

CONNECTICUT'S RATIFICATION OF THE FEDERAL CONSTITUTION

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While Connecticut was one of the smaller States among the thirteen which adopted the Federal Constitution, every detail of the momentous series of events, which attended the formation of the present Nation, is of such importance that the action of Connecticut well repays study. We find that the forces of union, with the leadership of Trumbull, Sherman, Johnson and Ellsworth had a great triumph. The State was not at first enthusiastic for stronger form of government, but the work of the Delegates to Philadelphia, during the Convention and after its adjournment, caused a complete victory for the Federal forces and the adoption of the Constitution by a large majority of those chosen to the ratifying convention.

As early as November 14, 1780, a convention of delegates from the four New England States and New York had met at Hartford and proposed, as the foundation for a safe system of finance¹, that a certain and inalienable revenue be raised for the Federal government by taxes or duties and that from this revenue should be paid the interest on the funded public debt. A circular letter, prepared by this convention, stated that "Our embarrassments arise from a defect in the present government of the United States. All government supposes the power of coercion; this power, however, never did exist in the general government of the continent, or has never been exercised. Under

¹ Bancroft *Const.*, vol. 1, p. 14. See Milton Fessenden, *Connecticut in the Constitutional Convention of 1787*. See *New England Magazine* April 1915, vol. 52, p. 267.

these circumstances, the resources and force of the country can never be properly united and drawn forth. The States, individually considered, while they endeavor to retain too much of their independence, may finally lose the whole. By the expulsion of the enemy, we may be emancipated from the tyranny of Great Britain; we shall, however, be without a solid hope of peace and freedom, unless we are properly cemented among ourselves."

The forces in Connecticut tending toward a strong central government had the powerful support of Governor Jonathan Trumbull during the Revolutionary epoch. On June 10, 1783, he wrote Washington in praise of his last address, "which exhibited the foundation principles of an indissoluble union of the States under one federal head."² In his address to the "General Assembly and the freemen of the State," delivered in October 1783, he declined a re-election to the gubernatorial chair, as he had reached the age of seventy-three and felt a "declining state of vigor and activity." He took the occasion to inculcate principles of individual righteousness and of good government into the minds of the people and, with great emphasis, he urged that, "for the purposes of national happiness and glory, they will support and strengthen the federal union by every constitutional means in their power." He believed that "the existence of a congress, vested with powers competent to the great national purposes for which that body was instituted, is essential to our national security, establishment, and independence" and added that, "For my own part, I do not hesitate to pronounce, that, in my opinion, that body is not possessed of those powers which are fully adequate to the purposes of our general sovereignty; nor competent to that energy and exertion of government, which are absolutely necessary to the management and direction of

² Bancroft *Const.*, vol. 1, p. 119, *vide* the Supreme Court's opinion in *Texas v. White*.

the general weal; or the fulfilment of our own expectations." He continued by stating that: "This defect in our federal constitution I have already lamented, as the cause of many inconveniences which we have experienced; and, unless wisely remedied, will, I foresee, be productive of evils, disastrous, if not fatal, to our future union and confederation." In his "idea, a congress, invested with full and sufficient authorities, is as absolutely necessary for the great purposes of our confederated union, as your legislature is for the support of internal order, regulation, and government, in the State. Both bodies should be entrusted with powers fully sufficient to answer the design of their several institutions. Their powers should be distinct; they should be clearly defined, ascertained, and understood. They should be carefully adhered to; they should be watched over with a wakeful and distinguishing attention of the people. But this watchfulness is far different from that excess of jealousy, which, from a mistaken fear of abuse, withholds the necessary powers, and denies the means which are essential to the end expected." He was not alarmed at dangers from the governmental officers but thought that: "In our present temper of mind, are we not rather to fear ourselves? to fear the propriety of our own elections? or rather to fear that, from this excess of jealousy and mistrust, each one, cautious of his neighbor's love of power, and fearing lest, if he be trusted, he would misuse it, we shall lose all confidence and government and everything tend to anarchy and confusion? from whose horrid womb, should we plunge into it, will spring a government, that may justly make us all to tremble."³

The Lower House were averse to Trumbull's views as to enlarging the powers of Congress and struck out an endorsement of his position thereon, when they adopted resolutions of appreciation for his services.⁴

³ Carey's *American Museum*, vol. 3, p. 33.

⁴ Stuart's *Trumbull*, p. 609.

As Trumbull wrote his friend Washington⁵, upon November 15, this paragraph of endorsement was rejected through fear; "lest by adopting it, they should seem to convey to the people an idea of their concurring with the political sentiments contained in the address; so exceedingly jealous is the spirit of this State, at present, respecting the powers and the engagements of Congress, arising principally from their aversion to the half-pay and commutations granted the army."

The rejected resolution was mild enough and stated only that the Assembly "considered those important principles of justice, benevolence, and subordination to law, therein inculcated, as constituting the only solid basis, upon which social happiness can be established and, therefore, deserving the serious attention of the good people of this State."

Another Connecticut man who was a strong supporter of a vigorous National government was Noah Webster, who wrote in 1784:⁶ "We can not and ought not to divest ourselves of provincial attachments, but we should subordinate them to the general interest of the continent; as a citizen of the American empire, any individual has a national interest far superior to all others."

Connecticut was not represented at the Annapolis Convention, but Madison had written Jefferson⁷ on August 12, 1786, that "Connecticut declined, not from a dislike to the object, but to the idea of a Convention, which, it seems has been rendered obnoxious by some internal Conventions which embarrassed the Legislative authority."

In the early months of 1787, the proposed Convention at Philadelphia received considerable discussion in Connecticut. The *New Haven Gazette* and *Connecticut Magazine*, edited by Josiah Meigs, was quite

⁵ Ford's *Washington*, vol. 10, p. 342. Sparks's *Washington*, vol. 9, p. 4.

⁶ Bancroft *Const.*, vol. 1, p. 185.

⁷ Hunt's *Madison*, p. 262.

favorable to the movement for a closer union and printed, in its issue for March 1, an article stating that "the objects of this union are the support of a federal government—the protection of the union as a nation—its defence and dignity." Congress have not "money to oil the wheels of wisdom and power" and "are almost contemptible for want of power." "We shall have confusion and war or an increase of the powers of Congress. May Heaven induce us to the latter." A growing lawlessness was felt over all the land and the Shays Rebellion brought terror to Connecticut. "We should top off the libertinism of juvenile independence, strengthen the grand basis of our system of government and give greater stability and energy to all its operations." Those ideas were advanced in later issues of this and other newspapers printed in the State, though occasionally we find a discouraged note, such as that stating that the country may break up into several confederacies.⁸ Articles advocating a closer union were copied from journals without the State and we find that the importance of Washington's attendance on the Convention was fully realized.⁹

At the opening of the May session of the Assembly in 1787, Governor Huntington referred in his speech to the meeting of the proposed convention at Philadelphia and stated that he had convened his Council to ask them, if a special session were necessary to elect delegates "for the purpose of revising and altering the articles of confederation"; but they had decided against the need of it, if the legislature took up the matter promptly at the regular session, as the Governor hoped they would do.

Considerable discussion¹⁰ followed before the vote was taken on May 12.¹¹ Colonel Charles Burrall

⁸ *New Haven Gazette*, April 26.

⁹ *New Haven Gazette*, May 3.

¹⁰ In April, 1787, Madison wrote that of Connecticut alone doubts are entertained (*Van Santwood Chief Justices*, p. 252).

¹¹ *Hartford Courant*, April 16 and May 14, 1787, also *Conn. Journal*, *Carey's American Museum*, vol. 2, p. 395.

of Canaan opened the debate. General Jedidiah Huntington followed and would have voted for the proposal, "from the respect to Congress and affection to our sister states," since "the measure under consideration is commended by Congress and has been either anticipated, or acceded to, by most of the States."

There were those who considered that "the confederation is sufficient for its purposes and some who believe we should do better without any." To answer their contentions, Huntington ably continued: "The confederation was framed while this country was smarting under the hand of arbitrary power" and hence, erected "an authority over this country, without committing absolutely any power to it. The compact between the several states has not any penalty annexed to it for the breach of its conditions: nor is it provided with any power of coercing a compliance; the observance of it depends entirely on the goodwill and pleasure of each State." The confederation is "an insufficient one," for the "importance of a general government, a superintending power that shall extend to all parts of our extensive territory, to secure peace and administer justice between one state and another and between these States and foreign nations, must be obvious to the least reflexion." "Animosities and contentions of the most serious nature" are likely "to arise between the States" and, in a "cool and dispassionate hour," plans should be made, for checking these disputes and obtaining "the original object" of the union. * Connecticut alone is too weak to face a foreign power and has no assurance of the continuance of the "peaceable disposition of our neighbors." With great emphasis, he declared: "I am an advocate for an efficient general government and for a revenue adequate to the nature and exigencies of it. This revenue must not depend on the will of any particular State." He believed that "sufficient revenue (except in case of an expensive war) might be drawn from im-

port duties." He appreciated the importance of the coasting trade and believed that, if the impost were "carried to excess," so that foreigners resisted it and made "reprisals by laying counter duties," the "natural tendency" would be "to promote the growth and manufacture among ourselves, of the articles affected by the impositions and proportionably increase our wealth and independence. Manufactures, more than any other employment, will increase our numbers—in that consist the strength and glory of a people."

There was a considerable opposition, headed by Amos Granger of Suffield, who "conceived it would be disagreeable to his constituents" to have delegates sent from Connecticut to the Convention, which would be likely to endanger "the liberties of the people" and "have a tendency to produce a regal government in this country." The "Constitution of Connecticut was sufficient for every purpose, added to the Articles of Confederation, in which sufficient power was already delegated to Congress."

Hosea Humphrey of Norfolk followed and approved Granger's position, observing that it "would be better to oppose the measure in the first instance" and imitate the conduct of Rhode Island in refusing to send delegates; for, if a majority of the States complied with any recommendations of the Convention for alterations in the articles of Confederation, that majority would "compel the minority to comply also, however opposed the latter might be to any change in the federal government," a prophecy proven true by the future course of events. Colonel Thomas Seymour of Hartford next spoke in favor of sending delegates. He was happy that the proposal had "come from so respectable a quarter" as the State of Virginia. "The affairs of the Union" had "truly arrived at an alarming crisis," for "Vermont was balancing between Canada and the United States" (always spelled with small initial letters in the newspapers), the West was rapidly increasing in population and was draining the East "by

constant emigrations," New York "was too much attached to her local interests and had become unfederal," while "the affairs of Massachusetts were still unsettled" and Rhode Island, "by her iniquity, had justly become the reproach and scorn of her neighbors." "He flattered himself, that the convention would find a remedy for all evils, and that efficiency might be given to the federal government, that every part of the United States, however disjointed at present, might be brought to promote the great objects at first proposed by their union."

Captain Daniel Perkins of Enfield then spoke in opposition, fearing that the "State would send men that had been delicately bred, and who were in affluent circumstances, that could not feel for the people in this day of distress." He also held that "if we send, we shall be under double obligation to adopt what the convention shall recommend."

