Manuscript: The Making of the Constitution

Tarbell, Ida M.

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THE MAKING OF THE CONSTITUTION.

The convention which framed the Constitution of the United States was a body wrenched by fear of destruction, from thirteen unwilling commonwealths. Separate and independent nationality was the desire of each and all of the original states. Union they feared as a menace to their individuality; and yet for 150 years they had been driven steadily towards union by the encroachments of each other, the threats of the French, the attacks of the Indians, the pretensions of Great Britain.

Again and again temporary unions of a few or the whole had been formed. As early as 1754, Dr. Franklin had turned the Pennsylvania Gazette in favor of confederation, launching the famous legend "UNITED or DIE." In 1765, in 1774, and again in 1775, the colonies had called Congresses to adjust their disputes with Great Britain and when they had found this impossible they had declared themselves free and independent states and set about framing a compact for making good their declaration. It took five years to get the signature of the thirteen states to the articles of confederation, which were essential to carry on the war. Jealousy of each other, dislike to relinquish any of
on the war. Jealousy of each other, dislike to relinquish any of their individual power—fear that they might be taxed unfairly, caused this hesitation. It was unite or yield to Great Britain, however, and they did it finally, and under their compact secured their freedom.

The war over, however, they found themselves in a condition verging on dissolution. In their jealousy and suspicion they had framed a confederation which had no power to execute its own laws. The Congress of the confederation could not collect money to pay the army which had driven the British from America. It could not prevent a state from starting a war. A state might make a treaty with a foreign power, and Congress could do nothing; two states might go to war; Congress would not prevent it. A rebellion might in one might break out, nothing could be done. It was a headless impotent body.
For many years a few far-seeing men had realized that only a general legislature could save the states from being swallowed eventually by foreign powers. Washington, Hamilton, Madison, had all in their letters, their speeches and their conversations steadily advised such a union. By every adroit means they could devise they had shown the advantages of union. The slough of despond into which, after the war, all the states fell deeper each year made their words needed at last by the unwilling ears of the states and after exhortation and entreaties twelve of them finally consented to appoint delegates to a convention to meet at Philadelphia on May 14, 1787. It was known to them all that the object of this convention was to devise some form of general government which could force the separate states to carry out measures which were for the good of all, which could collect, impound, regulate interior commerce, prevent dissensions between members, stamp, sedition and control foreign affairs. So fearful were many of the best men of the country of this extension of the power of the General Government that they refused to serve as delegates and many who went did it with foreboding and reluctance.

It was little to be wondered then that the Convention was slow
It was little to be wondered then that the Convention was slow in assembling. When the delegates from Virginia, the state which had given the invitation to the convention, reached Philadelphia and on the morning of May 14, gathered in Independence Hall, they found there only the delegates of Pennsylvania and it was eleven days before enough delegates arrived to permit the organization of the assembly.

There was no doubt in any one's mind, however, that the assembly when it did get together was worthy of the long labor it had cost to create it, equal to the splendid idea which had given it birth. "Europe will never have seen an assembly more respectable for talents, for knowledge, for the disinterestedness and patriotism of those who compose it," wrote Otto to Vergennes and to-day Europe and America repeats his words. It was made great not so much by the presence of
Washington, of Franklin, of Madison, of Hamilton, though that in itself was enough to win it the respect of the world, but by the fact that almost to a man its members had had long experience in the very work which they had been called there to do, and that they had discharged that work with the highest disinterestedness and intelligence. George Washington the states knew in 1787 as a great and wise General, who had led their armies in Revolution but Washington was more -- a constructive statesman who as early as 1775 had begun to work for a single government. In 1781 he had declared Congress "must dictate and not merely recommend." On the disbanding of the army in 1783 he had sent his noble consular letter to the governors of the states in which he had declared that "it is indispensable to the happiness of the individual states that there should be lodged somewhere a supreme power to regulate and govern the general concerns of the confederated republic without which the union cannot be of long duration." His letters for years had as he wrote Hamilton once "teemed with these sentiments." He not only wrote and talked, he had read Montesquieu, studied the constitution of other countries, and himself had drawn up three different constitutions.

