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AMERICAN HISTORICAL  
REVIEW

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# CONTENTS OF VOL. III

## NUMBER 1. OCTOBER, 1897.

### ARTICLES

HERBERT TUTTLE	The Prussian Campaign of 1758, I. . . . .	1
FRED M. FLING	Mirabeau, a Victim of the Lettres de Cachet . . . . .	19
HERBERT L. OSGOOD	The Proprietary Province as a form of Colonial Government, II. . . . .	31
MARY E. WOOLLEY	The Development of the Love of Romantic Scenery in America . . . . .	56
GEORGE H. HAYNES	The Causes of Know-nothing Success in Massachusetts . . . . .	67

DOCUMENTS—Ferdinand of Aragon to Diego Columbus, 1510; Letters of Christopher Gadsden, 1778; Correspondence of Eli Whitney relative to the Invention of the Cotton Gin . . . . .	83
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----

REVIEWS OF BOOKS . . . . .	128
----------------------------	-----

BIBLIOGRAPHICAL—A List of Printed Commissions and Instructions to Colonial Governors . . . . .	170
------------------------------------------------------------------------------------------------	-----

NOTES AND NEWS . . . . .	177
--------------------------	-----

## NUMBER 2. JANUARY, 1898.

EDWARD CHANNING	Justin Winsor . . . . .	197
CHARLES H. HASKINS	The Life of Medieval Students as Illustrated by their Letters . . . . .	203
HERBERT TUTTLE	The Prussian Campaign of 1758, II. . . . .	230
HERBERT L. OSGOOD	The Proprietary Province as a Form of Colonial Government, III. . . . .	244
MAX FARRAND	The Taxation of Tea, 1767-1773 . . . . .	266
GAILLARD HUNT	Office-Seeking during Jefferson's Administration . . . . .	270
ARTHUR M. MOWRY	Tammany Hall and the Dorr Rebellion . . . . .	292

DOCUMENTS—Orders of Mercer, Sullivan and Stirling, 1776; Notes of Major William Pierce on the Federal Convention of 1787 . . . . .	302
------------------------------------------------------------------------------------------------------------------------------------	-----

REVIEWS OF BOOKS . . . . .	335
----------------------------	-----

NOTES AND NEWS . . . . .	391
--------------------------	-----

The  
American Historical Review

JUSTIN WINSOR

JUSTIN WINSOR died at Cambridge, Massachusetts, on October 22, 1897, in the sixty-seventh year of his age. In him American history lost its foremost student, America lost its foremost librarian, and hosts of students, living in all parts of the country, lost a devoted friend whose unflinching knowledge was always at their disposal.

Even before entering college Winsor began the serious study of history, and during his Freshman year saw his first book through the press—a *History of Duxbury*, his ancestral town. His taste for this class of pursuits grew rapidly and he determined to devote his life to them. He soon thought out a scheme of note-taking and continued to accumulate memoranda, on the lines thus early laid down, for a period of nearly forty years—until within ten days of his sudden and untimely death. Ordinary antiquarian inquiries, the study of constitutional topics, and the elucidation of important problems in our political history had slight interest for him. On the other hand, bibliographical and cartographical details which bewildered most students only charmed him. Whenever a book having anything to do with American history passed through his hands he carefully noted everything new in it, and especially any reference to new material; whenever he handled a map of America or of any portion of it he remarked its peculiar features and illustrated his notes by a sketch. Once a week he arranged the memoranda collected during the week and filed them away in portfolios or in boxes; in later years he used many of them to annotate interleaved copies of his own works. All this he did by personal labor, for he always maintained that a historical student to accomplish anything of value must handle all the books and papers with his own hands. This method, persistently pursued through a long series of years, brought together a

## DOCUMENTS

### *1. Orders of Mercer, Sullivan and Stirling, 1776.*

By the kindness of Dr. N. P. Dandridge, of Cincinnati, the REVIEW is enabled to print extracts from a manuscript Revolutionary orderly-book in his possession. The volume is an ordinary thick blank-book, 8 inches by 6. About half of it was used as an orderly-book. The remainder was subsequently used for miscellaneous accounts, extending through the remainder of the century, and evidently kept first in New Jersey and afterward in Ohio. Internal evidence shows the book to have belonged originally to some one in Col. Samuel Miles's Pennsylvania Provincial Rifle Regiment. It begins with regimental orders of that body, extending in time from May 16, 1776, to August 13. Up to the latter part of July these alone are given, and the regiment may be traced from Marcus Hook (May 16), through Philadelphia (July 5), Allentown (July 7), Brunswick (July 9), Amboy (July 11-17), and Elizabeth (July 18, 19) to Amboy. Before the close of July brigade orders and general orders begin to be intermixed, and the regimental orders become less frequent. From August 12 to August 23, at which date the military portion of the book ends, one finds interspersed an interesting series of the general orders of Washington, preparatory to the campaign around New York and the battle of Long Island. But these have already been printed in Force's *Archives*. We select for present publication a series of orders intermediate in grade between these general orders of the commander-in-chief and the regimental orders of Col. Miles. We present, in chronological order, with unimportant omissions, first, the general orders of Gen. Hugh Mercer, commanding the Flying Camp, of which, during these dates (July 29-August 9) Miles's regiment was a part. By Washington's orders of August 12 the Pennsylvania Rifle Regiment was made a part of Stirling's brigade, and the latter a part of Sullivan's division. The remaining orders here printed are therefore divisional orders of Sullivan (August 13, 14) and brigade orders of Stirling (August 13-22). The documents are too early in date to have much direct value with reference to the battle of Long Island (Howe landed on August 22), and do not cast strong light on any serious fighting. But it is thought that they have their value as showing the state of the American army during these weeks, and the efforts made to prepare it for the approaching conflict.

. . . . The Commanding Officers of the Reg<sup>ts</sup> are enjoined to See these Regulations Strictly Observed and immediately to Cause any Neglect or disobedience to these Orders to be punished by a Regimental Court Martial. They are also enjoined to use their best endeavours to encourage every Species of Cleanliness in the Officers and Soldiers in their Respective Corps and to recommend it to them all to avoid eating green unripe fruit of any kind as it [is] undoubtedly one of the Causes of the disorders now most prevalent in Camp.

Brigade After Orders [August 19].

Cap. Steels Company of Volunteers at present encampd with Col<sup>l</sup> Lutz's Corps is Ordered to Join Major Hays Battalion. As the Adj<sup>ts</sup> of the Reg<sup>ts</sup> must Necessarily be employed The Col<sup>ls</sup> or Commanding Officers of Each Corps will send a good Clerk to the Brigade Majors Office by 6 oClock every morning in Order to Copy off the Gen<sup>l</sup> and Brigade Orders for a Month past. These Clerks are to Continue on that duty untill noon wich Orders are to be read to the Officer in the Afternoon. Notwithstanding this Order the Adj<sup>ts</sup> of Each Corps are to Attend for Orders of the Day as usual.

Lord Sterlings Brigade Orders August the 22

The Commanding Officer of every Reg<sup>t</sup> will immediately cause the Ammunition to be examined and if any of it be damaged it is to be separated from the rest on [an] Acc<sup>t</sup> of it to be taken and ready to be exchanged with the Commissary of military Stores for what is good the arms are to be in as good order as possible ; the Reg<sup>ts</sup> are all to be under Arms on the Grand parade it the Order comminicated to the Col<sup>l</sup> precisely at 10 oClock this Morning where they will Receive farther orders.