Colonel Jeremiah Wadsworth of Hartford next added his great weight to the federal side of the debate. Everybody allowed that the "present confederation does not answer the purpose of federal government." The articles of confederation are "entirely neglected," though "solemnly declared to be inviolably preserved" and "there is no power in the federal government to enforce them." Rhode Island's example should not be followed. "They have forfeited all claim to the confidence of the United States, and of the whole world: their acts are a disgrace to the human race." "It was very alarming to find that men are boldly declaring that it would be better to go back to Great Britain" and that at least one member of the Assembly wished "we had been conquered by the British." "If there is to be no power of coercion, there is to be no government." As to the objection that delegates would be "delicately bred," Wadsworth said: "Are we so stupid as to send delegates that are unacquainted with our situation and circumstances?" "No state," in Wadsworth's opinion, "had more reason to wish for

an alteration in the articles of confederation than Connecticut. Fertile and well cultivated, we have large exports from the produce of our land, and we consume much foreign produce. The profits of importation go entirely to our neighbor states. There is collected by them at least one hundred thousand dollars impost (annually) which we pay." He concluded by comparing the State to a "strong ass, couching down, not under two, but under twenty burdens; and they will finally crush us out of existence."¹²

Mr. Fitch opposed sending delegates, because of a fear that "the privileges of the people would be exposed to danger," but Samuel Davenport of East Haven followed him with a careful argument, advocating the sending of delegates. Those who say that the "articles of confederation need no revision" are virtually declaring that they "want no continental government: for what power has congress now?" (The article is almost invariably omitted in the newspapers.) "They have, it is true, the power of demanding money: but have they the power to collect it?" Even Connecticut has failed to honor their requisitions for money, although it has granted additional powers over commerce to Congress and has clamored against New York, for "not granting the same additional authority." Some men in Connecticut have even urged that New York be coerced, while their own State was failing to comply with congressional requisitions. "What would have been the consequence of disunion in the late war?" he inquired, when all the strength of the United States was necessary and "the resolutions of Congress were most critically attended to and observed, when they were of more force than law." An efficient national government "was also necessary

¹² Under date of June 3. Farrand, vol. 3, p. 33, King's *Rufus King*, p. 221, Wadsworth wrote Rufus King that he was "satisfied with the appointment, except Sherman, who I am told, is disposed to patch up the old scheme of government. This was not my opinion of him, when we chose him; as he is cunning as the Devil, and if you attack him, you ought to know him well; he is not easily managed, but if he suspects you are trying to take him in, you may as well catch an eel by his tail."

to preserve peace between the States," whose "interests are in some measure opposed." Davenport made light of the objection that the Southern States may wish to adopt dangerous measures, since "their feelings are more arbitrary and despotic than ours." On the contrary, they have "run into the extremes of democracy, as is shown by the Constitution of Georgia, which prohibits the re-election of a governor," and by the fact that the delegates from those States "at the time of framing the confederation" were "purely republican."

Dangers might be apprehended from Canada, and from the Western settlers, discontented with "the treaty which is on foot with Spain," so that from these causes may arise a "necessity for union and united strength."

Finally, "the convention was first proposed to remedy the evils arising from the embarrassments of our trade; this is an object we have much at heart" and may well rejoice that the Southern States, who "have been heretofore opposed to federal measures" and whose "interests have been opposed to trade regulations," are now so "alarmed that they wish to consolidate the Union." Samuel Hopkins of Goshen despairingly remarked that he "had very little to expect from the proposed Convention," but would vote to send delegates "out of compliment to the sister States"; and Captain John Welton of Waterbury, also favored sending delegates, because, "unless some alterations take place, the union will be entirely at an end." The last speaker whose words were reported was Charles Chauncey of New Haven. He was a new member of the legislature and advocated sending delegates. He felt that these that had spoken had "left little to be urged on the subject, but called to the attention of the members that, in previous sessions, listening to the debates from the galleries," he had constantly heard "complaints that congress had not power enough" and "that, all the evils we feel were for

the want of a well regulated federal government. We have something to hope and nothing to fear from the Convention."¹³

It is interesting to note that, a few days later, Messrs Seymour and Burrall proposed postponing to the next session the compliance with the requisitions of Congress and won by a vote of seventy-nine to seventy in the House.

Colonel Erastus Wolcott of East Windsor was first chosen with Oliver Ellsworth and William Samuel Johnson, as delegates, but, as Wolcott declined the honor, Roger Sherman was selected to succeed him.¹⁴

The credentials of the Connecticut delegates to the Philadelphia Convention, signed by George Wylls,¹⁵ authorized them to confer with delegates from other States, for purposes mentioned in the act of Congress, and to "discuss upon such alterations and provisions, agreeable to the general principles of Republican government, as they shall think proper, to render the Federal Constitution adequate to the exigencies of government and the preservation of the Union." The results of their deliberations should be reported to Congress and to the General Assembly of Connecticut. Ellsworth arrived first at the Convention and answered to the roll call on¹⁶ May 28, Sherman following on May 30, and Johnson¹⁷ on June 2. These three men, whom Bancroft truly terms "remarkable¹⁸ in age, in experience" and "in illustrating the force of religion in human life," may well be matched with the delegation from any other State and took a prominent part in the Convention.

¹³ Col. Benjamin Hinman of Woodbury spoke in favor of sending delegates, *vide Courant*, May 21, 1787.

¹⁴ Brown's *Ellsworth*, p. 118.

¹⁵ *Doc. Hist. Const.*, vol. 1, p. 13. *Farrand Recs. Fed. Conven.*, vol. 3, p. 585.

¹⁶ Ellsworth left Philadelphia and returned to New Haven on August 27. *Farrand*, vol. 3, pp. 75, 587.

¹⁷ Sherman and Johnson remained throughout the Convention, except that Sherman came to New Haven in the end of July, to attend his daughter's wedding to Simeon Baldwin.

¹⁸ *Const.*, vol. 2, p. 47.

Roger Sherman was the eldest, a man of "grave and massive understanding,"¹⁹ whom his fellow citizens delighted to honor.²⁰ He²¹ was sixty-five years old when the convention met, and was surpassed in years by Franklin only among its members.²² Alone of all men, Sherman had the privilege of signing the Association of 1774, the Declaration of Independence, the Articles of Confederation, and the Constitution. He had been on the committee of five to prepare the Declaration of Independence and, because of his "practical wisdom" and his "very intimate knowledge of his own countrymen," he had been called by John Adams "one of the soundest and strongest pillars of the revolution." He had been born in Massachusetts and had learned the shoemaker's trade. Removing to New Milford, Connecticut, at the age of twenty-two, he became the surveyor of Litchfield County two years later and made the calculations for an almanac. In 1754, he began to practice law, and, five years later, he became a judge. In 1761, he removed to New Haven, being chosen a judge there four years afterwards, In the succeeding year, he was elevated to the bench of the Supreme Court, where he sat until 1789, being also an Assistant, or member of the Upper House of the legislature. He was first mayor of New Haven and continued to hold that office from 1784, till his death

¹⁹ Hollister's *Connecticut*, vol. 2, p. 435.

²⁰ A French Witness, Farrand, vol. 3, p. 233, speaks of Ellsworth and Sherman, like Benjamin Huntington, as men: "simple dans ses manières, mais sage et infiniment raisonnable; n'ayant jamais suivi aucun parti et voulant le bien sans considérer des motifs personnels." Of Connecticut, he wrote: "Les gens de cet Etat ont, en général, un caractère national qu'on ne trouve guères dans les autres parties de continent. Ils se rapprochent plus de la simplicité républicaine; ils sont tous à leur aise sans connoître l'opulence. L'economie rurale et l'industrie domestiques sont poussées très loin dans le Connecticut; le peuple y est heureux."

²¹ See *Report of Am. Hist. Assoc.* 1893, p. 231, paper by Lewis H. Boutell and the same writer's life of Sherman. Less important accounts are found in *Worcester Magazine*, vol. 1, p. 264 by D., in Sanderson's *Biographies of the Signers*, vol. 3, p. 199, by Robert Waln, in *Am. Hist. Review*, vol. 3, p. 326, in Duykincks National Portrait Gallery, vol. 1, p. 334. Interesting characterizations of Sherman and the other two Connecticut delegates will be found in Farrand's *Framing of the Constitution*, pp. 33-35.

²² Franklin was eighty-one years old.

in 1793. In 1783, with Richard Law, he revised the Statutes of the State. He was often in the Continental Congress and sat in the Federal House of Representatives from 1789 to 1791 and in the Senate, from that date until his death.

Plain and unostentatious, even awkward and bashful in appearance, he was firm and unwavering in his opinions. As early as September 15, 1775, John Adams said that he had a "clear head and sound judgment" and later acquaintance confirmed his high opinion of "that old Puritan, as honest as an angel and as firm in the cause of American independence as Mount Atlas," who was "one of the most sensible men in the world." In his speeches, Sherman was remarkable rather for the comprehensive view he took of subjects than for eloquence. Bancroft remarked that he never made long speeches, but "would intuitively seize on the turning point of a question and present it in terse language, which showed his own opinion and the strength on which it rested."²³ The same writer stated that there were found in Sherman "kindheartedness and industry, penetration and close reasoning, an unclouded intellect, superiority to passion, intrepid patriotism, solid judgment, and a directness which went straight to its end." A "self taught man," Sparks well said of him, that he "had rarely been excelled in native good sense, soundness of judgment, singleness of heart, and uprightness of character." Patrick Henry ranked him with Washington, Richard Henry Lee, and George Mason, as the greatest statesmen he ever knew and Sherman was the only one of the four not a Virginian. Theodore Sedgwick said of him that he "was the man of the selectest wisdom that ever I knew," and President Stiles, in writing in his Diary at the time of Sherman's death, bore testimony to him as "an extraordinary man, a venerable, uncorrupted patriot."

²³ *Hist. Const.*, vol. 2, p. 49.

This erect, brown haired, blue eyed man at first favored amendment of the Articles of Confederation and "entered the Convention," to use Boutell's words, as a strong Confederationist. He left it a firm Nationalist." His austere virtue put to every proposal the test he named in the tariff debate of 1789 that "popular opinion is founded in justice and the only way to know if the popular opinion is in favor of a measure is to examine whether the measure is just and right in itself." As early as August 25, 1777, being a hard money man, he wrote Samuel Adams that Confederation was "absolutely necessary to support the public credit of the United States" and, on October 31, 1778, he told Elisha Paine that "the strength of the United States lies in their union." In 1776, he had advocated a representation in Congress, on the basis both of the States and of population, in which proposition Boutell sees the germ of the so-called Connecticut Compromise, which Sherman suggested in the Convention on June 11, 1787.²⁴ It seemed to him, as he told John Adams, that "the State is the most important Branch in the government, for aiding and supporting the executive, securing the rights of the individual States, the government of the United States, and the liberties of the people."²⁵

His grandson, Senator Hoar, wrote that "it seems to me clear²⁶ that the plan was Mr. Sherman's, that the proposal of it in the Convention was Mr. Sherman's, the first motion in its favor was Mr. Sherman's and that the final proposition, which made it safe in the clause about amending the Constitution, was Mr. Sherman's, and that he was on the committee that reported it, and that he made more speeches in its favor than anybody else and seems to have had the entire management of conduct of the measure."

²⁴ He favored leaving the slave trade for the present, believing that "in time slavery will not be a speck on the country."

²⁵ In Congress, Sherman opposed the recognition of instructions to representatives and the Potomac site of the capital, while he favored naming a day of thanksgiving, and the assumption of State debts, and voted for the United States bank.

²⁶ Lodge's *A Fighting Frigate*, p. 496.

"Mr. Sherman, if he were remarkable for anything, was remarkable for his great tenacity in insisting on plans he had once devised, his great success in attaining his objects, and his great influence over the bodies to which he belonged, especially his great influence over the minds of the ablest men. I think he may be fairly compared to Alexander Hamilton in that particular. That this is true is proved by abundant testimonials from his great contemporaries. I do not think such testimonials are in existence in regard to another of them, save Washington alone, with a possible exception of Dr. Franklin."

William Samuel Johnson was the least conspicuous of the delegation and yet, by any test, he was a man who ranked high. The son of an Episcopalian, who had been the first head of King's College, now Columbia University, Johnson followed his father in his post. He was a graduate of Yale College, a lawyer who had been a member of the Stamp Act Congress, but had not been conspicuous during the Revolutionary war. Connecticut had retained him to appear for her in the Wyoming controversy in 1782 and Oxford University gave him a degree of D. C. L. A conservative man, he had not favored calling the Convention at first; but became a useful member and served as chairman of the committee on style. He was later chosen as one of the first United States Senators from Connecticut. His life justified Bancroft's encomium that²⁷ he was of "good humor, composedness and candor," and that he knew how to conciliate and to convince.²⁸ Trumbull, the author of *McFingal*, said that the "polish and beauty of his style, his smooth and easy flow of words and sweet melodious voice, accompanied with grace and elegance of person and manner, delighted and charmed his hearers."²⁹

²⁷ Bancroft *Const.*, vol. 2, p. 50.

