Journal*, 18 June; New York *Daily Advertiser* and Portland, Maine, *Cumberland Gazette*, 19 June; and *New York Packet*, 20 June.

Thomas Tudor Tucker to St. George Tucker
New York, 13 June 1788 (excerpt)[1]

My beloved Brother

. . . Eer this arrives you will have heard of the Decision of South Carolina in favor of the New Constitution. We hear that it is also in a favorable Way in your State. I shou'd be glad to know from time to time how your Convention is going on & what are really the prospects. Indeed I have always supposed that Virginia as well as South Carolina wou'd adopt it. From the latter I am inform'd that the people in the interior parts of the Country are much opposed to it. However I suppose & hope they will acquiesce in the Voice of the Majority. For my own part I do not expect from it any miraculously beneficial Effects immediately, whatever Time may bring about. The Impost appears to me to be almost the only Good that we shall for some time experience, & that will deprive several of the States at least of their chief Resource for the Support of their local Governments, not to say any thing of provision for the Payment of their public Debts, which already are so embarrassing that they puzzle the most ingenious to give them Support.—As we are in Business, I cannot write & pay the necessary Attention.[2] . . .

1. RC, Tucker-Coleman Papers, College of William and Mary.

2. Thomas Tudor Tucker was representing South Carolina in the Confederation Congress. The letter was written from the "Hall of Congress."

Charles Pinckney to Rufus King
Charleston, 16 June 1788 (excerpt)[1]

Dear King,

. . . You have no doubt also heard of Our Convention's very handsomely ratifying the Constitution.—I should suppose in the course of July Congress will have it in their power to notify the ratification of nine states—direct them to proceed to their Elections & fix a day for their meeting & commencing operations under the new system.—

I trust the states will be attentive to their Elections & that after this it will be really *an honour* to be a member of the Legislature

[P.S.] I shall be glad to hear from you—mention when you write the disposition of New:York.—We are anxious to hear from Virginia.—We are to make a council[2] in a day or two & I hope shall be able by that time to receive some favourable dispatches . . .

1. RC, King Papers, NHi. Marked as "answered 14 Augt. 88."

2. The South Carolina Privy Council, of which Pinckney was a member, did not convene until 10 July.

David Ramsay to John Kean
Charleston, 20 June 1788[1]

Notwithstanding the threats of some every thing is peaceable & quiet in this country.[2] The new constitution becomes daily more acceptable & it is now the general wish that it may have a speedy operation.[3] I fear our next return day. Many suits will assuredly commence. I do not so much fear any farther legislative interferences as an opposition to a rigorous execution of the law.[4] The Attorney General is ordered to sue the merchants & they will of course sue almost every body. Happy is the man who owes nothing. Debtors hold their property by the courtesy of their creditors. for if the latter push the former will be ruined & often the debt unpaid though a great deal of property is sacrificed. The inclosed[5] was drawn up in a few hours by request & was to have been publickly spoken but the croud was too great. It therefore appears in its present form. It is not worth sending so far but may serve for an idle hour.

I suppose the present Congress is near its dissolution but I trust Phoenix like another will rise out of it & that the glory of the second will exceed that of the first. To conduct us through a war was great but to govern us in peace & make us happy among ourselves is a much more arduous labor. Mrs. Ramsay joins me in our most respectful compliments to Mrs. Kean & yourself.

I am with great esteem your friend & very humble servt

1. RC, John Kean Papers, Liberty Hall Museum, NjUN.

2. On 28 July, Ramsay wrote Kean "that one seldom now hear any mention made of the convention or constitution" (Ramsay to Kean, 28 July, Mfm:S.C. 85).

3. The first two sentences were printed in the New York *Daily Advertiser* on 11 July under the heading "*Extract of a letter from a gentleman of great political abilities and high character, dated Charleston, June* 20, 1788."

4. Ramsay's prediction about the lack of further legislative action regarding private debt turned out to be incorrect. In its fall 1788 special session, the South Carolina legislature revised the 1787 installment law, allowing debtors to pay their debts over five years instead of over three.

5. See David Ramsay Oration, *Columbian Herald*, 5 June (RCS:S.C., 432–38).

David Ramsay to Benjamin Lincoln
Charleston, 20 June 1788 (excerpt)[1]

. . . You have doubtless heard of the adoption of our new constitution by this state. It was done by a majority of two to one. What I value most is the minority were treated with so much tenderness that they went home satisfied & promising to support the constitution. The wealth the learning & the influence of South Carolina with one or two exceptions are on the side of the new constitution.

The inclosed[2] was drawn up in six hours at the request of the chairman of the federal committee which conducted our public rejoicings but the crowd was so great that it could not be spoken with convenience. It therefore goes abroad in its present form. It is not worth sending so far but such as it is you are welcome to it. It will at least shew the good wishes of its author to the new constitution.

I trust better times await us. If the states are careful in their appointments the new ~~constitution~~ Congress will be able to do great things for us. Our sufferings here as to money matters are greater than in the time of the war or just after its close. Instead of growing better Our affairs have been gradually growing worse. There are three houses in Charleston each of whom could free [bonds?] to a greater amount than all the circulating money in the country would pay. Houses & bonds will not sell for a fourth of their former value. He that owes but a little though possessed of much property lives by the courtesy of his creditors for if they were to sue his property must be sacrificed and perhaps the debt be unpaid.

Dr. Gordon's history[3] will not be finished till next fall. I have therefore concluded to postpone mine[4] till next year. Indeed I want to see the new constitution settled as I proposed to bring [my?] work down to that period. The revolution cannot be said to be compleated till an efficient form of government is established. With great esteem & regard

1. RC, Lincoln Papers, MHi.
2. See David Ramsay Oration, *Columbian Herald*, 5 June (RCS:S.C., 432–38).
3. See Ramsay to Lincoln, 31 March, note 9 (RCS:S.C., 235n).
4. Ramsay was completing work on his *History of the American Revolution* (Philadelphia, 1789).

Edward Rutledge to John Jay
Charleston, 20 June 1788[1]

My dear Friend

A Gentleman for whom I have a considerable Share of Esteem has informed that he is on the brig for New York, & tho' I am much indisposed with a Large Share of Fatigue that Public & professional Business have oppressed me with from day to day since the 12th. of the Last Month,[2] I could not forgo his Requesting being made known to me whose Character he very much respects. He is himself a Gentleman, & a Man of much Worth;[3]—I shall be obliged to you for any Attention you may shew him. I hope the Friends of Federal Government may be as succesful in New York, as they have been in South-Carolina—We had a tedious, but trifling opposition to contend with. We had prejudices

to contend with, & Sacrafices to make. Yet they were worth making for the good old Cause—People become more & more satisfied with the adoption, & if wisely administered, & administered with moderation they will cherish & bless those who have offered them a Constitution which will secure to them all the Advantages that flow from good Government. Mrs. Rutledge joins me in best Respects to Mrs Jay & Harry to his young Friend—I am, long have been, and ever shall be my dear friend affectionately Yours

1. RC, John Jay-Iselin Collection, Columbia University. Jay (1745–1829), New York lawyer and jurist, was serving as Confederation Secretary for Foreign Affairs since 1784 and had served in the Continental and Confederation congresses, 1774–76, 1778–79, 1784 (president, 1778–79). Jay was a member of the delegation to negotiate peace with Great Britain, 1782–83. He was one of the leading advocates for ratification in New York and later served as Chief Justice of the U.S., 1789–95. For Jay's reply to Rutledge, see RCS:N.Y., 2474–75.

2. Rutledge was a delegate at the South Carolina Convention, which convened on 12 May.

3. According to the endorsement, the letter was carried by "Mr DeSaussure Esqr." This was probably Henry William DeSaussure.

Edward Rutledge to John Langdon
Charleston, 20 June 1788[1]

Tho' we are at the Distance of one Thousand Miles apart, yet if I may judge of you from what I see in the public prints, we are next door Neighbours in Sentiments, & so we have ever been, since I had the Honor of knowing you. It is this, which gives me the Liberty of introducing to your Attention, the Gentleman who will take charge of this Letter. He is a Man of worth, and my Friend.[2] As such I recommend him to your Civilities—. I am happy to learn that your Countrymen will adopt the Federal Constitution. I assure you, we gave them in this State all our Aid. The best informed men of this State; who had done & suffered most in the Contest with Great Britain were the determined Advocates of the new Government; & by yielding some little points, [to] the prejudices of others have accomplished the Business with great unanimity. I wish sincerely you may harmonize in your State.

I am my dear Sir with much Esteem sincerely yours

1. RC, Langdon Papers, Strawberry Banke Museum, Portsmouth, N.H.

2. Probably Henry William DeSaussure. See Edward Rutledge to John Jay, 20 June, note 3 (immediately above).

Letter from Charleston, 20 June 1788[1]

Extract of a letter from Charleston (S.C.) dated June 20*th*, 1788.

"The procession at our public rejoicings on the adoption of the new

Constitution was the grandest ever seen in this country.[2] Our minority went home in good humor, promising to support the new Government. All our old steady patriots are warm in support of it; Mr. Gadsden and Mr. Stevens,[3] though both had retired for some time, came into the Convention to sanction the new Constitution. The former says that, like old *Simeon*, he is now willing to sing his '*nunc dimittis*.'[4] The FEDERALIST does honor to your city, and indeed to the United States. All our patriots and literati, in the year 1773, did not understand the principles of Government as well as that single writer. The new Constitution has diffused political knowledge by the discussions it has occasioned. Compare the present state of the public mind of America, on the subject of Government, with what was its condition previous to the war, and you will be struck with the contrast. If the people select their best men for the new Congress, I hope for great things from their united wisdom:—hitherto the power of doing good has been wanting: I trust we shall soon see better days."

1. Printed: New York *Daily Advertiser*, 7 July. Reprinted: New York *Independent Journal*, 9 July; *Albany Journal*, 14 July.

2. For the federal procession held in Charleston on 27 May, see RCS:S.C., 424–30n.

3. Daniel Stevens (1746–1835), a Charleston planter and former merchant, served as sheriff of Charleston District, 1782–85, and in the South Carolina House of Representatives, 1782, 1785–90, and Senate, 1791. He represented the parishes of St. Philip and St. Michael in the state Convention, where he voted to ratify the Constitution. After 1791, he held a variety of federal and local posts, including intendant (mayor) of Charleston.

4. Luke 2:29–32. "Lord, now lettest thou thy servant depart in peace, according to thy word: For mine eyes have seen thy salvation, which thou hast prepared before the face of all people; A light to lighten the Gentiles, and the glory of thy people Israel." "Nunc dimittis" are the first words of the Latin version of the song of praise of Simeon, who had been promised he would not die before seeing the Messiah. It was sung as part of Evensong in the Anglican Book of Common Prayer. See also Christopher Gadsden to Thomas Jefferson, 29 October 1787, at note 2, and "Letter from Charleston to a Friend in New York City," 27 May 1788, at note 2 (RCS:S.C., 33–34, 449).

John Parker and Thomas Tudor Tucker to Governor Thomas Pinckney New York, 21 June 1788 (excerpt)[1]

Your Excellency's letter of the 24th of May[2] came safe to us, together with the Instrument of Ratification of the new Fœderal Government, by the Convention of our State, which we presented to Congress. This very important Subject is now under deliberation in the Conventions of Virginia, New York & New Hampshire. The accounts of the first of these are rather favorable to the adoption of the Constitution, altho it does not appear that any certain Judgment can yet be formed—from the two latter nothing has yet reached us. . . .

1. FC, Legislative Papers, Sc-Ar. Printed: Smith, *Letters*, XXV, 181–82n. Parker (1759–1832), an attorney, was a South Carolina delegate to Congress, 1786–88. He served in the South Carolina House of Representatives, 1785–88, and represented the parish of St. James, Goose Creek, in the state Convention, where he voted to ratify the Constitution.

2. See Thomas Pinckney to the South Carolina Delegates in Congress, 24 May (RCS:S.C., 406).

Charles Cotesworth Pinckney to Rufus King
Charleston, 21 June 1788 (excerpt)[1]

. . . I acquainted you by Mr. Kean that our state had ratified the Constitution. Most of the Members who opposed it, have declared they will exert themselves in its support; and some districts that were very averse to it, are altogether reconciled to its adoption. Indeed if we were allowed to pass Installment & valuation Laws as heretofore, an anti-fœderalist would be a rara Avis[2] in this State. . . .

1. RC, King Papers, NHi. The letter was carried to New York City by Henry William DeSaussure.

2. Latin: "A rare bird."

Rawlins Lowndes to John Lamb
Charleston, 21 June 1788[1]

I have been honoured with your favours of the 19th. of May last, received a few days ago, enclosing Several papers relative to the new Constitution—Also two packets, the one for Mr. Justice Burke[2] which I have delivered with mine own hands; the other for General Sumpter, which I have conveyed by a safe Opportunity, as he resides at a Considerable distance from Charleston.

You will have known Sr. before this time that our Convention have finally ratifyed & Confirmed the new Fœderal Constitution: It was done on the 24th. May last, contenting itself with a few recommendatory Amendments.

Had your Plan been proposed in time I doubt not it might have produced very good Effect in this Country: A Strong Systematic Opposition wherein the Opinions and Sentiments of the different States were Concenter'd, and directed to the same specific Objects, would have had a Weight, which the Advocates for the Constitution must have submitted to, and have removed the force of an Objection, strongly insisted upon, arrising from the seeming diversity & dissimilarity of the several amendmts. contended for.

I had not the Honr. to be of our Convention: an open and explicit avowal of my Sentiments in the Assembly when the Subject was Agitated there, which were irreconcilable to the Constitution, as well in mode

as Substance, did not meet with the Concurance and approbation of my Constituants in Charleston, and I was therefore rejected in their Choice of Delegates for the Convention.[3]

1. RC, Lamb Papers, NHi. This letter is a reply to a letter from Lamb, who was the chairman of the New York Federal Republican Committee. See John Lamb to Aedanus Burke, Rawlins Lowndes, and Thomas Sumter, 19 May (RCS:S.C., 287–88).

2. See Aedanus Burke to Lamb, 23 June (immediately below).

3. Lowndes, a member of the South Carolina House of Representatives for the Charleston parishes of St. Philip and St. Michael, was not elected to the state Convention from that district; however, the voters of St. Bartholomew's Parish elected him a delegate, a position which he declined. For more on Lowndes' declining the seat, see Burke to Lamb, 23 June, at note 7 (immediately below).

Aedanus Burke to John Lamb
Charleston, 23 June 1788[1]

Your favour of the 19th. of May I received the 18th. of June inst. That it came not to hand sooner, I cannot account for; however, it came too late; for our Convention had acceded to the new Constitution on the 24th. of May by a Majority of The minority consisting of 73.

⟨It is now unnecessary perhaps to state to you the different causes, whereby the new Plan has been carried in South Carolina, notwithstanding ⅘ of the people do,[2] from their Souls detest it.⟩ I am convinced, from my Knowledge of the Country, that I am rather under, than over, that proportion. In the first place, we in the Opposition, had not, previous to our Meeting, either wrote, or spoke, hardly a word against it, nor took any one step in the matter. We had no principle of concert or union, while its friends and abettors left no expedient untried to push it forward. All the rich, leading men, along the seacoast, and rice settlements; with few exceptions, Lawyers, P[h]ysicians and Divines, the merchants, mechanicks, the Populace, and mob of Charleston. I think it worthy of Observation that not a single instance in So. Carolina of a Man formerly a Tory, or British adherent, who is not loud and zealous for the new Constitution. From the British Consul (who is the most violent Man I know for it)[3] down to the British Scavenger, all are boisterious to drive it down. Add to this, the whole weight and influence of the *Press* was in that Scale. Not a printing press, in Carolina, out of the City. The printers are, in general, British journeymen, or poor Citizens who are afraid to offend the great men, or Merchants, who could work their ruin. Thus, with us, the press is in the hands of a junto, and the Printers, with most servile insolence discouraged Opposition, and pushed forward publications in its favour; for no one wrote against it.

But the principle cause was holding the Convention in the City, where there are not fifty Inhabitants who are not friendly to it. The Merchants and leading Men kept open houses for the back and low country Members during the whole time the Convention sat. The sixth day after we sat, despatches arrived, bringing an account that Maryland had acceded to the Scheme.[4] This was a severe blow to us; for next day, one of our best speakers in the Opposition, Doctor Fousseaux, gave notice he would quit that ground, as Maryland had acceded to it.[5] Upon which we were every day afterwards losing ground & numbers going over to the Enemy, on an idea that further Opposition was useless. But notwithstanding these Misfortunes, the few of us who spoke, General Sumpter, Mr. John Bowman, a gentleman of fortune and fine talents, of the low-country; myself and a few of the back country men, found it necessary, in supporting the Opposition, to exert the greater spirit and resolution, as our difficulties increased. ⟨Our Minority is a respectable one, and I can with great truth assure you, that it represents by far a greater number of Citizens than the Majority—The minority are chiefly from the back country where the Strength and numbers of our republick lie—And although the Vote of the Convention has carried it, that has not changed the opinion of the great body of people respecting its evil tendency. In the interiour Country, all is disgust, sorrow, and vindictive reproaches against the System, and those who voted for it. It is true, the ratification of it was solemnized in our City, with splended procession and shew.[6] We hear from the back Country, however That in some places the people had a Coffin painted black, which, borne in funeral procession, was solemnly buried, as an emblem of the dissolution and interment of publick Liberty. You may rely upon it if a fair Opportunity offers itself to our back Country men they will join heart and hand to bring Ruin on the new Plan unless it be materially altered. They declare so publickly: They feel that they are the very men, who, as mere Militia, half-armed and half-clothed have fought and defeated the British regulars in sundry encounters—They think that after having disputed and gained the Laurel under the banners of Liberty, now, that they are likely to be robbed both of the honour and the fruits of it, by a Revolution purposely contrived for it. I know some able Men among us, or such as are thought so, affect to despise the general Opinion of the Multitude: For my own part I think that that Government rests on a very sandy foundation, the Subjects whereof are convinced that it is a bad one.⟩ Time alone will convince us.

