

uation of several States require such a distant time; the Usual time of meeting in October will be soon enough to make the necessary provision for appointing officers &c.

We have been some time in Suspense about the event of the New Constitution in this State; The Accounts of last evening were that the Convention had Adjourned to a future day; if that is the Case they mean at next meeting to adopt it. before I seal this I may likely hear whether the above report is true or not.

P.S. I cannot find that the Acct. of the Conventions Adjourning is Supported by any good Authority.

1. RC, Conarroe Autograph Collection, PHi. This letter, addressed to Sinnickson in Salem, N.J., was sent free under Clark's frank as a New Jersey delegate to Congress. The address page has this statement in Clark's handwriting: "The Post Master at Philada. is desired to forward this to Mr. Sinnickson." Sinnickson (1744-1817), a Salem merchant, was a member of the New Jersey General Assembly, 1777, 1782, 1784-85, 1787-88, and of the U.S. House of Representatives, 1789-91, 1797-99.

2. John Story had been in New York City seeking compensation from Congress for his services during and after the American Revolution. In March 1788 Congress rejected one claim, but in September 1788 it approved some compensation (JCC, XXXIV, 16-18, 107-8, 366, 500).

3. In late September 1787 Clark took an active part in the debate in Congress over the manner in which the Constitution should be submitted to the states. In the end, Congress adopted his proposal that it be submitted without approbation or censure (CC:95).

4. The Massachusetts Convention was the first to propose recommendatory amendments on 6 February 1788 (CC:508).

5. For a commentary on a potential action by New Jersey concerning paper money, see *Pennsylvania Gazette*, 16 July (Appendix I, below).

813. A Friend of Society and Liberty Pennsylvania Gazette, 23 July

On 23 July Tench Coxe, one of the most prolific Federalist propagandists, published in the *Pennsylvania Gazette* "A Friend of Society and Liberty," an essay which sought to demonstrate that certain criticisms of the Constitution were groundless. The essay was reprinted in six newspapers: R.I. (1), N.Y. (1), Pa. (3), Md. (1), and as a German-language broadside in Philadelphia.

Coxe actively disseminated the essay. On the same day the essay was printed, Coxe wrote James Madison then in New York City, explaining that the essay "was written to soothe some remaining discontents in one or two of our western Counties that have been very grossly deceived." Coxe added that "If it will be of any service in the less enlightened parts of New York, it might be of use to republish it" (Rutland, *Madison*, XI, 195). In western Pennsylvania during the early months of the year, large numbers of Antifederalists petitioned the state legislature requesting that it not "confirm" the state's ratification of the Constitution; while the New York Convention, then in session and controlled by Antifederalists, had not yet ratified the Constitution. (For

the discontent in Pennsylvania's western counties following that state's ratification of the Constitution, see RCS:Pa., 670-725.)

Madison replied on 30 July that "The observations addressed to your Western inhabitants are in my opinion as well timed as they are judicious. They will be republished here" (Rutland, *Madison*, XI, 210). On 5 and 6 August "A Friend of Society and Liberty" appeared in the New York *Daily Advertiser*, with this prefatory statement: "We have been requested to publish the following from the Pennsylvania Gazette, of the 23d ult."

Coxe also sent the essay to Baltimore lawyer Robert Smith, explaining that "The enclosed paper addressed to our Western Inhabitants is calculated to remove some very gross errors and prejudices. From Hartford [Harford County] back it may have some Effect in Maryland, and I find the last argument about the representation thought well of in many places. Tis a simple stile, calculated to be understood, where education blesses, but few and in a small degree—I wish you may think it worth republishing. Our principal inducement to it was to shew the opposition, that tho we were successful, we were not disposed to cease from exertion, while a prejudice remained to be done away" (Coxe to Smith, 5 August, Coxe Papers, Series II, Correspondence and General Papers, PHi. In the Maryland Convention, the opposition to the Constitution came from Harford County and two counties to the west and south of it, Baltimore and Anne Arundel.). The Baltimore *Maryland Journal* reprinted "A Friend of Society and Liberty" on 12 August.

