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TO THE READER:

*The following Part, complete in itself, is now published, and in this form, in advance of the other three Parts of the proposed volume, with an intent to facilitate the success of an existing project to raise a public memorial, in the city of New York, to ALEXANDER HAMILTON, by diffusing in this way a more popular and a full knowledge of the man, his genius, and the scope of his labors.*



ALEXANDER HAMILTON

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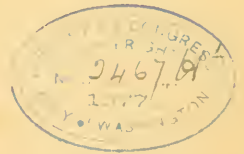
A HISTORICAL STUDY

Part I.

BY THE

HONORABLE GEORGE SHEA

CHIEF JUSTICE OF THE MARINE COURT



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THIS  
ESSAY TO DELINEATE THE TIMES AND GENIUS  
OF  
ALEXANDER HAMILTON  
IS INSCRIBED TO THE  
LORD HOUGHTON,  
SCHOLAR, POET, STATESMAN, MASTER OF THE ENGLISH TONGUE,  
IN REMEMBRANCE OF PLEASANT SOCIAL HOURS,  
AND  
IN ACKNOWLEDGMENT OF HIS WARM KINDRED FEELINGS TOWARD  
MY COUNTRY.



PART I.

*THE INDIVIDUAL.*



## PART I.

### THE INDIVIDUAL.

MORE than three-score years and ten have passed since Alexander Hamilton died. Men then thought and spoke of his death as untimely for himself and his country. History will give no such judgment. For himself, for his peace of mind and the simple grandeur of his fame, the time of his death must be esteemed fortunate; for the Republic, now as we look back upon the course of events, the sacrifice appears to have been desirable. He was not doomed to outlive his usefulness; nor to live into those days when doctrines which he feared and opposed, and when personal solicitation for office, were to gain ascendancy in the administration of the government. Nor was his heart to be embittered, as many others have been, by ephemeral contentions, in which the honors of his pitched and decisive battles might be dimmed and degraded.<sup>1</sup> He had laid the foundation, broad

<sup>1</sup> "Jefferson and Madison were brought forward by caucus nominations. . . . The first year [1821] of Mr. Monroe's second term had scarcely passed away before the political atmosphere be-

and deep, of a republic for the people. He had secured, by potential constitutional bulwarks, the frame of its government from the changes and chances of ordinary mutability, decay, and violent revolution. It was, by its written word, self-adjusting and self-remedial. It contained, within itself, the means of improvement, derived from the Confederation, but now made practicable and vital; and, like the adaptive nature of the common law, capable of falling in with each phase in the progress of true civilization and national expansion. Revolution by force was to be without excuse henceforth. The winds and the waves may now come and beat upon the house. It was not built in the sands of an ever shifting popular feeling, but on the fixed and durable rock of a constitutional Republic. A "fierce democratie" meant, in his understanding, as enlightened by the philosophy taught by historical examples, license, not law, and ultimate anarchy: a republic meant that "democratie" under the regulation of a supreme law.

This discriminating idea concerning a form of pure republican government was one entertained, at that early day, by a few forward men, who seem to have been unwilling to openly proclaim it.

came inflamed to an unprecedented extent. The republican party, so long in the ascendant, and apparently so omnipotent, was literally shattered into fragments, and we had no fewer than five republican presidential candidates in the field."—*President Van Buren's Political Parties*, p. 3.



Mirabeau ventured once, and only once, to utter the thought; and then at that private meeting of friends, so fatal in its immediate consequences to himself and to France. Lafayette, "too republican for the genius of his country," was denounced in the National Assembly, his arrest decreed, and emissaries sent to carry the decree into effect. The annihilation of the constitutional party and the commencement of the Reign of Terror, were concurrent events. Hamilton was unreserved in all places where discussion was appropriate. Never untimely intrusive, yet, when he spoke, it was fully and without reserve. He acted under the influence of opinions which had been honestly formed, and in the correctness of which he confided to the end; opinions which, he hoped, would in the sequel prove acceptable to the majority, but to which he felt it his duty to adhere, whatever might be the consequence to himself of his perseverance. That he favored a monarchy is an absurd prejudice. If he had favored it he knew quite well that a commonwealth was the old beaten highroad that leads to royalty.<sup>1</sup> Many too sincerely believed that he

<sup>1</sup> Napoleon III. observed and spoke of the familiar "tendency of the democracy to personify itself in one man." Franklin declared, in the Constitutional Convention, that there is "a natural inclination" in the masses of mankind to kingly government, "as it gives more the appearance of equality among citizens; and that they like." — *Madison's Debates*, vol. 2, p. 773.