This is the first time that I ever put pen to paper on the subject, (to *another*) and it is not for want of inclination to do it. Nobody views this

matter from the point of light and view in which I see it; or if any one did, he must be crazy, if he told his mind. The true, open, rising ground, no one has dared to take, or will dare to do it, 'till the business is all over. If you live two or three years, you will find the World will ascribe to the right Author, this whole affair, and put the saddle on the right Horse, as we say. I find myself approaching too near to forbidden ground, and must desist. I am sorry it hath been my Lot not to be able to serve the Repub. on the present Business, Virginia and New York adopting it (and of which I have no doubt) they will proceed to put it into Motion, and then you, and I, and all of us, will be obliged to take it, as we take our Wives, "for better, for worse". I have only one remark to make—Should any event turn up with you, that would require to be known to our republican Friends here, only make us acquainted with it. Should either Virginia or New York State reject it, the system will fall to pieces, tho other nine States may agree to it, and in such an Event, or in any other that may give us an occasion to serve the Repub. your communication will be duly attended to by me. I forgot to mention, that Mr Lowndes, would not serve in the Convention, declining to take his Seat; out of disgust to some leading men in the parish that sent him, he abandoned a Cause, which, I believe, he thought a just one.[7]

Mr. John Bowman is capable of serving any Cause he espouses. Col. Thomas Taylor of the Congarees—Col Richard and Wade Hampton.[8]—These three are from the back Country; their gallantry in the War, their Property, and some talents, give them great influence in that part of the Country.[9]

1. RC (copy), Lamb Papers, NHi (photostat). The copy probably was made by an amanuensis for the New York Federal Republican Committee. This letter is a reply to a letter from John Lamb (see John Lamb to Aedanus Burke, Rawlins Lowndes, and Thomas Sumter, 19 May, RCS:S.C., 287–88). The text in angle brackets was printed in the Anti-federalist *New York Journal*, 10 July, under the heading "*Extract of a letter from a gentleman of character in South-Carolina, dated June* 23, 1788." See also note 9 (below). See David Ramsay to John Kean, 20 June, note 3, for an extract in the New York *Daily Advertiser*, 11 July, which was an apparent attempt to counteract the *Journal's* publication (RCS:S.C., 464n).

2. See John Kean: Notes on Convention Debates, 21 May (RCS:S.C., 369) for Samuel Lowrey's statement that four-fifths of South Carolinians opposed the Constitution.

3. Burke refers to George Miller, who was stationed in Charleston as the British consul for Georgia and North and South Carolina. Commenting on the Constitution before the meeting of the South Carolina Convention, Miller stated that "As it promises a more firm and efficient Government than the present, it is much to be wished by all His Majesty's subjects having Claims on these States, that it may be adopted; Yet it must still require a considerable time to Organize and reduce to proper form, such a complex system, whereby the good consequences expected from it by its Friends, may be generally

experienced" (to Marquis of Carmarthen, 5 May, Foreign Office, Class 4, America, Vol. 6, ff. 127–28, Public Record Office, London).

4. On 16 May the Charleston *City Gazette* reported that Maryland had ratified the Constitution (RCS:S.C., 285–87).

5. See "Newspaper Reports of Peter Fayssoux's Comments in the South Carolina Convention," 19 May (RCS:S.C., 356–58).

6. For the federal procession held in Charleston on 27 May, see RCS:S.C., 424–30n.

7. Rawlins Lowndes was elected as a delegate to the Convention from St. Bartholomew's Parish, but declined to serve. See Charleston *City Gazette*, 7 May, at note 2 (RCS: S.C., 276–77n).

8. Thomas Taylor and brothers Richard and Wade Hampton served as colonels in the South Carolina militia during the Revolutionary War. Taylor represented Richland County and the Hampton brothers represented Saxe Gotha District in the state Convention and all three voted against ratification. Taylor (1743–1833), a planter and land speculator, served in the South Carolina Provincial Congress, 1775–76; House of Representatives, 1776–78, 1783–84; and Senate, 1787–88, 1791–94, 1802–5. Wade Hampton (1754–1835), a planter and land speculator, served in the South Carolina House of Representatives, 1779–86, 1791, and the U.S. House of Representatives, 1795–97, 1803–5. For Richard Hampton, see RCS:S.C., 293n, note 1.

9. In printing parts of this letter (see note 1, above), the Antifederalist *New York Journal*, 10 July, revised this paragraph to read: "There are a number of gentlemen in the back country, of property and abilities, who have given evident proofs of their gallantry in the late war, and who are possessed of great influence among the people, that are decidedly against the new system, unless essentially amended."

Charleston City Gazette, 26 June 1788

Judge Pendleton, in the debate which took place in the house of representatives, relative to the propriety of calling a convention of the people, when some suggestions were pressed, that the northern states, by their candor and generosity, invited a union of interest, observed that he was concerned to see the southern states so precipitate in losing sight of one anothers friendship. In this new political wedding, should South-Carolina be the bride, she might depend upon it that her northern husband would not prove a Jerry Sneak.[1]

Faded and fallen as the credit of America at present is considered, it is certain that Congress last year could have negociated a loan in Holland for one million of guilders. This was asserted in the convention by Col. Gervais.

1. Jerry Sneak was a character who was dominated by his wife in Samuel Foote's 1763 play *The Mayor of Garrett.*

Francis Cummins to Samuel Wilson
Bethel, S.C., July 1788 (excerpt)[1]

. . . Your Brothers Family are all well. He is a zealous Federalist[2]—We have some Disputes here about the New federal Constitution—You

have heard the State of So. Carolina adopted it by 79 of a Majority—We do not carry on either a pugnal or Paper War about it with so much violence as they've about Carlisle.[3] . . .

1. RC, L. C. Glen Papers, Southern Historical Collection, University of North Carolina at Chapel Hill. The manuscript is torn, with only "July 1788" readable in the dateline. Samuel Wilson (1754–1799), a 1782 graduate of the College of New Jersey (Princeton), was a pastor of Big Spring Presbyterian Church in Cumberland County, Pennsylvania.

2. Wilson's brother, John, lived in North Carolina near the border of York County, South Carolina, where Cummins resided. See John Wilson to Samuel Wilson, 10 July (RCS:S.C., 475), for comments on Cummins' role in the state Convention.

3. Carlisle (in Cumberland County, Pa., where Samuel Wilson resided) was the site of an Antifederalist riot that broke up a Federalist celebration of ratification of the Constitution on 26 December 1787. See RCS:Pa., 670–708.

New York Daily Advertiser, 1 July 1788[1]

From a gentleman of veracity, just arrived from South-Carolina, we have had the satisfaction to learn that several of the interior Parishes of that State who had been violently opposed to the New Constitution, previously to its adoption there; and whose Delegates in the late Convention had retired pacifically inclined to bring over their constituents into an accordance with the sentiments of the majority of their fellow citizens, in regard to the newly proposed government, were so much impressed with an idea of the reasonableness of such an acquiescence as to join in celebrating, with the greatest solemnity, the adoption of the Federal Government.

1. Reprinted: *Pennsylvania Packet*, 7 July; *Pennsylvania Journal*, 9 July; *Massachusetts Spy*, 17 July; and Winchester *Virginia Gazette*, 30 July.

William Spotswood to Mathew Carey Charleston, 5 July 1788 (excerpts)[1]

Dear Carey,

. . . People here give themselves little or no Concern about Politicks they are not at all Events so violent as in Pennsylvania. There has been hardly any Thing said or wrote on the New Constitution since its adoption here. The back-country gentlemen in many parts, it was said, were averse to the adoption of the New Constitution, so far as to declare their determination personally to abuse their representatives who voted for its adoption—I have not as yet heard that any of their threats have been put in execution. . . .

There is no business doing here at present,—proper cucumber times[2]—few people receive as much as will pay Expences—business

will not get brisk here until about September, at which time produce begins to drop [out?]—

Wishing you every happiness I remain your sincere and affectionate friend

1. RC, Lea and Febiger Collection, PHi.
2. Refers to a time when business is slow.

John Wilson to Samuel Wilson
Crowder Creek, N.C., 10 July 1788 (excerpt)[1]

Revd. Sir;

. . . The Federal Constitution is adopted in South Carolina, (the eighth state) by about two thirds of the State Convention though I verily believe a majority of the people against it. Prompted by curiosity, as well as interest I have studied and examined the said Constitution with all my power, and far beyond what my time and business would have permitted in justice to myself and my own private concerns. I have heard and considered all the material objections against it in this extensive Continent or that I believe can possibly be made. And upon the whole look upon it to be the best Constitution, the best plan of Government, all things considered that ever appeared in the world since the days of Moses.

And all the objections against it I think may be thrown into three classes arising from the following sources; 1st ignorance or prejudice, 2nd by those who say Congress may abuse their power and oppress or enslave America—therefore power ought not to be given to them—This when Ex'd on the principles of reason and by the Rules of Logic is no arg't at all,—for if it would prove anything it would prove too much and would overthrow all power and Government in particular States, or even in Families.

A third source of objections arises from some (and some noted characters too) who view, examine, and try this liberal, extensive and generous Federal plan, and the principles upon which it is constructed, on the narrow principles, and the contracted views and ungenerous and selfish plan of State Governments, or the convenience of particular States. This natively tends to subvert the independence of America, and sap the principles of the union. For the particular and local interests of every individual State, is *very different in situation from* and can never be provided for in a Federal plan—I pronounce it absolutely impossible—Then the consequence is no Union.—But I need not enlarge on this topic. You have disputes there on this subject as well as we. Virginia Convention is now sitting.[2] North Carolina delegates are to meet the

3rd monday this Inst. The Majority of the members in the Western districts is against it, though I believe it will be adopted in the State Convention, and the opposers say they expect nothing else.[3]

In some counties the infatuated populace made their delegates give under their hands they would vote against it, before they would vote them in. In the county I live in they generally said they would not vote for a man that was for it, yet upon Dr. McLean's[4] offering himself they sent him—altho he declared his sentiments for it. Yet his character carried him, for which conduct the people ought to have credit.

Mr Cummins[5] had an active part in the Convention of South Carolina. He was voted one of their delegates because he opposed the want of a religious test. They thought he was opposed to the Constitution. You will see his speeches, I expect they are printed in the Philadelphia papers by this time.[6] I debated with him on that subject in private conversation, but he has shifted his ground.

The debates between us was, he urged the "necessity and usefulness of a religious test to keep out Deists and Atheists from places of power and trust and to countenance and encourage religion." This sentiment I opposed, but you will find (if you see his speech) that he insists upon it to secure the sacred nature of an Oath, and constructs the meaning of the clause to what the Grand Convention never intended.[7]

You will excuse my freedom, you know I am addicted to a dogmatical method of speaking and perhaps one reason is, I move in a private sphere of life, I court no favours from the giddy populace. I think for myself, and intend so to do, and I allow all men the same privilege. The sum of what I have wrote is just this. I think the whole amount of all the objections against the Constitution is ignorance, prejudice and absurdity; the production of narrow, warped minds, and leather headed politicions. . . .

1. Typescript, L. C. Glen Papers, Southern Historical Collection, University of North Carolina at Chapel Hill. The typescript was prepared in 1895 by Annie E. Wilson, great-granddaughter of John Wilson, from a manuscript in her possession. John Wilson (1742–1799), brother of Samuel Wilson, settled prior to the Revolutionary War in Lincoln County (now Gaston County), North Carolina. Wilson served as county register of deeds.

2. The Virginia Convention had ratified the Constitution on 25 June and adjourned on 27 June.

3. The first North Carolina Convention met 21 July through 4 August and refused to ratify the Constitution (see CC:821).

4. William Maclaine represented Lincoln County in the first North Carolina Convention.

5. Francis Cummins, a delegate from New Acquisition District in the South Carolina Convention.

6. Cummins' speeches of 20 and 23 May (RCS:S.C., 359–61, 402–3) were reprinted in two Philadelphia newspapers by 11 June.

7. Cummins proposed a recommendatory amendment to the Constitution that was adopted by the state Convention. The amendment called for the word "other" to be added between "no" and "religious" in Article VI, Section 3, which read "but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States." For the printing of Cummins' 23 May speech on religious tests, see RCS:S.C., 402–3. For Cummins' amendment, see Convention Proceedings, 23 May (RCS: S.C., 393).

Penuel Bowen to Joseph Ward
John's Island, near Charleston, 14 July 1788 (excerpt)[1]

. . . But not to be tedious if I can avoid it—Politicks has been the most leading theme between us—But now by your consent I am for dropping it: We pass'd upon the new Constitution.—I acknowledge I was not skilled enough to judge at first even for myself: Neither after all till I met with & read & digested the debates of our old Massachusetts convention[2] with the various multiform & multifarious [– – –] relating to the subject: I say in one word—that it is the most subtil, profound inquisitive decisive people—I believe now on the face of the earth.—I was pleased with the honest patriotism of a [– – –] a Turnor &c &c The Politicks of [– – –] a king, a Strong—The Juris Prudence of a Sumner—a Dana—Was captivated with the reasoning & Eloquence of an Ames—a Heath—a Brooks—the smartness of a Daws &c—The Diction of a Symmes &c &c The Learng of a young Bowdoin—a Gore &c—But the solid sterling reasoning argument & conviction of Bo[wdoin] Senr—Arrested me beyound the rest.[3]

We & other States I've no doubt have been helped in our ideas & understanding of matters from the publication of your debates & doings & in this way at least influenced in acting on the great subject. . . .

1. Typescript, Bowen-Cook Papers, ScHi.

2. For the printing of excerpts from the debates in the Massachusetts Convention in South Carolina, see Charleston *City Gazette*, 11 April, note 1 (RCS:S.C., 257n). Given the speeches mentioned by Bowen, it is more likely that he read the debates from the book edition, which was published in Boston on 18 March. (For the book edition, see RCS:Mass., 1132–36.)

3. Bowen is referring to delegates who spoke in the Massachusetts Convention: Charles Turner, Rufus King, Caleb Strong, Increase Sumner, Francis Dana, Fisher Ames, William Heath, Eleazer or John Brooks, Thomas Dawes, Jr., William Symmes, Jr., James Bowdoin, Jr., Christopher Gore, and James Bowdoin. (For the Massachusetts Convention, see RCS: Mass., 1161–1497.)

Joshua Johnson to Wallace & Muir
London, England, 7 August 1788 (excerpt)[1]

. . . I received infinite pleasure from your information of South Carolina having adopted the new Constitution & am very anxious to hear

what Virginia has done, should she have been just enough to come into the measure. I shall soon hope to see a favorable turn to our affairs & the dishonest made public examples of. . . .

1. FC, Johnson Letterbook, DLC. The letterbook copy is endorsed "℔ The Washington/Capt. White." Marylanders Johnson (1744–1802), Charles Wallace (1727–1812), and John Muir were partners in a London-based mercantile firm with a retail outlet in Annapolis. Johnson became the first U.S. consul in London (1790–97) and father-in-law of John Quincy Adams. Wallace was a member of the Maryland Executive Council, 1783–85.

Baron de Beelen-Bertholff to Count Trauttmansdorff
Philadelphia, 28 September 1788 (excerpt)[1]

. . . The state of South Carolina likewise adopted it by 149 votes against 73, with the reservation that they would give as permanent instructions to those who will henceforth represent South Carolina in the general government to devote all possible care and action to securing the right, the manner, the times and the place for the choice of members of the federal legislature always be inseparable from the sovereignty of each state, and that the general government will never be able to levy direct taxes save in cases where the revenues from customs duties, excises, and other state imposts are not sufficient for that purpose, and in that case only after the general government has made a requisition to the states. In this state of affairs and considering the agreement of 9 of 13 states, Congress, according to article 7 of the plan of Constitution, appointed a committee on this matter and put it in operation. . . .

1. Printed (Tr): Hanns Schlitter, ed., *Die Berichte des Ersten Agenten Osterrichs in den Vereinigten Staaten von Amerika Baron de Beelen-Bertholff* . . . (Vienna, 1891) ("Fontes Rerum Austriacarum," Abth. 2, Bd. XLV), 822–33. Baron Beelen-Bertholff (1729–1805) was the "Counsellor of Commerce and Navigation for the States of his Imperial Majesty" (Joseph II, the Holy Roman Emperor) in the United States from 1783 to 1790. Stationed in Philadelphia and a member of the American Philosophical Society, Beelen-Bertholff owned land in Pennsylvania, where he died in York County in 1805. His letters and reports, written in French, were sent to Count Trauttmannsdorf (1749–1827), Joseph II's minister plenipotentiary to the Austrian Netherlands who was stationed in Brussels.

Senex
State Gazette of South Carolina, 27 November 1788 (excerpt)

———— *At fuit fama. Quotus quis que istam effugere potest in tam maledica civitate?* Cic.[1]

For some time past the subjects concerning the new constitution, interference and other matters of equal importance have engrossed

almost every thought, and stampt in the face of every citizen the appearance of a serious and considering mind. Indeed so great has been the incentive towards politics, that old and young, in the house and out of the house, on horseback and on foot, all jogged on, pensively weighing what would best serve our present situation, and relieve us from disadvantages we labour under. Heaven be praised, we have at length escaped out of this labyrinth of researches! and with an easy and pleasant mind each individual now feels himself at leisure to pursue his stated occupations. No longer are the common place questions in every body's mouth of "What is your opinion concerning the new constitution?" "Don't you think it contrary to magna charta?" "And shall we have a valuation act, or a new instalment law?" The truth now, to my great satisfaction, invite one to take a walk when the weather proves warm and dry, without any danger of gouty feet being trampled upon, with the hasty desire of asking "What news?" And although I am a great friend to a domestic life, and warm fire side, I have been tempted to make one or more visits to an old friend, and congratulate him upon our present fine weather. For I am credibly informed, that several trees have arrayed themselves in their gayest blossoms: And if nature be so far inverted, why may not old age regain the appearance of youth, and smile on all the charms so incident to the gay charms of life? . . .

1. Latin: "There was a rumor. How few people are there who can avoid such a report in a city so prone to evil speaking." Cicero, *Pro M. Caelio*, Oratio, Section XVI.