In Philadelphia, Coxe paid Melchior Steiner to print fifty copies of the address in German on a half sheet. On 5 August Steiner also published the essay in his German-language newspaper, the *Philadelphische Correspondenz* (Philip Wager to Coxe, 4 August, Coxe Papers, Series II, Correspondence and General Papers, PHi).

On 24 July Federalist John Canan (also Cannon) of the western county of Huntingdon, who was in Philadelphia attending the Pennsylvania Supreme Executive Council, forwarded to James Hamilton, a Carlisle attorney, the issue of the *Pennsylvania Gazette* containing "A Friend of Society and Liberty," expressing a wish that the essay be printed in the *Carlisle Gazette* (Hamilton Collection, PHi). On 13 and 20 August the *Gazette*, which was published in strongly Antifederalist Cumberland County, printed the address. Coxe's essay was also reprinted in another western Pennsylvania newspaper, the *Pittsburgh Gazette*, on 9 August. Lastly, on 28 August it appeared in the *Newport Herald*, in Rhode Island, one of the two states which had not yet ratified the Constitution.

"A Friend of Society and Liberty" was possibly also one of the first salvos in the campaign for the upcoming elections for the new Congress under the Constitution. Some time after the publication of this essay, perhaps also as a part of this campaign, Coxe's four essays signed "An American Citizen" and James Wilson's widely circulated 6 October 1787 speech to a Philadelphia public meeting were published by Philadelphia printer Zachariah Poulson, Jr., in a thirty-three-page pamphlet entitled *An Examination of the Constitution for the United States of America . . .* (Evans 21028). A paragraph (see note 7, below) from "A Friend of Society and Liberty" was used as a footnote to "An American Citizen" IV in this pamphlet. For "An American Citizen" I-IV, first

published between 26 September and 21 October 1787, see CC:100-A, 109, 112, 183-A; and for Wilson's speech, first printed on 9 October 1787, see CC:134.

To the INHABITANTS of the Western Counties of Pennsylvania.

FRIENDS and COUNTRYMEN, The promotion of harmony and peace throughout the state must be the cordial desire of every good man. Fatigued as we all are with political discussions, nothing can justify this new call of your attention but a concern for the ease of mind of our friends and fellow citizens.

A variety of circumstances have contributed to give an unpleasing appearance to parts of the fœderal constitution—it is my intention decently to examine into some of them, and to pursue the investigation as a high and serious duty, in the performance of which whatever is disrespectful, unkind or passionate, would be unworthy and criminal. I conjure you, my countrymen, to exercise your own native sense. I entreat you to remember the dignity of a free people. Do not permit yourselves to form opinions, or to adopt any line of conduct that may affect the public, without cool and serious reflexion in the hour of stillness and composure at your own houses. Take care of the flame which may be kindled in your minds at taverns, places of parade and public meetings. Remember at these places too many are affected by the intoxicating draughts, which are always near at hand. The maddening influence of spirituous liquors is not necessary to keep up the almost divine feelings of a freeman. Avoid then all political meetings in places that expose the people to these temptations. Meet rather at your court-houses, and your places of worship. JUSTICE will not be offended at the presence of freemen, and the sacred temple of THE DEITY himself will not be profaned by the decent and cool deliberations of the sincere sons of liberty.

In the course of the present year many errors have been propagated among you. It was said that our neighbours of Maryland would reject the new constitution. Yet you see the most extraordinary unanimity, considering the pains that were taken there to prove the constitution faulty. Eleven dissentient votes were all the opposition amounted to, and of these, two of the principal were chosen by counties in which they did not reside, contrary to the usual practice and to the resolutions of the legislature; and a third was but a short time a citizen of that state.¹—You were told also, that Virginia would reject, yet you see their convention have adopted the constitution, and all is tranquility there. You were also told that New-York would certainly reject without hesitation, yet they have been sitting very long, and have not done so. The people of that state, it is positively asserted, are becoming more

favourable to the constitution, as they become more fully acquainted with it. There is no doubt too, that an old party difference in their state politics has affected the choice of their convention exceedingly, which you know might easily be the case, but this circumstance has no more to do with the qualities of the new constitution, than with those of the holy scriptures.