2. *Notes of Major William Pierce on the Federal Convention of 1787.*

New materials relating to the Convention of 1787 will always, it may be presumed, be interesting to the readers of this REVIEW. The materials which follow are derived from the papers of Major William Pierce, a member from Georgia. Mr. C. E. Jackson, of Middletown, Conn., a grandson of Pierce's widow by her second marriage, kindly offered to the REVIEW a manuscript containing the pieces numbered II., III. and IV. in the following series. A passage in Madison's *Writings*, to which the attention of the managing editor was called by Professor Edward G. Bourne, seemed to refer to these notes. Mr. J. K. Tefft, of Savannah, the noted collector of autographs, wrote to Madison in 1830, asking for his autograph and those of other distinguished Americans (*Calendar of the Correspondence of James Madison*, State Department, p. 670). Complying with his request, Madison in his answer asks Mr. Tefft to send him

certain numbers of the *Savannah Georgian* (id., 113). "In the year 1828," says the extract from this letter given in Madison's *Writings*, "I received from J. V. Bevan<sup>1</sup> sundry numbers of the *Savannah Georgian*, containing continuations of the notes of Major Pierce on the Federal Convention of 1787" (*Writings*, IV. 139). The year 1828 is missing from the file of the *Savannah Georgian* preserved in the Library of Congress, and also from that possessed by the University of Georgia, but in the library of the Georgia Historical Society at Savannah there is a complete file, which William Harden, Esq., librarian of the society, has kindly searched for us. It appears that Major Pierce's notes (II. and IV. below) were printed in the *Savannah Georgian* for April 19, 21, 22, 23, 24, 25, 26 and 28, 1828. But no apology is presented for reprinting them, for it will be seen that they are practically inaccessible. Madison's phrase, however, seemed to indicate the existence of an earlier account of the Convention by Major Pierce. After some search, this was located, by means of a statement in the late Col. C. C. Jones's *Biographical Sketches of the Delegates from Georgia to the Continental Congress*, p. 156. On September 28, 1787, Pierce wrote from New York to St. George Tucker, of Virginia, a letter, in which he gave his general impressions of the work of the convention. The relevant portions of this were printed in the *Georgia Gazette*, of March 20, 1788. By the kindness of Mr. Harden, a copy of this matter is presented herewith, as No. 1. in the ensuing series. The same remark may be made as to previous printing which was made in the case of the other parts; for, so far as the managing editor has discovered, no other file of the *Gazette* for 1788 is preserved in any public repository, and the matter is therefore practically inedited.

William Pierce was born, in Virginia according to family tradition, in Georgia according to certain sources used by Col. Jones, about 1740. His name, uniformly given simply as William in contemporary sources, is given as William Leigh by his son, in a footnote to p. 113 of his poem *The Year* (New York, 1813). He engaged in the Revolutionary War as of Virginia. November 30, 1776, he was commissioned a captain in the First Continental Artillery (Heitman, p. 329). He became an aide to Gen. Greene, with whom he was ever after on terms of friendly intimacy. After the battle of Eutaw Springs he bore the general's despatches, with the news of the victory, to Congress at Philadelphia. Congress (October 29, 1781) resolved "that a sword be presented to Captain Pierce." This sword, suitably inscribed, is now possessed by the descendants of Mrs. Pierce. At the close of the war Pierce left the

<sup>1</sup> Joseph V. Bevan was one of the proprietors of the *Georgian*.

army with the rank of major, and went into business in Savannah, as the head of the house of William Pierce and Company (Jones, 155; MS. letter of Gen. Greene). About the same time (*id.*) he was married to Miss Charlotte Fenwick. A letter of February 10, 1786, in Mr. Jackson's MS. volume, shows him at Augusta, attending the session of the general assembly of Georgia, of which he was a member from Chatham county (Jones). In that same year he was elected to the Continental Congress for the term extending from the first Monday of November, 1786, to the corresponding day of 1787 (*Jour. Cong.*, IV. 719). Sailing in December (*Correspondence of Samuel B. Webb*, III. 70), he took his seat on January 17th, 1787, and attended the sessions faithfully till May 24 (*Journals*, IV. 719-749; *Webb*, III. 77). Meanwhile the Georgia legislature had on February 10 elected him a member of the proposed Federal Convention, and on April 17 he had been commissioned as a delegate (*Documentary History of the Constitution*, State Department, I. 43, 46). He took his seat on May 31, six days after the opening (*Doc. Hist.*, I. 56; *Madison Papers*, 753). He is recorded as speaking but three times. On June 6 he spoke in advocacy of the election of the first branch of the federal legislature by the people, of the second branch by the states (Madison, 807, and *post*). On June 12 he spoke against a seven-years' term for the second branch, preferring a term of three years (Madison, 851; Yates in Elliot, 1836, I. 408). On June 29 he spoke in behalf of the strengthening of the general government, as over against the state governments (Yates, in Elliot, I. 464). Shortly after this he left the Convention, and attended its sessions no further. From July 4 to August 1 he attended Congress (*Journals*, IV. 750-765). A letter of Hamilton (*Works*, I. 437) shows the latter adjusting a difficulty and preventing a duel between Pierce and a Mr. Auldjo, and another, New York, July 26, 1787 (*id.*, 439), says: "He informs me that he is shortly to set out on a jaunt up the North River." The reasons for his absenting himself do not appear. From August 27 to October 1 he was again in attendance upon Congress at New York (*Journals*, IV. 773-783; memoranda in MS. volume). On October 3 he sailed from New York with his family, and arrived at Savannah on October 10. "I brought with me a dispatch from Congress, containing the proceedings of the federal convention with their resolution, to Governor Mathews of this State" (*ibid.*). On the 26th the legislature of Georgia provided for the state convention, which on January 2, 1788, ratified the Constitution (*Doc. Hist.*, II. 83). On July 4, 1788, he delivered an oration at Savannah before the Georgia Cincinnati, which was printed there that same year, and in

which he expresses his satisfaction with the work of the Philadelphia Convention. Two copies of this pamphlet, one of them General Washington's presentation copy, are in the library of the Boston Athenæum. Before the year was over Major Pierce had failed in business (Jones), and in December he wrote to Madison expressing a desire to be appointed collector of the port of Savannah (*Calendar*, p. 573); but he was not appointed to any federal office. On July 4, 1789, he seems to have delivered another oration before the Georgia Cincinnati, which was printed; and he was elected their vice-president. He died December 10 of that year (Jones, p. 157). A son, William, born before 1786 (MS. volume), probably died in infancy. A posthumous son, William Leigh, born June 30, 1790, wrote the volume of verse already mentioned, *The Year*, a Federalist review of the events of the year 1812, in the style of *Marmion*. Its notes give an exceptionally full account of the famous Baltimore mob of that year. At the time of its publication the younger Pierce was living in Canandaigua, New York, and he is said to have died in that neighborhood in 1815.

Major Pierce was a man of good education and considerable intelligence, and of sufficient penetration to give value to his estimates of his associates in the Convention. It will be seen that the absence of his signature to the Constitution is not due, as has sometimes been said, to disapproval of that instrument. It is perhaps unfortunate that he was not longer present in the Convention, though it must be said that his notes of its debates add little to the information we have already derived from Madison, Yates and King.

Of the four following pieces, the first is derived from the *Georgia Gazette* of Thursday, March 20, 1788. The other three are from the MS. volume already mentioned, a small book, 6½ by 4 inches, which at some time subsequent to the writing has been bound in a red morocco binding, lettered "Pierce's Reliques." A memorandum pasted within shows the book to have been borrowed by Washington Irving, who derived from it his version (*Life of Washington*, IV. 495, 496) of the anecdote here printed as No. III.

I.

VIRGINIA.—*Extract of a letter from the Hon. William Pierce, Esq., to St. George Tucker, Esq., dated New York, Sept. 28, 1787.*

You ask me for such information as I can, with propriety, give you, respecting the proceedings of the Convention: In my letter from Philadelphia, in July last, I informed you that everything was covered with the veil of secrecy. It is now taken off, and the great work is presented to the public for their consideration. I enclose you a copy of it, with the letter which accompanies the Constitution.



You will probably be surprised at not finding my name affixed to it ; and will, no doubt, be desirous of having a reason for it. Know then, Sir, that I was absent in New York on a piece of business so necessary that it became unavoidable. I approve of its principles, and would have signed it with all my heart, had I been present. To say, however, that I consider it as perfect, would be to make an acknowledgment immediately opposed to my judgment. Perhaps it is the only one that will suit our present situation. The wisdom of the Convention was equal to something greater ; but a variety of local circumstances, the inequality of states, and the dissonant interests of the different parts of the Union, made it impossible to give it any other shape or form.

The great object of this new government is to consolidate the Union, and to give us the appearance and power of a nation. The inconvenience of the different states meeting on the footing of compleat equality, and as so many sovereign powers confederated, has been severely felt by the Union at large ; and it is to remedy this evil that something like a national institution has become necessary. The condition of America demands a change ; we must sooner or later be convulsed if we do not have some other government than the one under which we at present live. The old Federal Constitution is like a ship bearing under the weight of a tempest ; it is trembling, and just on the point of sinking. If we have not another bark to take us up we shall all go down together. There are periods in the existence of a political society that require prompt and decisive measures ; I mean that point of time between a people's running into anarchy and an anxious state of the public mind to be rescued from its approaching mischiefs by the intervention of some good and efficient government. That is precisely the situation in which we seemed to be placed. A question then arises, shall we have this government, or shall we run into confusion ? It is with the people to decide the alternative.

