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Debates on Constitution

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Distinction
in "External"
duties, or
taxes

N. B. The distinction between "the regula-
tion of external trade for the securing the
commercial advantages of the whole Empire
to the mother country, and [securing] the
commercial benefits of its respective mem-
bers" and the idea of taxation, external as
well as internal "for raising a revenue",
"every idea of which is excluded" Except by
consent of the Colonies through their as-
semblies

Docs. Illustration of Am. Hist., 196

N. B. The danger to the old English colo-
nies from the Quebec Act of 1774(?3); which
by establishing an arbitrary prov. in that
province, and extending its limits so as
to border on the Wⁿ frontiers of the 13 Col^s
at the same time establishing (or permitting)
the R. C. religion, virtually restored
the old French conditions, under the

Effect of
Quebec
Act

Quebec
Act
+
Its Tendency

control of the British Gov^t; placing
in the hands of the latter a military
alien people, exhibiting intense racial
prepossessions, and ready therefore to
act, organized, against the Aborigines
in support of a despotic form of
government, to which their history
predisposed them

This resembles closely the attempt
of Strafford to constitute in Ireland
a force to oppress the liberties of England

See Doc^s Illust. p. 199

Parliament
in no way
concerned with
the estab^t of
Aborigines -
except
Georgia & N.S.

"When our planters (Col^{ies}) first arrived in
Am, they bought lands of natives, without
K^g or Parl^t expense. Parl^t had no hand in
the settl^t, was never consulted about the constⁿ
& took no notice of Am till many yrs aft^r
the estab^t". (Drake's wd Kg - i.e. Exec. - alone)
'I except only 2 modⁿ Col^{ies} - viz Georgia &
N. Scot^a, which happened to be little better than

From Bayle's Franklin

Relations of
Colonies are
not with
Parliament
but
with King

Part^y jobs. Thus all Col^s ack K^g as Br Sov^{ty};
his gov^{no} rep^t his Person; laws are made by Br
As^s or both part^s, wth Gov^{no} assent, subj^t to
K's subseq^t app^{ro}. Suits arising in col^s, or
bet. col^s & col^s are determined by K in Councilⁿ
(by Exec. not by Legis) "In this view by examⁿ so
many little states, subject to same prince.
The Sov^{ty} of K^g ∴ is easily understood. But

here (in G. B) nothing is more common than to
talk about Sov^{ty} of Part^t, & a sov^{ty} of the
natⁿ over the Col^{ies}; a kind of sov^{ty} the
idea of wh. is not so clear, nor does it clearly
appear on what foundⁿ it is estab^d."

Bayle's Franklin 1. 517-18

Casual

To me it appears that in the gradual
progress of the transfer of the idea of Sov^{ty}
from the Crown to Natⁿ, the transition
to the sov^{ty} of Part^t is not so difficult
at least to us today to understand. The
error of the British of today was in forgetting
that the Sov^{ty} of Part^t in G. B. was
legitimate, because representative, whereas

Bigelow's Franklin
in Am. it was illegitimate, because not
representative. The Sovⁿ held to the Am.
Assembly the same relation that he did to
the British parliament; the control of the
one as of the other on the Sovⁿ rested on
constit^d principle and the purse; but
Parl^t attempted to arrogate to itself a
sovereignty which it had wrested from the
K. by a battle of generations

May it not be that the Constitution
of Georgia by act of Parliament was
the true entering wedge; or at the least
that it was the indication of the
transfer of the idea of control of colonies
from K^g to Parl^t. Previous colonies were
by grant from K^g, and antecedent to
the Revⁿ of 1688

"The plan of S^t. administrators here is to render
Ass^s useful, & to have a revenue, indep^t of or grants,
for all purposes of or defence, & supporting

Georgia
may mark
a change of
view

gov^t among Am. It is of interest & prov^t to us."

535

"M. DuRAND is left Min. Plenipo of Fr.

Has treated me wth gr^t. civ^{ty}, makes me visits &c
I fancy that intrig^g nat^l w^o who very well
to meddle on occas^{ns}, & blow up & coats bet. G. B.
& her Col^l; but I hope we shall fr. Am no opp^{ty}

I am told I shall meet wth gr^t. respect in
Paris; but winds change, & perhaps will be as well
if I do not "

539

After showing that an expt. duty is practically
an internal tax on the C^{try} to which expt^d, if
continued:

"In my opinion of. grievance is not that
G. B. puts duties on her own m^{fg}. expt^d. to us, but
that she forbids us to buy & like m^{fg}. fr any oth
C^{try}. This she does in virtue of her allowed rt.
to regulate Com. of whole Imp.; allowed, I
mean, by The Farmer, so I think it whoever
w^o dispute it st. w^o stand on former ground
& make much more of it argu^t.

568

Cf 481, 488

Franklin
travels
France, in
1767

Question of
duties on
Br. M^{fg}.
imported
into
Am^a.

Manufactures
in Colonies
1767-8

On p. 569 there is a quasi-official account
of the manufactures in the Colonies in 1767-8
Cf. II. 36 note

Citizenship
of
Colonists

—
In Maryland
Cf. 69, 70
for equivalent.

See also same
in James I's
first grant of
April 3, 1606
Also for deas.
1629, p. 56

"All and every the persons wh. shall happen
to be born within the said province (Georgia) &
every of their children & posterity, shall have & enjoy
all liberties franchises and immunities of free
denizens & nat.^l-born subjects within any of His
dominions, to all intents and purposes, as if
abiding & born within this our Kingdom of S. B.
or any of them."

Doc^s Illust. Am. Histy p. 162

Obligations
of
Colonial Governors
1731

"Before" the appointment of the Corporⁿ shall enter
upon or execute the said office of Gov^r. he shall be
approved by us, our heirs or succ^{rs}, & shall take
such oaths, & shall qualify in such manner, as
any Gov^r. or C. I. C. of any of our Col^s or plant^{ns}
in Am, are by law req^d to do; & shall give good
and suff^t. ~~reason~~ security for observing the acts
of Par^l. relating to Tr. & Navⁿ, & to observe all
instr^{ns} sent him by us, or by any act^s under

our authority, pursuant to the said acts"

Ibid 167. (Georgia)

Southern
Limit
of New England
1632

i.e. by British
Construction

In the first charter of Maryland, 1632,
the northern limit is thus expressed, "unto that
part of Delaware Bay on the N. W. with under
& 40° of northerly latitude from the Equinoctial
where New England ends."

Ibid, 64 Gates p. 37

Law making
Power in
Maryland

The charter of Maryland empowers Balti-
more and his succ^r. to make all necess. laws
"by and with the advice, assent, and approvⁿ of
the freemen of the said province," or of their delegates
or reps, "whom for the enacting of said laws
when & as oftⁿ as need shall req^d. We will & do
said L^d. Balt, this heirs shall assemble, in
such sort and form as may & sh^{al} seem best"
67

This is qualified accord^g. to Chas. royal notions of
Prerog. by permⁿ. for proprietors, of the own power,
"by themselves, or by the magistrates & off^{rs} - to make & Const.
fit & wholesome ord^{es} from time to time"; because "sudden
accidents, may call for action before freemen can be ass^d.
neither will it be conveni^t. on every emergency instantly
to call together so great a number of people"
68

Grants and Establishments of English

A brief
Summary

James I granted two colonies -
the Southern, Virginia the Northern
New England - the latter "granted" unto the
"Council estab^d at Plymouth, in the Co. of
Devon, for the planting, ruling, ordering &
gov^t of New Eng^d. in Am^a, x x x all that pt.
of Am. lying & being in breadth from 40° of
N^{ly} lat to 48° of N^{ly} lat, inclusively, and
in length, (within the breadth aforesaid) throughout
the mainland from sea to sea, x x x and
also within the islands & seas adjoining
Provided that any of the islands & premises
intended and meant to be granted were not
then actually poss^d. or inhab^d by any of Xⁿ
Prince or state, nor (further provided) within
the bounds limits or Territories of the Sⁿ Colony
then before granted"

This definition
of New England
limits was by
James I's Grant
of Nov. 3 1620
(18th of his Reign)
For previous boundaries
and limits, see
below

Provision
against
Encroachment

Transferred by
Plymouth Co
(Second Colony)
to
Massachusetts Bay
Co
1620

In 1628, the Council at Plymouth
on March 19 decided to the Massachusetts
Bay Co. all the land contained in the
above grant, extending from three miles

1606 - 1609

Limits
of
Mass. Bay

South of the Charles R. throughout its course
to three miles north of the Merrimac, (also
from three miles south of the Summit part of Mass
Bay, which however is compassed in the front of
three miles south of the Charles, whose course was
probably not then known) This is the breadth
of the Plymouth Cession of 1628, its length
E + W was from sea to sea "from the Atl
and Wⁿ Sea + Ocean on the E. part to the
South Sea on the W. part."

Docs Illust. pp. 37-39

James I's
First
Grant
to
Two Colonies

James I granted by Letters Patent, dated
April 3, 1606, licence to two companies to
settle on the coasts of North America, between Lat^s
34° and 45° N.

Of these the First Colony could choose its
settlement between 34° and 41°, and was granted
fifty miles coast line on either side, to the S +
W, and to the N. + E, "as the coast lieth." The
territory on the mainland extended inland 100
miles, "directly into the mainland by the space

The Two Colonies of Virginia

of one hundred English miles. Islands lying
over against the sea coast thus granted, and
within one hundred miles of it were included
expressly in the grant.

The Two
Colonies
of
James I
in
Virginia

The Second Colony "may begin the seat
of their first abode and habitation at any
place upon the said coast of Virginia and
America which they shall think fit and
convenient between 38° and 45° ." The
extension coastwards and inland, and
over adjoining islands was the same as
that of First Colony.