VI–C. The South Carolina Legislature and the State Convention 9 October–4 November 1788

The resolutions calling the state convention authorized members to be paid the same allowance as members of the General Assembly, but the funds had never been appropriated to pay them or other Convention expenses. On its final day, the Convention adopted a motion by David Ramsay calling on President of the Convention (and Governor) Thomas Pinckney to recommend to the legislature "to Provide a Sum of Money for Paying of the Secretary, Messenger, Door and Bar Keeper, and for other Expences incurred by this Convention" (Convention Proceedings, 24 May, RCS:S.C., 405). On 23 and 24 May Pinckney had signed certificates for the members calling for payment of two dollars for each day in attendance at the Convention and for days spent traveling (RCS:S.C., 407–8). The treasury honored a certificate submitted

by John Harris on 24 May, the day the Convention adjourned, and a certificate submitted by Seth Stafford on 29 May, but it is likely that one of the treasury officials realized that the funds had not been appropriated and halted redemption of pay certificates until after the legislature appropriated the funds in its fall session.

The state House of Representatives convened in special session on 7 October, obtained a quorum on 8 October, and received a message from Governor Pinckney on 9 October. In his message, Pinckney reported that the state Convention had ratified the Constitution and transmitted the 13 September ordinance of Congress calling the first federal elections. Four days later, on 13 October, he forwarded the journal of the state Convention along with the recommendations for amending the constitution from Massachusetts, New York, Virginia, and North Carolina. The message was tabled (Stevens, *House Journals, 1787–1788*, 545–46, 557–58).

On Saturday, 25 October, a motion was made in the House to appoint a committee to provide for payment of the Convention's expenses as well as expenses for members of the 1788 sessions of the legislature. The committee, consisting of Daniel Stevens, Peter Fayssoux, and Richard Lushington, completed its work over the weekend and presented its report to the House on Monday, 27 October. On the following day, the House considered the report, asked the committee to draft a bill (which it did the same day), and gave the bill its first reading. The House gave the bill a second reading and sent it to the state Senate on Wednesday, 29 October. The Senate requested some changes relating to expenses of the General Assembly on Monday, 3 November. By Tuesday, 4 November, both houses had concurred, the bill was ratified, and the treasury began honoring Convention certificates again (see Stevens, *House Journals, 1787–1788*, 593, 599, 600, 603, 622, 627, 629–30, and Mfm:S.C. 94 A–B, for the Senate proceedings). An additional payment for stationary for the Convention was authorized in March 1789 (Michael E. Stevens, ed., *Journals of the House of Representatives, 1789–1790* [Columbia, 1984], 286).

Governor Thomas Pinckney to the South Carolina House of Representatives, Charleston, 9 October 1788[1]

Gentlemen,

Events which have taken place during your Recess have evinced the propriety of your adjournment to the present period.—

Eleven States having acceded to the Constitution proposed for the Government of the United States by the fœderal Convention, Congress

have taken measures pursuant to the recommendation of the Convention for carrying it into effect. Their Resolutions for this purpose are herewith transmitted to you.[2]—

The Convention of this State met for the purpose of considering & of ratifying or rejecting the fœderal Constitution, after twelve days spent in deliberation thereon finally ratified the same on the 24th day of May last; a Copy of the Ratification is by their direction lodged in the Office of the Secretary of the State. Having had the honor of being elected President of that Body I shall direct the journal of their proceedings to be laid before you for your information.

The other dispatches now submitted to your consideration were received subsequent to your last adjournment.[3]

1. RC, Governors' Message, Sc-Ar. Two copies of the message are extant. The transcription is taken from the copy transmitted to the state House of Representatives.

2. Pinckney transmitted the Confederation Congress' election ordinance of 13 September, calling on states to hold elections to establish the government under the Constitution (CC:845). For more on the elections in South Carolina, see Merrill Jensen et al., eds., *The Documentary History of the First Federal Elections, 1788–1790* (4 vols., Madison, Wisc., 1976–89), I, 145–226.

3. Governor Pinckney enclosed fifteen documents, including a letter from John Adams, letters from South Carolina's delegates to Congress, and various acts, ordinances, resolutions, and proclamations of the Confederation Congress. For the list of items, see Stevens, *House Journals, 1787–1788*, 546n.

Governor Thomas Pinckney to the South Carolina House and Senate, Charleston, 13, 16 October 1788[1]

Honble Gentlemen,

The Journal of the Proceedings of the State Convention held in May last is herewith transmitted to you, accompanied by recommendations for amending the Constitution proposed by the Conventions of the States of Massachusetts, New York, Virginia and North Carolina.[2]

1. RC, Governors' Messages, Sc-Ar. The House version was dated 13 October (Stevens, *House Journals, 1787–1788*, 557); the Senate version 16 October. The text is taken from the surviving Senate version.

2. Pinckney enclosed letters from Governor John Hancock of Massachusetts, 16 February (RCS:Mass., 1607–8), Governor George Clinton of New York, 26 July (RCS:N.Y., 2335–37), Governor Edmund Pendleton of Virginia, 28 June (RCS:Va., 1563n), and Governor Samuel Johnston of North Carolina, 12 August. The proceedings and acts of the conventions in these four states, which called for amending the Constitution, are included with the letters. See Stevens, *House Journals, 1787–1788*, 557n.

Act to Pay the Expenses of the Convention, 4 November 1788[1]

AN ACT to authorise the Commissioners of the Treasury to pay the Members, Secretary, Messengers and Door-keepers of the late State Convention, and the

Members of the Legislature for their attendance during the present and the former Session, and also Mr. Philip Prioleau.

Be it enacted by the honorable the senate and house of representatives now met and sitting in general assembly, and by the authority of the same, That the commissioners of the treasury be authorised, and they are hereby authorised and ordered to pay out of any monies in the treasury, (prior to any other claim or order thereon) or discount out of any duties that are due, or may hereafter become due, such certificates as shall be presented to the said commissioners for the attendance of the members in the state convention, subscribed by his excellency Thomas Pinckney, Esq; president of the said convention, and all such certificates for attendance of the members in either branch of the legislature, for the present or the former session, as shall be subscribed by the president of the senate or speaker of the house of representatives; also 50 l. sterling to Mr. Philip Prioleau, for the use of his house, for the service of the honorable the senate, during the former and present session, any law to the contrary thereof in any wise notwithstanding.

II. *And be it further enacted,* That John Dart, Esq: secretary of the convention, be allowed for his services 20 l. and Ralph Attmore, messenger, and Ichabod Attwell and John Bounetheau, door-keepers, 5 l. each, and that the secretary be also allowed all incidental charges to the convention, to be paid in the same manner as the members of the legislature and convention before recited.

Ratified November 4, 1788.

1. *Acts and Ordinances of the General Assembly of the State of South-Carolina, Passed in October and November 1788* (Charleston, 1789) (Evans, 22152), 5.

Payment of Convention Delegates

This table of the payments to state Convention delegates was created from two sources: certificates signed by Thomas Pinckney on 23 and 24 May, the Convention president, and entries in the South Carolina treasury journals made when the certificates were redeemed. Both record series are in the South Carolina Department of Archives and History. (Three certificates are in other repositories.) Convention delegates were paid at the same rate as members of the South Carolina legislature, namely two South Carolina dollars (or four shillings, eight pence) for each day in attendance and traveling.

A payment certificate consisted of a printed form on which the clerk entered the name of the delegate, the number of days in attendance, the number of days traveling, and the dollar amount owed. The days in attendance and days traveling have been included in the table when payment certificates have survived. For a sample, see "Payment Certificate of John Cook for Attending South Carolina Convention," 24 May (RCS:S.C., 408).

When the delegate redeemed the certificate, an entry was made in the South Carolina Treasury Journals. The journal entry did not distinguish between days

in attendance and days traveling, but rather entered the total number of days paid and the amount in South Carolina dollars. In some cases, the amount in pounds, shillings, and pence was also entered. In some cases, the treasury clerk did not enter the days and dollar amount, but only listed an amount in pounds, shillings, and pence. In those cases, the amount and the days have been calculated, entered on the table, and marked with an asterisk (*). Some delegates, regardless of whether they attended or not, did not claim payment. These delegates are noted with a zero in the appropriate columns.

Delegate	Parish or District	Attendance Days	Travel Days	Total Days	Amount Paid
Lemuel James Alston	Ninety Six District—North Side of Saluda			25	$50
Thomas Alston	All Saints			0	$0
William Alston, Jr.	Prince George, Winyah	13	2	15	$30
Robert Anderson	Ninety Six District—South Side of Saluda				
John Barnwell	St. Helena	13	4	17	$34
Robert Barnwell	St. Helena			17	$34
Andrew Baskins	District Eastward of Wateree			20	$40
Thomas Bee	St. Philip & St. Michael			*13	$26
Edmund Bellinger	St. Bartholomew			0	$0
Lamuel Benton	St. David			20	$40
Edward Blake	St. Philip & St. Michael			*13	$26
John Blake	St. Philip & St. Michael			0	$0
John Lewis Bourquin, Jr.	St. Peter			22	$44
John Bowie	Ninety Six District			23	$46
John Bowman	St. James, Santee			0	$0
Samuel Boykin	District Eastward of Wateree			18	$36
Thomas Brandon	Upper or Spartan District			24	$48
Jacob Brown	Fairfield County	13	8	21	$42
Joseph Brown	Chester County			23	$46
Robert Brownfield	St. David			19	$38
Donald Bruce	Orange			17	$34
John Budd	St. Philip & St. Michael			13	$26
William Buford	District between Savannah and North Fork of Edisto			0	$0
Zachariah Bulloch	Upper or Spartan District			24	$48
John Burgess, Jr.	Prince Frederick			17	$34
Aedanus Burke	Lower District			0	$0
William Butler	Ninety Six District			21	$42
Joseph Calhoun	Ninety Six District			23	$46
Daniel Cannon	St. Philip & St. Michael			13	$26
John Chestnut	District Eastward of Wateree			19	$38
John Chisholm	St. Peter			18	$36
Jonathan Clark[1]	District between Savannah and North Fork of Edisto			19	$38
John Ewing Colhoun	Ninety Six District			0	$0

Delegate	Parish or District	Attendance Days	Travel Days	Total Days	Amount Paid
John Collins	District between Savannah and North Fork of Edisto			19	$38
John Cook	Fairfield County	4	8	12	$24
Thomas Cooper	St. Stephen			0	$0
James Craig	Fairfield County			21	$42
John Croskeys	St. Bartholomew	13	2	15	$30
Benjamin Cudworth	District Eastward of Wateree			21	$42
Joseph Culpepper	Saxe Gotha			19	$38
Francis Cummins	New Acquisition District			23	$46
John A. Cuthbert	Prince William	13	4	17	$34
Robert Daniel	St. Thomas & St. Dennis	13	2	15	$30
Edward Darrell	St. Philip & St. Michael			13	$26
Charles Davenport	Ninety Six District			23	$46
John Dawson	St. George, Dorchester			*13	$26
John Deas, Jr.	St. James, Goose Creek			*13	$26
Daniel DeSaussure	St. Philip & St. Michael			13	$26
Stephen Deveaux	Prince William			17	$34
William Dewitt[2]	St. David			20	$40
Patrick Dollard	Prince Frederick			17	$34
Charles Drayton	St. Andrew	13	2	15	$30
Glen Drayton	St. Andrew	13	2	15	$30
Isaac Dubose	St. James, Santee			19	$38
Samuel Dubose	St. Stephen			15	$30
William Dunbar	District between Savannah and North Fork of Edisto			19	$38
Samuel Dunlap	District Eastward of Wateree			22	$44
Thomas Dunlap	District Eastward of Wateree			22	$44
Samuel Earle	Ninety Six District—North Side of Saluda	13	12	25	$50
John Edwards	St. Philip & St. Michael			13	$26
William Elliot	St. Helena			17	$34
Peter Fayssoux	St. John, Berkeley			13	$26
John Fenwick	St. Peter			18	$36
William Fitzpatrick	Saxe Gotha			19	$38
Lewis Fogartie	St. Thomas & St. Dennis	13	2	15	$30
William Frierson	Prince Frederick			17	$34
Thomas Fuller	St. Andrew			0	$0
Christopher Gadsden	St. Philip & St. Michael			0	$0
Thomas Gadsden	St. Philip & St. Michael			0	$0
Melcher Garner	St. Paul			15	$30
John Lewis Gervais	Ninety Six District			6	$12
John Glaze	St. George, Dorchester			0	$0
Lewis Golsan	Orange			18	$36
John Gray	Fairfield County			21	$42
John F. Grimke	St. Philip & St. Michael			13	$26
George Haig	St. Paul	13	0	13	$26
Paul Hamilton	St. Paul			15	$30

Delegate	Parish or District	Attendance Days	Travel Days	Total Days	Amount Paid
Andrew Hamilton[3]	Ninety Six District			23	$46
John Hampton	Lower District between Broad and Saluda			21	$42
Richard Hampton	Saxe Gotha			*19	*$38
Wade Hampton	Saxe Gotha	13	6	19	$38
Isaac Harleston	St. Thomas & St. Dennis	13	2	15	$30
John Harris	Ninety Six District			23	$46
Joachim Hartstone	St. Peter			18	$36
Thomas Heyward, Jr.	St. Philip & St. Michael			13	$26
Benjamin Hicks, Jr.	St. David			21	$42
William Hill	New Acquisition District			23	$46
Henry Holcom	St. Peter			18	$36
Peter Horry	Prince George, Winyah			0	$0
Thomas Horry	St. James, Santee			0	$0
Thomas Howell	Richland County			19	$38
John Huger	St. Thomas & St. Dennis	13	0	13	$26
James G. Hunt	New Acquisition District			18	$36
John Hunter	Little River District			23	$46
Matthias Hutchinson	St. George, Dorchester			*15	$30
Richard Hutson	St. Andrew			0	$0
Thomas Hutson	Prince William			17	$34
Ralph Izard, Jr.[4]	St. Andrew			13	$26
Ralph Izard, Sr.	St. James, Goose Creek			0	$0
Daniel Jenkins	St. John, Colleton			15	$30
Isaac Jenkins	St. John, Colleton			15	$30
William Johnson	St. Philip & St. Michael			13	$26
Adam Crain Jones	Ninety Six District			23	$46
Thomas Jones	St. Philip & St. Michael	13	0	13	$26
James Jordan	Upper or Spartan District			24	$48
John Joyner	St. Helena			17	$34
Michael Kalteisen	St. Philip & St. Michael			13	$26
Thomas Karwon	St. Thomas & St. Dennis	13	2	15	$30
John Kean	St. Helena			17	$34
William Kennedy	Upper or Spartan District			24	$48
Cleland Kinloch	Prince George, Winyah			0	$0
Francis Kinloch	St. Philip & St. Michael			13	$26
James Knox	Chester County	13	10	23	$46
Edward Lacey	Chester County			23	$46
James Ladson	St. Andrew	13	2	15	$30
Henry Laurens, Jr.[5]	St. John, Berkeley	13	0	13	$26
Henry Laurens, Sr.	St. John, Berkeley			0	$0
Thomas Legare	St. John, Colleton	13	0	13	$26
Lewis Lesterjette	Orange			17	$34
Edward Lightwood	St. Philip & St. Michael			13	$26
John Lightwood	Prince William			17	$34
James Lincoln	Ninety Six District			22	$44
John Lindsey	Lower District			22	$44
John Linton	St. Matthew			18	$36

Delegate	Parish or District	Attendance Days	Travel Days	Total Days	Amount Paid
John Lloyd	St. Bartholomew			13	$26
Andrew Love	New Acquisition District			23	$46
Samuel Lowrey	New Acquisition District			19	$38
John Lowry	District Eastward of Wateree			19	$38
Richard Lushington	St. Philip & St. Michael			13	$26
Hezekiah Maham	St. Stephen			15	$30
James Maine	Prince William	13	4	17	$34
Gabriel Manigault	St. James, Goose Creek			13	$26
Joseph Manigault	Christ Church	13	0	13	$26
Francis Marion	St. John, Berkeley			0	$0
Edmond Martin	Ninety Six District			21	$42
James Martin	New Acquisition District			23	$46
William Massey	District Eastward of Wateree	13	9	22	$44
John Mathews	St. Philip & St. Michael			0	$0
John Mayrant	St. James, Santee			18	$36
James Mayson	Little River District			0	$0
William McCaleb	Ninety Six District—South Side of Saluda			25	$50
John McCaw	New Acquisition District			23	$46
John McPherson	Prince William			17	$34
Adam Meek	New Acquisition District			23	$46
William Meyer	Richland County			19	$38
Ephraim Mikell	St. John, Colleton			15	$30
Lewis Miles	St. James, Santee			15	$30
William Miles	Chester County			23	$46
John Miller	Ninety Six District—South Side of Saluda			25	$50
John Montgomery	District Eastward of Wateree			22	$44
Daniel Morrall	All Saints			18	$36
Lewis Morris	St. Philip & St. Michael			13	$26
Isaac Motte	St. Philip & St. Michael			13	$26
William Moultrie	St. John, Berkeley			13	$26
Richard Muncreef, Jr.	St. John, Colleton			15	$30
John Palmer	St. Stephen			15	$30
Thomas Palmer	St. Stephen			0	$0
Isaac Parker	St. Thomas & St. Dennis	13	0	13	$26
John Parker, Jr.	St. James, Goose Creek			*13	$26
Robert Patton	New Acquisition District			23	$46
Henry Pendleton	Saxe Gotha			13	$26
James Pettigrew	Prince Frederick			17	$34
John Peyre	St. Stephen	13	2	15	$30
Charles Pinckney	Christ Church			*13	*26
Charles Cotesworth Pinckney	St. Philip & St. Michael			*13	*26
Thomas Pinckney	St. Philip & St. Michael			0	$0
Benjamin Postell	St. Bartholomew			15	$30
John Postell	St. George, Dorchester			*13	$26
William Postell	St. George, Dorchester			15	$30