I am well aware that objections will be made to this new government when examined in the different states ; some will oppose it from pride, some from self-interest, some from ignorance, but the greater number will be of that class who will oppose it from a dread of its swallowing up the individuality of the states. Local circumstances will weigh against the general interest, and no respect will be paid to all the parts aggregated which compose the Confederacy. Good as well as bad men will probably unite their interest to oppose it, and some small convulsions may possibly happen in some of the states before it is adopted, but I am certain it is the ark that is to save us. I therefore hope and trust it will be accepted. It is a difficult point to concentrate thirteen different interests so as to give general and compleat satisfaction. But as individuals in society (to use an old hackneyed and well known principle) give up a part of their national rights to secure the rest, so the different states should render a portion of their interests to secure the good of the whole. Was this question proposed to each of the states separately, "What kind of government is best calculated for the people of the United States ?" there would

be as many different opinions as there are different interests. It would be like the decisions of the seven wise men of Greece, who were called on, at the Court of Periander, to give their sentiments on the nature of a perfect commonwealth—they all judged differently, but they all judged right, in the view each man had of it.

Many objections have been already started to the Constitution because it was not founded on a Bill of Rights; but I ask how such a thing could have been effected; I believe it would have been difficult in the extreme to have brought the different states to agree in what probably would have been proposed as the very first principle, and that is, “that all men are born equally free and independent.” Would a Virginian have accepted it in this form? Would he not have modified some of the expressions in such a manner as to have injured *the strong sense of them*, if not to have buried them altogether in *ambiguity and uncertainty*.

In my judgment, when there are restraints on power, to prevent its invading the positive rights of a people, there is no necessity for any such thing as a Bill of Rights. I conceive civil liberty is sufficiently guarded when personal security, personal liberty, and private property, are made the peculiar care of government. Now the defined powers of each department of the government, and the restraints that naturally follow, will be sufficient to prevent the invasion of either of those rights. Where then can be the necessity for a Bill of Rights? It is with diffidence I start this question; I confess I cannot help doubting the negative quality which it conveys, as some of the greatest men I ever knew have objected to the government for no other reason but because it was not *buttoned*<sup>1</sup> with a Bill of Rights; men whose experience and wisdom are sufficient to give authority and support to almost any opinion they may choose to advance.

I set this down as a truth founded in nature, that a nation habituated to freedom will never remain quiet under an invasion of its liberties. The English history presents us with a proof of this. At the Conquest that nation lost their freedom, but they never were easy or quiet until the true balance between liberty and prerogative was established in the reign of Charles the second. The absolute rights of Englishmen are founded in nature and reason, and are coeval with the English Constitution itself. They were always understood and insisted on by them as well without as with a Bill of Rights. This same spirit was breathed into the Americans, and they still retain it, nor will they, I flatter myself, ever resign it to any power, however plausible it may seem. The Bill of Rights was not introduced into England until the Revolution of 1688, (upwards of 600 years after the Conquest) when the Lords and Commons presented it to the Prince and Princess of Orange. And afterwards the same rights were asserted in the Act of Settlement at the commencement of the present century, when the crown was limited to the House of Hanover. It was deemed necessary to introduce such an instrument to satisfy the public mind in England, not as a bottom to the Constitution, but as a prop to it; and hereafter, if the same necessity should exist in America, it may be

<sup>1</sup> So the newspaper; perhaps Pierce wrote “bottomed on.”

done by an act of the Legislature here, so that the Constitution not being founded on a Bill of Rights I conceive will not deprive it at any future time of being propt by one, should it become necessary.

A defect is found by some people in this new Constitution, because it has not provided, except in criminal cases, for Trial by Jury. I ask if the trial by jury in civil cases is really and substantially of any security to the liberties of a people. In my idea the opinion of its utility is founded more in prejudice than in reason. I cannot but think that an able Judge is better qualified to decide between man and man than any twelve men possibly can be. The trial by jury appears to me to have been introduced originally to soften some of the rigors of the feudal system, as in all the countries where that strange policy prevailed, they had, according to Blackstone, "a tribunal composed of twelve good men, true *boni homines*, usually the vassals or tenants of the Lord, being the equals or peers of the parties litigant." This style of trial was evidently meant to give the tenants a check upon the enormous power and influence of their respective Lords; and, considered in that point of view, it may be said to be a wise scheme of juridical polity; but applied to us in America, where every man stands upon a footing of independence, and where there is not, and I trust never will be, such an odious inequality between Lord and tenant as marked the times of a Regner or an Egbert, is useless, and I think altogether unnecessary; and, if I was not in the habit of respecting some of the *prejudices* of very sensible men, I should declare it ridiculous. An Englishman to be sure will talk of it in raptures; it is a virtue in him to do so, because it is insisted on in Magna Charta (that favorite instrument of English liberty) as the great bulwark of the nation's happiness. But we in America never were in a situation to feel the same benefits from it that the English nation have. We never had anything like the Norman trial by battle, nor great Lords presiding at the heads of numerous tribes of tenants whose influence and power we wished to set bounds to.

As to trial by jury in criminal cases, it is right, it is just, perhaps it is indispensable,—the life of a citizen ought not to depend on the fiat of a single person. Prejudice, resentment, and partiality, are among the weaknesses of human nature, and are apt to pervert the judgment of the greatest and best of men. The solemnity of the trial by jury is suited to the nature of criminal cases, because, before a man is brought to answer the indictment, the fact or truth of every accusation is inquired into by the Grand Jury, composed of his fellow citizens, and the same truth or fact afterwards (should the Grand Jury find the accusation well founded) is to be confirmed by the unanimous suffrage of twelve good men, "superior to all suspicion." I do not think there can be a greater guard to the liberties of a people than such a mode of trial on the affairs of life and death. But here let it rest.

The most solid objection I think that can be made to any part of the new government is the power which is given to the Executive Department; it appears rather too highly mounted to preserve exactly the equilibrium. The authority which the President holds is as great as that possessed by the King of England. Fleets and armies must support him

in it. I confess however that I am at a loss to know whether any government can have sufficient energy to effect its own ends without the aid of a military power. Some of the greatest men differ in opinion about this point. I will not pretend to decide it.

It requires very little wisdom or forethought to see into the consequences of the government when put compleatly in motion. You will observe that one branch of the Legislature is to come from the People, the other from the several State Legislatures; one is to sympathize with the people at large, the other with the sovereignty of the states, but the suffrages of the two are unequal; the House of Commons will have sixty-five votes, while the Senate has only twenty-six. Some of the states will have eight and ten Members in the Lower House, some only two or three, but all will have an equal number in the Senate. The Judicial Power is to extend "to controversies between two or more states, between a state and citizens of another state, between citizens of different states, and between a state and the citizens thereof, and foreign states, citizens, or subjects." And the President is to be Commander in Chief of the Fleets and Armies of the United States, and the Militia of the states when called into the service of the Union. All this taken collectively forms such a power independent of the states as must eventually draw from them all their remaining sovereignty. Whether such a thing is desirable or not let every man appeal to his own judgment to determine. It is clearly my opinion that we had better be consolidated than to remain any longer a confederated republic.

I would say something about the Article of Commerce, but it involves in it so much inquiry and calculation that I will reserve it for another letter. I know the most popular opposition in Virginia will be founded on this head, but I think it can be proven beyond a doubt that a uniform regulation of its principles will secure lasting and equal advantages to every part of the empire. If this right had at first been lodged in the hands of Congress we should not at this day be in the condition we are.

## II. LOOSE SKETCHES AND NOTES TAKEN IN THE CONVENTION.

MAY, 1787.

On the 30th May Gov<sup>r</sup> Randolph brought forward the principles of a federal Government.<sup>1</sup> The idea suggested was, a national Government to consist of three branches. Agreed.<sup>2</sup> The Legislature to consist of two branches.

Resolved that the first branch of the Legislature ought to be elected by the People of the several States.<sup>3</sup>

<sup>1</sup> Governor Randolph brought forward the principles suggested by the Virginia delegation, on May 29; *Documentary History*, I. 55, *Madison Papers* (Gilpin) 728-735; Yates, in Elliot, 1836, I. 390, 391. Major Pierce took his seat on May 31; *Doc. Hist.*, I. 56.

<sup>2</sup> May 30. *Doc. Hist.*, I. 200; *Madison Papers*, 749; Yates in Elliot, I. 392.

<sup>3</sup> May 31. *Doc. Hist.*, I. 201, 202; Elliot, I. 392, 393. The debate which here follows is reported in the *Madison Papers*, 753-759, in which however the remarks of Strong, the first and second speeches of King, the third and fourth of Butler, and the final remarks of Mason, are omitted. The final remarks of Sherman are here given at greater length.

A debate arose on this point.

M<sup>r</sup>. Sherman thought the State Legislatures were better qualified to elect the Members than the people were.

M<sup>r</sup>. Gerry was of the same opinion.

M<sup>r</sup>. Mason was of the opinion that the appointment of the Legislature coming from the people would make the representation actual, but if it came from the State Legislatures it will be only virtual.