A good deal of pains have been taken to make you believe, that Congress will have power to regulate the elections of the state legislatures. Nothing is more untrue. The fœderal legislature can no more regulate the elections of our state representatives, councillors, &c. than they can regulate those of Holland, England or Ireland. Those who assert that the new fœderal constitution extends to that point, are either grosly mistaken, or wickedly attempting to deceive you. The meaning of the article about the regulation of elections is this. Your members of the general convention, and those of some other states, saw plainly that Pennsylvania and several other states had paid up about their proportion of the interest on the continental debts, and that some other states, such as Rhode-Island, had not done the same just thing, and that they omitted to send their delegates to Congress, in order that there might not be a due representation in that body, whereby they might prevent a legal requisition to perform this and other acts of duty to the union and our foreign friends. This fell hard upon Pennsylvania and other honest states, and yet the old confederation being defective in not giving power to Congress to remedy the evil, we must have groaned under the hardship for ever, had not the states adopted that article in the new constitution. TEN of them having ratified it, things stand so now that if any one refuses or neglects to perform its duty, and does not send members to the senate, nor does not appoint a time for the people to chuse their representatives in the fœderal house, Congress can say, that the people of each election district in each state shall chuse, in their proper district, the fœderal representatives, to which by the new constitution and by reason they are justly entitled. This is the true meaning of the clause, and it will appear at first view a great security for the liberty and independence of the whole body of the people.

You have been told also, that after the new constitution takes place the officers under it may become perpetual. Now it is fully and absolutely secured that no Representative, Senator, President or Vice-President can continue beyond a stipulated time, and if the people think that time too long they can get their state legislatures to apply for its being shortened. If nine legislatures out of thirteen apply this year, or ten years hence, there must be a convention called to consider

the point (or indeed any thing else which you complain of in the constitution)² and then if three fourths of the states approve the alteration, it will be made. But if Congress should want to extend the time of their duration, or wickedly wish to make themselves perpetual, they must get three fourths of the state legislatures to consent to it before it can take place. I believe no body therefore, on due reflexion, will see any cause to fear Congress will ever be able to render their seats perpetual. It will seem foolish to some of my countrymen to take so much pains to remove this apprehension, because they know there is no danger of any such thing, but I can assure them that so much deception and mistake has taken place, that there are many worthy inhabitants of our western counties that have been made very unhappy on this point. I want those good people to read the constitution quietly by themselves, and to judge like reasonable and free men for themselves. I do not want to inflame their passions, nor to hide the subject from them. I wish them to pass a sober, cool and honest judgment on it. They will see that every man among them, whether protestant or catholic, rich or poor, may elect or be elected. The Assembly may chuse any of them a Senator, or the people may chuse any of them a foederal Representative, or any of them may be chosen Vice-President or President of the United States. Nothing in the constitution forbids it, though they must be sensible that a man must be very good and very wise, to deserve and receive such great trusts from the Assembly and from the people. However, as I said before, any man, rich or poor, protestant or catholic, can be chosen, if he is thought fit by the state legislature, or the people at large, and when he is chosen nothing can prevent his taking his seat and performing his high duties. In other countries *religious* tests would prevent him, though he were ever so wise, ever so good, or ever so much beloved and esteemed. In Spain a protestant would be disqualified, in Ireland a presbyterian or a catholic would be disqualified, in England a catholic, presbyterian, or any dissenter from their church, would be disqualified. But our new foederal constitution admits all, whether protestant, or catholic, or presbyterian, or episcopalian, &c. for it expressly says there shall be *no religious test*. Blessed circumstance, for which above all others the favored people of these states should ever raise their grateful voices in praise and thanksgiving to the author of every good and perfect gift. The foederal connexion, established on these liberal and generous principles, will lead to a sort of foederal union among the various churches which it has pleased God to raise up in the world. Here none can be particularly favored, none can be particularly oppressed, none can be interfered with—all are equal—all independent of each other.