Delegate	Parish or District	Attendance Days	Travel Days	Total Days	Amount Paid
John Julius Pringle	St. Philip & St. Michael			13	$26
David Ramsay	St. Philip & St. Michael	13	0	13	$26
Jacob Read	Christ Church			13	*26
William Read	Christ Church			13	*26
William Reed	Prince Frederick			17	$34
William Robison	District between Savannah and North Fork of Edisto			19	$38
Jacob Rumph	Orange			17	$34
Nathaniel Russell	St. Philip & St. Michael	13	0	13	$26
Robert Rutherford	Lower District	13	9	22	$44
Edward Rutledge	St. Philip & St. Michael			13	$26
Hugh Rutledge	St. Philip & St. Michael			0	$0
John Rutledge	Christ Church			0	$0
Roger Parker Saunders	St. Paul	13	2	15	$30
Joshua Saxon	Little River District			23	$46
Samuel Saxon	Little River District			23	$46
William Scott	St. Andrew			15	$30
Thomas Screven	St. Thomas & St. Dennis	13	2	15	$30
John Simmons	Prince William	13	4	17	$34
Keating Simons	St. John, Berkeley			0	$0
Charles Sims	Upper or Spartan District			24	$48
Joseph Slann	St. Paul			8	$16
William Smelie	St. John, Colleton			15	$30
Abraham Smith	New Acquisition District			23	$46
Benjamin Smith	St. James, Goose Creek	13	0	13	$26
Josiah Smith	St. Philip & St. Michael	13	0	13	$26
O'Brien Smith	St. Bartholomew			15	$30
Peter Smith	St. James, Goose Creek			13	$26
Samuel Smith	Prince George, Winyah			0	$0
Stephen Smith	District between Savannah and North Fork of Edisto			19	$38
William Loghton Smith	St. James, Goose Creek			*13	$26
William Clay Snipes	St. Bartholomew			15	$30
William Somersall	St. Philip & St. Michael			13	$26
Calvin Spencer	St. David			22	$44
Seth Stafford	St. Peter			18	$36
William Stafford	St. Peter			0	$0
Daniel Stevens	St. Philip & St. Michael			13	$26
James Stuart	St. Helena			17	$34
Thomas Sumter	District Eastward of Wateree			18	$36
Samuel Taylor	St. David			20	$40
Thomas Taylor	Richland County			19	$38
John Thomas, Jr.	Ninety Six District—North Side of Saluda			25	$50
Tristram Thomas	St. David			21	$42
William Thomson	St. Matthew			18	$36

Delegate	Parish or District	Attendance Days	Travel Days	Total Days	Amount Paid
John Threewits	Saxe Gotha			19	$38
Llewellyn Threewits	Saxe Gotha			19	$38
Anthony Toomer	St. Philip & St. Michael	13	0	13	$26
Joshua Toomer	Christ Church	13	0	13	$26
Alexander Tweed	Prince Frederick			17	$34
Arnoldus Vanderhorst	Christ Church	13	0	13	$26
Joseph Vince	District between Savannah and North Fork of Edisto			19	$38
Thomas Wadsworth	Little River District			23	$46
Paul Walter	St. Bartholomew			15	$30
Thomas Walter	St. John, Berkeley			15	$30
Morton Waring	St. George, Dorchester			15	$30
Thomas Waring	St. George, Dorchester			15	$30[6]
Paul Warley	St. Matthew			17	$34
Samuel Warren	St. James, Santee			15	$30
William Washington	St. Paul			0	$0
Philemon Waters	Lower District			22	$44
Thomas Waties	Prince George, Winyah			0	$0
Samuel Watson	New Acquisition District			23	$46
Hugh White	District Eastward of Wateree			22	$44
William Hazzard Wigg	St. Helena			17	$34
Hugh Wilson	St. John, Colleton			15	$30
Jehu Wilson	St. Paul	13	2	15	$30
William Wilson	Prince Frederick			19	$38
Richard Withers	St. James, Santee	13	2	15	$30

1. Entered as John Clark in the treasury journal.

2. Entered as Major Dewitt in the treasury journal.

3. Entered erroneously in the treasury journal as Samuel Hamilton.

4. The treasury journal did not distinguish between Ralph Izard, Sr., and Ralph Izard, Jr. The amount paid has been entered under the name of the younger Izard.

5. The treasury journal did not distinguish between Henry Laurens, Sr., and Henry Laurens, Jr. The amount paid has been entered under the name of the younger Laurens.

6. The treasury journal lists the pay as $30 (£7) for fifteen days. The certificate signed by Convention President Thomas Pinckney gives the pay as $26 for thirteen days attendance and no days travel.

Biographical Gazetteer

The following sketches outline the political careers of the principal South Carolina leaders who participated in the process of ratifying the U.S. Constitution. When known, their political positions are indicated (1) on the Constitution in 1787–1788; and (2) in national politics after 1789. Categorizing South Carolina political leaders in the 1790s is difficult because family ties and in-state factions played important roles in political alignments. The two leading Federalist factions were the Izard-Manigault-Smith faction (led by Ralph Izard, Sr., and his two sons-in-law, Gabriel Manigault and William Loughton Smith) and the Pinckney-Rutledge faction (led by the Pinckney and Rutledge brothers but not Charles Pinckney). Members of the Izard-Manigault-Smith faction supported the Federalists more consistently than members of the Pinckney-Rutledge faction, who varied their support between Republicans and Federalists.

BURKE, AEDANUS (1743–1802)
Antifederalist/Republican

Born, Galway, Ireland. Jurist. Studied for Roman Catholic priesthood in France. Arrived in Virginia by 1769, where he studied law. Moved to South Carolina, c. 1775. Officer, Continental Army and S.C. militia during the Revolutionary War; held by British as prisoner of war, 1780–81. Associate judge, S.C. Court of General Sessions and Common Pleas, 1778–80, 1783–99; Chancellor, S.C. Court of Equity, 1799–1802. Member, S.C. House of Representatives, 1779–88; U.S. House of Representatives, 1789–91. Author of pamphlets critical of confiscation of Tory property (1782), the Society of the Cincinnati (1783), and British merchants in Charleston (1785). Represented Lower District between the Broad and Saluda Rivers in the 1788 state Convention, where he voted against ratification of Constitution.

BUTLER, PIERCE (1744–1822)
Federalist/Federalist/Republican

Born, County Carlow, Ireland. Son of fifth baronet of Cloughgrenan. Planter. Officer in the British Army in Ireland and America in the 1760s until 1773, rising to the rank of major by 1766. Through marriage acquired substantial plantations in South Carolina. He also purchased property in Georgia. Appointed adjutant general of S.C. militia, 1779. Member, S.C. House of Representatives, 1776–84, 1786–89, 1796–97, 1799. Delegate, Confederation Congress, 1787. Delegate, Constitutional Convention, 1787; signed Constitution. Served in U.S. Senate, 1789–96 (resigned), 1802–4 (resigned). Originally a supporter of the Hamiltonian financial plan, by 1793 Butler had moved to the Republican position and actively opposed the Jay Treaty. Unsuccessful candidate for U.S. House of Representatives, 1798. In retirement, lived in Philadelphia, Pa., where he was a director of the Second Bank of the United States, 1816–19.

FAYSSOUX, PETER (1745–1795)
Antifederalist/Republican

Born, Charleston. Physician and planter. Studied medicine in Edinburgh, Scotland, 1766–69. Returned to Charleston, where he practiced medicine and owned property. Physician, Continental Army during the Revolutionary War; held by British as prisoner of war, 1780–81. Co-founder and first president, S.C. Medical Society, 1788. Member, S.C. House of Representatives, 1786–90. Represented the parish of St. John, Berkeley, in the 1788 state Convention, where he voted against ratification of the Constitution.

LOWNDES, RAWLINS (1721–1800)
Antifederalist

Born, St. Kitts, West Indies. Lawyer and planter. Arrived in Charleston with his parents in 1730. Studied law under Robert Hall. S.C. deputy provost marshal, 1742–52. Owned several plantations in parish of St. Bartholomew. Member, S.C. Commons House of Assembly, 1749–54, 1757–75 (speaker, 1763–65, 1772–75); S.C. provincial congresses, 1775–76; S.C. House of Representatives, 1776–78, 1787–90. Elected to S.C. Legislative Council, 1776, but declined to serve. Assistant judge, S.C. Court of Common Pleas, 1766–72. S.C. president, 1778–79. Accepted British protection after the fall of Charleston in 1780. Principal opponent to U.S. Constitution in debates in S.C. House of Representatives, January 1788. Elected to 1788 state Convention for the parish of St. Bartholomew, but declined to serve. Intendant (i.e., mayor) of Charleston, 1788.

PINCKNEY, CHARLES (1757–1824)
Federalist/Federalist/Republican

Born, Charleston. Lawyer and planter. Studied law in Charleston and admitted to bar, 1779. First cousin once removed of Charles Cotesworth Pinckney and Thomas Pinckney; son-in-law of Henry Laurens, Sr.; brother-in-law of David Ramsay. Officer, S.C. militia during the Revolutionary War; held on British prison ship in Charleston harbor, 1781. Member, S.C. House of Representatives, 1779–80, 1784, 1787–89, 1792–96, 1806, 1810–13. Delegate, Confederation Congress, 1784–87. Delegate, Constitutional Convention, where he submitted a draft constitution, 1787; signed Constitution. Represented the parish of Christ Church in the 1788 state Convention, where he voted to ratify the Constitution. Broke with Federalists in the early 1790s and aligned with Republicans. Opposed the Jay Treaty and helped build support for Jefferson in South Carolina. Member and president, of state constitutional convention, 1790. S.C. governor, 1789–92, 1796–98, 1806–8. Served in U.S. Senate, 1799–1801; U.S. House of Representatives, 1819–21. U.S. minister to Spain, 1801–5.

PINCKNEY, CHARLES COTESWORTH (1746–1825)
Federalist/Federalist

Born, Charleston. Lawyer, planter, and land speculator. Brother of Thomas Pinckney; first cousin once removed of Charles Pinckney. Lived in England, 1753–69, where he attended Oxford and Middle Temple. Admitted to English bar, 1769; admitted to South Carolina bar, 1770. Practiced law in Charleston. Colonel, S.C. militia. Officer, Continental Army, 1776–83; British prisoner of war and exchanged in Philadelphia, 1782; brevetted brigadier general prior to his retirement. Member, S.C. Commons House of Assembly, 1769–75; S.C. provincial congresses, 1775–76; S.C. House of Representatives, 1776–80, 1783–90; S.C. Senate, 1791–95, 1800–1804. Member, S.C. Society of the Cincinnati. Entered into business partnerships with his law partner Edward Rutledge after Revolutionary War. Delegate, Constitutional Convention, 1787; signed Constitution. Represented the parishes of St. Philip and St. Michael in the 1788 state Convention, where he voted to ratify the Constitution. Presidential elector, 1789. Member, state constitutional convention, 1790. Declined appointments by President Washington to be commander of the U.S. Army, a U.S. Supreme Court justice, secretary of war, and secretary of state. Minister and special envoy to France, 1796–97. Recalled to U.S. Army, 1798–1800, commissioned major general. Unsuccessful Federalist candidate for vice president, 1800, and for president, 1804, 1808.

PINCKNEY, THOMAS (1750–1828)
Federalist/Federalist

Born, Charleston. Lawyer and planter. Brother of Charles Cotesworth Pinckney; first cousin once removed of Charles Pinckney. Lived in England, 1753–74, where he attended Oxford and Middle Temple. Admitted to the English and South Carolina bars, 1774. Officer, Continental Army during the Revolutionary War, rising to the rank of major. British prisoner of war from 1780 until exchanged in 1781. Member, S.C. House of Representatives, 1776–87, 1789–91, 1802–4; U.S. House of Representatives, 1797–1801. S.C. governor, 1787–89. Represented the parishes of St. Philip and St. Michael in the 1788 state Convention, where he supported the Constitution but did not vote because of his role as Convention president. U.S. minister to Great Britain, 1792–96. Envoy extraordinary to Spain, 1794–95, where he negotiated the 1795 Treaty of San Lorenzo (Pinckney's Treaty). Unsuccessful Federalist candidate for vice president, 1796. Served as major general in U.S. Army during War of 1812.

RAMSAY, DAVID (1749–1815)
Federalist/Federalist

Born, Lancaster County, Pa. Physician and historian. Son-in-law of Henry Laurens, Sr.; brother-in-law of Charles Pinckney. Graduate, College of New Jersey (Princeton), 1765; medical degree, College of Philadelphia, 1773. Practiced medicine in Maryland before moving to South Carolina around 1774. Successfully practiced medicine in South Carolina until his death, including a medical partnership with John Budd, 1783–91. Co-founder and first treasurer, S.C. Medical Society, 1788. Physician, S.C. militia during the Revolutionary War. Arrested by British at the fall of Charleston in 1780 and exiled to St. Augustine, Florida. Delegate, Confederation Congress, 1782–83, 1785–86 (served as chairman from 23 November 1785 through 12 May 1786 during the absence of President John Hancock). Member, S.C. House of Representatives, 1776–90; S.C. Senate, 1791–97 (president, 1791–97). Represented the parishes of St. Philip and St. Michael in the 1788 state Convention, where he voted to ratify the Constitution. Unsuccessful candidate for U.S. House of Representatives, 1788, and for U.S. Senate, 1794. Presidential elector, 1796. Author of numerous histories of the American Revolution, South Carolina, and the United States.

RUTLEDGE, EDWARD (1749–1800)
Federalist

Born, Christ Church Parish, S.C. Lawyer, planter, and land speculator. Brother of Hugh and John Rutledge. Educated in Charleston and read law with his brother John before attending Middle Temple in England. Admitted to English bar, 1772; admitted to South Carolina bar, 1773. Practiced law in Charleston. Officer, S.C. militia during the Revolutionary War, rising to the rank of lieutenant colonel. Arrested by British at the fall of Charleston in 1780 and exiled to St. Augustine, Florida. Member, First and Second Continental congresses, 1774–76; signed Declaration of Independence. Member, S.C. provincial congresses, 1775–76; S.C. House of Representatives, 1776–95; S.C. Senate, 1796–98. Entered into business partnerships with his law partner Charles Cotesworth Pinckney after the Revolutionary War. Represented the parishes of St. Philip and St. Michael in the 1788 state Convention, where he voted to ratify the Constitution. Member, state constitutional convention, 1790. Declined appointment as U.S. Supreme Court justice. Presidential elector, 1789, 1792, 1796. S.C. governor, 1798–1800. In politics, Rutledge was hard to classify, supporting the Hamiltonian faction on economic issues and the Jeffersonian faction on foreign affairs.

RUTLEDGE, JOHN (1739–1800)
Federalist/Federalist

Born, Christ Church Parish, S.C. Lawyer and planter. Brother of Edward and Hugh Rutledge. Educated in Charleston and attended Middle Temple in England. Admitted to English bar, 1760; admitted to South Carolina bar, 1761. Practiced law in Charleston. Member, S.C. Commons House of Assembly, 1761–75; S.C. provincial congresses, 1775–76; S.C. House of Representatives, 1776, 1778–79, 1782, 1784–90. Delegate, Stamp Act Congress, 1765. S.C. president, 1776–78; S.C. governor, 1779–82. Member, First and Second Continental congresses, 1774–75; Confederation Congress, 1782–83. Delegate, Constitutional Convention, 1787 (chaired Committee of Detail), signed Constitution. Represented the parish of Christ Church in the 1788 state Convention, where he voted to ratify the Constitution. Presidential elector, 1789. Justice of the peace, 1765, 1767 (Berkeley County), and 1774 (Charleston District); judge, S.C. Court of Chancery, 1784–91; associate justice, U.S. Supreme Court, 1789–91; chief justice, S.C. Court of Common Pleas, 1791–95. Nominated in 1795 as U.S. Supreme Court chief justice and presided at August term, but Senate refused to confirm him. Opposed the Jay Treaty. Suffered mental illness and financial loss after death of wife in 1792.

SUMTER, THOMAS (1734–1832)
Antifederalist/Republican

Born, Hanover County, Va. Upcountry planter, storekeeper, and land speculator. Moved to South Carolina upcountry around 1764 to avoid imprisonment for debt in Virginia. Officer, S.C. militia during the Revolutionary War, rising to the rank of brigadier general. Sumter's brigade harassed British troops in the upcountry, 1780–82, earning him the nickname "Gamecock." Member, S.C. provincial congresses, 1775–76; S.C. House of Representatives, 1776–80, 1783–90. Represented the District Eastward of the Wateree River in the 1788 state Convention, where he voted against ratification of Constitution. Member, state constitutional convention, 1790. Served in U.S. House of Representatives, 1789–93, 1797–1801; U.S. Senate, 1801–10.

Appendix I
The South Carolina Constitution, 19 March 1778[1]

Whereas the Constitution or Form of Government agreed to and resolved upon by the Freemen of this Country, met in Congress the 26th Day of *March*, 1776, was temporary only, and suited to the Situation of their Public Affairs at that Period, looking forward to an Accommodation with *Great Britain*, an Event then desired: *And whereas* the United Colonies of *America* have been since constituted Independent States, and the political Connexion heretofore subsisting between them and *Great-Britain* entirely dissolved, by the Declaration of the Honourable the Continental Congress, dated the 4th Day of *July*, 1776, for the many great and weighty Reasons therein particularly set forth; it therefore becomes absolutely necessary to frame a Constitution suitable to that great Event: *Be it therefore Constituted and Enacted*, by His Excellency RAWLINS LOWNDES, Esq; President and Commander in Chief in and over the State of *South Carolina*, by the Honourable the Legislative Council and General Assembly, and by the Authority of the same, That the following Articles agreed upon by the Freemen of this State, now met in General Assembly, be deemed and held the Constitution and Form of Government of the said State, unless altered by the Legislative Authority thereof: which Constitution or Form of Government shall immediately take Place and be of Force from the Passing of this Act, excepting such Parts as are hereafter mentioned and specified.

I. That the Stile of this Country be hereafter *The State of South-Carolina.*

II. That the Legislative Authority be vested in a General Assembly, to consist of two distinct Bodies, a Senate and House of Representatives; but, that the Legislature of this State, as established by the Constitution or Form of Government, passed the 26th of *March*, 1776, shall continue and be in full Force, until the 29th Day of *November* next ensuing.

III. That as soon as may be after the first Meeting of the Senate and House of Representatives, and at every first Meeting of the Senate and House of Representatives thereafter, to be elected by Virtue of this Constitution, they shall, jointly, in the House of Representatives, choose by Ballot, from among themselves or from the People at large, a GOVERNOR and Commander in Chief, a Lieutenant Governor, both to continue for two Years, and a Privy Council, all of the Protestant Religion, and till such Choice shall be made, the former President, or Governor and Commander in Chief, and Vice President, or Lieutenant Governor, as the Case may be, and Privy Council, shall continue to act as such.

IV. That a Member of the Senate or House of Representatives, being chosen and acting as Governor and Commander in Chief, or Lieutenant Governor, shall vacate his Seat, and another Person shall be elected in his Room.