²⁸ Beardsley's *Life of W. S. Johnson*, p. 127, claims that he suggested the Connecticut Compromise. Hollister's *Connecticut*, vol. 2, p. 435, speaks of him as the "ripest perfection of a scholar" and (p. 452) notes that he proposed to count all the slaves for purposes of representation, while Ellsworth favored counting only three-fifths of them.

²⁹ Quoted in Flanders' *Chief Justices*, vol. 2, p. 65.

William Pierce, one of his colleagues in the Convention, bore testimony³⁰ to him as "a character much celebrated for his legal knowledge; he is said to be one of the first classics in America, and certainly possesses a very strong and enlightened understanding." He thought Johnson had been overrated as an orator, but added that he "possesses the manners of a gentleman and engages the hearts of men by the sweetness of his temper and that affectionate style of address with which he accosts his acquaintance."³¹

Oliver Ellsworth was forty-two years old, the youngest of the delegation.³² He is said to have formed himself on the model of Sherman and to have been chiefly different from him, because he had a liberal education, having graduated at Princeton. He studied theology for a year and then turned his attention to law. He married when young and poor and is said to have cut wood to pay his debts, but soon gained a leading position at the Connecticut bar. President Dwight³³ wrote of him that he was "always possessed of his own scheme of thought concerning every subject which he discussed, ardent, bold, intense, and masterly. His conceptions were just and great; his reasonings invincible; his images glowing; his sentiments noble; his phraseology remarkable for its clearness and precision; his style concise and strong; his utterance vehement and overwhelming. Universally, his eloquence strongly resembled that of Demosthenes; grave, forcible and inclined to severity." He, frequently, poured out to juries "floods of eloquence,

³⁰ *Amer. Hist., Review* vol. 3, p. 326.

³¹ He wrote his son, on June 27, 1787, that the obligation of secrecy prevented him from telling what was transpiring. Farrand, vol. 3, p. 49. Farrand in the same volume, at page 552, prints extracts from his diary.

³² See Flanders *Chief Justices*, vol. 2, p. 55, Van Santwood *Chief Justices*, p. 217, Herrings *Nat. Portrait Gallery*, vol. 4, *Am. Lit. Mag.*, vol. 1, p. 195, Duykinck, *Nat. Portrait Gallery*, vol. 1, p. 345, *Am. Hist. Rev.*, vol. 3, p. 326, *Portfolio*, (Poole 34) vol. 20, p. 185, *Analectic Magazine*, vol. 3, p. 382, by Gulian C. Verplanck, Lewis's *Great American Lawyers*, vol. 1, p. 307 by F. G. Cook, address by Henry C. Lodge at Yale in his *A Fighting Frigate*, J. L. Irving *Discourse on Classical Learning* N. Y., 1830, H. A. Rowland *Eulogy on Ellsworth*, 1808, in addition to the valuable biography by Wm. G. Brown.

³³ *Travels*, vol. 1, p. 301.

which were irresistible and overwhelming." Again Dwight said that Ellsworth "was formed to be a great man. His presence was tall, dignified, and commanding, and his manners, though wholly destitute of haughtiness and arrogance, were such as irresistibly to excite in others, wherever he was present, the sense of inferiority. His very attitude inspired awe." When Washington was not present in any "assembly, no one would be more readily acknowledged to hold the first character" than Ellsworth. In line with the last tribute, is the unwilling praise of Aaron Burr who said that Ellsworth was the Cerberus of the Treasury as opposed to money grants and had such influence over the Senate, while he was a member of it, that if he spelled the name of the Deity with two *ds*, it would take the Senate three weeks to expunge the superfluous letter.³⁴ Other contemporaries were loud in his praise. John Adams wrote in 1813 that Ellsworth was "the finest pillar" of Washington's administration. Madison added in 1836: "As a speaker, his reasoning was clear and close and delivered in a style and tone which rendered it emphatic and impressive." Washington was his friend, Oliver Wolcott wrote of Ellsworth in 1790,³⁵ that he supported his opinions "with all that boldness and reason which give him a predominant influence in the Senate." This tall, erect man, whose large penetrating blue eyes looked fearlessly out from beneath heavily arched brows, with powdered hair, wearing the dress of the day, silk stockings and knee buckles, is one of the most impressive figures of the period. His style in speaking was better than he used in writing and he wrote few and brief letters, fearing, it is said, that they should be published, but we have a clear picture of him, from his speeches and his acts. His "habits of thought were slow and laborious." Bancroft summed up his char-

³⁴ Goodrich's *Recollections*, vol. 1, p. 536.

³⁵ Gibbs's *Wolcott*, vol. 1, p. 49.

acter thus:³⁶ "Of robust habit of mind, he was full of energy and by nature hopeful; devoid of sentimentality and safe against the seductions of feeling, or the delusions of imagination, he was always self-possessed. Free from rancor and superior to flattery, he could neither be intimidated nor cajoled. His mind advanced cautiously, but with great moving force. Knowing what he needed, he could not be turned from its pursuit; obtaining it, he never wrangled for more."

Hollister³⁷ also bears testimony to his logical and argumentative mind. He "possessed an analytical style of condensed statement, through which there ran, like a magnetic current, the most delicate train of analytical reasoning. His eloquence was wonderfully persuasive too and his manner solemn and impressive." He had an "eye that seemed to look an adversary through," a "deep, rich voice and a reserved force of scornful satire."

Van Santvoord's estimate is that "his mind was not inventive. He was better adjusted to aid in the execution, than in the construction of a plan of government. He came to the Convention with two ideas fixed and indelibly impressed on his mind. One of these was the preservation of the identity, the influence, and the sovereignty of the respective States; and the other, the engrafting upon the new system, as far as practicable, those simple, democratic principles which were embodied in the institutions and government of his native State."

Living at Windsor and practising law at the Hartford bar, Ellsworth had climbed the several steps of the official ladder, which Connecticut, like the Roman Republic, provided for her public men. He had been State's Attorney, Assistant, and Judge of the Superior Court. He presided at the pay table and, with Sherman, had sat in 1780 on the Committee to fix prices. In 1777, he had been sent to the Congress, where he

³⁶ *Hist. Const.*, vol. 2, p. 51.

³⁷ *Hist. Conn.*, vol. 2, p. 435.

had served on the marine committee and on that to consider the establishment of a bank. In Congress, he stood with unyielding pertinacity for the interests of Connecticut and of the whole country and was said to be one of the four controlling minds of the body. On the discussion as to raising revenue, he said that the vital question was how far the Federal Government can, or ought to coerce delinquent members. He left Congress in July 1783 and, just before then, wrote Jonathan Trumbull from Princeton: "It will soon be of very little consequence where Congress go, if they are not made respectable, as well as responsible, which can never be done, without giving them a power to perform engagements as well as to make them. * * * There must, sir, be a revenue, somehow established, that can be relied on and applied for national purposes, as the exigencies arise, independently of the will or views of a single State, or it will be impossible to support national faith or national existence. The powers of Congress must be adequate to the purposes of the Constitution. It is possible there may be abuses and misapplication, still it is better to hazard *something*, than to hazard *all*." Willing thus to hazard something, though he was held to be among the "ablest advocates of what was termed the States Rights party,"³⁸ he co-operated eagerly with his colleagues in the Convention in advocacy of the Connecticut compromise. He felt that the "only chance of supporting a general government lay in grafting it on those of the individual States" and he favored the use of the phrase "government of the United States," rather than national government.³⁹

After the final adoption of the Constitution by Rhode Island, in forcing which State to take favorable action, he took large part, Ellsworth wrote, on June

³⁸ Flanders, vol. 2, p. 129.

³⁹ He is said to have told his son that the Constitution was drawn by himself and five others. Farrand, vol. 3, p. 397. At first he favored payment of Congressmen by the States, but later changed his mind. He opposed paper money and, like Sherman, thought it best not to interfere with the African slave trade.

7, 1790, that Rhode Island had been "brought into the Union, and by a pretty cold measure in Congress, which would have exposed me to some censure, had it not produced the effect which I expected it would and which in fact it has done. But 'all is well that ends well.' The Constitution is now adopted by all the States and I have much satisfaction, and perhaps some vanity, in seeing, at length, a great work finished, for which I have long labored incessantly."

His later career added to his renown. With his colleague, Johnson, in the United States Senate he drafted the Judiciary Act; he urged upon Washington the mission of Jay to England and helped Washington to draft the message, refusing to send the House of Representatives papers which it requested. He defended the right of the President to remove officers, formulated the enacting clause of bills and presented the bill for the organization of the territories. He hardly slept for anxiety, when Washington considered whether or not he would sign the Jay treaty, and he refused to vote for the confirmation of Rutledge as Chief Justice, because he had opposed that treaty. Appointed Chief Justice by Washington, Ellsworth showed his fearlessness by rebuking Justice Chase for interrupting counsel, and his charges to Grand Juries were always admirable. For example, at Savannah on April 25, 1796, he said: "so long as America shall continue to have one will, organically expressed and enforced, must she continue to rise in opulence and respect." He felt that the Federal government was "the Palladium of American Liberty and the ground of national hope." He approved the alien and sedition acts and opposed the election of Jefferson to the presidency, though he preferred him to Burr. He accepted nomination as commissioner to France in 1799, and the French treaty, which opened the way to the Louisiana treaty, was in large measure due to him. When he "found himself unable to secure the much desired indemnities," he "boldly disregarded his instructions

and made the best bargain he could for the sake of peace." After spending a year in England, he returned to Connecticut, resumed his position in the Upper House of her Assembly, and died at his home in 1807.

His biographers have all united in eulogy. Verplank speaks of him as "no unfit representative of our general national character," not a poet nor a philosopher, but "fitted for the able discharge of great duties in the most arduous and diversified scenes of life. He had a cold and colorless imagination and little general literary curiosity, but his uniform prudence and regularity," joined to a "patient and impartial investigation, sound and accurate judgment and quick perception, made him a good judge." An anonymous writer in the *American Literary Magazine* spoke of Ellsworth's "sterling integrity and uncompromising fixedness of principle, with none of the bigotry, intolerance, and narrowmindedness" called Puritan. He was assiduous in his attention to the duties of the legislative bodies in which he served. A clear-headed, ready, calm, and self-possessed debater, he was noted for his simple and lucid statements. He was not "fluent, flowery, or fastidious," but employed "simple, nervous, energetic language" and "presented facts and arguments, with a force and earnestness which carried permanent conviction."

Flanders said he illustrated his arguments with diagrams, not with pictures, and that his penetration, powers of discrimination, and analysis, his earnestness of tone and energy of manner, "went home to the hearts and understandings of his auditors and caused him to have great success with juries at *nisi prius*." "He had business talents of a very high order, power of investigation and reflection, uncommon powers of argument, sound judgment, steady application, ardor, and devotion in pursuit of the public interests."

Ellsworth displayed, in Cook's opinion, "those qualities; tact, courage, initiative, conciliation, power, resource, that made him, one might say, indispensable,

in the inauguration and establishment of the republican system." His character was remarkable for integrity, sincerity, fidelity, and earnestness. He was patient of detail, conciliatory in spirit, fertile in resource, ready and determined in debate. He was a dangerous antagonist, an adroit, efficient leader."

Brown, bearing witness to Ellsworth's "one central gift of ardor, energy, purpose," considered that his guiding genius" was "an English constancy, quickened with a New England keenness, an American readiness and capacity for change." He possessed great quickness of perception and excelled in exposition. His "clear and vivid apprehension and lucid statement of the facts involved in a case would, frequently, throw out a blaze of light, that instantly dispelled all doubt and difficulties, to the surprise and admiration of every attendant."⁴⁰ His "extraordinary terseness of phrase" led him to "pack his meaning into the fewest possible words." He "could never enjoy social or other pleasures, until he had mastered whatever problem he had on his mind. His standard of thoroughness was unusual, his absorption in his work phenomenal. In his brief intervals of leisure, he found children the best resource for amusement and refreshment."