It was however specified that "The
Plantation and habitation of such of the
said colonies as shall last plant themselves
as aforesaid (i.e. under the above conditions)
shall not be made within one hundred
English miles of the other, that first
began its plantations

Not to
infringe
on
each other

The headquarters of the First Colony

Company was in London, that of the second
was at Plymouth. These were the origins of
Virginia and New England

Doc^s Illust. 3-6.

~~After the discovery of Bermuda, James~~

I, in May 23, 1609 gave a further extension
and more precise definition of the First Colony
viz: that it should extend "from the point of
Land called Cape or Point Comfort, all along
the sea coast to the N^d, 200 miles, and all
along the sea coast to the S^d, 200 miles; and
all that space and circuit of land, lying
from the sea coast (as defined) up into the
land, throughout from Sea to Sea, West and
North West."

This gives extension and definition on
the coast, and extension to the Pacific inland.
Old Point Comfort is on parallel 37° N

Three years later March 12, 1612
a third Virginia Charter issued, in consequence
of discovery of Bermuda, which gave to Virginia

Extension
and
Closer
Definition
of
First Colony
1609

Lat. of
Old Point

Further
Extension
Bermuda
1612

Colonial Charters

"all and singular those islands situate
and being in any part of the Ocean seas
bordering upon the coast of the said First
Colony in Virginia, and being within three
hundred leagues of any of the parts hereupon
granted, and being within or between 30°
and 41° N

Docs. Illust. p. 24

The Term
"New England"

N. B

The term New England, said by

1614,
1620,
1629.

Hildreth to have been applied by Captain
Wm Smith, in 1614, is not only used in
Chas. I Charter of 1629, but is plainly implied
to have been used by James I in his letters
patent of Nov. 3, 1620 "grants unto the
Councell estab^d at Plymouth^{xx} for the plant^g
ruing, order^g, & gov^g of New England in A^m".

Ibid, 37

Massachusetts
Bay
to be holden
of
King

In consequence of the dedring of the tract
between Merrimac & Charles by Plymouth Co.
the Mass Bay are granted it by K^g, "to be
holden of us, our heirs and successors, ^{xxx}
as of our manor of Plymouth &c &c

See also 45

Ibid, 40

To be a
Corporation

For Us, our heirs and succ^{rs}, We will &
ordeyne, that the said, (Names), and all o^{rs}
as shall hereafter be admitted and made free of
the C^o. and Soc^y hereafter ment^d, shall
from time & time, & att all times hereafter
for ever be, by vertue of their presents, one
Body corporate & politic in fact and name, by
the Name of & Gov^r. & C^o. of the Massachusetts
Bay in Newe England; & Am by the name of
the Gov^r. & Co of the Matt^e Bay in N.E,
one Bodie Corporate & Politique in fact, deed
& Name, We do make, ordain, constitute &
affirm by these Presents. The powers of corpor^{ns} are
specifically added.
47

Government
of the
Company
Constituted
Mass. Bay

And We do hereby ordeyne and Grant that
fr. henceforth forever there shall be one Gov^r, one Dep^y
Gov^r, & 18 Assistants of the same C^o, to be
from time & time const^d, elect^d, & chosen out
of the Freemen of said Co, for the time being,
in such manner & forme as hereafter in these
presents is expressed.

The Gov^r, Dep^y Gov^r. & Assistants
for the start are then named, and further then

Colonial Charters

Charter proceeds that the Gov^r, or Dep^t Gov^r has ^{authority} ~~power~~ from time to time, on all occasions to give orders for the assembly of said Co. & calling them together to consult on affairs, and so further the Gov. Dep^t & Assts may every month, or oftener if need be, assemble themselves to the number of at least seven, (to make quorum) which shall be sufficient for the transaction of necessary business

Ordinary
Assemblies.
Mass.

Four times a year there shall be held general Assemblies which shall be styled the Four General Courts of the said Co.; In all & every of wh, & the Gov^r, or in his absence & Dep^t, and such of the Assts and Freemen of said Co as shall be present, or the greater no. of them so assembled, whereof the Gov^r or Dep^t & ~~six~~ six or least of the Asst^s & the seven shall have full power and authority

General
Courts.
Mass

How Constituted

48, 49

Powers

1. To admit new freemen
2. To elect Officers

Annual
Election
of
Officers
—
Mass
—

Yearly, the last Wednesday in Easter Term, the Gov., Dep^t Gov., & Assistants, and all other Officers of the C^o shall be, in the General Court then to be held, newly chosen for the year ensuing by such greater part of the said C^o, for & time being, as + are present " 50

Provision is made for filling vacancies occurring between times; for taking oaths of office

Laws and ordinances adopted by Genl. Court must not be contrary or repugnant to the Laws & Statutes of England 50

Doc? Illustr. Am Hist

Virginia
Government

1606-1624

By the first charter of James I, April 10, 1606, the colonists are simply governed; have no self government. There is to be a superior "Council" of Ministers, in London supervising both colonies; and a local

Colonial Charters

Council of Thirteen in each Colony.

Virginia
1606-9

These locals "shall govern and order all matters and causes, wh. shall arise within the several col^s, accord^g to such laws, ordinances and Justns as shall be, in that behalf, given & signed wth our Hand, & pass under the Privy Seal of our Realm of England"

Docs. Illust. Nr 6.7.

Virginia
1609

By the second Charter, May 23, 1609

The Company for Virginia, the First Colony, in order to further the business of the said Col^y or Plantⁿ, x x x x We do give, grant, & conferre to om (Names) and to such &

so many as they may hereafter admitt to be joined with om, whether they be in or persons, to be Planters, or whether

they but adventure their goods, that they

shall be one Body or Commonwealth

perpetual, & shall be known, called

& incorporated by the Name of the

Treasurer & Co. of P^A Adventurers

Company
Incorporated

and Planters of the City of London for
the first colony in Virginia. 16

The powers of a corporation are
added

We ordain that there shall be per-
petually one Council here (England) resi-
dent, accord^g to the tenor of our former
patents.

Upon this follows a provision ap-
parently conceding the appointment
of future Councils & Treasurers to "the Co
of said Adventurers, by the voice of the greater
part of the said Co & Advs^{rs} in their
Assembly for that purpose"

The power of appointing and displacing
governors and Officers in the Colony, and
to make, change, or abrogate laws for the
Col^y is given to the London Council; not only
locally, within the precincts of the Col^y but
also upon the seas. being & coming 18

Council in
London
makes &
determines
Officers
&
laws;
but is they
chosen by
a
Majority
of the
Adventurers
1609-1621

Colonial Charters

From 1609-1621, there was therefore no local government in Virginia, dependent in any way by law upon the local colonists. Government rested in the Council in London.

In 1612, the third Charter, extending limits (supra) also prescribed that the Treasurer & Co in London shall once every week, and oftener at their pleasure, hold and keep a Court or Assembly for government & business furtherance. Seven of the Co. is a quorum, of which five of the Council, and either the Treasurer or his Deputy.

There are also the four General Courts, after the Mass. manner, & one "great, general, & solemn Assembly" each year; in each of which the

All Control
Vested
in
Council in
London

1609-1621

— " —
Virginia

Provisions

1612

Treasr. and C^o, or the greater part of them
their asst^s shall have full power & authority
to elect members of the Council for the first
Colony in V^a; to choose such other Officers
as may be necessary, and to make laws

25-26

All administrative, governing, & orig-
inative powers therefore vested in the
London Treasr. and Council; and these
as a legislative measure, from their
powers conferred by the King, gave
the measure of self government
conferred by the Ordinance of 1621.

Virginia
Beginning
of Self
Govt.

1618-21

In 1618, Sir George Yeardley, appt^d Gov^r
by the London Council, rec^d instr^s from Treasr^s
"that the planters might hv. a hand in gov^t."
Orders." Two years later the V^a C^o passed
an ordin^e defining this self gov^t.

Virginia

Form of Gov-
ernment
Established
by the Com-
pany in London
in 1621

Colonial Charters

"To settle a Form of Govt," "the Treasr.
Council, & Co. of the Advt^r & Planters for
the City of London for the First Colony
of Virginia," "do hereby order & declare that
from henceforward there shall be two
supreme Councils in Virginia"

The Council
of
State.

—
Appointed
by London
Council

"One, to be called the Council of State
(whose officers shall be chiefly assisting the
Governor) shall be chosen, nominated,
placed & displaced, from time to time,
by us, the said Treasr, Council, & Co."
Expressed to its duties. "This Council to be
always, or for the most part, residing about
or near the Govt."

The General
Assembly

—
—

Elected by
Colonists

The Other, more gen^{lly} to be called by the
Govt, once yearly, and as often, but (save)
for very extra^r & imp^t occ^s shall con-
sist, for the pres^t, of the said Council
of State, & of two burgesses out of every
Town, Hundred, or other particular Planta-
tion, to be respectively chosen by the

Inhabitants. This Council shall be called
the Gen^l Ass^y, wherein (as also in Council
of State), all matters shall be decided by
the greater part of the Voices then present.
reserving to Gov^r always a negative voice
And this Gen^l Ass^y shall have free Power
to treat all emergent occas^{ns} concern^g the
Public Weal of the Col^y, as also to make laws
for the local needs of the Colony

Power of
General
Assembly

Laws of
England
to be followed

Whereas, in all other matters, we require
the said Gen^l Ass^y, & also the Council of State
to imitate & follow the policy and law,
&c &c of England

Mutual
Ratification
between
Court in Ind^a
&
General Ass-
embly

Provided that no law or order made in same
Gen^l Ass^y shall be, or continue, in force until
ratified in a Gen^l Quarter Court of the Co. here in
England, & so ratified, be returned under our seal;
it being our intent to afford the like measure to the Col^y
after its Gov^r is once settled, & the same shall have been
so by us declared, that no orders of the (General) Court
shall bind the Col^y, unless ratified in like manner
by the Gen^l Ass^y.