M<sup>r</sup>. Wilson thought that one branch of the Legislature ought to be drawn from the people, because on the great foundation of the people all Government ought to rest. He would wish to see the new Constitution established on a broad basis, and rise like a pyramid to a respectable point.

M<sup>r</sup>. Maddison was of the opinion that the appointment of the Members to the first branch of the national Legislature ought to be made by the people for two reasons,—one was that it would inspire confidence, and the other that it would induce the Government to sympathize with the people.

M<sup>r</sup>. Gerry was of opinion that the representation would not be equally good if the people chose them, as if the appointment was made by the State Legislatures. He also touched on the principles of liberal support, and reprobated that idea of œconomy in the different States that has been so injuriously practised.

M<sup>r</sup>. Strong would agree to the principle, provided it would undergo a certain modification, but pointed out nothing.

M<sup>r</sup>. Butler was opposed to the appointment by the people, because the State Legislatures he thought better calculated to make choice of such Members as would best answer the purpose.

M<sup>r</sup>. Spaight thought it necessary previous to the decision on this point that the mode of appointing the Senate should be pointed out. He therefore moved that the second branch of the Legislature should be appointed by the State Legislatures.

M<sup>r</sup>. King observed that the Question called for was premature, and out of order,—that unless we go on regularly from one principle to the other we shall draw out our proceedings to an endless length.

M<sup>r</sup>. Butler called on Gov<sup>r</sup>. Randolph to point out the number of Men necessary for the Senate, for on a knowledge of that will depend his opinion of the style and manner of appointing the first branch.

M<sup>r</sup>. Randolph said he could not then point out the exact number of Members for the Senate, but he would observe that they ought to be less than the House of Commons. He was for offering such a check as to keep up the balance, and to restrain, if possible, the fury of democracy. He thought it would be impossible for the State Legislatures to appoint the Senators, because it would not produce the check intended. The first branch of the foederal Legislature should have the appointment of the Senators, and then the check would be complete.

Butler said that until the number of the Senate could be known it would be impossible for him to give a vote on it.

M<sup>r</sup> Wilson was of opinion that the appointment of the 2<sup>d</sup> branch ought to be made by the people provided the mode of election is as he would have it, and that is to divide the union into districts from which the Senators should be chosen. He hopes that a federal Government may be established that will insure freedom and yet be vigorous.

M<sup>r</sup> Maddison thinks the mode pointed out in the original propositions the best.

M<sup>r</sup> Butler moved to have the proposition relating to the first branch postponed, in order to take up another,—which was that the second branch of the Legislature consist of blank.

M<sup>r</sup> King objected to the postponement for the reasons which he had offered before.

M<sup>r</sup> Sherman was of opinion that if the Senate was to be appointed by the first branch and out of that Body that it would make them too dependent, and thereby destroy the end for which the Senate ought to be appointed.

M<sup>r</sup> Mason was of opinion that it would be highly improper to draw the Senate out of the first branch ; that it would occasion vacancies which would cost much time, trouble, and expence to have filled up,—besides which it would make the Members too dependent on the first branch.

M<sup>r</sup> Ch<sup>s</sup> Pinckney said he meant to propose to divide the Continent into four Divisions, out of which a certain number of persons sh<sup>d</sup> be nominated, and out of that nomination to appoint a Senate.

I was myself of opinion that it would be right first to know how the Senate should be appointed, because it would determine many Gentlemen how to vote for the choice of Members for the first branch,—it appeared clear to me that unless we established a Government that should carry at least some of its principles into the mass of the people, we might as well depend upon the present confederation. If the influence of the States is not lost in some part of the new Government we never shall have any thing like a national institution. But in my opinion it will be right to shew the sovereignty of the State in one branch of the Legislature, and that should be in the Senate.

On the proposition in the words following—“to legislate in all cases where the different States shall prove incompetent.”<sup>1</sup>

M<sup>r</sup> Sherman was of opinion that it would be too indefinitely expressed,—and yet it would be hard to define all the powers by detail. It appeared to him that it would be improper for the national Legislature to negative all the Laws that were connected with the States themselves.

M<sup>r</sup> Maddison said it was necessary to adopt some general principles on which we should act,—that we were wandering from one thing to another without seeming to be settled in any one principle.

M<sup>r</sup> Wythe observed that it would be right to establish general principles before we go into detail, or very shortly Gentlemen would find

<sup>1</sup> *Doc. Hist.*, I. 202. The debate on this question is presented in the *Madison Papers*, 760–761, but none of the remarks here reported are to be found there, save the second speech of Madison.

themselves in confusion, and would be obliged to have recurrence to the point from whence they sat out.

M<sup>r</sup>. King was of opinion that the principles ought first to be established before we proceed to the framing of the Act. He apprehends that the principles only go so far as to embrace all the power that is given up by the people to the Legislature, and to the fœderal Government, but no farther.

M<sup>r</sup>. Randolph was of opinion that it would be impossible to define the powers and the length to which the federal Legislature ought to extend just at this time.

M<sup>r</sup>. Wilson observed that it would be impossible to enumerate the powers which the federal Legislature ought to have.

M<sup>r</sup>. Maddison said he had brought with him a strong prepossession for the defining of the limits and powers of the federal Legislature, but he brought with him some doubts about the practicability of doing it :— at present he was convinced it could not be done.

#### ON THE EXECUTIVE POWER.<sup>1</sup>

M<sup>r</sup>. Wilson said the great qualities in the several parts of the Executive are vigor and dispatch. Making peace and war are generally determined by Writers on the Laws of Nations to be legislative powers.

M<sup>r</sup>. Maddison was of opinion that an Executive formed of one Man would answer the purpose when aided by a Council, who should have the right to advise and record their proceedings, but not to control his authority.

M<sup>r</sup>. Gerry was of opinion that a Council ought to be the medium through which the feelings of the people ought to be communicated to the Executive.

M<sup>r</sup>. Randolph advanced a variety of arguments opposed to a unity of the Executive, and doubted whether even a Council would be sufficient to check the improper views of an ambitious Man. A unity of the Executive he observed would savor too much of a monarchy.

M<sup>r</sup>. Wilson said that in his opinion so far from a unity of the Executive tending to progress towards a monarchy it would be the circumstance to prevent it. A plurality in the Executive of Government would probably produce a tyranny as bad as the thirty Tyrants of Athens, or as the Decemvirs of Rome.

A confederated republic joins the happiest kind of Government with the most certain security to liberty.

#### (A CONSIDERATION.)

Every Government has certain moral and physical qualities engrafted in their very nature,—one operates on the sentiments of men, the other on their fears.

<sup>1</sup> June 1. *Doc. Hist.*, I. 203, 204. An ampler report of this debate is given in the *Madison Papers*, 762–764, where however the first remarks of Madison here given and those of Dickinson are omitted; but they are summarized in King's notes, *Life and Correspondence*, I. 588, 589.

M<sup>r</sup> Dickinson was of opinion that the powers of the Executive ought to be defined before we say in whom the power shall vest.

M<sup>r</sup> Bedford<sup>1</sup> said he was for appointing the Executive Officer for three years, and that he should be eligible for nine years only.

M<sup>r</sup> Maddison observed that to prevent a Man from holding an Office longer than he ought, he may for mal-practice be impeached and removed ;—he is not for any ineligibility.

M<sup>r</sup> Charles Pinckney was of opinion<sup>2</sup> that the election of the Executive ought to be by the national Legislature, that then respect will be paid to that character best qualified to fill the Executive department of Government.

M<sup>r</sup> Wilson proposed that the U. States should be divided into districts, each of which should elect a certain number of persons, who should have the appointment of the Executive.

M<sup>r</sup> Gerry observed that if the appointment of the Executive should be made by the national Legislature, it would be done in such a way as to prevent intrigue. If the States are divided into districts, there will be too much inconvenience in nominating the Electors.

M<sup>r</sup> Wm'son<sup>3</sup> observed that if the Electors were to chuse the Executive it would be attended with considerable expence and trouble ; whereas the appointment made by the Legislature would be easy, and in his opinion, the least liable to objection.

On the subject of salary to the Executive D<sup>r</sup> Franklin arose and produced a written Speech.<sup>4</sup> It was, on account of his age, read by M<sup>r</sup> Wilson, in which was advanced an opinion that no salaries should be allowed the public Officers, but that their necessary expences should be defrayed. This would make Men, he said, more desirous of obtaining the Esteem of their Country-men,—than avaricious or eager, in the pursuit of wealth.

M<sup>r</sup> Dickinson moved<sup>5</sup> that the Executive should be removed at the request of a majority of the State Legislatures.

No Government can produce such good consequences as a limited monarchy, especially such as the English Constitution.