The emperor, in a conversation with Colonel Vaudrey, related in

did; and suspicion detected as proof that which reason should place to a different account. He knew human nature better than to attempt to superinduce upon American civilization, peculiar and sensitive as it was, a system already rejected, and alien to the genius of its origin and development.<sup>1</sup> To be sure, the war for independence was an assertion and vindication of the rights claimed by the colonists as British subjects. The denial of those rights by a British ministry was officially avowed as the adequate cause for resistance, and, when persisted in, of final complete separation from the crown.<sup>2</sup> The object of the Revolution

the preface to the English edition of his *Idées Napoléoniennes*, said: "France is democratic, not republican. By democracy, I mean the government of an individual by the will of all; by a republic, I mean the government of a number, in obedience to a certain system."

<sup>1</sup> "The idea," writes Hamilton, "of introducing a monarchy or aristocracy into this country, by employing the influence and force of a government, continually changing hands, towards it, is one of those visionary things that none but madmen could meditate, and that no wise man will believe." — *Hamilton's Works*, vol. 4, p. 271.

<sup>2</sup> In the closing pages of his autobiography, Mr. Jefferson tells us that he called upon Franklin in Philadelphia in 1790, and only a few weeks before his death (which occurred April 17, 1790), when Franklin placed in Jefferson's hands a full account of his negotiations with the British ministry in London, through Lord Howe. "I remember," continues Jefferson, "that Lord North's answers were dry, unyielding in the spirit of unconditional submission, and betrayed an absolute indifference to the occurrence of a rupture; and he said to the mediators, at last, that 'a rebellion was not to be deprecated on the part of Great Britain; that the confiscations it would produce would provide for many of their friends.' This

was to uphold and continue, not to prostrate and destroy, those principles of free government and that jurisprudence which were their inheritance, and constituted their cherished state-household. As Macaulay says of the English Revolution of 1688, an event which these colonists ever regarded with respect, "in almost every word and act may be discerned a profound reverence for the past." But it was the principles of English constitutional liberty, and not the hereditary monarchy, which held their profound reverence; — the principles of that revolution, so accurately described by the same brilliant writer, and which "of all revolutions the least violent, has been of all revolutions the most beneficent. It finally decided the great question whether the popular element which had, ever since the age of Fitzwalter and De Montfort, been found in the English polity, should be destroyed by the monarchical element, or should be suffered to develop itself freely, and to become dominant."<sup>1</sup> Hamilton, and the Nationalists of that period who followed his lead, knew that a commonwealth or a Cromwellian era was alike not to the purpose of settling for their country a beneficial, competent, and permanent government.

expression was reported by the mediators to Franklin, and indicated so cool and calculated a purpose in the ministry as to render compromise hopeless, and the negotiation was discontinued" — *Jefferson's Works*, vol. 1 (Washington edition).

<sup>1</sup> *History of England*, vol. 2, p. 464.