The service of the Connecticut delegates to the Constitutional Convention was a noteworthy one and the arrangement by which the States had an equality of representation in the Senate, while the representation in the House of Representatives is on the basis of population, has become popularly known as the Connecticut Compromise, because of the influence thought to have been exerted by the men from that State in effecting the adoption of the measure. Bancroft⁴¹ said of it that "Connecticut, which was in all sincerity, partly federal and partly national, was now compelled to take the lead"; while Alexander

⁴⁰ P. 40.

⁴¹ *Hist. Const.*, vol. 2, p. 47.

Johnston⁴² stated that Connecticut "desired a sound and practical government and the path to it was marked out for her delegates by their own commonwealth's development and history of an hundred and fifty years. * * * Her combination of commonwealth and town-rights had worked so simply and naturally that her delegates were quite prepared to suggest a similar foundation of national and state rights as the foundation of the new government."

This credit had been given the Connecticut delegates when, on February 28, 1847, in the United States Senate, the great anti-Federalist, Calhoun, who had received his education in Federalist Connecticut, had said: "It is owing—I speak it here in honor of New England and the Northern States—it is owing mainly to the States of Connecticut and New Jersey, that we have a federal instead of a national government—that we have the best government, instead of the most despotic and intolerable on earth. Who were the men of these States to whom we are indebted for this admirable government? I will name them. Their names ought to be engraven on brass and live for ever! They were Chief Justice Ellsworth, Roger Sherman, and Judge Patterson of New Jersey. The other States further South were blind; they did not see the future. But to the sagacity and coolness of these three men, aided by a few here and there, but not so prominent, we owe the present Constitution."⁴³ Well may the biographer of Ellsworth write⁴⁴: "Calhoun and Webster, though they were the champions of entirely contrary views of the Constitution, agreed on the soundness of his. Alone of all that famous company, he seems to have won the equal homage of those opposed intellects."

While the Convention met in Philadelphia in 1787, David Daggett delivered an Independence Day oration

⁴² *Connecticut*, p. 320, 321.

⁴³ Calhoun's *Works*, vol. 4, p. 354.

⁴⁴ Brown's *Ellsworth*, p. 176.

at New Haven, which showed clearly how serious men in Connecticut considered the national condition to be and how much Shay's rebellion had alarmed a large part of the people.⁴⁵ He said that the "eyes of all Europe are fixed upon us. Their writers and orators, who extolled our success, and predicted our future greatness, now laugh at our folly, burlesque our policy, and condemn our dishonesty. They respect us for what we have been, admire us for what we might be, and despise us for what we are." He feared that "patriotism is fled" and dreaded despotism. On the same day, Joel Barlow addressed the Connecticut Society of the Cincinnati in the North Church at Hartford. He warned his auditors that "the revolution is but half completed. Independence and government were the two objects contended for and but one is yet obtained." "Could the same generous principles, the same wisdom⁴⁶ and unanimity be exerted in effecting the establishment of a permanent federal system," as in severing the States from the British empire, "what an additional luster would it pour upon the present age!"

"Without an efficient government," he continued, "our independence shall cease to be a blessing. Shall that glow of patriotism and unshaken perseverance, which has been so long conspicuous in the American character, desert us at our utmost need?"

He felt that "the present is justly considered an alarming crisis; perhaps the most alarming that America ever saw. We have contended with the most powerful nation and subdued the bravest and best appointed armies: but now we have to contend with ourselves, and encounter passions and prejudices, more powerful than armies, and more dangerous to our peace. It is not for glory, it is for existence that we contend."

⁴⁵ Carey's *American Museum*, vol. 2, p. 593.

⁴⁶ Carey's *American Museum*, vol. 2, p. 136.

He felt that much was "expected from the federal convention" and rejoiced that "so general a confidence from all parts of the country is centered in that respectable body"; but he insisted that more was "demanded from ourselves." The people must be convinced of the "importance of the situation" and must be led to view the "system to be proposed by the convention" "with candor and dispassionate respect." John Adams was praised for what he had done, in his treatise in defence of the constitutions, and was urged to continue the work, by tracing the history of confederacies and delineating a "system adapted to the circumstances of the United States." Barlow looked hopefully toward the future and trusted that the "same political abilities which were displayed" in the Articles of Confederation, "united with the experience we have had of its operation, will doubtless produce a system, which will stand the test of ages, in forming a powerful and happy people."

At the dinner given on that evening, the order of the toasts shows both the importance attributed to the Convention and the precedence given the Federal Union over the State, for we read that the feasters drank first to the United States, then to the Federal Convention, thirdly to Congress, fourthly to His Christian Majesty, the King of France, fifthly to General Washington, sixthly to the Allied Powers, and only seventhly to the State of Connecticut.⁴⁷

While Connecticut's delegates were acquitting themselves well in Philadelphia, their deliberations were of great interest to the people of the State. Rumors of a plan for the division of the country into three republics had reached Hartford,⁴⁸ but the general sentiment was hopeful, as the *Courant* stated⁴⁹ when the news came of the election of Washington and Randolph, as delegates to the Convention from

⁴⁷ *N. H. Gazette*, July 14.

⁴⁸ *Courant*, April 16, 1787.

⁴⁹ April 30.

Virginia. If other States should choose as well, "what happy consequences may not all the true friends to federal government promise themselves from the united zeal, policy, and ability of so august an assembly!" The *Courant* chronicled Washington's arrival⁵⁰ at Philadelphia, the representation of eight States,⁵¹ the organization of the Convention,⁵² the rumor that the Convention will withdraw the right of the States to emit paper money,⁵³ the Convention's secrecy.⁵⁴ The position of the *Courant* was an avowed Federal one. It stated, on June 16: "When, indeed, we consider the critical situation of the country, the anxiety with which every good citizen regards this *dernier resorte* and the decisive effect it must have upon the peace and prosperity of America, though everything should certainly be given to prudence and deliberation, not a moment can be spared to useless forms, or unprofitable controversy." This expression of opinion was followed by a letter from a correspondent in Philadelphia,⁵⁵ who compared the Confederation "to a hut or tent, accommodated to the emergencies of war, but it is now time to erect a castle of durable materials, with a tight roof and substantial bolts and bars, to secure our persons and property from violence and external injuries of all mankind. May this building rise like a pyramid upon the broad basis of the people and may they have wisdom to see that, if they delegate a little more power to their rulers, the more liberty they will possess themselves, provided they take care to secure their sovereignty and importance by frequent elections and rotation of officers," "The Convention is "happily composed of men who are qualified from education, experience, and profession, for the great business assigned to them." They have

⁵⁰ May 21.

⁵¹ May 28.

⁵² June 4.

⁵³ June 18.

⁵⁴ July 2.

⁵⁵ July 9.

a "variety of experiments before them of the feebleness, tyranny, and harshness of our American forms of government." A week later,⁵⁶ in speaking of the "novel" Convention, the *Courant* uttered the hope that patriotism may "blow the gale and virtue be the pilot to the ports of happiness and freedom."

As the days passed, reports of the Convention's progress continued to be good. On July 30, the *Courant* stated that there was "so great unanimity in the Convention that it is proposed to call it Union Hall." "When citizens looked up to the Federal government for safety and protection, the country was powerful and successful at home and abroad"; but, "as soon as they set up the idol of State Sovereignty, distress, confusion, debts, and disgrace" came. "May the enemies of the new Confederation, in Rhode Island or elsewhere, meet the fate of the disaffected in the late war."⁵⁷

When reporting the recess of the Convention and the appointment of the Committee on Style, the *Courant*, expressed the hope⁵⁸ that the "people of the United States are prepared to receive with respect and try with fortitude and perseverance the plan which will be offered to them by men distinguished for their wisdom and patriotism." The eyes of the Continent were truly on the Convention.⁵⁹ "Truth and public safety would probably prevail," since America was not half so well prepared for the Congressional resolves of 1775, or the Declaration of Independence, as for the Constitution. The single States⁶⁰ had been like the prodigal son and now are returning to the father's federal house, so that vigorous, efficient, national government might be expected.

⁵⁶ July 16.

⁵⁷ The animosity felt toward Rhode Island, in Connecticut, undoubtedly aided the Federal cause. June 18, *Courant*.

⁵⁸ August 6. The *N. H. Gazette* for Aug. 2 printed the rumor that the son of George III, the Bishop of Osnaburgh, had been invited to become King of the United States and was hopeful that the Convention would save the country from royal government.

⁵⁹ *Courant* for August 20.

⁶⁰ *Courant*, August 27.

Even before the adjournment of the Convention, report reached Connecticut that Pennsylvania⁶¹ was expected to adopt the Constitution. An allegory of an old man with his thirteen sons, the last of whom hung himself, showed the hostility toward Rhode Island and we are told that "tyrants and official pensioners alone oppose the reformation of governments." Washington is the head of a chosen band of patriots and heroes, "arresting the progress of American anarchy and taking the lead in laying a deep foundation for preserving that liberty by a good government, which he had acquired for his country by his sword."

One of the first objects of the Constitution was to "provide funds for the payment of the national debt and, therefore, restore credit." Every holder of the Continental securities should therefore be "deeply interested in the cordial reception and speedy establishment of vigorous continental government."⁶² Before the Convention was published, the *Courant* felt that the Convention would lay "America under such obligations to establish liberty on so permanent a basis, as no time can cancel." The text of the Constitution was printed in full⁶³ and it was announced that the States had unanimously voted for it in the Convention, while the concurrence of Franklin and the petition of the freemen of Philadelphia for its adoption were also noted. On October 8, the *Courant* reported

⁶¹ *Courant*, September 3.

⁶² August 9, *N. H. Gazette*. "We may expect a scheme of continental government adapted to the circumstances and habits of the people, without regard to the fine drawn systems of elementary writers." September 10, *Courant*. "Every one awaits the decision of the Convention." Sept. 24 notes its adjournment. At the Cincinnati dinner (*N. H. Gazette*, Sept. 11) the order of toasts was the President General of the Cincinnati, the King of France and the friendly powers, the National Convention, the Congress, the Government and the State, efficient federal government and confusion to its enemies. About the same time, at the Yale Commencement, in a dispute, two students argued in favor of the "Expediency of enlarging the powers of Congress" and one opposed it.

⁶³ October 1 *Courant*. October 3 *Journal*. The *N. H. Gazette* copied a censure on Governor Clinton of New York for his opposition to the Constitution (Aug. 16) and reprinted *Observer* V (Sept. 20), which emphasized the necessity of adopting the reform which may be recommended by the Convention."

that there was "great enthusiasm" for the Constitution in Pennsylvania, that Delaware and New Jersey received it favorably, and that a correspondent from Boston wrote: "Honest men must rejoice in the spirit of honesty rising through the new constitution." It was already felt that Washington should be the first president under the national government. The *Journal*, on October 17, published a letter, dated October 14, from Massachusetts to a gentleman in New Haven, in reply to one written on September 24.⁶⁴ This published letter opposed the Constitution and was parodied in the issue of October 24. On October 17, the *Journal* also published a letter from Philadelphia, dated October 10, which stated that the Constitution would be adopted, since ministers and Christians of all denominations are praying for it and none pray against it.

From New London, on September 26, 1787, Sherman and Ellsworth wrote Governor Samuel Huntington⁶⁵ transmitting to him a printed copy of the proposed Federal Constitution, that he might lay it before the legislature. They stated that "the Convention endeavored to provide for the energy of government on the one hand, and suitable checks on the other hand, to secure the rights of the particular states and the liberties and properties of the citizens. We wish it may meet approbation of the several states and be a mean of securing their rights and lengthening out their tranquility." Especial attention is called to several matters: for example, "The equal representation of the states in the senate, and the voice of that branch in the appointment of officers will secure the rights of the lesser, as well as of the states." The additional powers vested in Congress, in accordance with the "principal object" of the Convention, "extend only to matters respecting the common

⁶⁴ He began "My Objections to the doing of our Honorable Convention are many."

⁶⁵ Born at Windham, 1732, lawyer, judge, Congressman in 1775, president of Congress 1779, died 1796.

interests of the union, and are specially defined, so that the particular States retain their sovereignty in all other matters."