Benjamin Franklin, now 81 years of age, had engaged actively in
Benjamin Franklin, now 51 years of age, had engaged actively in the public affairs of his state and the confederation for 50 years, devising and executing laws, making treaties, and for more than 30 years he had persistently fought for union. He had signed the Declaration of Independence, he had been president of Pennsylvania for the last two years and knew as only a state executive could know, the awful anarchy in the country.

Madison had been in the active work of constructing and enforcing government since he was 23, (he was now 36). He had helped make the constitution of Virginia in 1776, and had been a member of the various bodies of the state. He had been four years her representative in congress and it was he who had done more than any other man to persuade Virginia when reluctant to discharge her duties to the confederacy. It was he who in 1786 had secured an invitation from Virginia to
No sooner was a quorum present on May 25 than the convention organized; General Washington was elected present and a set of rules grave and decorum like their framers adopted. Such was the preparedness of the members for their work that at once after the organization had been completed two outlines for a new government were laid before the convention. The one came from Mr. Edmund Randolph of Virginia, the other from Mr. Charles Pinckney of South Carolina. It is the former only known generally as the "Virginia Plan" that has been preserved. This plan in the form of fifteen resolutions provided for a new government, but for connecting and enlarging the articles of confederation. The means it suggested for doing this was a National Legislature of two houses, the first to be elected by the people of the states, the second by the members of the first; an executive and a judiciary to be elected by the Legislature. The right of suffrage in the Virginia plan was to be proportioned in the states according to their contributions to the General Government or to the number of free inhabitants; the Legislature inherited the right of the Congress of the Confederation, the power to legislate where the states were incompetent, had a negative on all laws passed by the states and could call the force of the union against any state failing to fulfill its duties. A check was put on the Legislature by a "council of revision" made up of the executive and a number of the judiciary.
The convention resolving itself into a committee of the whole, began at once to pick to pieces, amend and digest the propositions. This discussion in committee continued until June 13 when a report on Mr. Randolph's proposition was handed in. It was almost immediately apparent, after the discussions began, that there were four great vital points on which the convention held widely dissimilar views:

1. Shall the Confederacy be revised or a new supreme government be established. The real question, commented some one, was, shall the states swallow the General Government or the General Government swallow the states.  

2. Shall the small states have an equal representation with the large in at least one branch of the Legislature or shall representation be everywhere proportional to numbers, -- a question thrashed out with long struggle in forming the Confederation and divided in favor of equal representation. That the struggle was to come again was apparent before the organization of the Convention when the members from the larger states who were waiting a quorum had said quietly to one another that they must unite firmly in refusing the small states an equal vote. That this might cause trouble was evident from the day of organization for the credentials of the deputies from Delaware prohibited theirs from consenting to such an arrangement.  

3. The nature of the executive shall be one man or three? Shall he be elected directly
the executive shall be one man or three? Shall he be elected directly by the people or by the legislature? Shall he be for life or during good behavior or for a term of years? Shall he have a salary? Shall he be liable to impeachment? 4. The suffrage: Shall it be limited by wealth, by freedom, or shall all men be free and equal at the ballot box?

The struggle came first and naturally on the nature of the new government. Should it be supreme capable of compulsive operation and when brought to vote the majority said ay. But this ay was a boom in the convention. It looked like an effort to destroy the states. "To attempt to abolish the states altogether would degrade the councils of our country, would be impracticable, would be ruinous," urged Mr.
Dickinson of Delaware. "The proposed National Government may be compared to the solar system in which the states are the planets and ought to be left to move freely in their orbits."

"I see no danger of the states being devoured by the National Government," replied Mr. Wilson of Pennsylvania, "on the contrary I wish to keep them from devouring the National Government. I am not for extinguishing the planets, neither on the other hand do I believe they would warm or enlighten the sun. Within their proper orbits they must still be suffered to act for subordinate purposes." "There is too much attachment to the state Governments," urged Mr. Read of Delaware. "I am against patching up the old federal system.....If we do not establish a good government on new principles we must either go to ruin or have the work to do over again." Whatever proposition was before the committee this question had its influence. The negative of the National Legislature on state laws came up. It was absolutely necessary to a perfect system urged Madison. Without the states could never, never be kept out of mischief. Should no such precaution be engrafted the only remedy would be in an appeal to coercion. But Gerr... of... retorted, "The National Legislature with such a power may enslave the states."
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Fearful, however, as many of the convention were of establishing a supreme government, doubtful as they undoubtedly were of the effect the proposition would have on the people they belonged to their decision and on June 13 when the report on Mr. Randolph's propositions came in it declared that a National Government ought to be established consisting of a supreme legislative, executive and judiciary.