Summary of Conditions, Colonial N.A., 1688

An event of vital import^{ce} to Eng. marked the closing yrs. of Chas II. La Salle, by reach^g some of Miss, & the descend^g by river to S. of Mex, op^d for Fr. & got^d terr^y. wh became Col^y of La.

x x x

It may be well by entering on a new period, with access^o of Wm & Mary to take stock of Eng's Col. possess^{ns}. Only one state is now want^g of a fatal 13 wh. were to found U.S.A. In N. & Mid Eng^d Col^y had not yet learned to compose or private differences. Nevertheless, Mass. - the comprehens^d M^e & N. A. - Conn & R.I. have features in common which they do not share with rest. (Common type, but not union) [These are the great self-gov^g Commonwealths] Next come states acquired by conquest - New York, N.J., & Del. - in wh. Eng is mak^g a success^{ful} exp^t of gov^g for^m pop^{ns}, aft^r made also in Lower Canada & Cape Col^y. Along with these may be classed & far^g Quaker Col, & Cinderella, of which hard things were doubtless said & thought in N.E. To the S. are M^e.

of Va, each wth sep. & somewhat autog. int^o, &
again further S. the Car^s, which still exist mainly
in expectⁿ.

Equator, British Col. Policy 105-6

N. B The three groups, same in type, but
not yet united

— " —

1st Period

Stuarts

The origin and development of the Slave
trade will require some mention at end of
Stuart Period.

{ N. B It seems probable for several reasons
that a sketch of the colonies through the
{ Stuart period should be first. To it sh^d be
appended a summary of extrinsic circumstances
W. I., Slave Trade &c

— " —

Stuart Period
Begin

Peace with Spain after 18 years war -

535, 539, 568, 568-9

Vol II Franklin

10 (Weakness of Prop^r. Gov^t)

29 (Legal Union acts)

45 (Signify of Part^r)

46 (Chatham - relation of parent to
child that of Colonies to G. B.)

50-51 An elaboration of the argument that
the colonies have only D as with King, &
that the pretended authority of Parlt.
rests upon usurpation since Restoration

71 Distinct states 72 (Bad surgery)

96 Grenville - The K^s, the Legislat^r of Col^s?

100 Clarendon impeached

134, 136 - Difficulties of the India C^o.

137-140 Interviews with Sartorius Resard

143 Support of Am. officers, independent of Col
Assemblies Q. V.

145 Universality of the opinion in Eur. as to the power
of Parliament over the colonies. Resard

148 Reprints of pamphlet between G. B. & Co.
 N.B. These papers 145-8 are most in-
struction

152 - The Act of Parlt^y claiming right

210 Franklin's view of the two sides of the
 dispute, 1765-1774

Mahan

252 Note. Lord North's apparent
 compromise, which concedes
nothing in principle, not even by
 omission, and only contingently in
 practice

260 Franklin's presentment of Effingham

274 The jealousy of Parliament of grants
 raised (as tenths) upon regⁿ. of Crown
 by Col^l. Atkins.

Early Constitutional History of Colonies

Question of
Parliamentary
Authority
in
Colonies

In Court^l matters were more & more assimilat^d
to a com. type, based on that of Eng Constⁿ. at that
time. Gov^r rep^l. K^g, & his Council (how accept^d)
was a pale imitation of H. of Lords. By side of
use as an Ass^t^y, more or less pop. in char^{ac},
wh. h^d st^s of legisⁿ subject to home veto.
The questⁿ of aut^y of Eng. Parlt. ws. not finally faced &
solved. We may notice st & omnipot^{ce} of Parlt.,
wh. became later an accept^d doctrine, w^{ch} hardly
commenced itself to lawyers brought up under diff^t
notions of Ry^l prerog. There were already
indic^{ns} st if strength came, it w^l be on
qm of taxⁿ

Equiton 113

One of the last acts of Stuart period
was withdrawal of Mass. Charter, wh. was
restored by W & M, but wth Royal Govern

The founding, or settlement of Rhode
Island appears to have been due to expulsion
from Mass, & ~~to~~ Plymouth of religious
sectaries.

That of course to the existing towns
in 1633-5, finding their limits already
too small for them. See *Am. Hist.* by
Contemporaries Vol 1 p. 413

————— " —————

Franklin's
Plan of
Union
1754

Comm^s fr. 7 Col^s met at Albany, June 19.
After Treaty wth 6 Nat^{ns} Plan of Union was framed
of wh. I was some part^r.

Doc^s Illust. 170

Appl^d to Par^t for an Act, by wh. one Gen^l Gov^t
may be form^d includ^d all 7 Col^s, wth in wh. ea Col^y may
retain its prest. Constⁿ, "except in partic^l where
change may be direct^d by said Act, as follows"

A Pres^t Gov^t; Exec. to be appt^d by Crown.
∴ independent of legis, being paid by Crown.

Legislature to be called Grand Council
to be chosen by Col. legis^s

Franklin's Plan 1754

Stress laid
on English
Liberty

It is essential that heⁿ sh^d not be tax^d. but by his own consent, or that of his rep^s.

That if taxⁿ be in control of Gov^{ts} of Cols, Bro & latter having a share in apptⁿ of members of Grand Council, & Col^s w^d not be easy, and such w^d be infringement of what they take to be Eng liberty
Docs. illust. 172

Method of
Constitution
Colonial
Authorities

The House of Reps is (now) in all Cols. chosen by the people; but the apptⁿ of Gov^{ts} and of councils vary in various Cols.

The porⁿ propos^d by the plan for the Grand Council is only a concertⁿ of the pow^{rs} of the sev^l st^s: in certain pts for the gen^l welfare; as the pow^r of Pres^t Gen^l is of the sev^l Gov^{ts} in the same point
173-4

Proportionate
Repⁿ

The proportⁿ of repⁿ in Grand Council is determ^d by the prop^{ty} pow^r & w^lt, as shown by pay^{ts} & taxes

It is interesting to note that of a max^m

body of 48 in Grand Council, 7 assigned to
 Mass. & V^a each, 6 to Pa, and only 4 to N.Y.
 which herein stands on a level wth each Carolina
 Evn^e Coun has 5. This is but the estimate of a
 Comm^o, no returns being had of Contributions, for
 a Plan never obt^d. { No Prov. who more than 7, or
 has on 2 members of G.C.
 174

Veto Power

Assent of Pres^t. Gen^l. necess. to all acts of
 G.C. This was "in order to gov. & Crown its due
 share of influence in its Gov^t., and to connect it
 wth that of G.B."

Powers of
 President General

"P.G. besides $\frac{1}{2}$ legis^{ve} pow^r., hath in his
 hands & whole Ex. pow^r."

179

Conjoint Powers
 of
 Pres^t. General
 &
 Grand Council

Indian matters of peace and war,
 Indian trade, purchases of new lands fr.
 Indians, not wthin bounds of a sev^t.
 col^o., (or not wthin bounds w^hen reduced to
 reasonable prop^{ty}) are vested in P.G. wth
 G.C.

Colonies extend
 to
 Pacific

"sev^t. Col. charters extend to bounds of the
 South Seas, wh. may 3 or 4 thousand miles long by
 100 or 200 broad. It is supposed by must in time be
 reduced. Very little of a land in these grants is yet
 purchased of Indians"

179-180

Franklin's Plan 1754

Powers

Vested in
President Govt.
&
Grand Council

New Col?
under
General Govt.

A Territorial
System

May make new settlements on purchases
fr. Ind^{ns} by grant? lands in K^g's name, and
subsequently gov^t. Am.

The motive was, that these new settlements
being for a time too weak for self-gov^t, the
charge of the gov^t. & defence sh^d. be on the
genl. gov^t. instead of a partic col^y. "The
joint force of the Union might suddenly estab.
a new col^y. or two, or ext^d. an old col^y. to
partic passes, greatly to secur^y. of our
prot. frontiers, increase of tr & peop, break^y
off Fr. Commⁿ. bet. Can. & L^a, and speedy
sett^t. of intermed. lands"

For the same reasons "Strong Forts on the
Lakes, & Ohio, etc may, at the same time
by secur^y. prot. frontiers, serve to def. new cols.
settled under ot. protⁿ.; which a col^s wd
prot. and support a Forts

Docs. Illust. 181

The P. G. and G. C. had powers to raise &
pay soldiers, when nec. (not a standing Army)
to build forts, to equip vessels, & make laws

to lay and levy taxes &c &c

Character and
Approval
of
Laws

Laws when near us may be apprehended & those
of England, & shall be transmitted as soon as possible
to K^g J.C. for approbⁿ.

"This was not necessary for subsistⁿ of Crown, to
preserve connectⁿ of the pt. of Br. Imp wth whole, of
members of the head, & to induce gr^{at} care & circumspectⁿ
in mak^g laws, but by be good & for the gen^l benefit

185-

Appointment
and
Confirmation
of
Officers

"That all mil^l Commnd Off^{rs}, for land or sea,
to act under the Gen^l Constⁿ, shall be nom^{nt} by
P.L.; but app^{nt} of G.C. is to be off^d by the set
of Commons."

Per contra, "all Civil Off^{rs} to be nom^{nt} by
G.C., subj^t to app^{nt} of P.L.

"Arm^{ies} gen^{ly} serve willingly under Off^{rs}
of the King, not under shamp^{ers}

This provⁿ applies only to local forces
raised for temp^l purpose; not to a stand^g
Army, for which no provⁿ appears

186

Eliot

Differences of Govt in Different States

1787

The Govts of the different states are in many respects diff^t in their structure; their legis bodies are not similar; their executives are more diff^t. In several states, the first magis is elected by the people at large; in others by joint ballot of the members of both branches of the legislature; and in others in diff^t manners

Va 93

Objects of Federal and State Governments in so far as Revenue is concerned

The gr^t lead^g obj^t of a Fed^d Govt., in an. resurre is concerned, are to maintⁿ domestic peace, & provide for com. def. In the an. comprehended a regⁿ of Arm. - i.e. whole system of for^g intercourse - & support of armies & navies, & of civil admⁿ. It is useless to go into detail

What are the obj^t of St. Gov^t They are merely civil and domestic - to support or own legis. estab^t, & to provide for admⁿ of laws.