"The objects for which Congress may apply monies, are the same" as those named in the Articles of Confederation and it was "probable that the principal branch of revenue will be duties on imports," while "what may be necessary to be raised by direct taxation is to be apportioned on the several states, according to the numbers of their inhabitants," and Congress will not raise such tax directly, "if each state will furnish its quota."

The restraint on the "States respecting emitting bills of credit, making anything but money a legal tender in payment of debts, or impairing the obligation of contracts by *ex post facto* laws, was thought necessary, as a security to commerce, in which the interest of foreigners, as well as of the citizens of different States may be affected."⁶⁶

They did not confine themselves to this official communication; but, by letters to the Connecticut newspapers, vigorously advocated the adoption of the Constitution. Ellsworth's anonymous "Letters of a Landholder" were reprinted in newspapers from New Hampshire to Maryland⁶⁷ and received replies from eminent Anti-federalists. These letters were thirteen in number and appeared in print between November 5, 1787 and March 24, 1788. Purporting to be written by a farmer and addressed to farmers, they are plain, direct, and practical, written clearly but without ornament of style. In the first letter, he stated that the "honesty and patriotism" of the members of the Convention are shown by the submission of the new "system to the people, rather than the legislatures,

⁶⁶ Carey's *American Museum*, vol. 2, p. 434, *Courant*, Nov. 6, 1787, *Elliot's Debates*, vol. 1, Farrand, vol. 3, p. 99, *Journal*, Oct. 31, 1787.

⁶⁷ Letters of a Landholder (by Oliver Ellsworth) published in *Connecticut Courant* and *American Mercury*, November 1787-March 1788, also in *Conn. Journal*, December 5, 1787, etc., reprinted in Ford's *Essays on the Constitution*, p. 139 and ff. Answers by Gerry, Williams, and Luther Martin are reprinted in the same volume.

whose decisions are often influenced by men in the higher departments of government, who have provided well for themselves and dread any change, lest they should be injured by its operation." He then struck his keynote by postulating, "as a fixed truth, that the prosperity and riches of the farmer must depend on the prosperity and good national regulation of trade." While the farmers "depend on the mercy of foreign nations, you are the first persons who will be humbled," for "every foreign prohibition on American trade is aimed, in the most deadly manner, against the holders and tillers of the land, and they are the men made poor. Your only remedy is such a national government as will make the country respectable; such a supreme government as can boldly meet the supremacy of proud and self-interested nations. The regulation of trade ever was and ever will be a national matter. A single State in the American union can not direct, much less control it. This must be the work of the whole and requires all the wisdom and force of the continent." Already the importation of salt in foreign bottoms has had the result that "flax seed in 1787 has not returned you more than two-thirds of the usual quantity. From this beginning, learn what is to come." In trenchant phrases, the farmers are exhorted to wait no longer, but to "demand a government which can protect what they have bravely defended."

The low price of farm produce is due to a "bad system of policy and government or rather in having no system at all. When we call ourselves an independent nation, it is false; we are neither a nation, nor are we independent. Like thirteen contentious neighbors, we devour and take every advantage of each other and are without that system of policy which gives safety and strength and constitutes a national structure."

The opponents of the proposed constitution are: firstly: "the old friends of Great Britain"; secondly

“debtors in desperate circumstances, who have not resolution to be either honest or industrious”; thirdly, “men of much self importance and supposed skill in politics, who are not of sufficient importance to obtain public employment, but can spread jealousies in the little districts of country where they are placed”; and lastly, “men who have lucrative state offices,” who “act from principles of self interest” and fear that they will “sink from a controlment of finance, or any other great department of the state, through want of ability or opportunity to act a part in the federal system.” He warns his readers that “this is the last opportunity you may have to adopt a government which gives all protection to personal liberty, and, at the same time, promises fair to afford you all the advantages of a sovereign people.”

He realized that the specious plea was made that a “government is inconsistent with liberty,” but he replied that an “internal government of strength is the only means of repressing external violence and preserving the national rights of the people against the injustice of their own brethren.” He insisted that “a government capable of controlling the whole, and bringing its force to a point, is one of the prerequisites for national liberty.” If we mean to have our “natural rights and properties protected, we must first create a power which is able to do it, and, in our case, there is no want of resources, but a civil constitution which may draw them out and point their force.”

Some men feared that the power granted by the Constitution “should be improved for oppression.” Ellsworth replied that “this is doubtless possible, but where is the probability?” and that “a power of doing good always implies a power to do evil, if the person or party be disposed.” In Connecticut, men do not hesitate to entrust powers of taxation to selectmen and to justices of the quorum, or to permit the town officers to have the disposal of the children. There was actual oppression, on the other hand, “for want

of the power which can protect commerce, encourage business, and create a ready demand for the productions of your farm."

Such is the argument of his first three letters. The fourth and fifth letters are devoted to a reply to Elbridge Gerry's attack⁶⁸ on the constitution and abound in such terse epigrammatic sentences as: "It is an excellency of the Constitution that it is expressed with brevity and in the plain, common language of mankind. Had it swelled into the magnitude of a volume, there would have been more room to entrap the unwary, and the people who are to be its judges, would have had neither patience nor opportunity to understand it."

His sentences fall like sledge hammer blows: "A people can not long retain their freedom, whose government is incapable of protecting them. The power of collecting money from the people is not to be rejected, because it has sometimes been oppressive. Public credit is as necessary for the prosperity of a nation, as private credit is for the support and wealth of a family."

The sixth letter is a rejoinder to George Mason and shows considerable acerbity toward him and Richard Henry Lee, whom Ellsworth charges to have opposed the Constitution because Washington favored it. In the seventh letter, Ellsworth defends the clause in the Constitution which provides that no religious test should be required as a qualification for federal office, as "The business of a civil government is to protect the citizen in his rights, to defend the community from hostile powers, and to promote the general welfare. Civil Government has no business to meddle with the private opinions of the people"; but only to prohibit such practices as involve "gross immoralities and impieties," History has shown that "A test law

⁶⁸ Gerry's letter of October 18 is printed in the *Journal* for November 14, with an answer by a federalist, who claimed that the fact that the great majority of the Philadelphia Convention signed the Constitution proved that it was good.

is the parent of hypocrisy and the offspring of error and the spirit of persecution."⁶⁹

The eighth letter is a bitter personal attack upon Gerry, in which we find that Ellsworth considered that "In Connecticut, our wrongheads are few in number and feeble in their influence. The opposition here is not one-half so great to the federal government, as it was three years ago to the federal impost, and the faction, such as it is, is from the same blindfold party." The time was near at hand for the State ratifying Convention and in his ninth letter, which appeared on December 31, five days before the Convention assembled, Ellsworth addressed the delegates. He urged upon them to remember the "solemn situation" in which they were placed and maintained that "America is, at this moment, in ten-fold greater danger of slavery than ever she was from the councils of a British monarchy, or the triumph of British arms. She is in danger from herself and her own citizens, not from giving too much, but from denying all power to her rulers—not from a constitution on despotic principles, but from having no constitution at all. Should this great effort to organize the empire prove abortive, heaven only knows the situation in which we shall find ourselves; but there is reason to fear it will be troublesome enough." Anarchy may even come and "it is a condition which mankind will not long endure." To avoid it, the people may even accept an "ambitious usurper." The same men oppose the new Constitution as have always been anti-federal. Their policy enables New York to draw "an annual tribute of £40,000 from the citizens of

⁶⁹ In the Connecticut ratifying Convention, William Williams stated that he wished that clause as to the test had been omitted and said that the "newspaper observations" against a test "combated objections which did not exist and was building up a man of straw and knocking him down again." A communication, asking what he meant by this and signed "Landholder," appeared in the *Connecticut Courant* for February 4, and a reply to it was made by Williams, stating that he wished no test, but desired "a religious preamble." Ellsworth published a postscript to one of his later letters, denying the authorship of the letter of February 4, and stating that "against preambles we have no animosity"—see Ford's *Essays on the Constitution*, pp. 195, 205, 207.

Connecticut" and ruins our foreign trade, so that the farmer is "unable to command a just price for his commodities." They have been indulged too long, "until the state is on the brink of ruin." The first citizens of the State have been chosen as delegates to this Convention. "When convened, you will constitute the most august assembly that were ever collected in the State, and your duty is the greatest that can be expected from men, the salvation of your country." Ellsworth published no more numbers of the *Landholder* until February 29, when an extremely vigorous personal attack on Luther Martin⁷⁰ appeared in the *Maryland Journal* and, a few days later, he addressed the Citizens of New Hampshire, in two letters printed in the columns of the *Connecticut Courant*, and urged them to ratify the Constitution. On March 17, the same newspaper printed a vehement article by Ellsworth against the "Rhode Island friends of paper money, tender acts, and Anti-federalism" and, a week later, appeared the *Landholder's* last letter, urging the development of manufactures.

Roger Sherman⁷¹ was no less earnest than Ellsworth and advocated the adoption of the Constitution, through the medium of five newspaper letters to the people of Connecticut. Realizing that "people are justly cautious how they exchange present advantages for the hope of others, in a system not yet experienced," he skilfully showed the disadvantages of small independent governments and then maintained that, "if the constitution is a good one," there need be no fear of uniting, "even if the Union was to be much more complete and entire than is proposed." He was bold

⁷⁰ In the *Courant* for May 5, 1788 appeared this doggerel:

"Did not the Devil appear to Martin
Luther in Germany for certain,
And can't the Devil, if he please,
Come over to Maryland with ease?
This being admitted, then 'tis certain,
He has got into Luther Martin."

⁷¹ Roger Sherman. Letter of a Countryman printed in *New Haven Gazette*, November to December 1787, and reprinted in *Ford Essays on the Constitution* p. 215 and ff.

and sagacious in saying that "the only security that you can have for all your important rights must be in the nature of your government. If you suffer any man to govern you who is not strongly interested in supporting your privileges, you will certainly lose them." He called to the attention of his readers that: "The famous English Magna Charta is but an act of parliament, which every subsequent parliament, has had just as much constitutional power to repeal and annul, as the parliament which made it had to pass it at first." The General Assembly of Connecticut were "supreme" and might trespass on the rights of the citizens, yet no one feared them. "If you can not prove by the best of all evidence," Sherman daringly wrote, "*viz.*, by the *interest of the rulers*, that this authority will not be abused, or at least that those powers are not more likely to be abused by the Congress, than by those who now have the same powers, you must by no means adopt the Constitution—No, not with all the bills of rights and stipulations in favor of the people that can be made." As he viewed the matter, "the sole question (so far as any apprehension of tyranny and oppression is concerned) ought to be, how are Congress formed? how far have you a control over them? Decide this, and then all the questions about their power may be dismissed for the amusement of those politicians whose business is to catch flies." His logic was cogent, when he urged that not only the powers proposed to be given the National government, but also "all other powers, are already in the general assembly. The enquiry is, whether Congress is, by this new constitution, so formed that a part of the power now in the general assembly would be as well lodged in Congress." The people had already granted the General Assembly "all the powers of society" and were only called upon to divide the exercise of these powers between Congress and the Assembly. The larger territory to be governed by Congress and the smaller representation of the

State in that body are no valid objections and there need be no fear that the Congressmen will be too little careful of the property of their constituents. The fact that Senators and Representatives are to serve for a longer time than do members of the Assembly, does not endanger liberty, as the example of England shows, which country elects members of Parliament for seven years.⁷²

During the latter months of 1787, the papers were filled with the news of discussion concerning the Constitution. On October 1, at New Haven town meeting,⁷³ the people by a full vote asked their Representative in the General Assembly to press the summons of a State Convention to consider the Constitution as soon as possible. It was noted that at the assembly of the Congregational clergy in County Association at New Haven the support of that powerful body of the Standing Order was so assured that every one present was favorable to the Constitution. The people read of the adoption by Pennsylvania⁷⁴ and, before the end of the month of October, heard⁷⁵ that the General Assembly had unanimously voted to summon a Convention,⁷⁶ composed of representatives of the towns as in the legislature, except that Colebrook and Barkhamstead, which were not represented in that body, should each have a delegate. The delegates were to be paid, just as the representatives in the General Assembly were, and, after being chosen on the second Monday in November, should meet at Hartford in January. The discussion now became more vigorous. On October 29, the *Courant* said that Connecticut

⁷² Roger Sherman also wrote two "Letters of a Citizen of New Haven" which were printed in *New Haven Gazette*, December 1788, and reprinted in Ford, *Essays on the Constitution*, p. 233. They deal with the proposed amendments to the Constitution and ably defend its provisions.