And now occurred the first split in the convention. New York and Connecticut were against a National Government. Give a few new powers to the confederation they urged and urged so strongly that the majority began to be alarmed lest their decision cause their withdrawal. It was not only the supremacy of the Nation over the State which made the report to many members; equal representation of small and
large states in the second branch of the legislature was not allowed but that body was to be elected by the state legislatures. Never, said New Jersey and Delaware would they tolerate that. "You see the consequence of pushing things too far," said Mr. Dickinson to Mr. Madison. "We would sooner to submit to a foreign power than submit to be deprived of an equality of suffrage in both branches of the legislature and thereby be thrown under the domination of the large states."

The disgruntled element united and asked a day from the convention to report a new plan which would embody its ideas. This was granted and on June 15 Mr. Patterson of New Jersey presented what is known as the "New Jersey plan." It provided that the articles of the Confederation be so revised as to "render the federal Constitution adequate," defined the additional powers to be given to Congress and provided a federal executive to be elected by Congress who was to be multi-headed - the number being left with the Convention, and a federal judiciary to be appointed by the executive. This scheme explained Mr. Lansing of sustained the sovereignty of the states while that of Mr. Randolph destroyed it, besides contended he, this convention has no power to propose and discuss a scheme which destroys the Confederacy. "We are authorized to conclude nothing," retorted Mr.
the Confederacy. "We are authorized to conclude nothing," retorted Mr. Wilson, "but at liberty to propose anything."

And now (June 18) with the two plans of government before them there came into the conferences a new and powerful voice -- that of Alexander Hamilton. Although but thirty years of age at this time Hamilton had since he was seventeen been an active worker first for the rights of the colonies and secondly for a union between the states. As clearly as Washington he had seen its necessity and urged it on congress. In 1786 when the commercial conference met at Annapolis it was his eloquence and wisdom which had secured the call to a convention at Philadelphia and since that call he had been indefatigable in his efforts to make the body a success. He had been present at the organization of the Convention on May 25, but had so far been silent partly,
as he now explained, from respect to others whose superior abilities, age and experience rendered him unwilling to bring forward ideas dissimilar to theirs and partly from his delicate situation with respect to his own state, to whose sentiments as expressed by his colleagues, he could by no means accede. "The crisis which now marks our affairs," went on Hamilton, "is too serious to permit any scruples whatever to prevail over the duty imposed on every man to contribute his efforts for the public safety and happiness."

For five or six hours Hamilton addressed the convention with all the ardor of youth. He was inspired by the noble ideal of one nation firm and free and indivisible for America and his natural earnestness was intensified by his fear that the opportunity before the Convention to establish such a nation might be lost in the crisis at which they had arrived. Yet he spared no one, did not hesitate to declare his own ideas which were widely different from both plans before the Convention. The New Jersey plan he swept aside. No amendment of the Confederation could possibly answer the purpose. There must be a complete sovereignty which would turn all the strong passions and principles of men to its support. This the New Jersey plan did
and principles of men to its support. This the New Jersey plan did not provide. There was another "destructive ingredient" in that plan - equality of suffrage for the states. "It is not in human nature that Virginia and the large states should consent to it, or if they did that they should [unk] abide by it. It shocks too much the ideas of justice and every human feeling." But the Virginia plan was hardly more satisfactory to him. It preserved the expense machinery of state governments. They were not necessary for any of the great purposes of commerce, revenue and agriculture. The Senate and the Executive were temporary and would never have firmness enough to answer the purpose. He believed the British Government the best in the world and doubted much whether anything short of it would do in America. One branch of the Legislature should hold their places for life or at least during good behaviour; the executive also should be for life.
At the close of his speech Hamilton read a sketch of the plan which he preferred to either of those before the Convention, not offering it, however, as a proposition. It called for an Assembly whose members were to be elected by the people for three years; a senate and executive both elected by electors chosen by the people and to serve during good behaviour. The governors of states were to be appointed by the General Government. The whole intention of the scheme was to energize, centralize, strengthen the general government, every part of which was to originate with the people.