They will not render to each other nor to the government, tithes, nor tenths, nor free gifts (as they have been preposterously termed) nor any species of taxes, as religious men or societies. Nothing will be expected, nothing will be required but peace and good will, and brotherly loving kindness. This excellent quality of the new government will warm and expand our bosoms whenever we reflect upon it. The liberality and virtue of America in establishing perfect equality and freedom among all religious denominations and societies, will no doubt produce to us a great reward, for when the news of it shall reach the oppressed dissenters from the established churches of Britain, Ireland, Holland, Germany, France, Spain and Italy, and they shall find that it encourages both protestants and catholics, they will at once cry out, America is "*the land of promise.*" There alone can the sincere votaries of religion enjoy their lives, their civil and religious rights and property, without suffering from their attachment to that church in which they have been *born and bred*, and which they believe to be *right and true*. Ye Sovereigns of the European world, continue your religious oppressions at your peril. So sure as you persist, thousands of your present subjects, transplanted to the fertile fields, the healthful villages and populous cities of America, shall remind you of your impiety and error, when it shall be too late for you to retrieve the loss.

It has been said, the public defaulters will be excused from paying the public debts they owe. It is not necessary at this time to enter into any enquiry, who are public defaulters. That will lay with those persons to whose charge it is committed by the laws. All monies had and received by any citizen of the United States must be accounted for, or if not duly accounted for, the person who received the same will be liable to an action at law, and if he has it, must pay the same; if he has it not, his body will be subjected to imprisonment, as in other cases. The United States have been declared *a body corporate* by acts of the state assemblies. Those acts remain in force, and were the states to separate and become thirteen unconnected sovereignties, (unallied and unconfederated) they would still be a body corporate, and that body corporate could sue any public defaulter, in the courts of any state, wherein his person or his property could be found.

The militia have been alarmed with assertions, that they could be sent not only from Georgia to New-Hampshire, but even to France. The jurisdiction of the fœderal legislature does not extend beyond the territories of the United States. Congress therefore could have no more authority over the militia on the high seas, or in France, than they could have over the militia of Ireland, or the regular troops of the Empress of Russia. These things cannot be believed by the people,

who invent and propagate them. They can only have in view to deceive you into acts of violence and disorder. It is a blow wickedly aimed at your peace, and their wishes must be to make you the miserable instruments of destroying your own happiness. It is said our militia may be marched to New-Hampshire, or North-Carolina, under the powers of the new constitution. To this we may answer, that by the laws and constitution of this state, the militia of Washington may be ordered by council to Philadelphia, or those of Philadelphia to Washington.³ The distance between them is the same as between New-Hampshire and Philadelphia, or between Philadelphia and North-Carolina, but the march from Washington to this city would be much worse, through great tracts of unsettled country, and bad roads over the Laurel-hill, the Allegheny mountain, &c. Though this power is possessed by our Assembly, who ever feared the use of it. The truth is the legislature of Pennsylvania must necessarily have authority over the militia, in every part of their jurisdiction, and so of the fœderal legislature; but a moment's reflexion will shew you, that the fœderal government can never be so foolish as to order the people from one extreme of the union to the other, nor could they expect, that the militia, with arms in their hands and officers appointed by their own state governments, would ever obey. It is preposterous and criminal to endeavour to alarm and enflame you with such things. In the same way they have attempted to make you uneasy about a poll tax. They ought rather honestly to inform you, that an impost of five per cent. upon all foreign merchandize, and more upon some will take off a great part of the land tax, which you have been used to pay, and they should observe to you, that as you wear and use a great deal of home made articles of dress, food and drink, which the citizens cannot obtain and the monied men do not use, the citizens and the monied men will pay a very large proportion of the public revenues, to the great relief of the landholder, and the industrious poor. This will hereafter be the best *poor man's* country upon earth,⁴ and a most happy one at the same time for the rich, if they have sense and virtue with all; and if they have not sense and virtue, they must endeavour to get them, or they will not be half as happy as their poorer fellow citizens.