⁷³ *New Haven Gazette*, October 4.

⁷⁴ October 15, *Courant*. Wilson's speech in the Convention is in issue for October 22.

⁷⁵ October 22, *Courant*. October 25, *N. H. Gazette*.

⁷⁶ *Vide Bancroft Const.*, vol. 2, p. 256, *vide N. H. Gazette*, Oct. 29, letter calling for the choice of "characters of tried abilities and integrity," see also issue for October 4, Josiah Meigs' *New Haven Gazette* printed the broadside, which is dated Oct. 31, 1789.

was to be honored for her early action. The question is "shall union render us respectable and happy, or shall discord and division make us weak, contemptible, and wretched." The Constitution was published in broadside form with the call of the Convention and was thus⁷⁷ circulated throughout the State. Governor Huntington recognized the importance of the occasion and, in his proclamation appointing a day of thanksgiving on November 15⁷⁸, prayed God to "inspire their several Councils with wisdom and unanimity to discern and adopt the best means to promote the prosperity and hapiness of the nation." The Landholder's arguments were supported by a correspondent who showed⁷⁹ that the people are guarded by the State Constitutions and by the nature of things from danger of federal tyranny; but the *Courant* also published Gerry's and Mason's objections to show what could be said in opposition to the Constitution.⁸⁰ So few statements on that side were found, however, that the *Courant* twice defended itself from the charge of being one-sided and suppressing Anti-Federal news.⁸¹

Although there was some attempt in New Haven County to range the farmers against the Constitution, as a document chiefly benefitting the commercial classes, the *Courant* was able to announce on November 26 that the towns had acted, with uncommon unanimity, in choosing delegates who would vote for the adoption of the Constitution. In many places, there was no dissent and, in other towns, instructions to the delegates to support the Constitution were expected to be adopted at the December town meetings. Madison's keen vision had observed that favorable course of events in Connecticut. On September 30,

⁷⁷ *Courant*, November 5.

⁷⁸ *Courant*, November 5.

⁷⁹ November 12, *Courant*.

⁸⁰ November 12 and 26. The *Journal* in New Haven printed Mason's objections to the Constitution in its issue for November 28; but, in the same issue, printed also letters from *Consideration* and *Plain Truth*, advocating the adoption of the document.

⁸¹ December 10 and 24. On December 31, A. Freeman wrote a vigorous article, urging adoption of the Constitution, as the federal government needed power and there was no danger of slavery.

he wrote his father⁸² "The echo from Connecticut and New Jersey, so far as it has reached us, indicates a favorable disposition in those States" and, on the same day, he told Washington that the "first impression seems to be auspicious" in Connecticut.⁸³ Two weeks later, he wrote Washington that "an opposition is known to be *in petto* in Connecticut, but it is not to be much dreaded,"⁸⁴ and, on October 21, he joyfully sent Edmund Randolph word that "the Legislature of Connecticut have⁸⁵ unanimously recommended the choice of a Convention in that State and Mr. Baldwin, who is just from the spot, informs me that, from present appearances, the opposition will be inconsiderable; that the Assembly, if it depended on them, would adopt the system almost unanimously; and that the clergy and all the literary men are exerting themselves in its favor." In the same vein, he wrote Jefferson that "Its passage through Connecticut is likely to be very smooth and easy"⁸⁶ and to Edmund Pendleton⁸⁷ that Connecticut has unanimously called a Convention and "left us no room to doubt her favorable disposition." After the election of the delegates, his certainty was increased. He wrote Randolph⁸⁸ that "The elections in Connecticut are over and, as far as the returns are known, a large majority are friendly to it. Dr. Johnson says it will be pretty certainly adopted, but there will be an opposition. The power of taxing anything but imports appears to be the most popular topic among the adversaries." To Washington, he wrote⁸⁹: "I understand that the Constitution will certainly be adopted in Connecticut, the returns of the deputies being now known and a very great majority found

⁸² Hunt's *Madison*, vol. 5, p. 4.

⁸³ Hunt's *Madison*, vol. 5, p. 7.

⁸⁴ Hunt's *Madison*, vol. 5, p. 10.

⁸⁵ Hunt's *Madison*, vol. 5, p. 16.

⁸⁶ October 24, Hunt's *Madison*, vol. 5, p. 35.

⁸⁷ October 28, Hunt's *Madison*, vol. 5, p. 45.

⁸⁸ On December 2, Hunt's *Madison*, vol. 5, p. 60.

⁸⁹ December 7, Hunt's *Madison*, vol. 5, p. 61.

to be its declared friends"; and again⁹⁰ "Connecticut, it is pretty certain, will decide also in the affirmative by a large majority." He also wrote to Jefferson⁹¹ that "the returns of deputies for the Convention of Connecticut are known and prove, as is said by those who know the men, that a very great majority will adopt it in that State."

The Convention "appointed to take into consideration the new plan of federal government" met at the State House in Hartford on Thursday, January 4, 1788, and, after organization, removed to the Meeting House of the First Society, which building had been especially fitted with stoves, so that it might be warmed and made comfortable for the Convention. The subject matter of the deliberations was so important that the galleries were opened to the public, so that they might listen to the debates. Men took notes of the principal speeches, which notes, though not absolutely accurate, yet represented the general position of the speakers with substantial correctness.⁹² From this full and open discussion and the reports thereof in the newspapers of the State, the people derived much useful information, as to the new government. In the membership of the Convention,⁹³ were found the incumbents of the highest offices of government and some of their predecessors, judges of the Courts, and ministers of the Gospel. Almost a third of the members had been soldiers in the Revolutionary army. The Constitution was read and then debated, section by section, under an agreement that no vote should be taken, until the whole document had been discussed.⁹⁴ The newspapers⁹⁵ said that

⁹⁰ December 20, Hunt's *Madison*, vol. 5, p. 73.

⁹¹ December 9, Hunt's *Madison*, vol. 5, p. 64.

⁹² *Conn. Journal*, Jan. 2, 1788.

⁹³ Bancroft's *Const.*, vol. 2, p. 256.

⁹⁴ On Jan. 7, 1788, the *Courant* printed long articles, favorable to the Constitution, asserting that its adoption in no way endangered liberty, from "The Republican," "Citizens of New Haven," and an anonymous correspondent. On January 21, an article against the Constitution appeared in the *Courant*.

⁹⁵ *Journal*, January 16.

the Constitution was "canvassed critically and fully. Every objection was raised against it which the ingenuity and invention of its opposers could devise."

The debate was opened by Oliver Ellsworth. His speech was an able and convincing one, showed wide reading of history, and was made more effective by his "extraordinarily vehement and rapid elocution"⁹⁶. He believed that the proposed constitution "will be found calculated to answer the purposes for which it was designed" and considered it a "complete system of legislative, judicial and executive power."⁹⁷ Though there was no preface to the document, it "evidently presupposes two things: one is, the necessity of a federal government, the other the inefficacy of the old articles of confederation." He maintained that a "union is necessary for the purpose of national defence," lest "hostile nations sweep off a number of separate states, one after another," as the Romans did the Italian cities and the Israelites the Canaanites, "when divided." History "shews us the necessity of combining our whole force, and, as to national purposes, becoming one State."

The second reason for union was an economical one, as the expenses of defence, "which would be moderate for a large kingdom, would be intolerable to a petty state." The fact that the *per capita* taxation in Holland was double that in England illustrated this point.

Again union was essential "in order to preserve peace among ourselves" and, by placing "a parental hand over the whole," to "restrain the unruly conduct of the members.

Union was also "necessary to preserve commutative justice between the States" and to "prevent the large states from oppressing the small, *e. g.*, to save Connecticut from "the ambition and rapacity of New

⁹⁶ Brown's *Ellsworth*, p. 171.

⁹⁷ Elliot's *Debates*, vol. 2, p. 186, January 9, *Conn. Jour.*, also in *Courant*, Carey's *American Museum*, vol. 3, p. 334, Moore's *American Eloquence*, vol. 1, p. 404.

York" and from the power of Massachusetts. "Have we not already begun to be tributaries?" New Jersey and Delaware, other small States, foreseeing these dangers, have adopted the Constitution unanimously and, if Connecticut does not unite in the ratification, "shall we not be, like Issachar of old, a strong ass crouching down between two burdens." Ellsworth urged that: "A more energetic system is necessary. The present is merely advisory. It has no coercive power. Without this, government is ineffectual, or rather is no government at all." Even "sister states" may become enemies and sacrifice each other, as Holland sacrificed Antwerp. "I wish I could say there were no seeds of similar injustice springing up among us. Is there not in one of our states (probably Rhode Island with her paper money legislation is meant) injustice too barefaced for eastern despotism? That state is small; it does little hurt to any but itself. But it has a spirit, which would make a tophet of the universe." Great Britain, with her governors and her veto on laws of the American provinces, formerly "awed us" and some central power should replace her. Similar powers of coercion were found in the confederacies of ancient Greece, exist in the "Germanic body" and have been introduced in practice, from necessity, in "the Dutch republic, through the stateholder." The Swiss cantons are so far different in circumstances that they form no precedent; but, by treaty, France has been made mediator between some of the cantons, with power to "compel submission to reasonable terms." We have "seen and felt the necessity of such a coercive power." For lack of it, Connecticut and a few other states "bore the burden of the war" of the Revolution and, "since the close of the war," through failure of the States to comply with the requisitions of Congress, "we have been driven to wretched shifts in finance and have not been able to perform our part," in accordance with the "very favorable" treaty of peace with Great Britain. Consequently

we have not received "the forts on our northern quarter." While we have only a shadow of a national government" and suffer "from the want of a federal system," the State of Connecticut is tributary to New York and Massachusetts, paying them tribute through their impost on imports. European nations "were pleased to see us disconnected from Great Britain; they are pleased to see us disunited among ourselves." If we continue so, or suffer the union to expire, we may expect them to divide us among them, as was done to Poland, or to form alliances, playing off the states one against another, so that "we shall be involved in all the labyrinths of European politics." "A power in the general government to enforce the decrees of the union is absolutely necessary."⁹⁸

William Samuel Johnson also spoke on January 4.⁹⁹ He called the attention of the Convention to the fact that the Country was in a critical condition, Ellsworth's picture, "melancholy, but not too highly drawn" showed that "our commerce is annihilated, our national honor, once in so high esteem, is no more. We have got to the very brink of ruin. We must turn back and adopt a new system. The gentleman's arguments have demonstrated that a principle of coercion is absolutely necessary, if we would have a union to answer any beneficial purposes. All ancient leagues had this principle. Holland has, in fact, had it.* * * Under our old Confederation each State was bound under the most solemn obligation to pay its proportion of the national expense." If it did not perform this obligation, it became a transgressor and did injury to the other States, "who have a right by the law of nature and nations to insist upon and compel

⁹⁸ On Jan. 10, 1788, Ellsworth wrote a friend that the report of this speech in the *Connecticut Courant* was incorrect "with regard to some of the historic facts alluded to"; but that "the deviations do not go to circumstances very material to the argument itself." (Brown's *Ellsworth*, p. 172). "Plain Farmer" replied (*Journal*, February 6, and *Courant*, January 18) that he was glad that the speeches were printed and hoped that Ellsworth would correct and republish his.

⁹⁹ Bancroft's *Constitution*, vol. 2, p. 256, *Journal* for January 16, also *Courant*.

a performance. How shall this be done? There is "no other way but by force of arms. What is the consequence? This way of enforcing federal duress leads directly to civil war and national ruin. This was the case with the ancient leagues." To avoid this danger, the Convention "have gone upon entirely new ground. They have formed one nation out of the individual States.* * * The force which is to be employed is the energy of law and this force is to operate only upon individuals, who fail in their duty to their country."