A commonwealth was no government: it was a thing to be governed. An executive that is good for anything cannot be included as a part of a government floating upon an exclusive democratic plan. None denied the truth of that. The Confederacy, which the Constitution superseded, had no executive head. Commonwealths end in anarchy, or in one-man power. For these reasons the government most natural to the people of America would be—as nearly as a republican form would allow, without losing or impairing its essential distinctiveness—one that might most nearly assimilate to the British constitution “as its model.” This proposition was thought best suited to the education, instincts, and real needs of the people; and one requiring no radical or violent change, and allowing “a thorough reform of the existing system.” Washington, Adams, Hamilton, Jay, thought the same as to this being the requisite model. No commonwealth, no royalty, was correspondent to the conditions and demands of their country. It must be a Republic. “I am fully of opinion,” wrote Washington, in answer to Madison, in February, 1787, “that those who lean to a monarchical government . . . have not consulted the public mind.” During the secret debates, Hamilton clearly and boldly took care, not only to be understood, but, that he should not be misunderstood. “These truths,” he said, when urging

upon the convention the strength of a senate, to be composed of life members, as a safeguard against the popular will, when impulsive and irregular in its proceedings, "are not often told in public assemblies, but they cannot be unknown to any who hear me." "As long as offices are open to all men, and no constitutional rank is established, it is pure republicanism. But *if we incline too much to democracy, we shall soon shoot into a monarchy.*" "The fabric of THE AMERICAN EMPIRE," are his emphatic words, "ought to rest on the solid basis of the consent of the People;" and "the streams of national power ought to flow immediately from that pure original fountain of all legitimate authority."<sup>1</sup> And so, with similar enlightened convictions, it was, that Mirabeau held not his peace when the throne of Louis was staggering to its destruction, and a new frame of government was contemplated for the French people. "Even supposing, my friends," he said, in the unguarded confidence of the moment, when Petion, and other unworthy intimates were present, on that occasion to which we have already referred, "that royalty were now to be abolished; it is not a republic that must be established, — we are not yet ripe for this, — it must be a commonwealth."<sup>2</sup>

<sup>1</sup> *Secret Debates of Convention*, p. 170.

<sup>2</sup> The France of 1872 became "ripe" for a Republic, and its course indicates that the elements of perpetuity are inherent in its present prosperous republican form of government.

He preferred to tolerate and curb royalty, than fly to the ills of a commonwealth. "From that moment," says the Prince de Talleyrand, who was at the meeting, "such is my firm belief, his ruin was decided." Mirabeau was soon no more.<sup>1</sup> Hamilton was confident that his own countrymen were "ripe" for the benefaction of a Republic. Sharp experience had, for ages, enured them to self-imposed restraints upon the exercise of their political, moral, and, in the New England communi-

<sup>1</sup> The interview between Mirabeau and Talleyrand, on April 2d, 1791, is one of the most dramatic in personal memoirs. It was but two days before Mirabeau's death, commencing in the afternoon, near the fountain in the gardens of the Palais Royal, and ending late that night at the *restaurateur* Robert's. Talleyrand describes the whole scene, and says that Mirabeau depicted "the terrible future," and that never did "the herculean powers of his mind" appear more impressive. At the dinner his late depression of mind left him; he drank deeply; his spirits rose high; and he sang songs. Talleyrand says, in those recollections, "Already were Mirabeau's views and principles grown too tame, too reasonable, for these infuriated demagogues, and they had several times received with ill-temper his biting sarcasms at what he called their *exaltation républicaine*. I remember the effect produced upon one occasion at a private meeting of his friends, and the gloom and murmurs of rage with which the concluding words of a speech he had risen to make were received." The speech he alludes to is that of which we have, in the text, quoted the concluding words. "From that moment, such is my firm belief, his ruin was decided. The circumstances of his death will certainly justify, both to his friends and to posterity, every suspicion of poison; while, on the other hand, there were no symptoms which could not be accounted for by the complaint under which it had from the first been proclaimed that he was sinking."

ties, even religious absolute rights. They had been educated in a severe school indeed, and the uses of adversity had been sweet to them. The United States of America became, and are, by natural induction, a Republic: constituted by the states in empire.