The effect of Hamilton's speech which Governor Morris was the ablest and most impressive he ever heard was to arouse the majority—which was staggering before the strong opposition of the supporters of the New Jersey plans to re-report the Virginia plan, and on June 29, the house began again to discuss that plan as revised by the committee. The moment was marked by deep solemnity. The importance of what they were doing had grown rather than diminished in the month they had been associated. "When I consider the amazing extent of the country," said Mr. Wilson, "the immense population which is to fill it, the influence which the government we are to form will have, not only on the present generation of our people and their multiplied posterity, but on the whole globe, I am lost in the magnitude of the object."
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"It is more than probable," said Madison the next day, "that we are now digesting a plan which in its operations will decide forever the fate of Republican government."

The Convention had need of all remainders of its vast responsibility for the bitterest fight of its life was before it. The decision to form a supreme government had concentrated the strength of the stubborn minority on the question of the rights of suffrage to be adopted in electing the members to the National Legislature. In Mr. Randolph's original proposition it had been suggested that the suffrage in both houses be proportional to the quota of state contributions or to the number of free inhabitants. In committee the question had been de-
debated with great heart. Mr. Brerely of New Jersey had declared himself alarmed, astonished at the idea of thus destroying the equality of the votes of the states. There was but one remedy for such injustice - spread out a plan of the United States, erase all existing boundaries, and make a new partition into thirteen equal parts. Mr. Patterson at the same time warned the committee that New Jersey would never confederate in such a plan. He had rather submit to a monarch, to a despot, than to such a fate, and Mr. Wilson had replied that if the small states would not confederate on this plan, Pennsylvanians, and he presumed some others, would not confederate on any other. So angry and obstatinate had the members grown that Dr. Franklin had interposed, reminding that they had come together to consult not contend!

The only suggestion thrown into the debate before the committee which seemed to offer ground on which to compromise came from Roger Sherman that the suffrage in the first branch should be proportioned to population and that in the Senate each state should have "one vote and no more," but it had passed almost unheeded and the committee had reported a proposition that the proportion in both houses be according to the whole number of white and other free citizens and to three-fifths "of all other persons," meaning, of course, three-fifths of the slaves.
"of all other persons," meaning, of course, three-fifths of the slaves. When this point was reached in the discussions of the Convention on the report of the committee it was at once evident that a serious struggle between the large and small states was inevitable. On June 27 Luther Martin of Maryland contended "at great length and with great eagerness" that the States being equal, could not treat or confederate so as to give up an equality of votes without giving up their liberty; that the propositions on the table were a system of slavery for ten states, that as Virginia, Massachusetts and Pennsylvania had 42/90 of the votes they could do as they pleased without a miraculous union of the other ten, that they would have nothing to do but to gain every one of the ten to make them complete masters of the rest, that they could then appoint an executive and judiciary and legislate as they
pleased. After three hours of impassioned argument Martin ceased ex-
hausted, but the next day he went on declaring that he would rather see partial confederacies take place than the plan proposed.

Mr. Madison, who it is evident from his notes, was deeply in-
censed by the vehemence of Mr. Martin replied. "The states whatever
their sizes," he argued, "could be nothing but equals when they came to
forming a compact but when it came to raising money, levying troops
and determining the value of coin, thirty or forty millions people
could not submit their fortunes into the hands of a few thousands.

As to Mr. Martin's notion that the three large states might combine
there was nothing in it. Virginia, Pennsylvania and Massachusetts
could not have been more effectually separated from each other by the
most jealous citizen of the most jealous state. They were separated
by their manners, their religion and all other circumstances which some-
times beget affection between committees."