He closed with a solemn warning. "Though no enthusiast, I cannot but attribute it to a signal intervention of Divine Providence that a convention from States, differing in circumstances, interests, and manners, should be so harmonious in adopting one grand system. If we reject a plan of government, which, with such favorable circumstances, is offered for our acceptance, I fear our national existence must come to a final end."

The opposition to the Constitution was led by General James Wadsworth, who objected to the grant of the power to lay duties on imports as partial to the Southern States and claimed that the Federal government was given despotic power by the union of the power of the sword to that of the purse.¹⁰⁰

William Williams¹⁰¹, who held that the Constitution, "was yet too wise and too necessary to be rejected"¹⁰² expressed regret that a religious test was forbidden by that document and wished that "an explicit acknowledgment of the being of God, his perfections, and his providence" had been prefixed to the Constitution.

Three days after the convention opened, on January 7, 1788, Ellsworth addressed it for the second time,

¹⁰⁰ At the next election, the voters left him out of the government. Bancroft *Constitution*, vol. 2, p. 257, Boutell's *Roger Sherman*, p. 167.

¹⁰¹ A graduate of Harvard, served in the French and Indian war, for forty-five years in Connecticut legislature, member of Continental Congress in 1776, died 1811.

¹⁰² Ford *Essays on the Constitution*, p. 207, *Connecticut Journal*, March 3, 1788.

on the power granted Congress by the Constitution to lay taxes. He had listened carefully to the debate on this "most important clause" and considered all the objections made against it "to be unfounded." The first objection was that the clause is "too extensive, as it extends to all the objects of taxation." Ellsworth replied that the clause did "not extend to them exclusively. It does not say that congress shall have all these sources of revenue, and the States none. All, excepting the impost, still lie open to the States. This State owes a debt; it must provide for the payment of it. So do all the other States. This will not escape the attention of congress. When making calculations to raise a revenue, they will bear this in mind. They will not take away that which is necessary for the States. They are the head and will take care that the members will not perish. The State debt, which now lies heavy upon us, arose from the want of powers in the federal system. Give the necessary powers to the national government, and the state will not be again necessitated to involve itself in debt for its defence in war. It will lie upon the national government to defend all the States, to defend all its members from hostile attacks * * * Wars have now become rather wars of the purse than of the sword. Government must, therefore, be able to command the whole power of the purse, otherwise a hostile nation may look into our constitution, see what resources are in the power of government and calculate to go a little beyond us; thus they may obtain a decided superiority over us, and reduce us to the utmost distress."

The second objection was "that the impost is not a proper mode of taxation" since it is "partial to the southern States." Ellsworth was mortified that it should be supposed that he and his colleagues in the convention had made such "a sacrifice of the interests of their constituents" and maintained that there were "three reasons why an impost is the best way of raising

a national revenue." In the first place, it had been found by all nations to be "the most fruitful and easy way." "Direct taxation can go but little way towards raising revenue," for people will not be provident enough to lay up money "to answer the demands of the collector." "If you would do anything to purpose, you must come in when they are spending." When a man is "laying out a shilling for superfluities," the impost "takes two pence of it for public use and the remainder will do him as much good as the whole." He showed "how easily and insensibly a revenue is raised by indirect taxation," by pointing out that, through the New York impost, the people of Connecticut paid annually more than \$50,000 into the treasury of the former state and by calling attention to the portage-bill of £60 paid by each of "our common river sloops" in the West Indies. We pay this tax, "for a duty laid upon our shipping, which transports our produce to foreign markets, sinks the price of our produce, and operates as an effectual tax upon those who till the ground and bring the fruits of it to market." "All nations have seen the necessity and propriety of raising a revenue by indirect taxation, by duties upon articles of consumption" and he cites the examples of France, Switzerland, England, and Holland. The experiments made in Massachusetts, New York, and Pennsylvania "shew the productive nature of indirect taxes." Our imports were already large and were destined greatly to increase with the increase of population, "because our citizens will choose to be farmers, living independently upon their freeholds, rather than to be manufacturers and work for a groat a day." A general impost of 5% on imports "would raise the sum of £45,000 per annum, deducting eight per cent for the charges of collecting," and the increase of importations would speedily overbalance any further deduction to be made "for smuggling, a business which is too well understood among us, and which is looked upon in too favorable a light."

Higher duties, "without any detriment to our health or morals," might be set on certain articles such as rum. The "avails of the impost will pay the interest on the whole foreign debt (£130,000) and nearly satisfy" the "current national expenses" which amount to about £130,000 and consist of the civil list (£37,000) the maintenance of the frontier posts, the "support of those who have been disabled in the service of the continent, etc. "It is a strong argument in favor of the impost that the collection of it will interfere less with the internal police of the States than any other species of taxation. It does not fill the country with revenue officers; but is confined to the sea coast and is chiefly a water operation." The third reason for giving this "branch of revenue" to Congress is that, otherwise, it will be left to the states and will give some of them "an opportunity of oppressing others and destroy all harmony" between them.

The impost is not partial to the south in Ellsworth's opinion. "Until you get as far south as the Carolinas, there is no material difference in the quantity of clothing which is worn." Even there, a "great deal of cold, raw, chilly weather" is experienced and, as far south as Georgia, "the river Savannah has been crossed on ice." Even if less clothing is worn in the South, "people of rank wear that which is of much more expensive kind." In New England, "we manufacture half of our clothing and all our tools of husbandry"; in the South, "they manufacture none nor ever will," because "they find it much more profitable to cultivate their lands, which are exceedingly fertile. Hence they import almost every thing, not excepting the carriage in which they ride, the hoes with which they till the ground, and the boots which they wear." Their great exports, the hundred ship loads of rice and indigo annually sent from the port of Charleston, the tobacco of Virginia, the exports of Maryland, are paid for, not in money, but "in eatables, in drinkables, and in wearables." All these are subject to the impost,

as are "the blacks which Carolina imports." Only the "uninformed mind" can say that the impost is partial. (The Virginians are poor, to a proverb, in money. They anticipate their crops; they spend faster than they earn; they are ever in debt.)

The third objection is that Congress which has the "power of the sword" ought not to "have power to raise any money at all," lest the added "power of the purse" make them despotic. No government ever existed without these powers combined. In England the power of the sword is in the hand of the king, that of the purse in Parliament, but united as the "supreme power of the nation," they have both sword and purse, of necessity, else how could the country be defended? If Congress levy money they must legislate; but Ellsworth will not admit that "two legislative powers can not exist together in the same place," although he grants that "both can not legislate upon the same object, at the same time, and carry into effect laws which are contrary to each other. Each legislature has its province," according to the constitution. "Their limits may be distinguished." "Two several legislatures have in fact existed and acted at the same time in the same territory." During the revolution, Congress had complete power, "wherever the army was, in whatever State." The convention was meeting in a city which was "a complete state in miniature. Yet it breeds no confusion, it makes no schism." Other cities have the same experience. "This constitution defines the extent of the powers of the general government. If the general legislature should at any time overleap their limits, the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the constitution does not authorize, it is void; and the judicial power, the national judges, who, to secure their impartiality, are to be made independent, will declare it to be void. On the other hand, if the states go beyond their limits, if they make

a law which is an usurpation upon the general government, the law is void; and upright, independent judges will declare it to be so." These are strong, clear words on the right of courts to pronounce laws unconstitutional from one of the chief lawyers of the Constitutional Convention, who was destined to be a Chief Justice of the Federal Supreme Court.

He contemplated the possibility of a quarrel between the United States and individual States and said that "it is sufficient for this constitution, that so far from laying them under a necessity of contending, it provides every reasonable check against it." If all the States oppose the general government, "the measure which is opposed to the sense of the people will prove abortive. In republics, it is a fundamental principle, that the majority govern and that the minority comply with the general voice. How contrary then to republican principles, how humiliating is our present condition! A single state can rise up and put a veto upon the most important public measures." This actually took place and was, "in effect, the worst species of monarchy." "Hence we see how necessary for the union is a coercive principle." Every one admits this. "The only question is, shall it be a coercion of law or a coercion of arms? There is no other possible alternative." Ellsworth was for "coercion by law—that coercion which acts only upon delinquent individuals. This constitution does not attempt to coerce sovereign bodies, states in their political capacity. No coercion is applicable to such bodies, but that of an armed force." Reverdy Johnson remembered these facts in 1861, but too many public men forgot them. Ellsworth believed that "this legal coercion singles out the guilty individual and punishes him for breaking the laws of the union." He felt that "the morals of the people" had been "depraved for the want of an efficient government, which might establish justice and righteousness," and he closed his address with the statement that, "if

we wish to prevent this alarming evil; if we wish to protect the good citizen in his right—we must lift up the standard of justice; we must establish a national government, to be enforced by the equal decisions of the law, and the peaceable arm of the magistrate.”¹⁰³

Pierpont Edwards had just preceded Ellsworth, speaking on the same side of the question; but said that, when Ellsworth had finished, so much more light had he thrown on the subject that “I felt like a lightning bug in broad daylight.” A contemporary wrote that Ellsworth “was a complete master of the subject. He was armed at all points. He took a very active part in defending the Constitution. Scarcely a single objection was made, but what he answered. His energetic reasoning bore down all before it.” The *Journal*¹⁰⁴ contrasted Ellsworth’s “Demosthenian energy” with the “learning and eloquence” of Johnson and “the genuine good sense and discernment of Sherman” and said that the combination of the three caused all objections to vanish. Years afterward, Webster told W. W. Ellsworth, the orator’s son, that his own ideas as to the Constitution had their most important source in Ellsworth’s two speeches before the Connecticut Convention. Higher testimony could not be given as to the value of these speeches.¹⁰⁵

In discussing the nature of the Federal Government, during a debate with Calhoun in the United States Senate in 1833, concerning the Supreme Court, Webster said¹⁰⁶: “I cannot do better than to leave this part of this subject, by reading the remarks upon it in the Convention of Connecticut by Mr. Ellsworth, a gentleman, sir, who has left behind him on the records of the government of his country, proofs of the clearest intelligence and of the deepest sagacity,

¹⁰³ Elliot’s *Debates*, vol. 2, p. 390, Carey’s *American Museum*, vol. 3, p. 338, Moore’s *American Eloquence*, vol. 1, p. 406.

¹⁰⁴ Brown’s *Ellsworth*, p. 171. *Journal*, January 16.

¹⁰⁵ Brown’s *Ellsworth*, p. 175.

¹⁰⁶ Webster’s Works, vol. 3, p. 485, Quoted in Lodge’s *Ellsworth*, in his *A Fighting Frigate*, etc., p. 83.

as well as of the utmost purity and integrity of character." Sherman's speeches before the Convention have not been found, but his biographer¹⁰⁷ Waln, claimed with probable reason that the large majority for ratification was "owing in a considerable degree to the influence and arguments" of Sherman, who "uniformly performed," with "great plainness and perspicacity," the "task of explaining the Constitution, section by section, to the Convention."

After full discussion for five days, the Grand Question¹⁰⁸ was moved by General Parsons, seconded by General Huntington. In the debate which followed, three notable addresses were made in the Convention on January 9, 1788, by the three highest officers of the State. Governor Huntington spoke first. He maintained that the "best way to learn the nature and effects of different systems of government, is not from theoretical dissertations, but from experience, from what has actually taken place among mankind." This experience proves, as "an established truth, that no nation can exist without a coercive power—a power to enforce the execution of its political regulations."¹⁰⁹ As a converse truth, "if we look into history, we shall find that the common avenue, through which tyranny has entered in and enslaved nations who once were free, has been their not supporting government." His sage sentences may well be attended to, now as then, for he continued: "The great secret of preserving liberty is to lodge the supreme power so as to be well supported and not abused. If this could be effected, no nation would ever lose its liberty. The history of man clearly shows, that it is dangerous to entrust the supreme power in the hands of one man. The same source of knowledge proves, that it is not only inconvenient, but dangerous to

¹⁰⁷ Sanderson, *Biographies of the Signers*, vol. 3, p. 276.