Hamilton . 350

Proportionate expense of Peace & War

In G. B., the ordⁿ expenses of peace are to be of war as 1 to 14
Ibid

Exclusion and
Concurrent
Revenues
of the States
and
United States

If we adopt idea of exclusive revenues (i.e. some
specif^d sources for state exclus of Gen. Govt. & vice versa)
we shall be oblig^d to fix some line, wh neither
shall overpass. The inconveⁿ is evid^t. One may be
destitute, & the other uncess. abund^t. & the Constⁿ will
be an eternal barrier to mutual relief.

W^d it not be more adv^t to the U.S. & States
to have concurr^t jurisdⁿ, ext^d to all sources of Rev.
On to be conf^d to such a small resource, as on calcⁿ
of obj^t of the 2 Govts sh^d. appear to be propⁿ

Hamilton 351

Dependence of
National Govt
on
State Govts
for
Very Existence

It can never be desire of Nat^l Legis. to
destroy state govts x x The Union is depend^t on
will of St. Govts for its chief magis. & for its
Senate. The blow aimed at the members must
give fatal wound to the hd; & the destrⁿ of the Sts
w^d be a political suicide for the Union

Ibid 353

Facts
Regarding
Requisitions

N. H. has hardly felt calamities of war & yet
has p^d. little or 0 to Nat^l. Treas^y x x x Necess^y
of circ^s, wh works wth almost phys^l Energy, alone
procured any tol. supplies. N. Y. wh was contin^g
seat of war was more punct^l. In the St^s. Nigh^{ly}
Sts afforded something, appar^{tly} in propⁿ to the

sense of danger. When enemy app^d in a st.,
we find them mak^g efforts, & very fed^d in
complexⁿ. If we look at acct^s of S.C., we
shall find it by an credit^d for supplies
furnished in its own state, and only when
enemy in its midst

Requisitions
in
Practise

R. R. Livingston 343

Burdens of
New York

gentlemen sh^d remember it for a time
we were compelled to bear almost a whole
wt. of last war

Ibid 344

The whittⁿ of these papers was to show
to the St. once exp^d hardships & distresses
to aston^g degree, for want of assistⁿ of
Sts. It was to show evils we suff^d since,
as well as by Confedⁿ, fr. being compelled to
support burden of a war; it req^d us to
unite to call forth resources of Ctry; it
sh^d be on cause of a princ^l pt. of St. calam^s.

Ibid

Hamilton, 360

The Com. will remem^r it grant of impost for
25 yrs to U.S. was asked by Congress. Do a very
small addⁿ to fed^d part, was refused by N.Y.
without any reason givⁿ. R. I. & N. Y. by the

dissent frustrated to imp^t meas.

361

Requisition
System
in
Operation

Gen^l? say, req^{ns} w. not on obeyed, because
st^s w. on improv^d. This aston^s me. The
records of the St. - use of Congress - prove it,
dur^g war, N. Y. h^d best reason to complain
of non-compliance of oth St^s. I appeal to the
Gen^l. Have the St^s wh^{ch} suff^r least Control?
most? No Sir, the fact is entirely the reverse.

Hamilton 366

Condition of
Army
and
Excursions of
N. Y.

I have been sent for to attend Councils of war
where state of Army was laid by me, & it was
melancholy. I believe it at one per^{cent}, & expect^{ed}
of the St., in impress^{ed} flour fr. the peop^{le}, sav^{ed}
Army from disol^{ution}?

His excell^{ency}, Gen^l Washington did never on once
inform me that if the state did not furnish supplies
to Army, it must disband

Duane & Gov. Clinton 360

Present
Distresses
of the
Union
1788

As our sit^{ing} admits of union, so on the oth
hand our distress pt^{ly} & its nec^{essity}. The declin^{ing}
state of the Com^{merce}; the nat^{ional} bankruptcy, & effect
on the pub^{lic} meas^{ures}, & the private misery; & in-
sults we daily rec. fr. nat^{ions} whose injuries we

Eliot. Details

are compelled to obey by a adv^o of S. Com.

R. R. Livingston 210-11

Advantages of
New York
1788

The nat^l adv^o of N. Y. from its abund^t & val. staples; & situⁿ of princip^l port; & Command of S. Com. of N. Y. by S. rivers wh. dischu into our bay; facilities at L. I. Sound affords for intercourse wth Eⁿ Sts. The adv^o fr. Hudson R, bearing on its bosom wth of remotest pt^s of S. St. Prospects of last^g peace afford^g coun^o of treas^r of Wⁿ world, by improv^t of S. int^l trad^e.

A consid portⁿ of State debt abund^t in S. Treas^r, & so we were indub^t wth in pt^s fr to S. cit^s, yet debt w^{as} compar. small, & c^d be readily exting^d?

The back lands Comptent to dischu forⁿ debt, if previous syst^m were adopt^d, so th we might look to a day when no taxes w^d be req^d save for int^l (St.) govt, & amt. of S. impost being more th adeq. to th expenses of Union

Its fraud &e adv^o had caused improper self confidence

-Edw 211

Dangers of
New York

If Union be dissolved, N. Y. can only be
prot^d by its domestic force. It would be def
self, fr. detach^d situⁿ of ports, espec^{ly} L. I.
& Staten I.; Or vicini^{ty}. A st^l wh, in case of
dissunion, w^d be wid^{ly}. perhaps untruly
p^{er}o. He call^d attentⁿ a N. E. when Vermont
was ready to avail herself of B. weakness. On
a N. W. British posts and hostile savans. In
case of domestic war, Hudson w^d also be a
weakness, by interest^{ed} state & diff^{er} of bringing
our pt. & support of

Then all en^{er} of m^t be formed in case
of dissunion; connectⁿ bet^{we}n Est & Wst, and no
interest nor wish of a st^l, on E or W, to form
a league off. or def. wth N. Y. Hence appeared
at bot^h a w^{id} & weakness of N. Y. req^{ir}d support
of a Fed^l Union, wh^{ic}h c^o be found only in
provt. Confedⁿ, or in st^l union consid^{er}d.

Obed 212

Defect of
Existing System
of
Confederation

The exist^{ing} Confeder^{ation} had not answer^d purposes
of a Union. We addⁿ of a few p^{er}o, as already
poss^{ed} were competent to such purpose; but
a defect of a syst^m noted in imposs^{ib} of carrying
into effect a st^l w^{is}h, in Congress by st^l. He on

Eliot. Details

can be every part intended to be resist^d in
Cong, & show^d at ex. of Am, by a ^{intermitt^{nt}}
of St. govt^s, wd. be attended wth wast^e.
drifts, inconveⁿts, & delays. There was no
means of coercing a St. except by mil.^l force
R. R. Lumsden 214

We cont^d that a rad^l. view in the old Conf^y.

Analysis of
radical
weakness
in old
Confederation

is. the laws of Union apply to St^s only in the
corporate capacity, & & It is unexp. to the
disposⁿ of bodies who have const^l. part^s of
assist^{er} to exam. merits of a law. This has been
the case wth fed^l. reg^{ns}. The St^s have almost
always weigh^d reg^{ns} only by the local int^s,
& the ex^d Am only so far as answer^d to partic^l.
Conveⁿ or adv. Hence always 13 bodies to
judge meas^s of Cong. Those who were to be
benefit^d by compliance wth reg^{ns}, oftⁿ hv.
totally disregarded Am.

Hamilton 231

Sustainer

In 1779 & 80 when the St (N.Y) became
weak, dist^d & forlorn fr. ravage of war, & the
the govt. exert^{ed} to resist every man avowed the
or misfort^s proceeded in govt. degree fr. want
of vigor in the Cont^l. govt.
Ibid 232

Further
Instances

Audist all r. Suptⁿ N. Y. has fully complied
wth req^{ms}. If N. Y. c^d. wholly, is it not to be supposed
of st^s c^d. in pt. Certainly every state in Union m^t.
in some degree has ex^d. Am. But N. H. wh. has not
Supt^d. at all is totally delinq^t & N. C. & same. Many
obs. has contrib^d. in very small propⁿ. Pa & N. Y
are & only st^s of w. herf^y disch^d. of fed^l duty
fr^o delinq^y of st^s wh. has Supt^d. letch we
nat^{ly} conclude it by he made no efforts

Ibid

Anticipation
of
Nullification
&
Secession

If you make req^{ms} & by r. not obs^d, what is to
be done. It has be obs^d to coerce & st^s is one
of maddest proj^s ever devised. Suppose Mass
or any large st. shed refuse, & Cong sh^d attempt
to compel Am, w^h. by not her influence to
procure asote, espec. fr. these states in same
sitⁿ as others. What a picture. Cong march^g.
troops fr. one st into bosom of another

233

The definitⁿ of Despotism is "a gov^t in
wh. all pub^l is concent^d. in a single body;
[ie that man or Cong.]