It has been asserted, that the new constitution, when ratified, would be fixed and permanent, and that no alterations or amendments, should those proposed appear on consideration ever so salutary, could afterwards be obtained. A candid consideration of the constitution will shew this to be a groundless remark. It is provided, in the clearest words, that Congress shall be *obliged* to call a convention on the application of two thirds of the legislatures; and all amendments pro-

posed by such convention, are to be *valid* when approved by the conventions or legislatures of three fourths of the states. It must therefore be evident to every candid man, that two thirds of the states can *always* procure a general convention for the purpose of amending the constitution, and that three fourths of them can introduce those amendments into the constitution, although the President, Senate and Fœderal House of Representatives, should be *unanimously* opposed to each and all of them. Congress therefore cannot hold *any power*, which three fourths of the states shall not approve, on *experience*.

There is one grand operation of the new fœderal constitution, favorable to general liberty, which I do not remember to have heard from any of its friends. It is well known, that in most of the states the members of their Houses of Representatives are chosen in *equal* numbers from each county, and in the eastern states, in *equal* numbers from each town, without any regard to the number of taxable inhabitants, or the number of souls. Hence it is very frequent for a county, with ten thousand souls, to send only the same number of members to the State house of representatives, as a county with two thousand souls, by which each person in the least populous county has *five times as great a voice* in electing representatives, as his fellow citizens of the most populous county. This is clearly *a departure from the principles of equal liberty*, and ought to be altered in the several states. I speak the more plainly because our state constitution is free from that fault in the formation of our house of Assembly. Now the new constitution expressly declares, that the Fœderal Representatives shall be in the proportion of one to every thirty thousand,⁵ which accords with reason and the true principles of liberty. This house, therefore, so far as national matters go, will remedy the evil spoken of in the several states, and is one more great step towards the perfection of *equal liberty* and genuine *republicanism* in America.⁶ It must strongly recommend the fœderal constitution to *the serious reflecting patriot*, even though he may formerly have had doubts, and it will suggest to the several states the propriety of reconsidering that point in their respective constitutions. Pennsylvania, though right in the principles on which her legislative elections are and will be held, is *less safe* from the existence of this fault in the adjoining sister states of Virginia, Maryland, Jersey, Delaware and New-York.⁷

There is now so universal a spirit of conciliation, acquiescence and mutual concession prevailing through the states, that the prospect before us is the most comfortable. The minority of Massachusetts were lately called upon to elect Mr. Gerry their Governor, because of his being of their former sentiments on the new plan of government, but

they gave much the greater part of their votes to Mr. Hancock, who voted for the plan, believing, on better considering the constitution, that he was right. Governor Randolph, of Virginia, though at first an opposer of the constitution, proved one of its most useful friends in the Virginia Convention, and finally voted for its adoption. The leading members of the minorities of South-Carolina, Connecticut, Massachusetts and New-Hampshire, have said they would promote the execution of it, and its chearful acceptance by the people. The clearest symptoms of acquiescence and good will have also appeared among the gentlemen in Pennsylvania, who originally opposed the new constitution. May God grant that this reign of REASON, MODERATION AND BROTHERLY AFFECTION, may daily increase among the good people of this flourishing commonwealth.

1. The two dissenters who were elected from counties in which they did not reside were Samuel Chase and Luther Martin, perhaps Maryland's leading Antifederalists. In April Coxe himself had been informed of this fact by one of his Maryland correspondents before the Maryland Convention met. (See John Relfe to Coxe, 18 April, Coxe Papers, Series II, Correspondence and General Papers, PHi.) The dissenter who had lived in Maryland for only "a short time" was John Francis Mercer who had moved there from Virginia in 1785.