¹⁰⁸ Hollister's *Connecticut*, vol. 2, p. 461.

¹⁰⁹ Elliot's *Debates*, vol. 2, p. 197. Carey's *American Museum*, vol. 4, p. 167.

liberty, for the people of a large community to attempt to exercise in person the supreme authority. Hence arises the necessity that the people should act by their representatives; but this method, so necessary for civil liberty, is an improvement of modern times. Liberty, however, is not so well secured as it ought to be, when the supreme power is lodged in one body of representatives. There ought to be two branches of the legislature, that one may be a check upon the other. It is difficult for the people at large to know when the supreme power is verging towards abuse and to apply the proper remedy. But if the government be properly balanced, it will possess a renovating principle, by which it will be able to right itself." The British constitution is named with praise, as meeting these requirements.

Huntington believed that "there is at present an extreme want of power in the national government; and it is my opinion that this constitution does not give too much." He did not consider the representation in Congress too small, nor the elections too frequent, nor that the "state governments" would "be endangered by the powers vested by this constitution in the general government." His own congressional experience had shown him that the "members were quite as strenuous advocates for the rights of their respective States, as for those of the union" and he thought that they would so continue." The people themselves must always be the "chief support of liberty. While the great body of freeholders are acquainted with the duties which they owe to their God, to themselves, and to men, they will remain free. But if ignorance and depravity should prevail, they will inevitably lead to slavery and ruin."

He favored the constitution and thought that it bade "fair to promote our national prosperity." "Heretofore, most governments have been formed by tyrants and imposed on mankind by force. Never before did a people, in time of peace and tranquility,

meet together by their representatives, and, with calm deliberation, frame for themselves a system of government. This whole attempt does honor to our country." The address closed with a courteous reference to those who differed from him.

Oliver Wolcott¹¹⁰, lieutenant governor of the State, spoke second, as he felt that he must give his "opinion more explicitly than by a silent vote." There was general agreement "that the present confederation is inadequate to the exigencies of our national affairs." The people must adopt some better plan of government, or "risk the consequences of disunion." After careful consideration, Wolcott decided to favor the new Constitution, for "it is founded upon the election of the people. If it varies from the former system, or if it is to be altered hereafter, it must be with the consent of the people. This is all the security in favor of liberty that can be expected." He considered that "the constitution effectually secures the States in their several rights. It must secure them, for its own sake; for they are the pillars which uphold the general system." The senators are "appointed by the states and will secure the rights of the several states"; while the representatives, "elected by the people at large," will be "the guardians of the rights of the great body of the citizens. So well guarded is this constitution throughout, that it seems impossible that the rights either of the states or of the people should be destroyed."¹¹¹ He saw no necessity for a test oath and felt that, by enjoining on all officers, an oath which is "a direct appeal to that God who is the avenger of perjury," the Constitution had given a "full acknowledgment of his being and providence." He feared no establishment of religion, but would not object to the addition of a clause to secure "us from the possibility of such oppression." Wolcott was

¹¹⁰ Born 1726, died 1797, graduate of Yale, Congressman in 1776, Governor of Connecticut in 1796.

¹¹¹ Elliot's *Debates*, vol. 2, p. 201. Carey's *American Museum*, vol. 4, p. 169.

"happy to see the States in a fair way to adopt a constitution, which will protect their rights and promote their welfare."¹¹²

Last spoke Hon. Richard Law, Chief Justice of the Supreme Court of the State. He also favored adoption of the Constitution and pointed out that defects might be corrected in the future by the "easy, peaceful way of amending" the document. He called attention to the difference between the government of Great Britain and the proposed federal government, in which "the whole is elective; all dependent on the people. The president, the senate, the representatives, are all creatures of the people. Therefore the people will be secure from oppression."

There is no danger of annihilation of the State governments, since the general one rests on them for its support. "It is like a vast and magnificent bridge, built upon thirteen strong and stately pillars,¹¹³ now the rulers who occupy the bridge, cannot be so beside themselves as to knock away the pillars which support the whole fabric." Some feared that a free government had "not energy enough to pervade a country of such vast extent as the United States," but Law urged that the experiment be tried and warned the Convention that "We shall be wanting to ourselves, if, instead of adopting" the Constitution, "we wait for the arm of tyranny to impose upon us a system of despotism." He felt that "the finger of Providence is evidently to be seen in the political affairs of this country" and that the people, who were formerly willing to accept nothing better than the old articles of Confederation, had been led on, by imperceptible degrees, "to see that they are defective." In closing, he expressed the hope that "He who turns the hearts of the children of men, as the rivers of waters

¹¹² Wolcott's strong federalist views are shown in his letter of December 23, 1789, printed in Gibbs's *Wolcott*, vol. 1, p. 33, in which he stated that the "States must be considered as corporations only and their laws strictly municipal."

¹¹³ Elliot's *Debates*, vol. 2, p. 200. Carey's *American Museum*, vol. 4, p. 168.

are turned, will induce the people of the United States to accept of a constitution which is well calculated to promote their national welfare."

Madison's vigilant eye kept watch over the situation and, on January 10, he wrote Edmund Randolph that, "in Connecticut and Massachusetts, the opposition proceeds from that part of the people who have a repugnance in general to good government, or to any substantial abridgement of State powers. * * * The Connecticut Convention has probably come to a decision before this, but the event is not known here. It is understood that a great majority will adopt the Constitution."

"After everything¹¹⁴ which any member had to offer upon the subject had been heard with that candor and attention which was becoming in an Assembly convened to decide the fate of an Empire, the question was put." When the vote was taken, it was found that one hundred and twenty-eight delegates voted for the adoption of the Constitution and only forty against it, so that the majority was eighty-eight, over half of the total vote.¹¹⁵ The ratification was an unconditional one and not even were any amendments proposed. Matthew Griswold, President of the Convention, and Jedidiah Strong, its Secretary, transmitted to Congress the formal announcement of the action of the Convention, signed by the one hundred and twenty-eight delegates who voted in the affirmative. It is a roll of the State's greatest men and contains such names as: Elisha Pitkin, Oliver Ellsworth, Roger Sherman, Pierpont Edwards, Stephen Mix Mitchell, Samuel Huntington, Jedidiah Huntington, Isaac Huntington, Richard Law, Jeremiah Halsey, Philip Burr Bradley, William Samuel Johnson, Eliphallet Dyer, Moses Cleaveland, William Williams, Oliver Wolcott, and Benjamin Hinman.

¹¹⁴ Hollister's *Connecticut*, vol. 2, p. 461.

¹¹⁵ *Doc. Hist. Const.*, vol. 2, p. 86. The affirmative list may there be found.

The negative votes included the names of Hon. James Wadsworth, General Andrew Ward, Col. John Elliott, Col. Noah Phelps, and Captain Daniel Perkins.¹¹⁶

An ardent admirer of the Constitution fervently wrote, shortly after the Convention adjourned,¹¹⁷ that he would never vote for men who *now* opposed the Constitution, "for they fight against God." The writer praised the speeches in the Convention, which he considered equal to those of Roman senators, and bore his testimony to the value of the "Landholder's Letters." Analyzing the membership of the Convention, which was composed of "the greatest characters for wisdom, virtue and piety among us," who "treated each other with candor," he found that in the affirmative list stood the names of two governors of the State, a lieutenant governor, six assistants, four judges of the Supreme Court, two clergymen, eight Generals, eighteen Colonels, seven Majors, thirteen Captains, and sixty-seven County Judges, Justices of the Peace, and "private characters." Among those who voted in the negative, he found an assistant, two Generals, four Colonels, a Major, three Captains, a Lieutenant, twenty-nine Justices of the Peace, and "private characters."¹¹⁸

In his joy over his State's action, Jonathan Trumbull, on January 9, wrote Washington of the decision of the Convention on the preceding evening. He had not been a delegate, because he was "under the cloud

¹¹⁶ A complete list of those voting nay, as given in the *Journal* for January 16 and in the *Courant*, is as follows: Capt. Daniel Perkins, Hezekiah Holecomb, Alexander King, David Todd, Col. Noah Phelps, Daniel Humphrey, William Gold, Timothy Hoadley, David Brooks, Hon. James Wadsworth, Daniel Hall, Samuel Davenport, General Andrew Ward, Col. John Elliott, Daniel Bassett, Col. Street Hall, Samuel Whitney, Capt. Samuel Osborn, Samuel Newton, Ephraim Carpenter, Constant Southworth, Nathaniel Atwood, Jonathan Randall, Simeon Cotton, Stephen Paine, Timothy Perrin, Joseph Wilder, Mathew Patterson, Col. Abner Wilson, Thomas Goodman, Asahel Humphrey, Hosea Humphrey, Josiah Coleman, Jonathan Gillet, Eliphalet Enos, Ebenezer Nash, Capt. Daniel Ingham, Elihu Marvin, Joshua Pomeroy and Major Abiel Pease.

¹¹⁷ *Courant*, January 18. *Journal*, February 6.

¹¹⁸ A letter from a correspondent in Philadelphia, printed in the *Courant* for February 4, said that the majority in Connecticut was great, considering the circumstances.

of commutation and Cincinnati"; but he had attended all the debates and had been "amply compensated by the pleasure and satisfaction and instruction, I have participated on the occasion." The debates were "conducted with a spirit of great candor, liberality, and fairness, and the decision was received with the universal applause of a numerous body of the people of the State, who attended the public deliberations of the Convention and expressed their cordial assent on the moment of decision with a general clap. The great unanimity with which this decision has been made and the liberality with which its previous deliberations have been conducted in this State, I hope, will have a happy influence on the minds of our brethren in Massachusetts.* * * It may not be amiss to mention that, in the list of affirmants in this State stand the names of all our principal characters, with the men of liberality, sentiment, and influence."¹¹⁹ Five days later, in a letter to Washington, Henry Knox referred to the "noble majority" for ratification in Connecticut, including "every character in the convention of any importance" excepting General James Wadsworth.¹²⁰

After the adjournment, Sherman wrote Floyd that, perhaps, a better Constitution "could not be made on mere speculation" and it provided an "easy and peaceable mode of making amendments. If it should not be adopted, I think, we shall be in deplorable circumstances."¹²¹ A curious sequel showed Sherman's influence in his State. When Madison proposed amendments to the Constitution in the first Congress, Sherman opposed them, saying: "The state I have the honor to come from adopted this system by a very great majority,¹²² because they wished for the Government," but they desired no "amendments." The

¹¹⁹ *Doc. Hist., Const.* vol. 2, p. 434.

¹²⁰ *Doc. Hist. Const.*, vol. 2, p. 441.

¹²¹ Wain in Sanderson's *Biographies of the Signers*, vol. 3, p. 279.

¹²² Boutell's *Sherman*, p. 207.

government needed organization first of all. "I do not expect any perfection this side of the grave in the works of man, but my opinion is that we are not at present in circumstances to make it better. It is a wonder that there has been such unanimity in adopting it, considering the ordeal it had to undergo, and the unanimity which prevailed at its formation is equally astonishing." He said, however, that if there were amendments, he preferred them "by way of supplement" and not to "interweave our propositions into the work itself." The amendments were submitted by Congress in the form which Sherman preferred, but Connecticut ratified none of them.

The interest in the progress of ratification by other States continued keen in Connecticut. Her newspapers printed the debates in the Massachusetts Convention and praised the conduct of the minority there, as being truly Republican, since, after a fair investigation and final adoption of the Constitution, the most perfect harmony prevailed.¹²³ The ratification by Massachusetts was celebrated in New Haven¹²⁴ by discharge of cannon and ringing of bells.

On Independence Day, 1788, Simeon Baldwin "pronounced" at New Haven an oration, which was published in pamphlet form, "in commemoration of the Declaration of Independence and establishment of the Constitution of the United States of America" and when the news of the final ratification of the Constitution arrived in Hartford in July,¹²⁵ it was received with public rejoicing, shown by the firing of guns and ringing of bells.

¹²³ *Courant*, March *passim* and April 7.

¹²⁴ *Journal*, February 13.

¹²⁵ *Courant*, July 14.

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