233

Elect. Debates

Question
of Apportionment
of Representatives
&
Population
and the
Three-fifths
Provision for
Slave Population

The nat^l. setⁿ of the CTry seems to div.
into into diff^t classes. There are nav^g
st^s & non-nav^g st^s. The N^o are prop^g
nav^g st^s; & S^o appear to possess neither
means nor spirit of nav^g. This diff. of setⁿ
prod^s. division, into & views of for^m Com.
twas int of N. states that there should be no
restraints on the nav^g, & they should be full
fre^e, by a maj^{ty} in Cong, to make Com^d
reg^{ns}. in favor of own & ag^t for. ~~Com.~~ ^{nav^g}
S^o they wish^d to impose restraint on N^o,
by req^g that $\frac{2}{3}$ in Cong should be req^{te} to
pass any act reg^g Com. They feared the
restraints of for^m nav^g w^d. oblige them to
employ N^o shipping, & so inc^r fre^e
∴ they insist^d on the^g to provⁿ in the Constⁿ
& N^o st^s were as anx^s. in oppⁿ. On the
hand & small st^s, seeing business embraced
in Competⁿ on equal terms wished to retⁿ
adv^s already poss^d, which large st^s thought
improper at Del. & R. I. should enjoy

Equal suffrage wth & s^{er}ms. Hence a diff. &
delicate contest. It became nec. ∴ a compromise
or Compⁿ. wth no. dissensions about affecting ours

Hamilton 236

Balance
Between
National and
State
Governments

The balance bet. a nat^l & st. gov^{ts} ought
to be dwelt on wth peculiar attⁿ, as it is of the utmost
importance. It forms a double security for people
if one encroaches on the st^s, they will find partial
protⁿ in the other. They will not be prot^d. to passⁿ.
the Constⁿ limits by a certⁿ rivalry & must
subsist betⁿ them.

Hamilton 258

Objects
of
State and
National
Governments

What are the obj^s of st. legisⁿ? Innum-
erous things of small moment occ^r to the st^s;
matters of private nature, w^{ch} req^{re} much minute
& local legisⁿ. The obj^s of gen^l. gov^t. not of this nature
{ They comprehend the int^s of st^s in relatⁿ to each other,
{ and in relatⁿ to foreign Powers

Jay 283

Scant
Attendance
in
Continental
Congress

In a great. (Contⁿ.) Congress you cannot
declare war, make peace, or do any important
act, without the conc^{ur} of 9 st^s. There are rarely
more than 9 present. A full Cong is an
extraordinary thing

Jed 284

Elot's Debates

Meaning of
"Supreme"

I maintain the word "Supreme" imports no more on us: the Constⁿ, & laws in pursuance thereof, can't be control'd or defeat'd by any other law

Supremacy
of
General Govt.

∴ The acts of U.S. will be absol^y oblig^d as to all the proper acts & obj^s of Gen^l Govt. The St^s, as well as indiv^s, are bound by these laws; but, the laws of Cong. are restrict^d to a certain sphere, & if depart fr. th^s, they are no longer bind^d.

Supremacy
of
State Governments

∴ Also, in same manner, St^s have certⁿ indep^t powers, in wh. th^r laws are supreme; e.g. in mak^g laws for pun^t. of certⁿ crimes, murder, theft &c. the St^s cannot be controll'd.

Concurrent
Powers
of
the two

Again, as to certⁿ obj^s, the powers of the two gov^{ts} are concurrent yet supreme. Both might lay a certⁿ tax; both might collect it without clash. If indiv^s c^d. not pay both, the first seizure w^d. hold the property.

Important
Principle of
all Federal
Government

That the St^s have an obvious & undoubted right to lay taxes in all cases in wh. they are not prohibit^d.
{ is a prin^{ple} founded on the undoubted & imp^o principle in confed. gov^{ts}, that whatever is not given to the fed^l head is reserved to the members.

The only
Right of
Taxation
exclusively
granted to
Genl. Govt.
is the
Impost.

Unless... we find that a power of taxⁿ
an exclusively got^d, we must conclude that the
remains concurrent jurisdiction. Let us then ask
if Constⁿ gives such exclus. pow. of taxⁿ to
Genl. Govt. In the 1st syllable of the favor
this idea; not a word imp^l an exclus grant
except in the art. of imposts. Nay, & my
exceptⁿ supports my posⁿ. If the states are forbid
to lay duty on imports, the implicⁿ is clear
that by hr. power over all other taxes

Hamilton 363

Design of
Excises

"The excises were designed as a recompense to
the importⁿ states for relinquishing their imports.
That is for relinq^g the rev. by h^l. deriv^d fr. imports

Ibid 370

Prin^l & Revolⁿ: the Rep^s in the diff^t. Col^s.
were elected for diff^t. periods, for 3 yrs, for 7 yrs &c

Ibid 305

Apprehended
Fate
of
State
Governments

The st. gov^{ts}, without obligⁿ or authⁿ, will
soon dwindle into insignificance, & be despised
by the peop. Osems. I am at a loss to know
how the St. Legisⁿ will spend their time

M. Smith 313

Counterbalancing
Objects in
Forming
Governments

There are two obj^s in form^d syst^{ms} of
Govt. — Safety for the peop^l, Energy in the admⁿ.
When these are united the cent^l tendency will
be to the pub. welfare. x x x Good const^{ns} are
form^d upon a comp^o of the lib^{ty} of the indiv.
wth the strength of the Govt. x x x It is the happiest
poss. mode of conciliating these obj^s to constitute
one branch peopl^y endowed wth sensibility
another wth knowledge & firmness

Hamilton

316

Factions
prevailing
in
many
Democratic
Assemblies

When the peop^l act by or rep^d by are
commonly irresistible. Exper^{ce} has taught
the truth of this. Look thro^{ugh} the hist^ory of
legis. what factions have arisen fr^{om} most
trifling causes. Is not St. of R. I., at
the moment struggling under diff^{er}ent & distant
for how? been blindly led by the spirit of the
mult^{it}? What is her legis but the pretence of
a mob. In N. Y. we have a senate, poss^{ed}
of the prop. qual^s of a perm^{ent} body. Va.
Md. & a few others, are in the same situ^{ation}.

The rest are either gov^d by a single democ. ass^y,
or the Senate Const^d on purely democ. prin^s. They
have been more or less embroiled in factions, & the gen^lly
were the main & echo of the mult^o

316, 17

Distinction
between
Rights
and
Interests

The Com. cert^{ly} perceiv^e & differ^e bet^h of a
State & its int^s. The Rt^s of a St. are depend^g by
a Constⁿ, & cannot be invaded without violat^g
Constⁿ; but the int^s of a St. have no connectⁿ
wth Constⁿ & may, in l. case int^s, be const^{ly}
sacrificed. A uniform tax is perf^{ct}?
Constⁿ yet may oppose certⁿ members of
a Union

Congress
Powerless
to abolish
State
Governments

The gentlemen are afraid the St. Gov^{ts} will
be abol^d. But the existⁿ does not dep. upon
laws of U. S. Congress can do more about the
St. Gov^{ts}, than by can dissolve Union. The
whole Constⁿ is respect^d. & so

Influence
of
States and
Legislatures

It is proper that the int^s of the Sts should
prevail to a certⁿ extent. But shall indiv^{id}
states be the judges how far? Shall arbitr^{ar}
power be given to a det^{er}miner in the own favor?

As far as my observⁿ has gone, fact^s in Congress
arise fr. St. prejudices. We are attempt^g by the Constⁿ
to abol. factions, & to unite all parties for a
general union

319

The gentleman says we have 13 distinct
govts, & yet they are not 13 but one gov^t.
My reason is too weak for this

Sir, we are attemp^t to build one gov^t.
out of 13; preserve? however & st^s, as pt^s
of a syst^m, for local purposes, & to give
it support & beauty. The truth is, the st^s,
and the U.S., no distinct obj^s. They are
both supreme. As to nat^l obj^s: the latter
is supreme; as to internal & domestic
obj^s, the former. I can easily conceive
of two joint treaties, and of joint jurisd^{ns}
without control.

R.R. Livingston 385

The description of a Confederate Republic by
Montesquieu is "a confederⁿ", by wh. sev^l st^s agree
to become members of a larger one, wh. by int^l & estab.
It is a kind of ass^{ce} of societies wh. const. a new
one (a new state) capable of inc^{re} by means of further
assⁿ." The exp^d quality of such a gov^t is peculiar?
fitted for U.S., & extst pt. of whose terr^y is
yet uncult^d.

Wilson 421

Relative
Positions
and Objects
of
National
and
State
Governments

A new state
my very ex-
pression

Verol. ass^{ns} hv. been called by name Confed St^s,

Other Confederations
not so called
properly

wh. he not properly deserved it. Swiss Cantons are
Count^s only by all^{as}. The United Nat^{ns} are indeed
an ass^{ns} of soc^s; but its ass^{ns} Const^s no new
one, & ∴ does not corresp. with a full defⁿ of
a confed. Rep. Germanic body is Comp^d. of such
discord^t & disprop^d materials, & structure so intricate
& complex, its little instructⁿ to be had fr it.

United Provinces
no new state
constituted

Obid 422

The Const^s Cou^{ns} was embarr^d w^t a diff^y

of pecul delicacy & imp^{ce} I mean of draw^g
a proper line bet. Nat^l Gov^t & the gov^t of the
several states. It was easy to discover a proper
& satisf^y principle on the subj. Malcom's Obj. of
Gov^t is Conf^d, in operⁿ & effects, within the bounds
of a partic st., sh^d be consid^d as belong^g to the
Gov^t of that St.; whatever Obj. of gov^t extends in
operⁿ &c, beyond bounds of a partic st. sh^d be
consider^d as belong^g to Gov^t of U. S. But, to
prin^{tl} sound, applicⁿ to partic cases w^d be
accp^d w^t much diff^y, because room must be
allow^d for gov^t discretⁿ latitude of Constⁿ of prin^{tl}
To lessen the diff^y, an Enum^{tn} of partic instances
hs. be alth^o w^t much care. Only in mat^l

Principle
Defining
Sphere
of
National
and
State
Governments

Difficulty
of
Application

Enumeration
of Powers

Line generally
accurate, not
exact

science can a line be drawn wth math^l precision
But fancy & enum^{ts} of state & gov^t spheres
is drawn wth as much safety & accuracy as
is attainable.