V. That every Person who shall be elected Governor and Commander in Chief of the State, or Lieutenant Governor, or a Member of the Privy Council, shall be qualified as followeth, *that is to say*, The Governor and Lieutenant Governor shall have been Residents in this State for *Ten Years*, and the Members of the Privy Council *Five* Years, preceding their said Election, and shall have in this State a settled Plantation or Freehold, in their and each of their own Right, of the Value of at least *Ten Thousand Pounds* currency, clear of Debt; and, on being elected, they shall respectively take an Oath of Qualification in the House of Representatives.

VI. That no future Governor and Commander in Chief who shall serve for two Years, shall be eligible to serve in the said Office after the Expiration of the said Term, until the full End and Term of *Four* Years.

VII. That no Person in this State shall hold the Office of Governor thereof, or Lieutenant Governor, and any other Office or Commission, civil or military (except in the Militia) either in this or any other State, or under the Authority of the Continental Congress, at one and the same Time.

VIII. That in Case of the Impeachment of the Governor and Commander in Chief, or his Removal from Office, Death, Resignation, or Absence from the State, the Lieutenant Governor shall succeed to his Office, and the Privy Council shall choose, out of their own Body, a Lieutenant Governor of the State. And in Case of the Impeachment of the Lieutenant Governor, or his Removal from Office, Death, Resignation, or Absence from the State, one of the Privy Council, to be chosen by themselves, shall succeed to his Office, until a Nomination to those Offices respectively, by the Senate and House of Representatives, for the Remainder of the Time for which the Officer so impeached, removed from Office, dying, resigning, or being absent, was appointed.

IX. That the Privy Council shall consist of the Lieutenant Governor for the Time being and *Eight* other Members, *Five* of whom shall be a Quorum, to be chosen as before directed, *Four* to serve for *Two* Years, and *Four* for *One* Year, and at the Expiration of *One* Year, *Four* others shall be chosen, in the room of the last *Four* to serve for *Two* Years, and all future Members of the Privy Council shall thenceforward be elected to serve for *Two* Years, whereby there will be a new Election

every Year for half of the Privy Council, and a constant Rotation established; but no Member of the Privy Council, who shall serve for *Two* Years shall be eligible to serve therein after the expiration of the said Term, until the full End and Term of *Four* Years: *Provided always*, that no Officer of the Army or Navy, in the Service of the Continent or this State, nor Judge of any of the Courts of Law shall be eligible; nor shall the Father, Son, or Brother to the Governor for the Time being, be elected in the Privy Council during his Administration.—A Member of the Senate or House of Representatives, being chosen of the Privy Council, shall not thereby lose his Seat in the Senate or House of Representatives, unless he be elected Lieutenant Governor, in which Case he shall, and another Person shall be chosen in his stead. The Privy Council is to advise the Governor and Commander in Chief, when required, but he shall not be bound to consult them unless directed by Law.—If a Member of the Privy Council shall die or depart this State, during the Recess of the General Assembly, the Privy Council shall choose another to act in his Room, until a Nomination by the Senate and House of Representatives shall take Place.—The Clerk of the Privy Council shall keep a regular Journal of all their Proceedings, in which shall be entered the Yeas and Nays on every Question, and the Opinion, with the Reasons at large, of any Member who desires it; which Journal shall be laid before the Legislature when required by either House.

X. That in Case of the Absence from the Seat of Government, or Sickness of the Governor and the Lieutenant Governor, any one of the Privy Council may be impowered by the Governor, under his Hand and Seal, to act in his room; but such Appointment shall not vacate his Seat in the Senate, House of Representatives, or Privy Council.

XI. That the Executive Authority be vested in the Governor and Commander in Chief, in Manner herein mentioned.

XII. That each Parish and District throughout this State, shall on the last *Monday* in *November* next, and the Day following, and on the same Days of every second Year thereafter, elect, by Ballot, *One* Member of the Senate; except the District of St. *Philip* and St. *Michael*'s Parishes, *Charles-Town*, which shall elect *Two* Members, and except also the District between Broad and Saludy Rivers, in three Divisions, viz. the Lower District, Little River District, and Upper or Spartan District, each of which said Divisions shall elect *One* Member; and except the Parishes of St. *Mathew* and *Orange*, which shall elect *One* Member; and also except the Parishes of *Prince George* and *All Saints*, which shall elect *One* Member. And the Election of Senators for such Parishes respectively, shall, until otherwise altered by the Legislature, be at the Parish of *Prince George*, for the said Parish and the Parish of *All Saints*, and at the

Parish of St. *Mathew* for that Parish and the Parish of *Orange*; to meet on the first *Monday* in *January* then next, at the Seat of Government, unless the Casualties of War or contagious Disorders should render it unsafe to meet there; in which Case the Governor and Commander in Chief for the Time being, may, by Proclamation, with the Advice and Consent of the Privy Council, appoint a more secure and convenient Place of Meeting; and to continue for *Two* Years, from the said last *Monday* in *November*; and that no Person shall be eligible to a Seat in the said Senate, unless he be of the Protestant Religion, and hath attained the Age of *Thirty* Years, and hath been a Resident in this State at least *Five* Years. Not less than *Thirteen* Members shall be a Quorum to do Business, but the President or any *Three* Members may adjourn from Day to Day. No Person who resides in the Parish or District for which he is elected, shall take his Seat in the Senate, unless he possesses a settled Estate and Freehold, in his own Right, in the said Parish or District, of the Value of *Two Thousand Pounds* Currency at least, clear of Debt; and no Non-resident shall be eligible to a Seat in the said Senate, unless he is Owner of a settled Estate and Freehold, in his own Right, in the Parish or District where he is elected, of the Value of *Seven Thousand Pounds* Currency at least, also clear of Debt.

XIII. That on the last *Monday* in *November* next and the Day following, and on the same Days of every second Year thereafter, Members of the House of Representatives shall be chosen, to meet on the first *Monday* in *January* then next, at the Seat of Government, unless the Casualties of War or Contagious Disorders should render it unsafe to meet there, in which Case the Governor and Commander in Chief for the Time being, may, by Proclamation, with the Advice and Consent of the Privy Council, appoint a more secure and convenient Place of Meeting; and to continue for *Two* Years from the said last *Monday* in *November*. Each Parish and District within this State, shall send Members to the General Assembly in the following Proportions, *that is to say*,

The Parish of St. Philip and St. Michael, Charles-Town, thirty Members.
The Parish of Christ Church, six Members.
The Parish of St. John, in Berkley County, six Members.
The Parish of St. Andrew, six Members.
The Parish of St. George, Dorchester, six Members.
The Parish of St. James, Goose-Creek, six Members.
The Parish of St. Thomas and St. Dennis, six Members.
The Parish of St. Paul, six Members.
The Parish of St. Bartholomew, six Members.
The Parish of St. Helena, six Members.
The Parish of St. James, Santee, six Members.

The Parish of Prince George, Winyah, four Members.
The Parish of All Saints, two Members.
The Parish of Prince Frederick, six Members.
The Parish of St. John, in Colleton County, six Members.
The Parish of St. Peter, Six Members.
The Parish of Prince William, six Members.
The Parish of St. Stephen, six Members.
The District to the Eastward of Wateree River, ten Members.
The District of Ninety-Six, ten Members.
The District of Saxe-Gotha, six Members.
The District between Broad and Saludy Rivers, in three Divisions, viz.
The Lower District, four Members.
The Little River District, four Members.
The Upper or Spartan District four Members.
The District between Broad and Catawba Rivers, ten Members.
The District called the New Acquisition, ten Members.
The Parish of St. Mathew, three Members.
The Parish of Orange, three Members.
The Parish of St. David, six Members.
The District between Savannah River and the North Fork of Edisto, six Members.

And the Election of the said Members shall be conducted, as near as may be, agreeable to the Directions of the present or any future Election Act or Acts. And where there are no Churches or Church Wardens in a District or Parish, the House of Representatives, at some convenient Time before their Expiration, shall appoint Places of Election, and Persons to receive Votes and make Returns. The Qualification of Electors shall be, that every free white Man, and no other Person, who acknowledges the Being of a God, and believes in a future State of Rewards and Punishments, and who has attained to the Age of one and twenty Years, and hath been a Resident and an Inhabitant in this State for the Space of *one* whole Year, before the Day appointed for the Election he offers to give his Vote at, and hath a Freehold at least of *fifty* Acres of Land, or a Town Lot, and hath been legally seized and possessed of the same, at least *six* Months, previous to such Election, or hath paid a Tax the preceding Year, or was taxable the present Year, at least *six* Months previous to the said Election, in a Sum equal to the Tax on *fifty* Acres of Land, to the Support of this Government, shall be deemed a Person qualified to vote for, and shall be capable of electing, a Representative or Representatives, to serve as a Member or Members in the Senate, and House of Representatives, for the Parish or District where he actually is a Resident, or in any other Parish or District, in

this State, where he hath the like Freehold. Electors shall take an Oath, or Affirmation of Qualification, if required by the returning Officer. No Person shall be eligible to sit in the House of Representatives, unless he be of the Protestant Religion, and hath been a Resident in this State for *three* Years, previous to his Election. The Qualification of the Elected, if Residents in the Parish or District for which they shall be returned, shall be the same as mentioned in the Election Act, and construed to mean clear of Debt. But no Non-Resident shall be eligible to a Seat in the House of Representatives, unless he is Owner of a settled Estate and Freehold, in his own Right, of the Value of *Three Thousand and Five Hundred Pounds* Currency at least, clear of Debt, in the Parish or District for which he is elected.

XIV. That if any Parish or District neglects or refuses to elect Members; or, if the Members chosen do not meet in General Assembly; those who do meet shall have the Powers of the General Assembly. Not less than *sixty-nine* Members shall make a House of Representatives to do Business; but the Speaker, or any *seven* Members may adjourn from Day to Day.

XV. That at the Expiration of *seven* Years after the Passing of this Constitution, and at the End of every *fourteen* Years thereafter, the Representation of the whole State shall be proportioned in the most equal and just Manner, according to the particular and comparative Strength, and taxable Property, of the different Parts of the same; Regard being always had to the Number of white Inhabitants and such taxable Property.

XVI. That all Money Bills for the Support of Government, shall originate in the House of Representatives, and shall not be altered or amended by the Senate, but may be rejected by them: And that no Money be drawn out of the Public Treasury, but by the Legislative Authority of the State. All other Bills and Ordinances may take Rise in the Senate or House of Representatives, and be altered, amended, or rejected by either. Acts and Ordinances having passed the General Assembly, shall have the Great Seal affixed to them by a joint Committee of both Houses, who shall wait upon the Governor to receive and return the Seal; and shall then be signed by the President of the Senate, and Speaker of the House of Representatives, in the Senate House, and shall thenceforth have the Force and Validity of a Law, and be lodged in the Secretary's Office. And the Senate and House of Representatives respectively, shall enjoy all other Privileges which have at any Time been claimed, or exercised, by the Commons House of Assembly.

XVII. That neither the Senate nor House of Representatives shall have Power to adjourn themselves, for any longer Time than three

Days, without the mutual Consent of both. The Governor and Commander in Chief shall have no Power to adjourn, prorogue, or dissolve them: But may, if necessary, by and with the Advice and Consent of the Privy Council, convene them, before the Time to which they shall stand adjourned. And where a Bill hath been rejected by either House, it shall not be brought in again that Session, without Leave of the House, and a Notice of *six* Days being previously given.

XVIII. That the Senate and House of Representatives shall each choose their respective Officers by Ballot, without Controul. And that, during a Recess, the President of the Senate and Speaker of the House of Representatives, shall issue Writs for filling up Vacancies, occasioned by Death, in their respective Houses, giving at least *three* Weeks, and not more than *thirty five* Days, previous Notice, of the Time appointed for the Election.

XIX. That if any Parish or District shall neglect to elect a Member or Members, on the Day of Election; or, in Case any Person chosen a Member of either House, shall refuse to qualify and take his Seat as such, or die, or depart the State; the Senate or House of Representatives, as the Case may be, shall appoint proper Days for electing a Member or Members, in such Cases respectively.

XX. That if any Member of the Senate or House of Representatives, shall accept any Place of Emolument, or any Commission (except in the Militia or Commission of the Peace) and except as is excepted in the *tenth* Article, he shall vacate his Seat, and there shall thereupon be a new Election; but he shall not be disqualified from serving, upon being re-elected, unless he is appointed Secretary of the State, a Commissioner of the Treasury, an Officer of the Customs, Register of Mesne Conveyances, a Clerk of either of the Courts of Justice, Sheriff, Powder-Receiver, Clerk of the Senate, House of Representatives, or Privy Council, Surveyor General, or Commissary of Military Stores; which Officers are hereby declared disqualified from being Members either of the Senate or House of Representatives.

XXI. And whereas the Ministers of the Gospel are, by their Profession, dedicated to the Service of God, and the Cure of Souls, and ought not to be diverted from the great Duties of their Function; therefore, no Minister of the Gospel, or public Preacher, of any religious Persuasion, while he continues in the Exercise of his pastoral Function, and for *two* Years after, shall be eligible either as Governor, Lieutenant Governor, a Member of the Senate, House of Representatives, or Privy Council in this State.

XXII. That the Delegates to represent this State in the Congress of the United States, be chosen annually, by the Senate and House of

Representatives, jointly, by Ballot, in the House of Representatives. And nothing contained in this Constitution, shall be construed to extend, to vacate the Seat of any Member, who is or may be a Delegate from this State to Congress, as such.

XXIII. That the Form of impeaching all Officers of the State, for mal and corrupt Conduct in their respective Offices, not amenable to any other Jurisdiction, be vested in the House of Representatives: But, that it shall always be necessary, that two-third Parts of the Members present do consent to, and agree in, such Impeachment. That the Senators and such of the Judges of this State, as are not Members of the House of Representatives, be a Court for the Trial of Impeachments, under such Regulations as the Legislature shall establish: And that, previous to the Trial of every Impeachment, the Members of the said Court shall respectively be sworn, truly and impartially to try and determine the Charge in Question, according to Evidence. And no Judgment of the said Court, except Judgment of Acquittal, shall be valid, unless it shall be assented to by two-third Parts of the Members then present. And on every Trial, as well on Impeachments as others, the Party accused shall be allowed Counsel.

XXIV. That the Lieutenant Governor of the State, and a Majority of the Privy Council for the Time being, shall, until otherwise altered by the Legislature, exercise the Powers of a Court of Chancery. And there shall be Ordinaries appointed in the several Districts in this State, to be chosen by the Senate and House of Representatives, jointly, by Ballot, in the House of Representatives, who shall, within their respective Districts, exercise the Powers heretofore exercised by the Ordinary: And until such Appointment is made, the present Ordinary, in *Charles-Town*, shall continue to exercise that Office, as heretofore.

XXV. That the Jurisdiction of the Court of Admiralty be confined to Maritime Causes.

XXVI. That Justices of the Peace shall be nominated by the Senate and House of Representatives, jointly, and commissioned by the Governor and Commander in Chief, during Pleasure. They shall be intitled to receive the Fees heretofore established by Law; and not acting in the Magistracy, they shall not be intitled to the Privileges allowed to them by Law.

XXVII. That all other Judicial Officers shall be chosen by Ballot, jointly, by the Senate and House of Representatives, and, except the Judges of the Court of Chancery, commissioned by the Governor and Commander in Chief, during good Behaviour; but shall be removed on Address of the Senate and House of Representatives.

XXVIII. That the Sheriffs, qualified as by Law directed, shall be cho-

sen in like Manner, by the Senate and House of Representatives, when the Governor, Lieutenant Governor, and Privy Council are chosen, and commissioned by the Governor and Commander in Chief for *two* Years, and shall give Security, as required by Law, before they enter on the Execution of their Office. No Sheriff who shall have served for *two* Years, shall be eligible to serve in the said Office, after the Expiration of the said Term, until the full End and Term of *four* Years, but shall continue in Office until such Choice be made: Nor shall any Person be eligible as Sheriff, in any District, unless he shall have resided therein, for *two* Years, previous to the Election.

XXIX. That *two* Commissioners of the Treasury, the Secretary of the State, the Registers of Mesne Conveyances in each District, Attorney General, Surveyor General, Powder Receiver, Collectors, and Comptrollers of the Customs, and Waiters, be chosen in like Manner, by the Senate, and House of Representatives, jointly, by Ballot, in the House of Representatives, and commissioned by the Governor and Commander in Chief, for *two* Years. That none of the said Officers respectively, who shall have served for *four* Years, shall be eligible to serve in the said Offices, after the Expiration of the said Term, until the full End and Term of *four* Years, but shall continue in Office until a new Choice be made: *Provided*, that nothing herein contained, shall extend to the several Persons appointed to the above Offices respectively, under the late Constitution. And that the present, and all future Commissioners of the Treasury, and Powder Receivers, shall each give Bond, with approved Security, agreeable to Law.

XXX. That all the Officers in the Army and Navy of this State, of and above the Rank of Captain, shall be chosen by the Senate and House of Representatives, jointly, by Ballot, in the House of Representatives, and commissioned by the Governor and Commander in Chief; and that all other Officers in the Army and Navy of this State, shall be commissioned by the Governor and Commander in Chief.

XXXI. That in Case of Vacancy, in any of the Offices above directed to be filled by the Senate and House of Representatives, the Governor and Commander in Chief, with the Advice and Consent of the Privy Council, may appoint others in their Stead, until there shall be an Election by the Senate and House of Representatives to fill those Vacancies respectively.

XXXII. That the Governor and Commander in Chief, with the Advice and Consent of the Privy Council, may appoint, during Pleasure, until otherwise directed by Law, all other necessary Officers, except such as are now by Law directed to be otherwise chosen.

XXXIII. That the Governor and Commander in Chief shall have no

Power to commence War, or conclude Peace, or enter into any final Treaty, without the Consent of the Senate and House of Representatives.

XXXIV. That the Resolutions of the late Congresses of this State, and all Laws now of Force here (and not hereby altered) shall so continue, until altered or repealed by the Legislature of this State, unless where they are temporary, in which Case they shall expire, at the Times respectively limited for their Duration.

XXXV. That the Governor and Commander in Chief for the Time being, by and with the Advice and Consent of the Privy Council, may lay Embargoes, or prohibit the Exportation of any Commodity, for any Time, not exceeding *Thirty* Days, in the Recess of the General Assembly.