The application of the several Legislatures brings with it no force to the national Legislature.

M<sup>r</sup> Maddison said it was far from being his wish that every executive Officer should remain in Office, without being amenable to some Body for his conduct.

<sup>1</sup> The question was now on the duration of the term of the executive. *Doc. Hist.*, I. 204 ; *Madison Papers*, 766, 767, with omission of the remarks of Madison here reported.

<sup>2</sup> June 2. The question was now on the mode of appointing the executive ; *Doc. Hist.*, I. 205. The following debate, except the remarks of Charles Pinckney, is to be found in the *Madison Papers*, 768–770.

<sup>3</sup> Hugh Williamson of North Carolina.

<sup>4</sup> *Doc. Hist.*, I. 206. The text of Dr. Franklin's speech is given in the *Madison Papers*, 771–775.

<sup>5</sup> *Doc. Hist.*, I. 206, 207. Excepting Madison's own remarks, the ensuing debate reported in the *Madison Papers*, 776–778.



Mr. Randolph<sup>1</sup> was for appointing three Persons, from three districts of the Union, to compose the Executive. A single Person may be considered the fœtus of a Monarchy.

Mr. Butler was of opinion that a unity of the Executive would be necessary in order to promote dispatch;—that a plurality of Persons would never do. When he was in Holland the States general were obliged to give up their power to a French Man to direct their military operations.

Mr. Wilson<sup>2</sup> said that all the Constitutions of America from New Hampshire to Georgia have their Executive in a single Person. A single Person will produce vigor and activity. Suppose the Executive to be in the hands of a number they will probably be divided in opinion.

It was proposed that the Judicial should be joined with the Executive to revise the Laws.<sup>3</sup>

Mr. King was of opinion that the Judicial ought not to join in the negative of a Law, because the Judges will have the expounding of those Laws when they come before them; and they will no doubt stop the operation of such as shall appear repugnant to the constitution.

Dr. Franklin thinks it would be improper to put it in the power of any Man to negative a Law passed by the Legislature because it would give him the controul of the Legislature; and mentioned the influence of the British King, and the influence which a Governor of Pennsylvania once had in arresting (for the consideration of an encrease of salary) the power out of the hands of the Legislature.

Mr. Maddison was of opinion<sup>4</sup> that no Man would be so daring as to place a veto on a Law that had passed with the assent of the Legislature.

Mr. Butler observed that power was always encreasing on the part of the Executive. When he voted for a single Person to hold the Executive power he did it that Government be expeditiously executed, and not that it should be clogged.

Mr. Bedford was of opinion that no check was necessary on a Legislature composed as the national Legislature would be, with two branches,—an upper and a lower House.

<sup>1</sup> The question was now on the motion that the executive consist of a single person. *Doc. Hist.*, I. 207, 208; *Madison Papers*, 779–782.

<sup>2</sup> June 4.

<sup>3</sup> *Doc. Hist.*, I. 208, 209. The notes which follow relate to the debate on this proposition and on that for a veto by the executive; *Madison Papers*, 784–789, where, however, King's interesting remark about the judiciary holding statutes void does not appear.

<sup>4</sup> It appears that this passage was animadverted upon when these notes were printed in the *Savannah Georgian* in 1828. In Madison's letter to Tefft, cited above, p. 310, speaking of the numbers of that newspaper which he had once received, he says, "They were probably sent on account of a marginal suggestion of inconsistency between language held by me in the Convention with regard to the Executive veto, and the use made of the power by myself, when in the Executive Administration. The inconsistency is done away by the distinction, not adverted to, between an *absolute* veto, to which the language was applied, and the *qualified* veto which was exercised" (*Writings*, IV. 139). The marginal note in the newspaper reads: "This same Mr. Madison did so when President. Eds. Geo."

M<sup>r</sup> Mason was of opinion that it would be so dangerous for the Executive in a single Person to negative a Law that the People will not accept of it. He asked if Gentlemen had ever reflected on that awful period of time between the passing and final adoption of this constitution ; —what alarm might possibly take place in the public mind.

M<sup>r</sup> Maddison in a very able and ingenious Speech,<sup>1</sup> ran through the whole Scheme of the Government,—pointed out all the beauties and defects of ancient Republics ; compared their situation with ours wherever it appeared to bear any analogy, and proved that the only way to make a Government answer all the end of its institution was to collect the wisdom of its several parts in aid of each other whenever it was necessary. Hence the propriety of incorporating the Judicial with the Executive in the revision of the Laws. He was of opinion that by joining the Judges with the Supreme Executive Magistrate would be strictly proper, and would by no means interfere with that independence so much to be approved and distinguished in the several departments.

M<sup>r</sup> Dickinson could not agree with Gentlemen in blending the national Judicial with the Executive, because the one is the expounder, and the other the Executor of the Laws.

M<sup>r</sup> Rutledge was of opinion that it would be right to make the adjudications of the State Judges, appealable to the national Judicial.

M<sup>r</sup> Maddison was for appointing the Judges by the Senate.

M<sup>r</sup> Hamilton suggested the idea of the Executive's appointing or nominating the Judges to the Senate which should have the right of rejecting or approving.

M<sup>r</sup> Butler was of opinion<sup>2</sup> that the alteration of the confederation ought not to be confirmed by the different Legislatures because they have sworn to support the Government under which they act, and therefore that Deputies should be chosen by the People for the purpose of ratifying it.

M<sup>r</sup> King thought that the Convention would be under the necessity of referring the amendments to the different Legislatures, because one of the Articles of the confederation expressly make it necessary.

As the word perpetual in the Articles of confederation gave occasion for several Members to insist upon the main principles of the confederacy, i e that the several States should meet in the general Council on a footing of compleat equality each claiming the right of sovereignty, M<sup>r</sup>

<sup>1</sup> June 6. If Madison's report is right, it would appear that Pierce has here fused two speeches made by Madison on that day, one on the election of the first branch by the legislatures, the other on the association of the judiciary in the revival of the laws, a question postponed from June 4. *Doc. Hist.*, I. 214 ; *Madison Papers*, 804–806, 809–811. Dickinson's remarks, which here follow, relate to this latter question ; King, I. 592. But those of Rutledge and Madison which succeed were, according to the *Madison Papers*, 792, 793, made on June 5 in the debate on the election of the judiciary. Hamilton's remarks are not given there.

<sup>2</sup> The following remarks were apparently made in the debate of June 5 on the fifteenth Virginia resolution, that relating to ratification. *Doc. Hist.*, I. 212 ; *Madison Papers*, 797, 798 (Butler's second speech being omitted).

Butler observed that the word perpetual in the confederation meant only the constant existence of our Union, and not the particular words which compose the Articles of the union.

Some general discussions came on.—Mr Charles Pinckney said<sup>1</sup> he was for appointing the first branch of the Legislature by the State Legislatures, and that the rule for appointing it ought to be by the contributions made by the different States.

Mr Wilson was of opinion that the Judicial, Legislative and Executive departments ought to be commensurate.

Mr Cotesworth Pinckney was of opinion that the State Legislatures ought to appoint the 1st branch of the national Legislature ;—that the election cannot be made from the People in South Carolina. If the people choose it will have a tendency to destroy the foundation of the State Governments.

Mr Maddison observed that Gentlemen reasoned very clear on most points under discussion, but they drew different conclusions. What is the reason? Because they reason from different principles. The primary objects of civil society are the security of property and public safety.

### III. AN ANECDOTE.

When the Convention first opened at Philadelphia, there were a number of propositions brought forward as great leading principles for the new Government to be established for the United States. A copy of these propositions was given to each Member with an injunction to keep everything a profound secret. One morning, by accident, one of the Members dropt his copy of the propositions, which being luckily picked up by General Mifflin was presented to General Washington, our President, who put it in his pocket. After the debates of the Day were over, and the question for adjournment was called for, the General arose from his seat, and previous to his putting the question addressed the Convention in the following manner,—  
Gentlemen

“I am sorry to find that some one Member of this Body, has been so neglectful of the secrets of the Convention as to drop in the State House a copy of their proceedings, which by accident was picked up and delivered to me this Morning. I must entreat Gentlemen to be more careful, least our transactions get into the News Papers, and disturb the public repose by premature speculations. I know not whose Paper it is, but there it is [throwing it down on the table], let him who owns it take it.” At the same time he bowed, picked up his Hat, and quitted the room with a dignity so severe that every Person seemed alarmed; for my part I was extremely so, for putting my hand in my pocket I missed my copy of the same Paper, but advancing up to the Table my fears soon dissipated; I found it to be the hand writing of another Person.