2. Article V of the Constitution provides that Congress shall call a constitutional convention on the application of two-thirds of the state legislatures.

3. Coxe refers to Washington County on the far southwestern frontier of Pennsylvania.

4. For the use of the term "best poor man's country" and variations on it, see James T. Lemon, *The Best Poor Man's Country: A Geographical Study of Early Southeastern Pennsylvania* (Baltimore and London, 1972), xiii; 229, note 1.

5. The Constitution reads: "The number of representatives shall not exceed one for every thirty thousand."

6. Writing to James Madison on 23 July, Coxe explained his argument on representation in the U.S. House of Representatives: "The argument urged here against direct taxation by the federal legislature is that no uniform mode can be devised that will be found practicable, & that, if the mode is not uniform, it will be considered as partial. In other places it has been opposed because it will reduce the importance of the state governments. The latter, I believe, is the principal reason here tho covered & kept out of sight by putting the other forward. An Argument in favor of direct taxation being left with Congress, of some weight & of a very popular complexion, is that the federal house (the great check belonging to the people at large) is constituted upon more equal & truly republican principles than the greater part of the most numerous houses of state legislature. In analyzing the federal & state legislatures a few evenings past to see which of them upon a jealous popular inspection would best stand the touchstone of the peoples feelings & of reason, I find but one point or degree in which the federal house deviates from ~~the most~~ an equal distribution of power & votes among the people at large, & that is in the slave states, where $\frac{3}{5}$ of persons not free are thrown in to fix the Number of Representatives. In the state Governments there are several instances of Counties or districts of the smallest size sending the same number of Senators as counties & districts of twice the size, and of counties of the smallest size sending the

same Number of reps. as counties of three, four & five times their size. Instead of size I should have said population. This argument I have introduced in the enclosed paper" (Rutland, *Madison*, XI, 195. For Madison's reply of 30 July in which he comments on the issue of direct taxation, see *ibid.*, 210.).

7. This paragraph appeared as a footnote in a pamphlet containing reprints of Coxe's four "An American Citizen" essays. (The pamphlet was published after New York's ratification in late July 1788. The footnote was the next to the last paragraph of the fourth essay. For the paragraph from "An American Citizen" IV that was footnoted, see CC:183-A, pp. 436-37.)

814. James Madison to Thomas Jefferson New York, 24-26 July (excerpts)¹

Your two last unacknowledged favors were of Decr. 20. and Feby. 6.² They were received in Virginia, and no opportunity till the present precarious one by the way of Holland, has enabled me to thank you for them.

I returned here about ten days ago from Richmond which I left a day or two after the dissolution of the Convention. The final question on the new plan of Government was put on the 25th. of June. It was twofold 1. whether previous amendments should be made a condition of ratification. 2. directly on the Constitution in the form it bore. On the first the decision was in the negative, 88 being no, 80 only ay. On the second & definitive question, the ratification was affirmed by 89 ays agst. 79. noes. A number of alterations were then recommended to be considered in the mode pointed out in the Constitution itself. The meeting was remarkably full; Two members only being absent and those known to be on the opposite sides of the question. The debates also were conducted on the whole with a very laudable moderation and decorum, and continued untill both sides declared themselves ready for the question. And it may be safely concluded that no irregular opposition to the System will follow in that State, at least with the countenance of the leaders on that side. What local eruptions may be occasioned by ill-timed or rigorous executions of the Treaty of peace against British debtors, I will not pretend to say. But altho' the leaders, particularly H—y—& M—s—n, will give no countenance to popular ~~discontents~~ violences it is not to be inferred that they are reconciled to the event, or will give it a positive support. On the contrary both of them declared they could not go that length, and an attempt was made under their auspices to induce the minority to sign an address to the people which if it had not been defeated by the general moderation of the party, would probably have done mischief.³

Among a variety of expedients employed by the opponents to gain proselytes, Mr. *Henry first and after him Col. Mason* introduced the opin-