XXXVI. That all Persons who shall be chosen and appointed to any Office, or to any Place of Trust, civil or military, before entering upon the Execution of Office, shall take the following Oath:

I A. B. *do acknowledge the State of South-Carolina to be a free, independent, and sovereign State, and that the People thereof owe no Allegiance or Obedience to George the Third, King of Great-Britain: And I do renounce, refuse, and abjure, any Allegiance or Obedience to him: And I do swear, or affirm* (as the Case may be) *that I will, to the utmost of my Power, support, maintain and defend the said State, against the said King George the Third, and his Heirs and Successors, and his or their Abettors, Assistants, and Adherents, and will serve the said State in the Office of with Fidelity and Honour, and according to the best of my Skill and Understanding.* So help me God.

XXXVII. That adequate yearly Salaries be allowed to the Public Officers of this State, and be fixed by Law.

XXXVIII. That all Persons and religious Societies, who acknowledge that there is one God, and a future State of Rewards and Punishments, and that God is publickly to be worshipped, shall be freely tolerated. The Christian Protestant Religion, shall be deemed, and is hereby constituted and declared to be, the established Religion of this State. That all Denominations of Christian Protestants in this State, demeaning themselves peaceably and faithfully, shall enjoy equal religious and civil Privileges.—To accomplish this desirable Purpose, without Injury to the religious Property of those Societies of Christians, which are by Law already incorporated, for the Purpose of religious Worship, and to put it fully into the Power of every other Society of Christian Protestants, either already formed, or hereafter to be formed, to obtain the like Incorporation, *It is hereby constituted, appointed, and declared*, That the respective Societies of the Church of England, that are already formed in this State, for the Purposes of religious Worship, shall still continue incorporate, and hold the religious Property now in their Possession.

And that, whenever *fifteen* or more male Persons, not under *twenty-one* Years of Age, professing the Christian Protestant Religion, and agreeing to unite themselves in a Society, for the Purposes of a religious Worship, they shall (on complying with the Terms herein after mentioned) be, and be constituted, a Church, and be esteemed and regarded in Law as of the established Religion of the State, and on a Petition to the Legislature, shall be intitled to be incorporated, and to enjoy equal Privileges. That every Society of Christians, so formed, shall give themselves a Name or Denomination, by which they shall be called and known in Law; and all that associate with them for the Purposes of Worship, shall be esteemed as belonging to the Society so called: But that, previous to the Establishment and Incorporation of the respective Societies of every Denomination as aforesaid, and in order to intitle them thereto, each Society so petitioning, shall have agreed to, and subscribed, in a Book, the following *Five* Articles, without which, no Agreement or Union of Men, upon Pretence of Religion, shall intitle them to be incorporated, and esteemed as a Church of the established Religion of this State:

First, *That there is one eternal God, and a future State of Rewards and Punishments.*

Second, *That God is publickly to be worshipped.*

Third, *That the Christian Religion is the true Religion.*

Fourth, *That the Holy Scriptures of the Old and New Testament, are of Divine Inspiration, and are the Rule of Faith and Practice.*

Fifth, *That it is lawful, and the Duty of every Man, being thereunto called by those that govern, to bear witness to Truth.*

That every Inhabitant of this State, when called to make an Appeal to God, as a Witness to Truth, shall be permitted to do it in that Way which is most agreeable to the Dictates of his own Conscience. And, that the People of this State may forever enjoy the Right of electing their own Pastors or Clergy; and, at the same Time, that the State may have sufficient Security, for the due Discharge of the Pastoral Office, by those who shall be admitted to be Clergymen; no Person shall officiate as Minister of any established Church, who shall not have been chosen by a Majority of the Society to which he shall minister, or by Persons appointed by the said Majority to chuse and procure a Minister for them, nor until the Minister so chosen and appointed, shall have made and subscribed to the following Declaration, over and above the aforesaid *five* Articles, *viz.*

That he is determined, by God's Grace, out of the Holy Scriptures, to instruct the People committed to his Charge, and to teach nothing (as required of Necessity to Eternal Salvation) but that which he shall be persuaded may be concluded

and proved from the Scripture; that he will use both public and private Admonitions, as well to the Sick as to the Whole, within his Cure, as Need shall require and Occasion shall be given; and that he will be diligent in Prayers, and in reading of the Holy Scriptures, and in such Studies as help to the Knowledge of the same; that he will be diligent to frame and fashion his own self, and his Family, according to the Doctrine of Christ, and to make both himself and them, as much as in him lieth, wholesome Examples and Patterns to the Flock of Christ; that he will maintain and set forwards, as much as he can, Quietness, Peace, and Love, among all People; and especially among those that are or shall be committed to his Charge.

No Person shall disturb or molest any religious Assembly, nor shall use any reproachful, reviling, or abusive Language, against any Church; that being the certain Way of disturbing the Peace, and of hindering the Conversion of any to the Truth, by engaging them in Quarrels and Animosities, to the Hatred of the Professors, and that Profession which otherwise they might be brought to assent to. No Person whatsoever shall speak any Thing, in their religious Assembly, irreverently, or seditiously, of the Government of this State. No Person shall, by Law, be obliged to pay towards the Maintenance and Support of a religious Worship that he does not freely join in, or has not voluntarily engaged to support: But, the Churches, Chapels, Parsonages, Glebes, and all other Property, now belonging to any Societies of the Church of England, or any other religious Societies, shall remain, and be secured, to them for ever. The Poor shall be supported, and Elections managed, in the accustomed Manner, until Laws shall be provided, to adjust those Matters in the most equitable Way.

XXXIX. That the whole State shall, as soon as proper Laws can be passed for these Purposes, be divided into Districts and Counties, and County Courts established.

XL. That the penal Laws, as heretofore used, shall be reformed, and Punishments made, in some Cases, less sanguinary, and, in general, more proportionate to the Crime.

XLI. That no Freeman of this State be taken, or imprisoned or desseized of his Freehold, Liberties or Privileges, or out-lawed, or exiled, or in any Manner destroyed, or deprived of his Life, Liberty, or Property, but by the Judgment of his Peers, or by the Law of the Land.

XLII. That the Military be subordinate to the Civil Power of the State.

XLIII. That the Liberty of the Press be inviolably preserved.

XLIV. That no Part of this Constitution shall be altered without a Notice of *Ninety* Days, being previously given; nor shall any Part of the same be changed without the Consent of a Majority of the Members of the Senate and House of Representatives.

XLV. That the Senate and House of Representatives, shall not proceed to the Election of a Governor or Lieutenant Governor, until there be a Majority of both Houses present.

In the Council-Chamber, the 19*th Day of March*, 1778.

Assented to,

RAWLINS LOWNDES.

HUGH RUTLEDGE, Speaker *of the Legislative Council.*

THOMAS BEE, Speaker *of the General Assembly.*

In the GENERAL ASSEMBLY,
the 19th Day of March, 1778.

Published by Order of the House.

PETER TIMOTHY, C.G.A.

1. *An Act for Establishing the Constitution of the State of South-Carolina* (Charleston, 1778) (Evans, 16073).

Appendix II
South Carolina Appoints Delegates to the Constitutional Convention 29 January–27 March 1787

Governor William Moultrie made the election of delegates to the Constitutional Convention and tax reform the two foci of his opening message to the legislature on 25 January 1787 and forwarded copies of the report of the Annapolis Convention with his message (CDR, 181–85). Later that evening, Moultrie received a letter from North Carolina Governor Richard Caswell, dated 12 January, along with the act of that state appointing delegates to the Convention (CDR, 200–202). The following day, the governor also forwarded those documents to the legislature. The two messages were referred to a committee of the House of Representatives, chaired by Pierce Butler, and on 29 January, the committee submitted its report. The full House took the committee's report under consideration on 8 February and amended the report before adopting it. (The original committee version does not survive.) The report, as amended by the House, stated "That sensible of the urgent necessity of the measure, they strongly recommend a Concurrence with our Sister States, by the appointment of Delegates to Join in the said Convention, And do recommend that [they join in reporting] such an Act for that purpose to the United States in Congress as when agreed to by them and duly confirmed by the Several States will effectually provide for the exigencies of the Union." The House also instructed Butler's committee to bring in a bill appointing delegates (Stevens, *House Journals, 1787–1788*, 14–15, 17, 23).

Two weeks later, on Friday, 23 February, Butler's committee reported a bill, which the House debated on Saturday, 24 February, and Monday, 26 February. The House amended the bill, deleting one of the two enacting clauses. (The text of the deleted clause does not survive.) Both the House and the Senate gave the bill its three required readings by 2 March, and the bill was formally ratified on the evening of 8 March. One week after the bill's ratification, on 14 March, Governor Moultrie received Secretary of Congress Charles Thomson's letter of 21 February and a congressional resolution of the same date calling the Constitutional Convention (CC:1). The governor forwarded those documents to the legislature on the following day (Stevens, *House Journals, 1787–1788*, 136, 161, 173, 193, 227–28n). The resolution was printed in the Charleston *Columbian Herald*, on 15 March.

A resolution setting the pay of the delegates was introduced in the House of Representatives on 8 March. It provided "That the Deputies to represent this State in a Convention of the United States, proposed to be held at the City of Philadelphia in the Month of May 1787 for the purpose of revising the Foederal Constitution shall be allowed Fifty pounds per month and all their Travelling expences from the time they leave the State untill their return" (Stevens, *House Journals, 1787–1788*, 193, 198). The Senate agreed to the resolution the next day. The following year, the legislature later adjusted the compensation by reimbursing delegates for losses resulting from the exchange of

South Carolina currency in Philadelphia (see House Proceedings, 27 February 1788, RCS:S.C., 191).

On the evening of 8 March 1787, the Senate and House met in a joint session and elected John Rutledge, Charles Cotesworth Pinckney, Henry Laurens, Sr., Charles Pinckney, and Pierce Butler as delegates to the Constitutional Convention. Laurens was the only member of the delegation who was not present in Charleston for the meeting of the legislature. His son-in-law, David Ramsay, told him prior to the election that he was "daily asked whether your attendance might be expected on this grand occasion" but that "fearing that your health would not permit I have declined answering repeated questions on this subject" (Ramsay to Laurens, 26 February, Hamer, *Laurens*, XVI, 703). In order to determine Laurens's intentions, the House appointed a committee on 9 March to meet with him, and on 15 March the committee reported that Laurens declined the post due to his ill health. On the same day, the committee was ordered to wait on Rutledge, Butler, and Charles Cotesworth Pinckney to inquire whether they were willing to accept their appointments (presumably Charles Pinckney had already expressed his willingness to serve). The committee reported on 20 March that the remaining delegates were willing to serve. The House hoped that a replacement for Laurens would be elected, but the Senate balked. On 23 March and again on 26 March, the House requested the Senate to meet in joint session to elect a replacement for Laurens. The Senate, however, declined, thinking "it unnecessary" (Stevens, *House Journals, 1787–1788*, 197, 223, 241–42, 261–62, 279, 282).

Governor William Moultrie: Message to the House of Representatives Charleston, 25 January 1787 (excerpt)[1]

Thursday last, the following Message from his Excellency the Governor, accompanied with several official papers, was read in the House of Representatives, and referred to a Committee:

Mr. Speaker, and Gentlemen of the House of Representatives,

Gentlemen, I heartily congratulate you on the present meeting of the General Assembly:—it affords me much pleasure, as I anticipate the greatest national welfare from your wisdom. Since the commencement of our revolution to this crisis, there has not, perhaps, been a period where the legislative body was more required.

In the course of the present session, many matters of high import will be presented to your view, and will call for your utmost deliberation.—A steady application to business, with hearts and minds to serve your country ⟨Unbiassed by Local Situation⟩, cannot but terminate in the public welfare. I trust and hope such will be the event of your present meeting; and while I have it in my power, I shall use the liberty of pointing out a few, which I shall commend to your first and most serious attention.[2]

Among the public papers received by me, since the last meeting of the legislature, I humbly conceive those marked No. 1 and 2, in bundle

A,[3] are of such importance, as to induce you to enter upon the merits as early as possible. The appointment of a convention of the states, appears to be indispensable—the principles on which this convention is to meet and act, you will see fully by the papers referred to; hence you will be able to judge of the requisites in your deputation (should you agree to one) and whether to add, to alter, or make similar acts to those of other states on the same occasion. . . .

1. Printed: Charleston *Columbian Herald*, 29 January 1788. Reprinted: *Gazette of the State of Georgia*, 8 February; *Georgia State Gazette*, 24 February. The complete message is printed in Stevens, *House Journals, 1787–1788*, 14–15. Words that were in the version that appeared in the House journal, but are missing from the newspaper version, have been placed in angle brackets.

2. This paragraph was paraphrased in the *Pennsylvania Herald*, 7 March (Mfm:S.C. 1).

3. Number 2 of bundle A is probably John Dickinson's letter of 14 September 1786 and the report of the Annapolis Convention (CDR, 181–85). Other papers submitted by the governor dealt with various congressional and national issues and are described in Stevens, *House Journals, 1787–1788*, 14n–15n, 20n–22n.

Act Authorizing the Election of Delegates, 8 March 1787[1]

AN ACT For appointing deputies from the state of South-Carolina to a convention of the united states of America, proposed to be held in the city of Philadelphia in the month of May. one thousand seven hundred and eighty-seven for the purpose of revising the fœderal constitution.

Whereas the powers at present vested in the united states in congress assembled, by the articles of confederation and perpetual union of the said states, are found by experience greatly inadequate to the weighty purposes they were originally intended to answer, and it is become absolutely necessary to the welfare of the confederate states that other and more ample powers in certain cases should be vested in and exercised by the said united states in congress assembled, and also that the articles of confederation and perpetual union of the united states should be revised, in order to remedy defects, which at their original formation in the time of war and general tumult could not be foreseen nor sufficiently provided against: AND WHEREAS this state is and ever hath been ready and willing to co-operate with the other states in union, in devising and adopting such measures as will most effectually ensure the peace and general welfare of the confederacy:

Be it enacted by the honorable the senate and house of representatives now met and sitting in general assembly, and by the authority of the same, THAT five commissioners be forthwith appointed by joint ballot of the senate and house of representatives, who or any three or more of them, being

first duly commissioned by his excellency the governor for the time being, under his hand and the great seal of the state, by virtue of this act, shall be and are hereby authorised as deputies from this state, to meet such deputies or commissioners as may be appointed and authorised by other of the united states, to assemble in convention at the city of Philadelphia in the month of May next after passing this act, or as soon thereafter as may be, and to join with such deputies or commissioners, they being duly authorised and impowered in devising and discussing all such alterations, clauses, articles and provisions as may be thought necessary to render the fœderal constitution entirely adequate to the actual situation and future good government of the confederated states, and that the said deputies or commissioners, or a majority of those who shall be present, provided the state be not represented by less than two, do join in reporting such an act to the united states in congress assembled, as when approved and agreed to by them, and duly ratified and confirmed by the several states, will effectually provide for the exigencies of the union.

In the Senate house, the eighth day of March, in the year of [our] Lord one thousand seven hundred and eighty-seven, and in the eleventh year of the independence of the united states of America.

JOHN LLOYD, President of the Senate.
JOHN JULIUS PRINGLE, Speaker of the house of representatives.

1. *Acts, Ordinances, and Resolves of the General Assembly of the State of South-Carolina: Passed in March, 1787* (Charleston, 1787) (Evans 20715), 71–72.

House of Representatives Proceedings, 8 March 1787 (excerpt)[1]

. . . A Message was sent to the Senate desiring their attendance in this House to proceed to the Election of Five Deputies to represent this State in a Convention of the United States proposed to be held at the City of Philadelphia in the Month of May 1787 for the purpose of revising the Fœderal Constitution.

The Senate accordingly attended and voted with this House for Five Deputies Upon casting up the ballots it appeared that the Honorable John Rutledge, Charles Cotesworth Pinckney, Henry Laurens, Charles Pinckney and Pierce Butler Esquires had a majority of the Votes of the members present.

Mr. Speaker thereupon declared the Honorable John Rutledge, Charles Cotesworth Pinckney, Henry Laurens, Charles Pinckney and Pierce Butler Esquires to be duly Elected Deputies for the purpose of Revising the Fœderal Constitution. . . .

1. MS, Records of the General Assembly, Engrossed House of Representatives Journal, Sc-Ar. Printed: Stevens, *House Journals, 1787–1788*, 187–94.

Charleston Morning Post, 16 March 1787

Col. Laurens has declined accepting the appointment of a Delegate to the Federal Convention.[1]—Indeed this business seems very uncertain, none of the eastern States having elected Delegates.[2]

1. The House appointed a committee on 9 March to meet with Laurens to inform him of his election as a delegate. The committee reported on 15 March that Laurens declined the position, stating "that nothing but his ill State of Health prevents him from accepting of the appointment." On 23 March and again on 26 March the House asked the Senate to join in electing a replacement for Laurens. The Senate declined both times, indicating on the latter occasion "that this House think it unnecessary" to elect a replacement (Stevens, *House Journals, 1787–1788*, 197, 223, 261–62, 279, 282).

2. New Hampshire and Massachusetts had elected delegates to the Constitutional Convention on 17 January and 3 March, respectively (CDR, 205–9, 223–25). The other two eastern states, Connecticut and Rhode Island, had not elected delegates by 16 March (CDR, 215–16, 225–29n; RCS:R.I., 8–23).

Edward Rutledge to Arthur Lee
27 March 1787 (excerpt)[1]

. . . We have agreed to send deputies to the continental convention. My brother,[2] who is truly federal, is among the number of gentlemen, none of whom I am convinced will yield to him in zeal for continental measures. We have passed a law to stop the importation of negroes,[3] and have done sundry other good things. But it will take time to restore order; and this government in particular has been so much relaxed, that a constant attention to public business, and a perpetual eye to the returning virtue of our countrymen, are required from those who hold a place in the confidence of our citizens. And although we have been forced into some measures that are not to be justified, and hardly excused, yet I do not despond. We are in fact better than we were.

It is said that the eastern states will not send delegates to the convention.[4] If this be their determination, they must change it. What, although they have experienced domestic convulsions from their state conventions, can they not foresee that a restoration of their trade will afford an outlet for their restless spirits, and remove, with the poverty of their situation, an inclination to disturb the government? They of all others are more immediately interested in vesting powers in the united council. Animate them, my good sir, to a sense of their duty, and of their interest. Adieu. I write this surrounded by politicians, who call me off from a more pleasing business than that in which they are about to engage me. . . .