Wilson. 425

After all (when all has been done) it will be
nec^o to, on a subj so pecul and delicate as
the delimitation of gov^t. between Nat^l & St^s,
much prudence, candor &c sh^d be ex^d. It by
Fed^l & St. gov^{ts} It may be hoped it will be
so, when we consider that gov^{ts} of fed^l & St.
gov^{ts} are drawn from sources equally pure
If, (in the enum^{ts}) a differ^{ce} can be discov^d
bet. them, tis in favor of fed^l Gov^t, because
it is founded on repr^{ts} of Whole Union; whereas
it of a partic St is founded only on repr^{ts}
of pt. Is it not reasonable to suppose that
Councils of whole will embrace int^s of every
pt., rather than that Councils of any pt. will
embrace int^s of whole.

Ibid 425

The extent, divers^{ty}, &c of M. S. indicate that
an enlarged gov^t. is fit and adv^s to them
Such indeed has been the great opin^{ion}. I wish

Upon the whole
the Fed^l Gov^t
is favored, as
most conducive

to
interests of all
— " —

Necessity of
candor in
handling such
questions

General

Wishes for
an enlarged
(i.e. a General
and Stronger)
Govt.

entertained since a era of indep^{ce}. If these opinions
& wishes are as well founded as by an gen^l, &
late Consⁿ were justf^d in propⁿ to be Constit^l
one Confed Rep, as best syst^m of Nat^l Govt^t
for U.S.

Ibid 428

Different effects
of
War and Peace
on the
Confederacy

We had dreaded danger on our side only; this
we manfully repelled. + + + Those whom for. strength
c^d not opposit^e, he well might be victims of in-
ternal anarchy

When we had baffled all menaces of forⁿ, pow^r
we neglect^d. to estab among o^r selves a gov^t that w^d
maintain dom. vigor & stab^l. What was cons^q? The
Coun^t of peace was Coun^t of wry disgrace &
dishon^r to c^d. before persⁿ in a peaceful st.

Weakness
of the
Confederacy

Devoid of nat^l pow^r, we c^d not prohibit extrarⁿ of
o^r imp^t, neither c^d. we derive a rev. fr the excise.
Devoid of nat^l imp^{ce}, we c^d not procure, for o^r exp^t
a tol. sale in for. mk^t. Devoid of nat^l credit,
we saw o^r secur^y melt in hands of holders, like
snow by sun. Devoid of nat^l dignity we c^d not
perform our treaties, nor c^d. we obtⁿ or compel per-
form^{ce} by o^rs, of o^r pts; Devoid of nat^l energy, we
c^d. not carry into exⁿ o^r own resol^{ns}, or laws.

People
supreme
over
Constitutions

There nec^y exists, in every gov^t, a pow^r fr. wh
is in no appeal, & wh for no reason may be
termed
called supreme, absolute, uncontrollable

In or. gov^ts, the supreme, abs., & uncontrol
pow^r remains in the peop. As or. Const^{ns} are
superior to or. legis^s, so the peop. are sup^r
to or. Const^{ns}

Wilson, 432

Constitutions
Control
Legislatures

To control the pow^r & conduct of the legis,
by an overruling Constⁿ, was an improv^t in
science & practice of gov^t. observ^d for the
Amⁿ States

432

Bill of
Rights

In a gov^t consist^g of enumer^d pow^{rs}, such
as the Constⁿ proposes for U.S., a Bill of
Rights wd. be not only unnec^y but improv^t.
In all soc^s there are many pow^{rs} & r^{ts} wh cant
be partic^l enumer^d. A Bill of R^{ts} annex^d to
a Constⁿ is an enumer^{tn} of pow^{rs} reserved. If
we attempt such an enumer^{tn}, everything not enumer^d
is presumed to be govⁿ (to the gov^t) The conseq.
is that an imperf^t enumer^{tn} of R^{ts} reserved (to peop)
wd. throw all implied pow^{rs} into hands of the gov^t.

Powers
Enumerated
and
Reserved

Comparative
Risks in
Enumerating
Powers Expressly
and
Powers Reserved

and thereby a no. of peop. wd. be rendered incomplete.
On the hand, an imperf. Enum. of the powers of the Govt.
reserves all implied powers to the peop. This makes the
Const. incomplete; but of the two tis much safer
to run the risk on the side of the Const. (to leave it
imperfect); for an omission in Enum. of powers
of the Govt. is neith. so dang. nor so imperf. as an
omission in Enum. of rights of peop.

To every sugg. concern? Bill of Rights, &
citizens of U.S. may always say We reserve
the right to do what we please

436, 437

Usual
Government
not given the
powers not
expressly
reserved

A propos. to adopt a measure that wd. be
supposed that we were thrown into Genl. Govt. every
power not expressly reserved by the peop. wd. be
spurned at in the Const. with the first indignation

Wilson 426

Provident
Care for
State
Governments

Does it appear, then, that prov. for contin-
of the Govt. was neglectd. in framing the
Const. ? On contrary, it was a fav. obj.
of Const. & secure Am.

State govts are essential pts. of the arrange-
for electing President, and Senators

439

People not
immediately
represented in
Congress of the
Confederacy

In the Art. of Confedⁿ (1777), the peop^l are
unknown, but in the Constⁿ they are repre-
sent^d; and in our branch of legis, they are
rep^d immed^y by persons of their own choice

Wilson

439-40

Opposition
arises
from fear for the
State Governments

The secret is now disclosed (of opposⁿ;) and it
is discov^d to be a dread of a boasted state
sovereignty will, under the system, be discov^d
of pt. of the peop^l. Upon what prin^{ple} is it

Supremacy lies
in people, not
in governments

contradict^d of the sov^{er}ty resides in the
~~sovereign~~ gov^{ts}? The hon. gent. has said truly,
there can be no subord. sov^{er}ty [a contradictⁿ in terms]

Now, if we cannot, my posⁿ is that sov^{er}ty re-
sides in the peop^l. The Constⁿ stands upon the

People have
hitherto been
excluded from
the Federal
Government
(under the
Confederation)

broad prin^{ple}, I know very well that the peop^l
has hitherto been shut out of the Fed^l Gov^t;
but it is not meant that they should any
longer be dispos^d of by others. In order to
recog. the lead^g prin^{ple}, a prop^r system
sets out wth a declarⁿ that its exist^{ce}
depends upon the supreme auth^y of peop^l.
alone (who ordain & estab)

We hv. heard much about a 'consolidated' Govt.

Consolidated
Government

How
Defined.

I apprehend the term is not always used in same
sense. It may be said, I believe has been said, that
a consolidated Govt. is such as will absorb & destroy
the Govts of the sev. Sts. In this view, the plan before
us is not a consolidated Govt. On the other hand, if
it is meant that the sev. Govts. will take the St.
Govts or parts in some parts, it is compressed &
evaded that as well as its operation.

The People may
distribute
authority as
they will

When, however, principle is once settled that
the People is the source of authority, & consequence is, that
they make laws for & subord. Govts parts with
them by the virtuous trust. I am, & place these
parts in a sev. Govt. if they think that or by
will find more good

Ibid 443-4

Arrogant
claim of
(or rather for)
State
Governments

How comes it, Sir, that these State
governments dictate to their Superiors - to the
majesty of the People?

444

May it not be said that the State Govts
sought to interpose between the people and
the Const.

Refers to
preceding
page

It might be construed as an attempt to
prevent the peoples of the several states uniting
in a joint action as the people of the
United States

Judges
to
Vindicate the
Constitution

Under the Constⁿ, the (State) legislature
may be restrained, & kept within prescribed
bounds, by the interposⁿ of a judicial dept.
It is poss^{ble} that the legis., act^g in its capacity
may transgress the bounds assigned to it, &
an act may pass, in a usual manner,
notwith^{stand}g its transgressⁿ; but when that
comes to be discuss^d, by a judge - when he
finds it incompatible wth the superior pow^r of
the Constⁿ - it is his duty to pronounce it void

Wilson 446

Both States
and People
are represented

States now exist, & obs will come into
existence. It was thought proper that they sh^{ld}
be rep^d in a gen^l gov^t. But gentlemen
will please remember that the Constⁿ was
not framed merely for the St^s, it was framed
for peop^{le} also; & the popular branch of Cong^{ress}
will be the obj^s of the inmed. Choice

Ibid 446-7

Objection to
Reporting amend-
ments to Con-
tinental Congress,
because it
stands for
state rights
not for the
people

With respect to amendments being proposed
to the Constⁿ. To whom are the (P^a) Congress
to make report of such amend^{ts}? The great
titles you to the present Cong (of the Conf^d).
I do not wish to report to the body, & rep^s.
only of the st. gov^{ts}. They may not be dis-
posed to admit & help into a participatⁿ of
the pub^l.

Feb 4 50

Comparative
Dignity of
Senators and
Representatives

Note that the Senate is the more digni-
fied (aristocratic) body for its members have
the larger & more dignified, highly organized
constituency. Each Rep. rep^s. a district, only
the entirety the state; whereas the Senators
represent the whole state.

My own
Analysis
of the
Act of the
People in
adopting the
Constitution

The opposition to the Constⁿ, as opposing the
states, may be interpreted as the interposition
of a theory of state sovereignty in order to pre-
vent the people of the several states from uniting
in one body to establish a constitution. The
people of the several states had it in their choice
to make the new Constitution their own act
through (mediated) the state governments

My own Analysis of the act of the
which already existed by the peoples will. Or,
they could spare those governments, take the
power back into their own hands, coalesce
as a people for an act establishing the
Constitution in which they recognized
both state and general governments
and distributed to each the powers
they thought proper. This is what they
did

In either mode of operation, the
source of power would be the people
but the method of its exercise determined
the whole theory of government. In one
case the gov. would have been established
directly by the states, indirectly by the
people. In the other case directly by
the people who by the same act establish
one government, and renew the other
under new limitations.

In fact by the method adopted
all the people of the United States con-

People in adopting the Constitution
stated each state

Yet is this so? Seeing that each
state was to act separately on the Consti-
tution? Yes, for they adopted it in terms
(phrase) which made the whole instu-
ment (both of sov. & state powers) the
act of the whole people of the U.S.