There were many more speeches more or less heated on the propo-
sition and then Benjamin Franklin

we indeed seem to feel
our own want of political wisdom since we have been running about in
search of it. We have gone back to ancient history for models of
Government and examined the different forms of those Republics which
having been formed with the seeds of their own dissolution now no long-
er exist, and we have viewed modern states all round Europe, but find
none of their Constitutions suitable to our circumstances."
Dr. Franklin's motion was never brought to vote nor did it check the vehemence of the debate. So doubtful did it seem that an agreement would be reached that Hamilton began to warn the convention of the consequences of a dissolution of the union and the establishment of partial confederacies which had been several times threatened. His words were ineffectual. "Shall less than one-fourth of the United States withdraw themselves from the union, or shall more than three-fourths renounce the inherent, indisputable and inalienable rights of men, in favor of the artificial systems of states," argued Mr. Wilson. "Can we forget for whom we are forming a Government? Is it for men or for imaginary beings called States?"

"The power is given to the few to save them from being destroyed
by the many," retorted Mr. Ellsworth. "Is it a novel thing for the few to have a check on the many?" The system on the table is an amphibious monster," declared Mr. Dayton of New Jersey and Mr. Martin of shouted that he would never confederate if it could not be done on just principles. "We have been told with a dictatorial air," continued Mr. Dayton, "that this is the last moment for a fair trial in favor of a good Government. It will be the last indeed if the propositions reported from the Committee go forth to the people. The Large States dare not dissolve the confederation. If they do the small ones will find some foreign ally of more honor and good faith, who will take them by the hand and do them justice."

And it was with this threat from the small states of turning to foreign lands for succor that the Convention adjourned on the last day of June. Truly it seemed as they said sadly to each other that the last hope of Republican government was fading from the earth."

On Monday morning, July 2d., a vote was taken on the question
On Monday morning, July 2d., a vote was taken on the question of allowing each state one vote in the Second Branch. It resulted in a tie and the Convention was at a standstill. After considerable debate it was decided to appoint a Committee of one from each state to devise and report a compromise. That done the divided and almost despairing convention adjourned until after the fourth of July.

On the fifth the committee reported. The first branch was to be made up one member from each forty thousand population and all bills for raising or appropriating money and for fixing the salaries of the officers of the United States were to originate in it. The second branch could not alter or amend the actions of the first on money matters and in the second branch each state was to have an equal vote. The clause giving the House control of expenditures had been inserted on the motion of Franklin. It was regarded as a concession of the small states to the large in exchange for equal representation in the Senate. The compromise met with a most unfriendly reception on the part of the large states. The clause concerning money bills is of no
consequence, said Mr. Butler. The compromise is absolutely unjust, said Madison and again the wrangle began.

There was a fresh voice in it now and one to be respected, that of Gouverneur Morris of Pennsylvania. Although but thirty-five years of age, Morris was one of the leading authorities on finance in the states. He had large practical experience, too, in constitution-making, having helped draft that of New York State. He had been an active worker in Congress and in the War. Present at the opening of the Convention he had left a few days later on business, and had returned to find the Convention blocked. All Morris' sympathies and convictions were proportional representation and he scored the compromising report just handed with all his great vigor and eloquence. He came to the Convention, he told his colleagues, as the Representative of America; he flattered himself he came there in some degree as a Representative of the whole human race, for the whole human race would be affected by the proceedings of this Convention. He wished the gen-
be affected by the proceedings of this Convention. He wished the gentlemen to extend their views beyond the present moment of time; beyond the narrow limit of places from which they derived their political origin. If he were to believe some things which he had heard, he should suppose that they had assembled to truck and bargain for their particular states. "This country must be united," he continued. "If persuasion does not unite it, the sword will. The stronger party will then make traitors of the weak and the gallows and halter will finish the work of the sword........ State attachments and state importance have been the bane of this country. We cannot annihilate the states, but we may perhaps take out the teeth of the serpents."

Morris' bold

stirred the courage of the majority whose ideal was America, but it made the opposition more obstinate and for ten long July days the struggle over the report went on. There were moments when it looked as if dissolution were inevitable, then somebody's sturdy words brought the Convention back to its senses as did Colonel Mason's, when he declared in reply to the threat
of an appeal to the people that he would bury his bones in Philadelphia before he would expose his country to the consequences of a dissolution of the Convention without anything being done.