<sup>1</sup> June 6. *Doc. Hist.*, I. 213; *Madison Papers*, 800. Wilson, *ibid.*, 801, 802 C. C. Pinckney, *ibid.*, 808. The concluding remarks of Madison I do not identify.

When I went to my lodgings at the Indian Queen, I found my copy in a coat pocket which I had pulled off that Morning. It is something remarkable that no Person ever owned the Paper.

IV. CHARACTERS IN THE CONVENTION OF THE STATES HELD AT PHILADELPHIA, MAY 1787.

From New Hampshire.

Jn<sup>o</sup> Langdon Esq<sup>r</sup> and Nich<sup>s</sup> Gilman Esquire.

M<sup>r</sup> Langdon is a Man of considerable fortune, possesses a liberal mind, and a good plain understanding.—about 40 years old.<sup>1</sup>

M<sup>r</sup> Gilman is modest, genteel, and sensible. There is nothing brilliant or striking in his character, but there is something respectable and worthy in the Man.—about 30 years of age.

From Massachusetts.

Rufus King, Nat<sup>l</sup> Gorham, Gerry and Jn<sup>o</sup> Strong<sup>2</sup> Esquires.

M<sup>r</sup> King is a Man much distinguished for his eloquence and great parliamentary talents. He was educated in Massachusetts, and is said to have good classical as well as legal knowledge. He has served for three years in the Congress of the United States with great and deserved applause, and is at this time high in the confidence and approbation of his Country-men. This Gentleman is about thirty three years of age, about five feet ten Inches high, well formed, an handsome face, with a strong expressive Eye, and a sweet high toned voice. In his public speaking there is something peculiarly strong and rich in his expression, clear, and convincing in his arguments, rapid and irresistible at times in his eloquence but he is not always equal. His action is natural, swimming, and graceful, but there is a rudeness of manner sometimes accompanying it. But take him *tout en semble*, he may with propriety be ranked among the Luminaries of the present Age.

M<sup>r</sup> Gorham is a Merchant in Boston, high in reputation, and much in the esteem of his Country-men. He is a Man of very good sense, but not much improved in his education. He is eloquent and easy in public debate, but has nothing fashionable or elegant in his style ;—all he aims at is to convince, and where he fails it never is from his auditory not understanding him, for no Man is more perspicuous and full. He has been President of Congress, and three years a Member of that Body. M<sup>r</sup> Gorham is about 46 years of age, rather lusty, and has an agreeable and pleasing manner.

M<sup>r</sup> Gerry's character is marked for integrity and perseverance. He is a hesitating and laborious speaker ;—possesses a great degree of confidence and goes extensively into all subjects that he speaks on, without respect to elegance or flower of diction. He is connected and sometimes clear in his arguments, conceives well, and cherishes as his first virtue, a love for his Country. M<sup>r</sup> Gerry is very much of a Gentleman

<sup>1</sup> Pierce's statements of age, throughout the paper, are only approximately correct.

<sup>2</sup> Caleb Strong.

in his principles and manners ;—he has been engaged in the mercantile line and is a Man of property. He is about 37 years of age.

M<sup>r</sup> Strong is a Lawyer of some eminence,—he has received a liberal education, and has good connections to recommend him. As a Speaker he is feeble, and without confidence. This Gent<sup>l</sup> is about thirty five years of age, and greatly in the esteem of his Colleagues.

From Connecticut.

Sam<sup>l</sup> Johnson, Roger Sherman, and W. Elsworth<sup>1</sup> Esquires.

D<sup>r</sup> Johnson is a character much celebrated for his legal knowledge ; he is said to be one of the first classics in America, and certainly possesses a very strong and enlightened understanding.

As an Orator in my opinion, there is nothing in him that warrants the high reputation which he has for public speaking. There is something in the tone of his voice not pleasing to the Ear,—but he is eloquent and clear,—always abounding with information and instruction. He was once employed as an Agent for the State of Connecticut to state her claims to certain landed territory before the British House of Commons ; this Office he discharged with so much dignity, and made such an ingenious display of his powers, that he laid the foundation of a reputation which will probably last much longer than his own life. D<sup>r</sup> Johnson is about sixty years of age, possesses the manners of a Gentleman, and engages the Hearts of Men by the sweetness of his temper, and that affectionate style of address with which he accosts his acquaintance.

M<sup>r</sup> Sherman exhibits the oddest shaped character I ever remember to have met with. He is awkward, un-meaning, and unaccountably strange in his manner. But in his train of thinking there is something regular, deep, and comprehensive ; yet the oddity of his address, the vulgarisms that accompany his public speaking, and that strange new England cant which runs through his public as well as his private speaking make everything that is connected with him grotesque and laughable ;—and yet he deserves infinite praise,—no Man has a better Heart or a clearer Head. If he cannot embellish he can furnish thoughts that are wise and useful. He is an able politician, and extremely artful in accomplishing any particular object ;—it is remarked that he seldom fails. I am told he sits on the Bench in Connecticut, and is very correct in the discharge of his Judicial functions. In the early part of his life he was a Shoe-maker ;—but despising the lowness of his condition, he turned Almanack maker, and so progressed upwards to a Judge. He has been several years a Member of Congress, and discharged the duties of his Office with honor and credit to himself, and advantage to the State he represented. He is about 60.

M<sup>r</sup> Elsworth is a Judge of the Supreme Court in Connecticut ;—he is a Gentleman of a clear, deep, and copious understanding ; eloquent, and connected in public debate ; and always attentive to his duty. He is very happy in a reply, and choice in selecting such parts of his adver-

<sup>1</sup> *Oliver* Ellsworth.

sary's arguments as he finds make the strongest impressions,—in order to take off the force of them, so as to admit the power of his own. M<sup>r</sup> Elsworth is about 37 years of age, a Man much respected for his integrity, and venerated for his abilities.

From New York.

Alexander Hamilton, Yates, and W. Lansing<sup>1</sup> Esquires.

Col<sup>o</sup> Hamilton is deservedly celebrated for his talents. He is a practitioner of the Law, and reputed to be a finished Scholar. To a clear and strong judgment he unites the ornaments of fancy, and whilst he is able, convincing, and engaging in his eloquence the Heart and Head sympathize in approving him. Yet there is something too feeble in his voice to be equal to the strains of oratory ;—it is my opinion that he is rather a convincing Speaker, that [than] a blazing Orator. Col<sup>o</sup> Hamilton requires time to think,—he enquires into every part of his subject with the searchings of phylosophy, and when he comes forward he comes highly charged with interesting matter, there is no skimming over the surface of a subject with him, he must sink to the bottom to see what foundation it rests on.—His language is not always equal, sometimes didactic like Bolingbroke's, at others light and tripping like Stern's. His eloquence is not so defusive as to trifle with the senses, but he rambles just enough to strike and keep up the attention. He is about 33 years old, of small stature, and lean. His manners are tinctured with stiffness, and sometimes with a degree of vanity that is highly disagreeable.

M<sup>r</sup> Yates is said to be an able Judge. He is a Man of great legal abilities, but not distinguished as an Orator. Some of his Enemies say he is an anti-federal Man, but I discovered no such disposition in him. He is about 45 years old, and enjoys a great share of health.

M<sup>r</sup> Lansing is a practicing Attorney at Albany, and Mayor of that Corporation. He has a hisitation in his speech, that will prevent his being an Orator of any eminence ;—his legal knowledge I am told is not extensive, nor his education a good one. He is however a Man of good sense, plain in his manners, and sincere in his friendships. He is about 32 years of age.

From New Jersey.

W<sup>m</sup> Livingston, David Brearly, W<sup>m</sup> Patterson, and Jon<sup>n</sup> Dayton, Esquires.<sup>2</sup>

Governor Livingston is confessedly a Man of the first rate talents, but he appears to me rather to indulge a sportiveness of wit, than a strength of thinking. He is however equal to anything, from the extensiveness of his education and genius. His writings teem with satyr and a neatness of style. But he is no Orator, and seems little acquainted with the guiles of policy. He is about 60 years old, and remarkably healthy.

M<sup>r</sup> Brearly is a man of good, rather than of brilliant parts. He is a Judge of the Supreme Court of New Jersey, and is very much in the es-

<sup>1</sup> *John* Lansing.

<sup>2</sup> W. C. Houstoun omitted.

teem of the people. As an Orator he has little to boast of, but as a Man he has every virtue to recommend him. M<sup>r</sup>: Brearly is about 40 years of age.

M<sup>r</sup>: Patterson is one of those kind of Men whose powers break in upon you, and create wonder and astonishment. He is a Man of great modesty, with looks that bespeak talents of no great extent,—but he is a Classic, a Lawyer, and an Orator;— and of a disposition so favorable to his advancement that every one seemed ready to exalt him with their praises. He is very happy in the choice of time and manner of engaging in a debate, and never speaks but when he understands his subject well. This Gentleman is about 34 y<sup>s</sup> of age, of a very low stature.