I am, my dear sir, as ever, yours peculiarly,

1. Printed: Richard Henry Lee, *Life of Arthur Lee* . . . (2 vols., Boston, 1829), II, 315–16. Arthur Lee (1740–1792) of Virginia, a diplomat to France during the Revolution,

served in the Confederation Congress, 1782–84, and as a member of the three-man Board of Treasury, 1785–89.

2. John Rutledge.

3. On 28 March 1787, the South Carolina General Assembly approved an act that allowed debtors to pay debts contracted before 1 January 1787 in three annual installments starting in March 1788. The law also prohibited the importation of slaves for three years.

4. See *Charleston Morning Post*, 16 March, at note 2 and note 2 (immediately above).

Charleston Morning Post, 3 April 1787

All the delegates from this state to meet in fœderal convention at Philadelphia, accepted their appointment, Col. Laurens excepted, who declined going on account of his indifferent health. If every state in the union does not send delegates nothing can be done, and when the latest advices arrived from the Eastern states they had not chosen any,[1] alledging as a reason, that their local conventions had done so much harm as to render the people fearful and suspicious even of a federal one; should, however, a full convention meet, the result of their deliberations will be laid before Congress, and if approved of, then a copy will be transmitted to the executive of each different state, to be laid before their legislatures for approbation or dissent, but no alteration whatever can be allowed, consistent with the express letter of the confederation.

1. See *Charleston Morning Post*, 16 March, note 2 (RCS:S.C., 510n).

Appendix III
The Report of the Constitutional Convention
17 September 1787

The President of the Convention to the President of Congress[1]

In Convention, September 17, 1787.

SIR, We have now the honor to submit to the consideration of the United States in Congress assembled, that Constitution which has appeared to us the most adviseable.

The friends of our country have long seen and desired, that the power of making war, peace and treaties, that of levying money and regulating commerce, and the correspondent executive and judicial authorities should be fully and effectually vested in the general government of the Union: but the impropriety of delegating such extensive trust to one body of men is evident—Hence results the necessity of a different organization.

It is obviously impracticable in the fœderal government of these States, to secure all rights of independent sovereignty to each, and yet provide for the interest and safety of all—Individuals entering into society, must give up a share of liberty to preserve the rest. The magnitude of the sacrifice must depend as well on situation and circumstance, as on the object to be obtained. It is at all times difficult to draw with precision the line between those rights which must be surrendered, and those which may be reserved; and on the present occasion this difficulty was encreased by a difference among the several States as to their situation, extent, habits, and particular interests.

In all our deliberations on this subject we kept steadily in our view, that which appears to us the greatest interest of every true American, the consolidation of our Union, in which is involved our prosperity, felicity, safety, perhaps our national existence. This important consideration, seriously and deeply impressed on our minds, led each State in the Convention to be less rigid on points of inferior magnitude, than might have been otherwise expected; and thus the Constitution, which we now present, is the result of a spirit of amity, and of that mutual deference and concession which the peculiarity of our political situation rendered indispensible.

That it will meet the full and entire approbation of every State is not perhaps to be expected; but each will doubtless consider, that had her interests been alone consulted, the consequences might have been particularly disagreeable or injurious to others; that it is liable to as few

exceptions as could reasonably have been expected, we hope and believe; that it may promote the lasting welfare of that country so dear to us all, and secure her freedom and happiness, is our most ardent wish.

With great respect, We have the honor to be SIR, Your Excellency's most Obedient and humble servants.

George Washington, President.
By unanimous Order of the Convention,

HIS EXCELLENCY
The President of Congress.

1. Broadside, PCC, Item 122, Resolve Book of the Office of Foreign Affairs, 1785–89, tipped in between pages 98–99, DNA. The original letter has been lost. The above is transcribed from the official copy of the Convention Report, printed by John McLean and attested by Charles Thomson.

The Constitution of the United States[1]

We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

Article. I.

Section. 1. All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section. 2. The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after

the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

Section. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

Section. 4. The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different Day.

Section. 5. Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

Section. 6. The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person

holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

Section. 7. All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Every Bill which shall have passed the House of Representatives and the Senate shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and 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.

Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

Section. 8. The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Section. 9. The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

No Tax or Duty shall be laid on Articles exported from any State.

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

Section. 10. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

Article. II.

Section. 1. The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows

Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the state may be entitled in the

Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

The Electors shall meet in their respective States and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Votes shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased nor diminished during the

Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.

Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States."

Section. 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

Section. 3. He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

Section. 4. The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors.

Article III.

Section. 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section. 2. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3. Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

The Congress shall have Power to declare the Punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

Article. IV.

Section. 1. Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And

the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section. 2. The Citizens of each State shall be entitled to all privileges and Immunities of Citizens in the several States.

A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section. 4. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand

eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of it's equal Suffrage in the Senate.

Article. VI.

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers; both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Article. VII.

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

done in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independance of the United States of America the Twelfth In Witness whereof We have hereunto subscribed our Names,

Go: Washington—Presidt.
and deputy from Virginia

The Word, "the," being interlined between the seventh and eighth Lines of the first Page, The Word "Thirty" being partly written on an Erazure in the fifteenth Line of the first Page, The Words "is tried" being interlined between the thirty second and thirty third Lines of the first Page and the Word "the" being interlined between the forty third and forty fourth Lines of the second Page.

Attest William Jackson Secretary

Delaware	Geo: Read Gunning Bedford junr John Dickinson Richard Bassett Jaco: Broom
Maryland	James McHenry Dan of St Thos. Jenifer Danl Carroll
Virginia	John Blair— James Madison Jr.
North Carolina	Wm. Blount Richd. Dobbs Spaight. Hu Williamson
South Carolina	J. Rutledge Charles Cotesworth Pinckney Charles Pinckney Pierce Butler
Georgia	William Few Abr Baldwin
New Hampshire	John Langdon Nicholas Gilman
Massachusetts	Nathaniel Gorham Rufus King
Connecticut	Wm: Saml. Johnson Roger Sherman
New York . . .	Alexander Hamilton
New Jersey	Wil: Livingston David Brearley Wm. Paterson Jona: Dayton
Pennsylvania	B Franklin Thomas Mifflin Robt Morris Geo. Clymer Thos. FitzSimons Jared Ingersoll James Wilson Gouv. Morris

1. Engrossed MS, RG 11, DNA.

Resolutions of the Convention Recommending the Procedures for Ratification and for the Establishment of Government under the Constitution by the Confederation Congress[1]

In Convention Monday September 17th. 1787.

Present The States of New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

RESOLVED, That the preceeding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled.

Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors

should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution. That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution.

By the Unanimous Order of the Convention

W. Jackson Secretary. Go: Washington Presidt.

1. Engrossed MS, RG 11, DNA.

Appendix IV
South Carolina Population, 1790[1]

Convention District or Parish	Free Inhabitants	Slaves	Total
Beaufort Judicial District			
Prince William's Parish, St. Helena's Parish, and St. Peter's Parish	4,517	14,236	18,753
Camden Judicial District			
District between the Broad and Catawba Rivers: Chester County	5,928	938	6,866
District between the Broad and Catawba Rivers: Fairfield County	6,138	1,485	7,623
District between the Broad and Catawba Rivers: Richland County	2,493	1,437	3,930
District Eastward of the Wateree River[2]	9,160	4,082	13,242
New Acquisition District[3]	5,681	923	6,604
Charleston Judicial District			
Christ Church Parish	577	2,377	2,954
St. Andrew's Parish	401	2,546	2,947
St. Bartholomew's Parish	2,268	10,338	12,606
St. George's Parish, Dorchester	1,277	3,022	4,299
St. James's Parish, Goose Creek	454	2,333	2,787
St. James's Parish, Santee	452	3,345	3,797
St. John's Parish, Berkeley	752	5,170	5,922
St. John's Parish, Colleton	607	4,705	5,312
St. Paul's Parish	231	3,202	3,433
St. Philip's and St. Michael's Parishes	8,675	7,684	16,359
St. Stephen's Parish	227	2,506	2,733
St. Thomas and St. Dennis's Parish	431	3,405	3,836
Cheraw Judicial District			
St. David's Parish	7,477	3,229	10,706
Georgetown Judicial District			
All Saints' Parish	430	1,795	2,225
Prince Frederick's Parish	3,450	4,685	8,135
Prince George's Parish, Winyah	5,111	6,651	11,762
Ninety Six Judicial District			
Little River District[4]	8,217	1,120	9,337
Lower District between the Broad and Saluda Rivers[5]	8,198	1,144	9,342
Ninety Six District[6]	17,202	5,284	22,486
Ninety Six District North of the Saluda River[7]	5,897	606	6,503
Ninety Six District South of the Saluda River[8]	8,734	834	9,568
Upper or Spartan District[9]	14,412	2,081	16,493
Orangeburg Judicial District			
District between the Savannah River and the North Fork of Edisto, Orange Parish, Saxe Gotha District, and St. Mathew's Parish	12,582	5,931	18,513
Totals	141,979	107,094	249,073

1. The population figures are taken from *Heads of Families at the First Census of the United States Taken in the Year 1790: South Carolina* (Washington, D.C., 1908), 9. The census is organized by judicial districts.
2. In the census Claremont, Clarendon, and Lancaster counties.
3. In the census York County.
4. In the census Laurens County.
5. In the census Newberry County.
6. In the census Abbeville and Edgefield counties.
7. In the census Greenville County.
8. In the census Pendleton County.
9. In the census Spartanburg and Union counties.

Appendix V
Speculations about the Prospects for Ratification of the Constitution in South Carolina 24 October 1787–8 July 1788

The adjournment of the Constitutional Convention on 17 September 1787 touched off widespread public and private speculation about the prospects for ratification. By 9 January 1788, five states (Delaware, Pennsylvania, New Jersey, Georgia, and Connecticut) had ratified the Constitution. Momentum, however, slowed following the closely won ratification by Massachusetts with recommendatory amendments on 6 February. Prior to the meeting of the South Carolina Convention on 12 May, the prospect of ratification received several setbacks. The New Hampshire Convention adjourned on 22 February without ratifying the Constitution, voters in Rhode Island rejected the Constitution in a statewide referendum, and the two critical states of Virginia and New York had elected delegates with substantial numbers of Antifederalists.

Maryland and South Carolina were the next most likely prospects for ratification and if they ratified, they would become the seventh and eighth states to do so. Both states elected delegates during the second week of April, Maryland on 7 April and South Carolina on 10–12 April. The Maryland Convention was scheduled to convene on 21 April with South Carolina following on 12 May.

Most observers expected that South Carolina would ratify the Constitution by a substantial majority, although some observers noted the unpopularity of the Constitution in the South Carolina upcountry and feared that it would follow New Hampshire's example by adjourning without making a decision, thus deferring to Virginia whose convention was scheduled to meet on 2 June. This appendix provides a sampling of commentary on the likelihood of ratification in South Carolina.

James Madison to Thomas Jefferson
New York, 24 October, 1 November 1787 (excerpt)[1]

. . . From the States South of Virginia nothing has been heard. As the deputation [in the Constitutional Convention] from S. Carolina consisted of some of its weightiest characters, who have returned unanimously zealous in favor of the Constitution, it is probable that State will readily embrace it. . . .

1. RC, Jefferson Papers, DLC. Printed: Boyd, XII, 270–86; Rutland, *Madison*, X, 205–20. For longer excerpts from this letter, see CC:187.

New York Journal, 20 December 1787 (excerpt)[1]

. . . It is said (though no particular accounts have yet arrived) that the inhabitants of South-Carolina are much prejudiced in favor of the constitution. . . .

1. This is an excerpt from a longer article that provides a state-by-state analysis of the prospects of ratification. For the full article, see CC:362. It was reprinted in the Charleston *Columbian Herald*, 17 January 1788, and in eight other newspapers by 10 January: Mass. (2), N.Y. (1), N.J. (2), Pa. (3). The South Carolina paragraph by itself was reprinted an additional four times by 4 January: N.H. (1), Mass. (2), Conn. (1).

James Coalter to John Coalter, post–31 December 1787 (excerpts)[1]

Brother John,

. . . The people in South Carolina are much devided Concerning the Federal Constitution, tho it is generaly allowed it will be approved of. The State of Georgia adopted it on sight. . . .

No more at preasent but remains youre friend &c.

[P. S.] Excuse Inaccuracy as I am much out of order for writing

1. RC, Brown, Coalter, Tucker Papers, College of William and Mary. The addressee pages is marked: "Hond. by the Beaver/To the care of Col. Tuckers near/Petersburg-/ Virginia." James Coalter was a South Carolina merchant. While studying law, John Coalter (1769–1838) was a tutor to the children of St. George Tucker. He later became a Virginia attorney and judge.

Pennsylvania Gazette, 2 January 1788[1]

By the last vessels from Savanna and Charleston we learn, that there is no doubt of the fœderal government being unanimously adopted by the states of Georgia and South-Carolina.

1. Reprinted: *Pennsylvania Mercury*, 3 January; *Massachusetts Gazette* and *Salem Mercury*, 8 January; Annapolis *Maryland Gazette*, 10 January.

Isaac Roosevelt to Richard Varick
New York, 12 January 1788 (excerpt)[1]

. . . Mr. Daniel LeRoy is return'd from So. Carolina & Savannah, he says no opposition at all appears in Either of those places to the Federal Constitution. . . .

1. RC, Varick Collection, NHi. Docketed "recd. 15 & Ansd. 16th." Roosevelt (1726–1794), a New York City sugar refiner and president of the Bank of New York, served as a New York state senator, 1777–86, 1788–92, and was a delegate to the New York Convention, where he voted to ratify the Constitution in July 1788. Varick (1753–1831), a New York City lawyer, was Roosevelt's son-in-law. He was recorder of the city, 1784–89;

New York Assembly speaker, 1787–88; state attorney general, 1789; and mayor of New York City, 1789–1801.

Letter from Charleston, 26 February 1788 (excerpt)[1]

Extract of a letter from a Gentleman in Charleston, dated Feb. 26.

". . . This State feel their interest deeply concerned in adopting the new Constitution. This information you may depend on."

1. Printed: New York *Daily Advertiser*, 25 March. Reprinted: Charleston *Columbian Herald*, 24 April, and ten other newspapers by 18 April: N.H. (1), Mass. (2), R.I. (2), Conn. (2), N.Y. (1), Pa. (2).

Thomas Hartley to Tench Coxe
York, Pa., 3 March 1788 (excerpt)[1]

. . . In South Carolina from all Appearances we have a Right to expect a Majority in our Favour. The Men of the Mountains or Frontiers unacquainted with the Principles of good Government, but verging towards extreme Liberty the Sister of Anarchy may be averse—yet I would fondly hope their Number will be small. . . .

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. Printed: CC: 586. Hartley (1748–1800), a York, Pa., lawyer, served in the Pennsylvania Assembly, 1779–80, Council of Censors, 1783–84, and in the U.S. House of Representatives, 1789–1800. In the Pennsylvania Convention, he voted to ratify the Constitution in December 1787. Philadelphia merchant Tench Coxe (1755–1824) represented Pennsylvania in the Annapolis Convention, 1786, and was a prolific newspaper writer on behalf of ratification of the Constitution. He served as assistant secretary of the U.S. Treasury, 1789–92, and U.S. commissioner of revenue, 1792–97.

David Ramsay to Thomas Jefferson
Charleston, 7 March 1788 (excerpt)[1]

. . . Our State convention is to sit in May when I hope they will confirm the proposed fœderal constitution. Some opposition may be expected here but I trust there is a decided majority in favor of it. With the highest sentiments of respect & esteem

1. RC, Jefferson Papers, DLC. Printed: Boyd, XII, 654–55; Brunhouse, "Ramsay," 119–20. Ramsay had written Jedidiah Morse on 30 November saying: "I rejoice to hear of the popularity of the new constitution. It is equally so here" (*ibid.*, 116–17).

Philadelphia Independent Gazetteer, 7 March 1788 (excerpt)[1]

A real state of the proposed constitution in the United States.

. . . *South-Carolina* convention meets 12th May, but supposed she will

adjourn till July. The country interest, which is two to one in that state, is opposed to it. . . .

1. Reprinted: *New York Morning Post*, 11 March; *New York Journal*, 21 March; *Providence Gazette*, 5 April; and Boston *American Herald*, 7 April. For the full article, see CC:603.

Henry Knox to John Sullivan
New York, 9 April 1788 (excerpt)[1]

. . . The Convention in South Carolina is to meet on the 12th of next month—The general tenor of the information is that it will be adopted there but not without considerable opposition. . . .

I am with great respect and affection

1. RC, New Hampshire Miscellany, 1782–1809 (Peter Force), DLC. For the full letter, see CC:669. Knox (1750–1806), a Boston bookseller who rose in the Continental Army from colonel to major general, served as Confederation Secretary at War, 1785–89, and as U.S. Secretary of War, 1789–94. Sullivan (1740–1795), a Durham, N.H., lawyer, was president of New Hampshire. During the Revolutionary War, he served in the Continental Army, rising to the rank of major general. He was chairman of the New Hampshire Convention, where he voted to ratify the Constitution in June 1788. For similar letters written by Knox to the Marquis de Lafayette, 26 April; to Henry Jackson, 18 May; and to Jeremiah Wadsworth, 18 May, see Mfm:S.C. 32, 45, 46.

Pennsylvania Gazette, 9 April 1788 (excerpt)[1]

Extract of a letter from a gentleman of note in Charleston, South-Carolina, to a gentleman in this city.

"The new constitution is acceptable to nine tenths of the people of this state. I am sorry there is so much opposition to it in yours—I think their fears are groundless, and that much good will result from its adoption."

1. Reprinted: Middletown, Conn., *Middlesex Gazette*, 21 April; Richmond *Virginia Gazette and Weekly Advertiser*, 24 April; *Newport Herald*, 1 May; and Winchester *Virginia Gazette*, 7 May. This item was printed after two other paragraphs dealing with ratification in Maryland and North Carolina (see CC:Vol. 5, pp. 401–2, for all three paragraphs).