Many points were brought out in the debate of the ten days but its chief service was showing the Convention clearly that the states were separated in their interests, not so much by their sizes as by their labor systems, by the fact that one set employed slave, the other free labor, that the division in the United States was not therefore between the large and small states, but between the Northern and Southern States. Madison had already tried to convince the convention of this but had been little heeded. Now, however, when they came to consider the ratio of representation the matter became clearer. It had been proposed to count the blacks as three-fifths. The south objected: they should be counted equally with the whites. They were "the peasants of the south." Their labor was as productive and valuable as that of the freemen of Massachusetts.

The North retorted quickly that she would never consent to be
The North retorted quickly that she would never consent to be put on an equal footing with slaves. She would not give the South such an inducement to the slave trade as allowing her negro representation. If she were reduced to doing an injustice to the southern states or to human nature, it should be done to the former. Moreover how could the South ask for representation at all for her blacks any more than for other property, or did she not ask that they be admitted as property? Did she consider them citizens? Then why not ask that they be represented equally with other citizens?

So animated did the controversy become that Mr. Davie of North Carolina finally declared that if the blacks were not counted as at least three-fifths, his state would never confederate. "You see," said Madison, "the real difference of interests lies between North and South. The institution of slavery is the line of discrimination."

Unquestionably this discussion broke the fixed idea of the Convention that the struggle lay between the large and small states and
Executive? "No," said Gouverneur Morris. "Let it be by the people. If the people elect they will never fail to prefer some man of distinguished character or services. If the legislature elect, it will be the work of intrigue, of cabal and of faction." "On the contrary," urged Mr. Pinckney, "the people will be led by few active and designing men." Into this idea Luther Martin threw the idea of electors appointed by the state legislature. It was at first rejected, then taken up and accepted, but a few days later the Convention fearing its inconvenience and expense replaced it after three days debate by the method of electing by National Legislature. Referred to what was known as Committee of Detail, the committee which elaborated the constitution pretty much as we now have it from the nineteen resolutions which the Convention considered from June 16 to July 26. It was reported to read: "He shall be elected by ballot by the legislature." It came to debate on August 24. The fear that if the executive were elected by the legislature he would not exercise a proper check on the body caused warm opposition to the method. The method of electors was tried again, but the convention refused it, referring the matter to the Committee on unfinished Portions which was appointed early in September to finish up parts of the constitution on which it had been unable to agree. On September 4, this committee reported election by
able to agree. On September 4, this committee reported election by electors, the votes to be counted by the Senate. If no person had a majority of the votes, then the selection was thrown into the Senate. This clause was debated for three days as the Convention was before the method we now have was devised. This long and painful effort to find the method which would give the Nation an opportunity to secure at once the best man for an Executive and keep him free from the influence and intrigue of corrupt men is but one example of the devotion the conscience, the hard thought, the convention from now on gave to every clause of every section of every article in the document they were constructing.

By July 26 the Convention had pronounced on each of the nineteen
resolutions reported to it on June 13. It accordingly appointed a Committee of Detail of five members who from the amended resolutions were to frame and report a Constitution. This committee composed of Rutledge, Randolph, Ellsworth and Wilson reported ten days later, August 6, and on the next day the debates began again. They seemed to grow in seriousness in spite of the weariness of the members and the desire of them all to get through and go home. After a few days longer sittings were decided on to hasten matters and great blocks of work were turned over to committees. Points which they found it hard to settle were referred to in numbers. The self control of the members over that shown in the first three months was marked not but there were many stoutly contested struggles, but there was evidently a settled determination, not to dissolve, to work out some kind of a constitution cost what the compromises might.