Cap<sup>t</sup>: Dayton is a young Gentleman of talents, with ambition to exert them. He possesses a good education and some reading ; he speaks well, and seems desirous of improving himself in Oratory. There is an impetuosity in his temper that is injurious to him ; but there is an honest rectitude about him that makes him a valuable Member of Society, and secures to him the esteem of all good Men. He is about 30 years old, served with me as a Brother Aid to General Sullivan in the Western expedition of '79.

From Pennsylvania.

Benj<sup>s</sup>: Franklin, Tho<sup>s</sup>: Mifflin, Rob<sup>t</sup>: Morris, Geo. Clymer, Thomas Fitzsimons, Jared Ingersol, James Wilson, Gouverneur Morris.

D<sup>r</sup>: Franklin is well known to be the greatest phylosopher of the present age;—all the operations of nature he seems to understand,—the very heavens obey him, and the Clouds yield up their Lightning to be imprisoned in his rod. But what claim he has to the politician, posterity must determine. It is certain that he does not shine much in public Council,—he is no Speaker, nor does he seem to let politics engage his attention. He is, however, a most extraordinary Man, and tells a story in a style more engaging than anything I ever heard. Let his Biographer finish his character. He is 82 years old, and possesses an activity of mind equal to a youth of 25 years of age.

General Mifflin is well known for the activity of his mind, and the brilliancy of his parts. He is well informed and a graceful Speaker. The General is about 40 years of age, and a very handsome man.

Robert Morris is a merchant of great eminence and wealth ; an able Financier, and a worthy Patriot. He has an understanding equal to any public object, and possesses an energy of mind that few Men can boast of. Although he is not learned, yet he is as great as those who are. I am told that when he speaks in the Assembly of Pennsylvania, that he bears down all before him. What could have been his reason for not Speaking in the Convention I know not,—but he never once spoke on any point. This Gentleman is about 50 years old.

M<sup>r</sup>: Clymer is a Lawyer of some abilities ;—he is a respectable Man, and much esteemed. M<sup>r</sup>: Clymer is about 40 years old.

M<sup>r</sup>: Fitzsimons is a Merchant of considerable talents, and speaks

very well I am told, in the Legislature of Pennsylvania. He is about 40 years old.

M<sup>r</sup> Ingersol is a very able Attorney, and possesses a clear legal understanding. He is well aducated in the Classic's, and is a Man of very extensive reading. M<sup>r</sup> Ingersol speaks well, and comprehends his subject fully. There is a modesty in his character that keeps him back. He is about 36 years old.

M<sup>r</sup> Wilson ranks among the foremost in legal and political knowledge. He has joined to a fine genius all that can set him off and show him to advantage. He is well acquainted with Man, and understands all the passions that influence him. Government seems to have been his peculiar Study, all the political institutions of the World he knows in detail, and can trace the causes and effects of every revolution from the earliest stages of the Grecian commonwealth down to the present time. No man is more clear, copious, and comprehensive than M<sup>r</sup> Wilson, yet he is no great Orator. He draws the attention not by the charm of his eloquence, but by the force of his reasoning. He is about 45 years old.

M<sup>r</sup> Gouverneur Morris is one of those Genius's in whom every species of talents combine to render him conspicuous and flourishing in public debate :—He winds through all the mazes of rhetoric, and throws around him such a glare that he charms, captivates, and leads away the senses of all who hear him. With an infinite stretch of fancy he brings to view things when he is engaged in deep argumentation, that render all the labor of reasoning easy and pleasing. But with all these powers he is fickle and inconstant,—never pursuing one train of thinking,—nor ever regular. He has gone through a very extensive course of reading, and is acquainted with all the sciences. No Man has more wit,—nor can any one engage the attention more than M<sup>r</sup> Morris. He was bred to the Law, but I am told he disliked the profession, and turned Merchant. He is engaged in some great mercantile matters with his namesake M<sup>r</sup> Rob<sup>t</sup> Morris. This Gentleman is about 38 years old, he has been unfortunate in losing one of his Legs, and getting all the flesh taken off his right arm by a scald, when a youth.

From Delaware.

Jn<sup>o</sup> Dickinson, Gunning Bedford, Geo: Read, Rich<sup>d</sup> Bassett, and Jacob Broom Esquires.

M<sup>r</sup> Dickinson has been famed through all America, for his Farmers Letters ; he is a Scholar, and said to be a Man of very extensive information. When I saw him in the Convention I was induced to pay the greatest attention to him whenever he spoke. I had often heard that he was a great Orator, but I found him an indifferent Speaker. With an affected air of wisdom he labors to produce a trifle,—his language is irregular and incorrect,—his flourishes, (for he sometimes attempts them), are like expiring flames, they just shew themselves and go out ;—no traces of them are left on the mind to chear or animate it. He is, however, a good writer and will be ever considered one of the most important char-



acters in the United States. He is about 55 years old, and was bred a Quaker.

M<sup>r</sup> Bedford was educated for the Bar, and in his profession I am told, has merit. He is a bold and nervous Speaker, and has a very commanding and striking manner;—but he is warm and impetuous in his temper, and precipitate in his judgment. M<sup>r</sup> Bedford is about 32 years old, and very corpulent.

M<sup>r</sup> Read is a Lawyer and a Judge;—his legal abilities are said to be very great, but his powers of Oratory are fatiguing and tiresome to the last degree;—his voice is feeble, and his articulation so bad that few can have patience to attend to him. He is a very good Man, and bears an amiable character with those who know him. M<sup>r</sup> Read is about 50, of a low stature, and a weak constitution.

M<sup>r</sup> Bassett is a religious enthusiast, lately turned Methodist, and serves his Country because it is the will of the people that he should do so. He is a Man of plain sense, and has modesty enough to hold his Tongue. He is a Gentlemanly Man, and is in high estimation among the Methodists. M<sup>r</sup> Bassett is about 36 years old.

M<sup>r</sup> Broom is a plain good Man, with some abilities, but nothing to render him conspicuous. He is silent in public, but chearful and conversable in private. He is about 35 years old.

From Maryland.

Luther Martin, Ja<sup>s</sup> McHenry, Daniel of S<sup>t</sup> Thomas Jenifer, and Daniel Carrol Esquires.<sup>1</sup>

M<sup>r</sup> Martin was educated for the Bar, and is Attorney general for the State of Maryland. This Gentleman possesses a good deal of information, but he has a very bad delivery, and so extremely prolix, that he never speaks without tiring the patience of all who hear him. He is about 34 years of age.

M<sup>r</sup> M<sup>e</sup> Henry was bred a physician, but he afterwards turned Soldier and acted as Aid to Gen<sup>l</sup> Washington and the Marquis de la Fayette. He is a Man of specious talents, with nothing of genius to improve them. As a politician there is nothing remarkable in him, nor has he any of the graces of the Orator. He is however, a very respectable young Gentleman, and deserves the honor which his Country has bestowed on him. M<sup>r</sup> M<sup>e</sup> Henry is about 32 years of age.

M<sup>r</sup> Jenifer is a Gentleman of fortune in Maryland;—he is always in good humour, and never fails to make his company pleased with him. He sits silent in the Senate, and seems to be conscious that he is no politician. From his long continuance in single life, no doubt but he has made the vow of celibacy. He speaks warmly of the Ladies notwithstanding. M<sup>r</sup> Jenifer is about 55 years of Age, and once served as an Aid de Camp to Major Gen<sup>l</sup> Lee.

M<sup>r</sup> Carrol is a Man of large fortune, and influence in his State. He possesses plain good sense, and is in the full confidence of his Countrymen. This Gentleman is about      years of age.

<sup>1</sup> James Francis Mercer omitted.

From Virginia.

Gen<sup>l</sup> Geo: Washington, Geo: Wythe, Geo: Mason, Ja<sup>s</sup> Maddison jun<sup>r</sup> Jn<sup>o</sup> Blair, Edm<sup>d</sup> Randolph, and James M<sup>e</sup> Lurg.

Gen<sup>l</sup> Washington is well known as the Commander in chief of the late American Army. Having conducted these States to independence and peace, he now appears to assist in framing a Government to make the People happy. Like Gustavus Vasa, he may be said to be the deliverer of his Country ;—like Peter the great he appears as the politician and the States-man ; and like Cincinnatus he returned to his farm perfectly contented with being only a plain Citizen, after enjoying the highest honor of the confederacy,—and now only seeks for the approbation of his Country-men by being virtuous and useful. The General was conducted to the Chair as President of the Convention by the unanimous voice of its Members. He is in the 52<sup>d</sup> year of his age.