The states and the Peop are both
given representation in Congress by the
Constitution; but it is to be noted that
by the terms it is the people of the
United States who recognize the states,
not the states who recognize the people
of the United States. The people at
large by a compact among themselves
erect a governmental scheme, in the
component parts of which they recog-
nize the states

Much fault has been found wth express^o used in 1st clause of 9th Sectⁿ of 1st art. I believe I can explain why that mode of expⁿ was used, & why term "slave" was not adm^{td} into the Constⁿ.

Mode of Laying Quota of Taxes under the Confederation

As to manner of lay^g taxes, As not 1st time at this subj has come into view of U.S., & of legis^s of & sev^l St^s. The gent. will recoll^t that in the pres^t Cong. a quota of the Fed^l debt, and great expenses, was to be in propⁿ to the value of land, & of enumer^{td} prop^y in the St^s. After try^g that for n^o of yrs, was found to be on all hands a mode that c^d not be ex^d. Cong. was satisf^d of that; & in 1783 recomm^d, in conformity

Amendment Proposed in 1783

wth prop^o by pass^d under Art^s of Confⁿ, that the quota sh^d be acc^d to n^o of free people, includ^g those bound to servitude, & exclud^g Indians not taxed. These were the expⁿs used in

Fails for want of a unanimous vote, by States

1783, & the fate of that recommendⁿ was like that of all the rest^s. It was not carried into effect (not unanimous); but it was adopt^d by 11 out of the 13 states. It was nat^l that the late Convⁿ should adopt mode after it had been agreed to by 11 St^s, & sh^d use the same expⁿ.

Seat of
Supreme
Power
is in the
People
not in the
Government

The posⁿ of the seat is, that the supreme pow^r resides
in the st^s, as gov^ts; & mine is that it resides in the
people, as the fountain of gov^t. The peop^l can dele-
gate it in such prop^{ns}, on such terms, & wth
such limits, as they think proper. I agree that there
cannot be two sov^{rn} pow^{rs} on same subj.

?
Wilson's
Personal
View

I consider the peop^l of U.S. as forming one gov^t.
Community; & I consider the peop^l of the diff^t st^s as
form^g Comm^s, again, on a lesser scale. From the
distⁿ of peop^l into distinct Comm^s, it will be
found nec. that diff^t prop^{ns} of legis. pow^{rs}
sh^d be given to the gov^ts, acc^{dy} to nature, n^o,
& magnitude of the obj^s.

I view the peop^l states as made for the
peop^l, as well as by Am, & not the peop^l as made
for the st^s; the peop^l, ∴, has a right to form
either a gen^l gov^t, or st^s gov^ts, in what
manner they please, or to accom^{od} one
to the o^r, & by the same process Am all

State Sovereignty, as it is called, is far from
being able to support its weight. Nothing less
than the auth^y of the peop^l c^d. can support it or give it
efficacy

But how if peop^l of a state support it? Ibid
456-7

State Govern-
ments hold
office; but
the grant is
from people,
and remains
with them
—

The absol. supreme pow^r resides in the people
at large. They have vested certⁿ portions of the
pow^r in the St. Govts; but the free simple constⁿ
resides & remains wth the body of the people.
The recogⁿ of the princ^{le} cannot fail to establish
it more firmly. Yet, because the recogⁿ is
made in the prop^r Constⁿ, an exceptⁿ is made
to the whole of it; for, we are told, it is a violatⁿ
of the princ^{le} Confedⁿ — a Confedⁿ of Sovereign States.
I shall not investigate now the princ^{le} Confedⁿ,
but shall just remark that its princ^{le} is not
the princ^{le} of free gov^t; for, the people of U.S.
are not, as such, rep^d in the princ^{le} Confedⁿ
(only the States); and, consid^d even as a compon^t
pt^s of the conf^d St^s, they are not rep^d in
the princ^{le} to be no^t the imp^{ce}

Wilson, 458

This principle
is recognized
in the new
Constitution,
but not in the
old Articles
of Confederation
for
In them people
are not repre-
sented by
numbers, but
by States

State Gov-
ernments not
obliterated

If, when a gent says this is a consolidation,
he means so far as relates to the gen^l obj^s of the Union,
so far it was intended to be a consolidation, & on
such consolⁿ perhaps depends the very exist^{ce} as
a Natⁿ. If, however, he means that it will absorb
the gov^ts of the various St^s, so far is it from being adm^t
that it is unanswerably contro^{vd}. The exist^{ce} of the St^s
is one of the most prom^t features

Confirm
Patrick Henry's
Construction

and
Approves
It.

This Constⁿ declares & principle - that the people retain the supreme power, and exercise it either collectively or by representation - in its terms & consequences. This is evident from the manner in which it is announced. "We, the People of the U.S." After all the examination I am able to give the subject, I view this as the only sufficient and most honorable basis, both for the people and government, on which our Constⁿ can possibly rest. . . . I am astonished to hear the ill-founded doctrine that the states alone ought to be represented in the federal government. These must possess sovereign authority, forsooth, and the people be forgot. No, let us descend to first principles

Ibid 478

I am sorry to say so, in order to prov^t & pay^t of Br. debts, & fr off causes, or treaties inv. in viol^t, and that by express laws of sev^t st^s of the Union Pa has not done so; but it is ack^d on all sides that many st^s in Union have infring^d T^y; & Br. Min. has ref^d to surrender W^o posts because T^y had not been performed on o^r pt^t.

This was because there was no power in Congress to enforce T^y

Idea of
Compact, or
Contract,
Rejected

The
People does
not contract
with itself

Opponents try
to prove that the
Constitution is
a compact be-
tween the
State Governments

— " —
It is founded, in
terms, upon the
people, by the
People.

It has been said "The (Const.) Conv^{ts} thought
no doubt that they were form^g a contract." It
was a matter of surprise to see & get lead^g
princip^{ls} of its syst^m still so much misunderstood
I cant answer for what every member thought;
but I believe it cant be said that they
were mak^g a contract, because I cannot find
least trace of a compact in the syst^m. There
can be no compact unless more parties than one.
"The Conv^{ts} form^g Compacts." No whom? I am
unw^{sh} to see who & pt^{ies} can be. The gov^t
in oppⁿ endeavor to estab a doctrine that the
gov^t make a bargain wth one another; that the
gov^t wish to be sep^d. Far as words & ideas of
the Conv^{ts}, & the Conv^{ts} in the syst^m itself

This Gov^t is founded upon a part of the
people. They express, in its name & auth^y "We, the
Peop^l, do ordain & estab." I know all the Com-
monplace rant about the Gov^t, & the Gov^t is
founded on orig^l compact. If it poss^l be ex^d,
it will be found not to agree very well wth the
princip^{ls} of the gov^t; nor wth language or prin-
c^l of its prop^d syst^m; nor wth exp^{er} of history

People above
Legislature.

We hear very fine & gent^s are up, "Shall we
viol & Confedⁿ, wh directs every alteration to be
Estab^d by St. legis^s only?" Gent^s must ascend
to a higher source; the people from Ourselves by
no compact. If Mr. St. legis. Mr. Cramp^d Ourselves
by compact it was done about aut^s of peop.
who alone poss supreme pow^r.

499

My Comment
on
Above

I can't quite accept this. Qui facit
per alium &c. This rejection of idea of compact seems
indeed conclusive as regards W's understanding not
only of the fact itself, but of the ideas prevalent
in the Constⁿ Convention, of which he was member.

Wilson's
Argument
seems pretty
conclusive as
to the nature
of the
Convention as
to a compact
between
States

Altho, however, there was no quid pro quo explicit
Contract, there does seem to me a compact be-
tween the people regarded as sov^s, & people re-
garded as subj^s which is the case in democracy
where majority rules, minor^s is subj. The
Constⁿ ∴ seems to me a compact wherein
the people bind themselves between themselves
that a sovereign majority will not use its
power beyond certain limitations

It is obj^{td} to the syst^m (Constⁿ) that under it
there is left no so^{ty} in St. govt^s I sh^d be glad to
know at what per^d St. govt^s became poss^d of the
supreme pow^r. The prin^{tl} on wh. I found myself,
- the prin of the Constⁿ, - is that supreme pow^r resides in
the peop^l. If by choice to permit pt. of br^{sup} pow^r to be
ex^d. by the St. govt^s, by way. If by law done it, the St^s
were r^t in ex^g. it; but if by think us longer safe
or court. they will resume it, or make a new distribⁿ.

Supreme
Power is in
The People

From Mem^l
Government
Denovis,
alike State
and General

The pow^r of the gen^l govt^s and St govt^s, under
the syst^m are ack^d to be so many emanations of
pow^r fr. the peop^l. Wilson. 502

Definitions of
Consolidation
by
Its Opponents

The gentⁿ fr. Westmoreland says that he
means by consolidatⁿ, the govt^s wh. puts the 13
St^s into one

The hon gentⁿ from Fayette gives the defⁿ.
"What I mean by consere^d govt^s is one that will
transfer so^{ty} from St govt^s to the Gen^l Gov^t."

If it is meant that a gen^l govt^s will destroy the
govt^s of the states, I admit such a govt^s wd. not
suit the peop^l of Am^a.

Then Wilson shows how gen^l govt^s sh^d be
pre-supposed St. govt^s in chetr. of Senate Pres^t 503

Suppose we reject the syst^m of gov^t; what will
be the conse^q? Let the farmer say, whose produce
remains unasked for; nor can he find a single
mkt. for its consumptⁿ, to his fields luxuriant
Let mfg^r, let mech^c. say; they can feel & tell
or feel^{as} Go along wharves of Phil^a, & observe
silence in m^{ns} + + + Let mech^t tell you what is
our com^{er}; let the mⁿ say what he sits & sees & feels,
wh by mfg^t. he expect^s & furnish add^l. comforts
to the, & an inc^{re} to his fortunes. How ideas of
succ. in m^{nz}? or do they not lose some of the
cap^l in every adv^{nt}, subsist^g. on hopes of happier
times under an eff^t. gov^t? The unrequit^d
td of mech^t has baneful infl. on int^{er} of mfg^r,
mech^c. & farmer; & here I believe, are the chief
int^{er} of peop. of U. S.