Jeremy Belknap to Ebenezer Hazard
Boston, 18 April 1788 (excerpt)[1]

My dear Sir

. . . The negroes who were kidnapped here were sold at Martinico & set to Work w[hic]h they refused & were flogged by their Masters—In a few days Govr Hancock's & the French Consul's Letters arrived & the Govr of the Island took the Negroes under his Protection to be returned—Avery had disappeared & the Planters will lose their purchase money unless they can find him.

A similar Scene I am informed has passed at Fairfield in Con[necticu]t 8 Negroes were carried off by one Willard.

Our Law[2] is passed & I suppose will make its appearance in this days Paper. Some people are very angry about it—they say it will operate ag[ains]t the federal Constitution in Carolina. Clarkson's Essay is indeed a *masterly* performance—the most complete & comprehensive piece that I have seen on the Subject—I wish success to his farther Endeavors w[hic]h are said to be making to abolish the inhuman Traffick. . . .

I am Dr. Sir, yrs affectionately

1. RC, Belknap Papers, MHi. Printed: "The Belknap Papers," *Collections* of the Massachusetts Historical Society, 5th series, Vols. II–III (Boston, 1877), Part III, 32–33. Belknap (1744–1798) was pastor of the Congregational Church in Long Lane, Boston, and organizer of the Massachusetts Historical Society in 1791. Hazard (1744–1817) was Confederation postmaster general, 1782–89. Both men shared a passionate interest in collecting historical documents, which they wanted to publish.

2. Three free black men in Boston were kidnapped and sold into slavery in the West Indies. In response to this incident, the Massachusetts General Court on 25 March 1788 passed an act "to prevent the Slave-Trade, and for granting Relief to the Families of such unhappy Persons as may be kidnapped or decoyed away from this Commonwealth."

James Bryson to John Langdon
Philadelphia, 20 April 1788 (excerpt)[1]

. . . I had a Letter from Charles Town Yesterday, which mentions, that it is expected the *back* Country Members will give all the Opposition in their power, for fear, if the Constitution should be Adopted, that they will loose thier *State* Sovereignty, which reason I beleive may be pretty currently assignd for any *sensible* man, giving it his Negative—

However there is no doubt, but S. Carolina will see the necessity of Adopting the Constitution. . . .

1. RC, Langdon Papers, Portsmouth Athenæum, Portsmouth, N.H.

George Thatcher to Pierse Long
Biddeford, Maine, 23 April 1788 (excerpts)[1]

. . . "Will all the southern States agree to the proposed Constitution?" . . .

South-Carolina meets on the twelfth of May—from the best information we could get respecting the sentiments of that State upon the great Question the Federalists entertained no doubt—they were secure in the idea of its being adopted—But so we were last winter with regard to New-Hampshire—'tis almost impossible that disappointment should

be greater than ours was on hearing the result of your Convention—However, I have faith—Can you strengthen it? . . .

1. FC, Chamberlain Collection, Boston Public Library. Printed: CC:700. This unsigned draft of a letter is in the handwriting of George Thatcher. Editor William F. Goodwin identified the recipient as Pierse Long ("The Thatcher Papers," *The Historical Magazine*, VI [1869], 347). Thatcher (1754–1824), a lawyer from Biddeford, Maine, represented Massachusetts in the Confederation Congress, 1787–89, and was a U.S. Representative, 1789–1801. Long (1739–1789), a Portsmouth merchant, attended both sessions (February and June 1788) of the New Hampshire Convention and voted to ratify the Constitution. Long was a delegate to Congress, 1785–86, and a member of the New Hampshire Senate, 1788–89.

John Montgomery to William Irvine
Carlisle, Pa., 27 April 1788 (excerpt)[1]

. . . thire is no Doubt of verginia we are well assure that thire will be a prety Large-Majorty in that State in favr of the Constution as also in South Carolinia

1. RC, Irvine Papers, PHi. For the entire letter, see Mfm:Pa. 662. Montgomery (1722–1808) was a Pennsylvania delegate to the Confederation Congress, 1782–84, while Irvine (1741–1804) was a Pennsylvania delegate to Congress, 1787–88.

Pennsylvania Packet, 2 May 1788 (excerpt)[1]

". . . By the best and latest information from Virginia, there is a majority of 40 voices in favour of adopting the Federal Constitution; and by letters from Charleston we are assured it will be received in South-Carolina without much opposition. Thus will America be a second time rescued from desolation and confusion, by the united exertions of her heroes, philosophers, and patriots—And it will not be in vain that the best blood of America has been immolated at the altar of freedom."

1. This paragraph was originally printed as the second paragraph of an "Extract of a letter from Annapolis, dated 28th April." The lengthy first paragraph (not printed here) described the events that took place in the Maryland Convention on 26 April, the day that body ratified the Constitution. (For this lengthy paragraph, see RCS:Md., 648–49.) The complete extract of the Annapolis letter was reprinted in the Charleston *City Gazette*, 17 May, and in twelve other newspapers by 22 May: Mass. (1), R.I. (3), Conn. (1), N.Y. (4), Pa. (3). The second paragraph only was reprinted by the *Massachusetts Centinel*, 14 May, and by 23 May it was reprinted in eight other newspapers: N.H. (2), Mass. (4), N.Y. (1), N.J. (1).

New York Independent Journal, 3 May 1788 (excerpt)[1]

The accounts from South-Carolina, says a correspondent, are so favorable to the adoption of the proposed federal constitution, that the

question now only is, which member of the old confederacy will put the key-stone to the arch of the new. There seems little or no reason to apprehend a rejection by any state, Rhode-Island excepted; for every day adds more solid reasons in favour of the measure. . . .

1. Reprinted: *Pennsylvania Journal*, 10 May.

Peter Allaire: Journal of Occurrences
New York, 6 May–5 June 1788 (excerpts)[1]

. . . Our present Situation is, Seven States have already Confirmed the New Constitution, Delaware, Philadelphia [New] Jersey, Connecticut, Massachusetts, Georgia and Maryland. South Carolina, meet the 14th May, and Virginia the 28th. May: South Carolina are Federalists three to one, and by the best information from Virginia they will have a Majority of upwards of forty, those two States, adopting the Constitution, forms the federal Union. New York meets the 17th. June but it is doubtfull wether it will be adopted, (however, the Southern Counties, by far the most numerous & Richest have determined, to Join the Confederation, and leave the back Country to shift for themselves. . . .

My Opinion is, that when South Carolina & Virginia have adopted it, the other States must comply, or form another Republick on their own plan, and those States, not being near each other, but on the Contrary, the most distant apart, and surrounded by Federal Governments, have no Alternative. I make not the least doubt but the New Federal Constitution will be finally adjusted, and will Act in their Legislative Capacity in the course of this Year. . . .

1. RC, Foreign Office, Class 4, America, Vol. 6, ff. 155–64, Public Record Office, London. This journal was endorsed "Intelligence/from New York./R. 25th. June 1788./From Sr. George Yonge." The journal is entitled "Occurrences from 6th May to 5th June, 1788" and incorrectly dated "New York 6 May 1788."

John Pintard to Elisha Boudinot
New York, 7 May 1788 (excerpt)[1]

. . . We have nothing new—politics & the New Constitution engross all our thoughts at present—So. Carolina which meets the 12th. is said to have 2/3ds. of their Convention Fœderal which being the case we may set her down for the 8th. state—I hope that this great event will terminate in favor of the new government & secure to us all those political blessings we so eagerly anticipate. . . .

1. RC, Boudinot-Pintard Papers, NHi. Pintard (1759–1844) was a New York City merchant. Boudinot (1749–1819), a Newark, N.J., lawyer, later became an associate justice of the New Jersey Supreme Court, 1798–1804.

Ebenezer Hazard to Jeremy Belknap
New York, 8 May 1788 (excerpt)[1]

. . . From *good* information from So. Carolina I learn that ¾ of their delegates are *federal*: their Convention is to meet next Monday, the 12th. Inst. . . .

1. RC, Belknap Papers, MHi. Printed: "The Belknap Papers," *Collections* of the Massachusetts Historical Society, 5th series, Vols. II–III (Boston, 1877), Part II, 34. See Mfm: S.C. 51, for another letter (27 May) from Hazard to Belknap predicting that South Carolina would ratify the Constitution.

Massachusetts Centinel, 10 May 1788[1]

Our accounts from Virginia and South-Carolina, which may be confided in, inform, that the Federal Constitution will be ratified in those two States. Therefore, it is certain, that the government under the proposed system, will be organized in the course of the summer, if not retarded by the neglect of the Legislatures of the States, in not returning Federal Senators; to prevent which, it is important, that the people pay attention to whom they elect to represent them in the State Legislatures, the ensuing year.

1. Reprinted: *Pennsylvania Packet*, 24 May.

Massachusetts Gazette, 13 May 1788[1]

The Convention of South-Carolina were to meet yesterday; and if we may credit accounts which are received from those Southern climes, we may hope soon to announce the rearing of the eighth pillar.

1. Reprinted: Portland, Maine, *Cumberland Gazette*, 22 May.

New Hampshire Spy, 13 May 1788

Accounts from Virginia and South-Carolina, all concur in the probability of those states adopting the proposed Constitution—In Virginia, it is said, there will be a majority of more than *twenty four* in their Convention. In South-Carolina there is a clear majority of three to one.

Edward Carrington to Thomas Jefferson
New York, 14 May 1788 (excerpt)[1]

. . . South Carolina is now setting, and the general countenance of intelligence from thence, is much in favor of the measure. there seems to be no doubt entertained of an adoption by a considerable Majority. should this be the case it will give eight States. . . .

1. RC, Jefferson Papers, DLC. Printed: Boyd, XIII, 156–58. For lengthier excerpts, see CC:743. On 31 May Carrington wrote James Madison that "We are in hourly expectation of receiving information of the adoption of the constitution in South Carolina" (Madison Papers, DLC).

St. John Crevecoeur to William Short
New York, 16 May 1788 (excerpt)[1]

. . . Maryland has accepted the new Constitution in Toto—& We have some hope the same happy Event will take place in South Carolina—tho' it's said that the Members from the Interior parts are Greately [– – –] set agt. the N: Constitution. . . .

1. RC, Short Papers, DLC. Short responded to Crevecoeur on 5 July stating "As yet we know not the result of the convention in So Carolina.—your letter has given us some apprehensions on the subject until then we had heard there was no opposition in that State" (Accession 8659, Letters to Crevecoeur, 1786–1790, Bibliotheque Nationale de France, Paris).

John Houstoun to Edward Rutledge
Savannah, 17 May 1788 (excerpts)[1]

. . . I imagine it probable there will be but little Business at your Court this Term—I understand your Convention sits much about the same Time and the Court of Sessions immediately afterwards. . . . This I say on a Presumption that the federal Constitution will be ratified by the Time the next Court comes on.

1. RC, Keith Reid Manuscript Collection, University of Georgia. Houstoun (c. 1750–1796) was governor of Georgia, 1778–79, 1784–85.

Boston Independent Chronicle, 22 May 1788

By the Sloop Industry, Capt. Hichborn, from Charlestown, (S.C.) we have received papers as late as the 3d inst. These, however contain very little information respecting the proposed Constitution: But from what they do, the adoption of it appears to be the wish of the people of that State.

Lambert Cadwalader to William Gough
Trenton, 27 May 1788 (excerpt)[1]

. . . we hourly expect to hear that S Carolina has acceeded—and it is probable Virginia will—then we shall have clenched the Business—we shall all have much Reason to rejoice. . . .

1. RC, Cadwalader Papers, PHi. The letter was sent by mail to Gough with instructions "to be left at George Town/Cross Roads/Kent County/Eastern Shore/Maryland." Cadwalader (1743–1823), a New Jersey delegate to Congress, served in the U.S. House of Representatives, 1789–91, 1793–95.

Providence United States Chronicle, 29 May 1788 (excerpt)[1]

The Friends of the new Federal Constitution have the greatest Prospect of its speedy Adoption—*Seven States* have agreed to it—The Convention of *South-Carolina* commenced their Session the 12th Instant—Accounts from that State make a large Majority in Favor of the Federal Cause, although it is expected Attempts will be made to adjourn the Convention till July, to give Time for their General Assembly to meet and make some Alterations in their Instalment Act.[2] . . .

1. Reprinted: *Boston Gazette*, 2 June; *Salem Mercury*, 3 June; Boston *Independent Chronicle*, 5 June; Exeter, N.H., *Freeman's Oracle*, 6 June; and *Pennsylvania Mercury*, 10 June. For the full item, see CC:Vol. 6, pp. 374–75n.

2. In March 1787 the South Carolina legislature adopted an installment act postponing to March 1790 the final payment of debts that had been contracted before 1 January 1787. Beginning in March 1788, creditors were to receive three annual payments. In February 1788 the state House of Representatives rejected a proposal to extend payment of debts to seven installments and in March the legislature adjourned, with the intent, stated David Ramsay, to "meet again in October avowedly to have a farther opportunity of screening debtors" (to Benjamin Lincoln, 31 March, RCS:S.C., 234, 235n). In November 1788 the legislature passed a law allowing debtors to pay their obligations in five installments.

Virginia Journal, 29 May 1788[1]

By a Gentleman of Veracity, who left Charleston about ten Days ago, we are happy to inform our Readers, that the Convention was sitting when he left that Place, and although nothing final was then done, there was not the smallest Doubt but that South-Carolina would rear the Eighth Federal Column.

1. Reprinted: *Virginia Centinel* and *Virginia Independent Chronicle*, 4 June.

William Bingham to Tench Coxe New York, 30 May 1788 (excerpt)[1]

. . . New Hampshire may be depended upon & Advices from So Carolina for the Majority in favor of fœderal Measures at about 50—the Point was to be determined the Day after the last vessel Sailed. . . .

1. RC, Coxe Papers, Series II, Correspondence and General Papers, PHi. Bingham (1752–1804), a wealthy Philadelphia merchant, banker, and land speculator, was a delegate to Congress, 1786–88, and a U.S. Senator, 1795–1801.

John Pintard to Elisha Boudinot
New York, 30 May 1788 (excerpt)[1]

My dear Elisha—

. . . I congratulate you on the Chs. town news wh. no doubt you have heard—A vessel arrived on Wednesday evening with an Acct. that on 22d. inst. a motion for adjournment of the Convention till Octor. was Ayes 89 Noes 135. Majority 46 agt. it[2] & the question on the Constitution it was expected wd. be moved the next day when the Majority for accep[t]ing it wd. probably be greater. . . .

1. RC, Boudinot-Pintard Papers, NHi.
2. The vote took place on 21 May (RCS:S.C., 362–65).

John Bubenheim Bayard to Anthony Walton White
New Brunswick, N.J., 3 June 1788 (excerpt)[1]

. . . a few days must give us the Result of the South Carolina Convention—I hope upon taking the Question, the Majority in favour of the Constitution will be much larger than forty—& that the Minority will immitate their Brethren of Massachusetts.[2]. . .

Yours Affectionately

1. RC, Bayard Family Miscellany, New Jersey Historical Society. Bayard (1738–1807) was a Philadelphia merchant and a Pennsylvania delegate to Congress, 1785–86. He later moved to New Jersey, where he served as mayor of New Brunswick and as a judge. White (1750–1803), a member of a wealthy New Jersey family, was an officer in the Continental Army during the Revolutionary War.
2. For the acquiescence of Antifederalists in the Massachusetts Convention, see RCS: Mass., 1494, 1645–57.

James Cogswell Diary
Windham, Conn., 9 June 1788[1]

read the News papers, there are some humorous & some profitable pieces in them it appears highly probable that South Carolina & Virginia will adopt the Constitution. may God grant prosperity to our Nation & give us Hearts to improve it.

1. MS, Connecticut Historical Society. Cogswell (1720–1807) was pastor of the Congregational Church in Scotland Parish, Windham, Conn.

Thomas Jefferson to John Rutledge, Jr.
Paris, 19 June 1788 (excerpt)[1]

. . . we have no accounts yet of the decision of Maryland, S. Carolina, or Virginia; on the subject of the new confederation, yet it seems prob-

able they will accept it in the manner Massachusetts[2] has done: and I see nothing improbable in the supposition that our new government may be in motion by the beginning of November. . . .

1. FC, Jefferson Papers, DLC. Printed: Boyd, XIII, 262–64. Rutledge (1766–1819), son of Constitutional Convention delegate John Rutledge, was a Charleston attorney and planter who had been admitted to the bar in 1787. Between 1787 and 1790 he traveled throughout Europe. He served in the South Carolina House of Representatives, 1792–96, and in the U.S. House of Representatives, 1797–1803.

2. The Massachusetts Convention ratified the Constitution unconditionally on 6 February 1788, but recommended that nine amendments be considered in the first federal Congress under the provisions of Article V of the Constitution (CC:508). Six of the seven remaining states followed this model of ratification.

John Rutledge, Jr., to Thomas Jefferson 8 July 1788 (excerpt)[1]

. . . Since I had the pleasure of writing to you from the Hague, from which place I forwarded you a letter from my father, I have received Letters from Charleston dated the last of April. they mention Marylands having accepted the new Constitution, and say that its adoption in our State may be regarded as a thing certain. . . .

1. RC, Jefferson Papers, DLC. Printed: Boyd, XIII, 318.

South Carolina Index

Explanatory Note

The names of members of the South Carolina Convention in this index are identified in parentheses by the district they represented in the Convention and by their vote on 23 May 1788 either in favor of ratification by a "Y" or against ratification by an "N." Delegates who did not vote on final passage are indicated by either an "X" for absent or an "A" for attending but not voting.

Because there was no residence requirement for Convention delegates, delegates sometimes represented districts in which they did not live. This was especially true of Antifederalists who lived in Charleston, but who could not get elected from that heavily Federalist city. The names of other South Carolina residents are followed by their city, district, parish, or county of residence placed in parentheses. It should be noted that many planters owned a house in Charleston, one or more plantations in the low country, and sometimes had a residence in the summer either in the upcountry or in one of the Northern States. Nonresidents of South Carolina are identified by either their state or country of residence.

To aid the reader, compilations of similar items have been grouped under a common main entry. Such compilations are listed below. In addition to the groupings under Pseudonyms, pseudonymous items printed in this volume are indexed individually. When known, the author's name is placed in parentheses after the pseudonym. Some entries in this index are so unusual that they deserve to be highlighted. The reader should be particularly aware of these entries which are listed below.

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