It is impossible in the limits of so hurried a paper to enumerate even the subjects which were discussed by the convention in this final month and a half. They went over the whole range of the provisions of the constitution as we have it to-day, and with suggestions and warnings for those whose lot it is to live under the document or to administer it. Wonder at the foresight of the members
document or to administer it. Wonder at the foresight of the members
grow as one sees foreshadowed one and another of the dangers which
have threatened or still threaten the constitution. Take the matter
of the sale of votes and hear Gouverneur Morris, who wished the suf-
frage to be confined to freeholders. It would produce an aristocracy
some one objected. "I have long learned," said Morris, "not to be the
dupe of words. The sound of aristocracy, therefore, has no effect
upon me. It is the thing not the name to which I am opposed. One of
my principal objections to the Constitution as it is now before us is
that it threatens the country with an Aristocracy. The aristocracy
will grow out of the House of Representatives. Give the votes to the
people who have no property and they will sell them to the rich who
will be able to buy them........ The man who does not give his vote freely is not represented. It is the man who dictates the vote."

Giving the legislature power to emit bills of credit brought a discussion which is still pertinent. The sorry experience of the states with paper money caused strenuous opposition to its continuance.

"This is the favorable moment urged Mr. Ellsworth to shut and bar the door against paper money. The mischiefs of the various experiments which have been made are now fresh in the public mind and have excited the disgust of all the respectable part of America......Paper money can in no case be necessary. Give the government credit and other resources will offer. The power may do harm – never good." There were strong offices to offset this. "I have a mortal hatred of paper money," said Mason, "but as I can not foresee all the emergencies, I am unwilling to tie the hands of the legislature. The late war could not have been carried on had such a prohibition existed." The words were almost stricken out but no prohibition inserted, an arrangement which commented Mr. Madison, did not disable the government from the use of public notes as far as they would be safe and proper.

The Hobbies of the members of the Convention began to show in
The hobbles of the members of the Convention began to show in the last days. Thus, Colonel Mason wanted Congress to enact sumptuary laws. "No government," he declared, "could be maintained unless manners be made conservant to it." Mr. Gary told him *"the law of necessity is the best sumptuary law," and the motion was lost. But the Colonel called it up again, "dissenting" wrote Madison, "on the extravagance of our manners. The excessive consumption of foreign superfluities and the necessity of restricting it, as well with economical as republican views." He never got his laws, however.

The most rancorous debate of the last weeks was on the slave trade. Slavery had come before the Convention from time to time in settling the ratio of representation and had produced bursts of ire from the North and defiance from the South, but nothing had occurred like the excitement which arose over a provision handed in by the com-
mittee of Detail that the importation of slaves should not be prohib-
ed. The North saw a danger to its majority from this importation since
the slaves were to be counted as three-fifths in the state’s represen-
tation in Congress. It opposed the measure then from motives of in-
terest, but it hated the slave battle, too, as a "nefarious institution"
an "infernal traffic," originating in "the avarice of Great Britain."

"It was inconsistent with the principles of the revolution and
dishonorable to the American character to have such a feature in the
Constitution," said Luther Martin, and Colonel Mason in an impassioned
speech pictured the misery which followed it: "Slavery discourages
and manufacturer. The poor despise labor when performed by
slaves, they produce the most pernicious effect on manners, every mas-
er of slaves is born a petty tyrant. They bring the judgment of
heaven on a country."

The southern states were the traffic was still allowed,
heaven on a country.

The southern states where the traffic was still allowed, - 
South Carolina and Georgia - were thoroughly aroused. "South Carolina 
can never receive the plan," said Mr. Pinckney, "if it prohibits the 
slave trade." "South Carolina and Georgia cannot do without slaves," 
urged General Pinckney. "The importation of slaves is for the in-
terest of the whole union. The more slaves the more produce for the 
carrying trade." "If the Convention thinks," said Mr. Pinckney, "that 
North Carolina, South Carolina and Georgia will ever agree to the plan 
unless their right to import slaves be untouched, the expectation is 
vain. The people of those states will never be such fools as to give 
up so important an interest."

Here was an inflexibility similar to that of the small states. 
A compromise must be devised and a commitment was voted. Two days 
later a report came in. The slave trade was not to be stopped before 
1800 and a tax was laid on the persons suspected. After changing the 
date from 1800 to 1808 and providing that the import tax should not ex-
ceed ten dollars a person, the report was adopted. It won nothing but 
the fear of driving away two states at this late date which controlled