M<sup>r</sup> Wythe is the famous Professor of Law at the University of William and Mary. He is confessedly one of the most learned legal Characters of the present age. From his close attention to the study of general learning he has acquired a compleat knowledge of the dead languages and all the sciences. He is remarked for his exemplary life, and universally esteemed for his good principles. No Man it is said understands the history of Government better than M<sup>r</sup> Wythe,—nor any one who understands the fluctuating condition to which all societies are liable better than he does, yet from his too favorable opinion of Men, he is no great politician. He is a neat and pleasing Speaker, and a most correct and able Writer. M<sup>r</sup> Wythe is about 55 years of age.

M<sup>r</sup> Mason is a Gentleman of remarkable strong powers, and possesses a clear and copious understanding. He is able and convincing in debate, steady and firm in his principles, and undoubtedly one of the best politicians in America. M<sup>r</sup> Mason is about 60 years old, with a fine strong constitution.

M<sup>r</sup> Maddison is a character who has long been in public life ; and what is very remarkable every Person seems to acknowledge his greatness. He blends together the profound politician, with the Scholar. In the management of every great question he evidently took the lead in the Convention, and tho' he cannot be called an Orator, he is a most agreeable, eloquent, and convincing Speaker. From a spirit of industry and application which he possesses in a most eminent degree, he always comes forward the best informed Man of any point in debate. The affairs of the United States, he perhaps, has the most correct knowledge of, of any Man in the Union. He has been twice a Member of Congress, and was always thought one of the ablest Members that ever sat in that Council. M<sup>r</sup> Maddison is about 37 years of age, a Gentleman of great modesty,—with a remarkable sweet temper. He is easy and unreserved among his acquaintance, and has a most agreeable style of conversation.

M<sup>r</sup> Blair is one of the most respectable Men in Virginia, both on account of his Family as well as fortune. He is one of the Judges of the

Supreme Court in Virginia, and acknowledged to have a very extensive knowledge of the Laws. M<sup>r</sup> Blair is however, no Orator, but his good sense, and most excellent principles, compensate for other deficiencies. He is about 50 years of age.

M<sup>r</sup> Randolph is Governor of Virginia,—a young Gentleman in whom unite all the accomplishments of the Scholar, and the States-man. He came forward with the postulata, or first principles, on which the Convention acted, and he supported them with a force of eloquence and reasoning that did him great honor. He has a most harmonious voice, a fine person and striking manners. M<sup>r</sup> Randolph is about 32 years of age.

M<sup>r</sup> M<sup>r</sup>Lurg is a learned physician, but having never appeared before in public life his character as a politician is not sufficiently known. He attempted once or twice to speak, but with no great success. It is certain that he has a foundation of learning, on which, if he pleases, he may erect a character of high renown. The Doctor is about 38 years of age, a Gentleman of great respectability, and of a fair and unblemished character.

#### North Carolina.

W<sup>m</sup> Blount, Rich<sup>d</sup> Dobbs Spaight, Hugh Williamson, W<sup>m</sup> Davey, and Jn<sup>o</sup> Martin<sup>1</sup> Esquires.

M<sup>r</sup> Blount is a character strongly marked for integrity and honor. He has been twice a Member of Congress, and in that office discharged his duty with ability and faithfulness. He is no Speaker, nor does he possess any of those talents that make Men shine;—he is plain, honest, and sincere. M<sup>r</sup> Blount is about 36 years of age.

M<sup>r</sup> Spaight is a worthy Man, of some abilities, and fortune. Without possessing a Genius to render him brilliant, he is able to discharge any public trust that his Country may repose in him. He is about 31 years of age.

M<sup>r</sup> Williamson is a Gentleman of education and talents. He enters freely into public debate from his close attention to most subjects, but he is no Orator. There is a great degree of good humour and pleasantry in his character; and in his manners there is a strong trait of the Gentleman. He is about 48 years of age.

M<sup>r</sup> Davey is a Lawyer of some eminence in his State. He is said to have a good classical education, and is a Gentleman of considerable literary talents. He was silent in the Convention,<sup>2</sup> but his opinion was always respected. M<sup>r</sup> Davy is about 30 years of age.

M<sup>r</sup> Martin was lately Governor of North Carolina, which office he filled with credit. He is a Man of sense, and undoubtedly is a good politician, but he is not formed to shine in public debate, being no Speaker. M<sup>r</sup> Martin was once a Colonel in the American Army, but proved unfit for the field. He is about 40 years of age.

<sup>1</sup> *Alexander* Martin.

<sup>2</sup> Not absolutely; see *Madison Papers*, 1007, 1039, 1081, 1154, 1191.

South Carolina.

Jn<sup>o</sup> Rutledge, Ch<sup>s</sup> Cotesworth Pinckney, Charles Pinckney, and Pierce Butler Esquires.

M<sup>r</sup> Rutledge is one of those characters who was highly mounted at the commencement of the late revolution ;—his reputation in the first Congress gave him a distinguished rank among the American Worthies. He was bred to the Law, and now acts as one of the Chancellors of South Carolina. This Gentleman is much famed in his own State as an Orator, but in my opinion he is too rapid in his public speaking to be denominated an agreeable Orator. He is undoubtedly a man of abilities, and a Gentleman of distinction and fortune. M<sup>r</sup> Rutledge was once Governor of South Carolina. He is about 48 years of age.

M<sup>r</sup> Ch<sup>s</sup> Cotesworth Pinckney is a Gentleman of Family and fortune in his own State. He has received the advantage of a liberal education, and possesses a very extensive degree of legal knowledge. When warm in a debate he sometimes speaks well,—but he is generally considered an indifferent Orator. M<sup>r</sup> Pinckney was an Officer of high rank in the American Army, and served with great reputation through the War. He is now about 40 years of age.

M<sup>r</sup> Charles Pinckney is a young Gentleman of the most promising talents. He is, altho' only 24 y<sup>s</sup> of age, in possession of a very great variety of knowledge. Government, Law, History and Phylosophy are his favorite studies, but he is intimately acquainted with every species of polite learning, and has a spirit of application and industry beyond most Men. He speaks with great neatness and perspicuity, and treats every subject as fully, without running into prolixity, as it requires. He has been a Member of Congress, and served in that Body with ability and eclat.

M<sup>r</sup> Butler is a character much respected for the many excellent virtues which he possesses. But as a politician or an Orator, he has no pretensions to either. He is a Gentleman of fortune, and takes rank among the first in South Carolina. He has been appointed to Congress, and is now a Member of the Legislature of South Carolina. M<sup>r</sup> Butler is about 40 years of age ; an Irishman by birth.

For Georgia.

W<sup>m</sup> Few, Abraham Baldwin, W<sup>m</sup> Pierce, and W<sup>m</sup> Houstoun Esq<sup>r</sup>'s

M<sup>r</sup> Few possesses a strong natural Genius, and from application has acquired some knowledge of legal matters ;—he practises at the bar of Georgia, and speaks tolerably well in the Legislature. He has been twice a Member of Congress, and served in that capacity with fidelity to his State, and honor to himself. M<sup>r</sup> Few is about 35 years of age.

M<sup>r</sup> Baldwin is a Gentleman of superior abilities, and joins in a public debate with great art and eloquence. Having laid the foundation of a compleat classical education at Harvard College, he pursues every other study with ease. He is well acquainted with Books and Characters, and has an accomodating turn of mind, which enables him to gain the con-

fidence of Men, and to understand them. He is a practising Attorney in Georgia, and has been twice a Member of Congress. M<sup>r</sup> Baldwin is about 38 years of age.

M<sup>r</sup> Houstoun is an Attorney at Law, and has been Member of Congress for the State of Georgia. He is a Gentleman of Family, and was educated in England. As to his legal or political knowledge he has very little to boast of. Nature seems to have done more for his corporeal than mental powers. His Person is striking, but his mind very little improved with useful or elegant knowledge. He has none of the talents requisite for the Orator, but in public debate is confused and irregular. M<sup>r</sup> Houstoun is about 30 years of age of an amiable and sweet temper, and of good and honorable principles.

My own character I shall not attempt to draw, but leave those who may choose to speculate on it, to consider it in any light that their fancy or imagination may depict. I am conscious of having discharged my duty as a Soldier through the course of the late revolution with honor and propriety; and my services in Congress and the Convention were bestowed with the best intention towards the interest of Georgia, and towards the general welfare of the Confederacy. I possess ambition, and it was that, and the flattering opinion which some of my Friends had of me, that gave me a seat in the wisest Council in the World, and furnished me with an opportunity of giving these short Sketches of the Characters who composed it.