Further. Is there now a gov^t. among us that can
do a single act that a nat^l. gov^t. ought to do?
Is there any part of U. S. that is com^{er} a single
shilling? This is a plain & a home truth.

Cong. can recommend; they can do no more.

Importance
of Confederacy

Congress can require under the present (Confedⁿ)
system; but they must not proceed one step further.

525

Constitution
creates a
Nation

with

(or by confederacy)

The Powers
of a Nation

By adoptⁿ of syst^m (Constⁿ) we become a
Natiⁿ; at present we are not one. Can we perform
a single nat^l act? The pow^{rs} of S. gov^t are
a mere sound. If we off. to treat wth a natⁿ
we rec^d as humil^{ty} and^{ly}: You cannot, in prop^{ty}
of lang, make a T^{ty} because you hv. no pow^r
to ex. it."

Similar impotence to borrow, because no pow^r
to raise money to pay int^l; as to raisⁿ army
or prepⁿ for war? Wilson 526-7

You (Delegates) hv. bn. cho^{se} by the peop^l for sole
purpose of "assentⁿ to & ratifⁿ of Constⁿ prop^d for
future gov^t of U.S., wth respect to or gr^{ant} of
Common Concensus," or of r^{at}ⁿ it.

The pow^r of the Constⁿ being deriv^d fr^{om} peop^l
of Pa. by a positive & voluntary grant, cannot
be ext^d further than wh. the pos. grant hath cover^d.

McKean 530

Virginia

Madison

There are a no. of opin^{ns}, but a prin^{pal} questⁿ is, what^r sh^d be a fed^l or consol^l govt. In order to judge prop^{ly}, must consid. minutely its prin^{pal} pt^s.

I myself conceiv. th^t it is of a mix^d nature. It is in a manner unpreced^t. We cant find one express ex^{pl} in th^e hist^y of th^e world. It stands by itself. In some respects tis a govt. of a fed^l nature; in oth^r. of a consol^l nat.

Even if we att^d to th^e manner in wh. th^e Constⁿ is invest^d, rat^d, & made th^e act of th^e peop. of Am^a, I can say, notwithstanding wh. th^e hon. gent. has alleg^d, th^t th^e govt. is not completely consol^l, nor is it entirely fed^l. Who are th^e parties to it? The peop; but not th^e peop as compos^d one great body; but th^e peop as compos^d 13 parties. Were it, as th^e gent asserts, a consol^l govt. th^e assent of a major^y of th^e peop w^d be suff^t for its estab^t; and as a major^y has adopt^d it already th^e rem^o st^s w^d be bound by th^e act of th^e maj^y, even if by unan^m reprob^d. it. Were it such a govt. as has been sugg^d, it w^d now be binding on th^e peop. of th^e st., without th^e h^o l^y priv.

Mixed
Nature
of the
Proposed
Government

Adopted by
the People
as composing
thirteen
States,
not one
consolidated
mass

Ellet Debates, Virginia

Madison

But, also - a maj^y of the people have already adopted the Constⁿ, no St. is bound by it, except by its own consent, but,

Should all the St^s adopt it, it will be a gov^t. estab^d by the 13 St^s of Am^a, not thro' the intervⁿ of a legis^s, but by the people at large. In the partic^l respect, a distinction bet. exist^g & prop^d gov^ts is very material. The exist^g system has been derived fr. & depend^t deriv^{tu} auth^y of a legis. of the St^s; whereas the new is derived fr. & sup^r. pow^r. of the people.

94

The Constitution established, not by the State gov^ts but by the people of the States

Henry Duffin from the Confederacy

The mode of introducing Amendments to the Constitution shows regard to federal and Consolidated ideas, but conforms to neither absolutely

If we look at the manner in which alterations are to be made in the Constⁿ, the same (mix^d.) idea has to be attended to. By a new system, ^(bare) a maj^y of St^s cannot introduce amendments (hence not consens^d. gov^t); nor are all the St^s req^d for the purpose; $\frac{3}{4}$ must concur in alterations. In the one is a departure from the fed^l. idea

94

Senate
represents
the Federal
Idea;
and
the House of
Representation
the
Consolidated

The Powers
of the
General Govern.
are ascertained
and limited
by a
Precise
Enumeration

"Again, as regards the Senate. Had a Govt. be completely consol^d, & S. W^d. be be chosⁿ by the peop^l in its indiv^l capac^y, in same manner as members of the house"

That is, the Senate represents the fed^l idea, of a equality of the st^s, while the H.R. rep^s a consolidated idea, of a one gov^t.

"Thus, the gov^t. is of a complex^d nat^e; & its, I trust will be found to exclude the evils of absol. consolidatⁿ, as well as of a mere Confedⁿ. If the st^s were sep^d. & all the pow^{rs}. w^d. ext^d to all cases. In like manner were all pow^{rs} vest^d. in a gen^l gov^t, it w^d. be a consol^d gov^t; but the powers of the fed^l gov^t. are enumer^d. It can only operate in certⁿ cases. It has legis^l pow^{rs} on defined and limited obj^{ts}, beyond wh^{ch} it cannot ext^d. Its Juris^{dn}"

Madison

Necessity
of
Union

Note Mr. M. On so many instances of
a prevail^t. opin. of a wisest patriots of a
Sts., of a safety of all Am. dep^d. on union,
of a gov^t. of U.S. must be poss^d. of an
adeq. degree of energy, or the connectⁿ. c^d. not
be justly denom^t. a 'union'

He continued:

"The weakness of exist^g. art^s. of a Union
showed dur^g a war. It has manifestly suff^r
since a peace to a degree wh admits no
doubt of nec^y. of alterⁿ. This is obvious to
all Amⁿ. It has forc^d itself on minds of a peop^l.

133

"The Committee has been informed of a
Cooper^s. was not complete till 1781.
Conseq^t., no pt. of merit of antic^t. opⁿs. of
a war c^d. be attrib^d to a syst^m. Its
debility vs peace^r. almost as soon as put
into operⁿ. It is notorious that freedom
universally marked its course. It
req^d. a vol^g. contribⁿ. of a Sts., & thereby
sacr^f. some of our best privileges." May

Weakness
of the
Articles of
Confederation

Feetles of the
Articles of
Confederacy
in the
War

Weakness
of the
Government
leads to
Irregular
and
Oppressive
Measures

the Articles of Confedⁿ, thro' their weakness, became
a cause of Tyranny. "The most intol. & ~~unwarranted~~
unwarrantable oppressions were committed on
a heap den^d & late war. The gross enorm^{ty}?
of the oppⁿ mgt. by prodⁿ & most serious
conseq^s, were it not for the spirit of liberty
wh^{ch} preponderat^d agst. every Considerⁿ. We are
now, by st. suff^r & expec^t? & crimes of the
obvius glorious Revⁿ. Is it not known to
every member of the Com. that the prin^{cl}es of
a free gov^t. were reversed thro' the whole progress
of the scene? Was not every st. harassed? Was
not every indiv. oppressed, & subj^d to repeated
distresses? Was the gov^t? Was it a proper form
of gov^t. Or warranted, author^{ty}, or overlooked,
the most wanton deprivⁿ of prop^{ty}? If the gov^t.
was on vest^d wth complete pow^r. to procure a
regular & adeq supply of revenue the oppⁿ
meas. w^{ch} have been unnecess^{ry}."

Madison

133-4

Ellet Debates, Virginia

Madison

"Recollet & recoll^d of 4th 1784. It was
 An found at a whole burden of a Union
 was sust^d by a few st^s. This st. was like
 to be saddled wth a very disproportion^d share
 that exp^d. (Corruin of a st. by an armed force)
 was propos^d. wh. has on plac^d. in its true light

The Couper^d is so terrible, that for^m nations
 are unwill^d. to form any T^{his} wth us. They are
 app^h^d. at or Gov^t. cant perform any of its
 Engag^t, for by may be violated at pleas. by
 any of a st^s. Or viol^t of T^{his} already
 made prove to truth unequiv^{ly}. No natⁿ
 will make any stip^{ms} wth Cong, conce^d. any
 adv^s of imp^o. to us. They will be a mass
 waste, as a imbecil^d of Gov^t. Another Am
 to deriv^e many adv^s fr. Gov^t. to, wthout fr^t
 us any return". x x x We are laughed at by
 for^{ms}, "and even to pay & int. of Gov^t debts
 debts we are oblig^d. to borrow

The contri^{ms} of a st^s has to be found
 made fr. beginning, & are dim^d inst^d of inc^d.

Patrick Henry

From June, 1787, to June 1788, & it? he
p? only 276,641 dollars with fed? treas? for
support of natl. gov't., and for discharge of a
natl. debts; a sum so very insufft. to it
must gettly alarm friends of the C^{on}

135-7

Patrick Henry

In Tyler's life I use following pages:

60-68, 98-101, 100 (Duration of Congress of 1784)

110-111, 114-131

226, 230-1, 234-5, 245

280. Henry's pt? At As^{ly} could not deal wth a Constⁿ
but it mst be a Constⁿ, elected by the people of V^a,
for its purpose, shows it inher^{ing} to the Constⁿ on
the ground of "We the People"; were it a People of the
whole U.S., as one, were adopt^d a Constⁿ; for as
regards a people of V^a, by unquestionably adopted
it as the People of V^a, through delegates elected
to represent Am on its precise issue

373. It is Henry, as reported, denies the right of a State
to decide upon Constitutionality of a federal law. Virginia is to
the Union what C^o. of Charlotte is to V^a. Tyler's Henry