The death of Cæsar consummated the Roman Empire. The daggers of the conspirators perfected the thing which they meant to destroy. So, by a kindred but ignoble act, did the death of Hamilton bring over the dispositions of men a resurrection of long-buried thought. For a time the turbulent passions sank to a repose, and the still small voice of reason could be heard; and it was heeded. It was the death of Cæsar which brought the Romans under the Empire. The death of Hamilton, in the fullness of time, confirmed the United States of America in their Empire; an empire which has grown, from the inherent energy of its republican union and democratic accretive development, into a Nation, united and strong: rich in national resources and of competent power. A power, new and untried; and which, before those three-score years and ten had gone by, was to be put to the proof of its strength; and, in that proof, was destined to disclose the invincibility of democracy when within the expression and command of republican institutions. The fasces of Roman symbolism has, at last, found in statesman-

ship the truth of which it is the emblem. For one hundred years the experiment of such government has gone on ; first, for a few years, by a confederation of its sovereign States, and then, within a more perfect union, with decisive powers and a complete supremacy over all subjects delegated to it by the peoples of the several States, and over those auxiliary subjects which, by implication, may become necessary and convenient to the idea and power of a sovereign national authority. It was given to Hamilton to see political society in its first suggestive indications ; in its inchoate, crude process of formation. So he could, and did, observe its growth into a matured organism ; and, as we might say, its anatomy became as familiar to him as were those principles which are essential to its viability.

The man and the theme interest us. It was an experiment in governing thitherto unknown or untried. That political arrangement and check-mating among the Italian States, which arose from the brain of Lorenzo de' Medici,<sup>1</sup> is more curious and nice than it proved to be efficacious ; and the Italian States soon again were hostile, and remained dissociate and apart. It failed ; but the Republic of the United States of America has en-

<sup>1</sup> See Roscoe's *Life of Lorenzo de' Medici*, vol. 2, p. 3. From that device, however, arose the modern idea of "the balance of power," which has exercised so important a part in European international affairs.



dured; and has passed a century of years since its people declared themselves free and independent. They are united, strong, prosperous; and have, this year of Our Lord, 1876, invited the people of all other lands to come in among them and witness the evidences of their progress in arts and sciences. Her orators have instructed us of the past that we may be enabled to understand and value the present. Pæans have been sung to civil and religious liberty as illustrated and approved by the course of American constitutional government. The Landing of the Pilgrims, and the "Pilgrim's Progress," have again been rehearsed with an unimpaired freshness that age seems not to wither nor custom stale. But the name — no, not even the name — of Hamilton has come from either pen or lip on the day they celebrated. Is it, that, praising the tree of constitutional republican liberty and its fruit, and lost in that admiration, they forgot the root which, under the ground, still gives that tree life and vigor? We now rise to respond to the neglected name, and offer for acceptance the sentiment: ALEXANDER HAMILTON, *the founder of the American States in Empire.*

On the 17th of September, 1787, the Convention assembled at Philadelphia, at length agreed upon a federo-national Constitution, and closed its deliberations. That Constitution was now to be submitted to a Convention of delegates, chosen in

each State by its people, under the recommendation of its legislature, for their assent and ratification; and each convention assenting to and ratifying the Convention was to give notice of the act to "the United States in Congress assembled." The delegates on behalf of the people of New York were requested to convene at Poughkeepsie, a town situate on the Hudson River, on the 17th of June following. The contest there for the adoption of the proposed new Constitution was to be earnest, sometimes fierce and acrimonious; and between able and honest citizens who looked on the problem with widely differing interests and opinions. One party, led by George Clinton, then Governor of the State, regarded it as inevitably leading to the strangling of their new-born liberty, and surely to end in monarchy; the other party respected it as the only hope left, by which the disjected members of the existing Confederacy might be compelled to adhere together in a beneficial union; and, thereby avoiding both monarchy and commonwealth, become entitled to the name, power, and credit of a nation. The moment was critical. The future of the colonies, now by fact of arms a nation in a league, hung trembling. The geographical and political positions of New York, as related to the other States, were most important and precarious, and full of danger to itself.

The man who had led, and who was to continue

to guide, the Nationalists to successful, ultimate triumphs, was at this interval of time in the city of Albany. He had married, in 1780, Elizabeth, the second daughter of General Philip Schuyler, of that city, a distinguished soldier of the Revolution. Hamilton was now but thirty-one years old. His reputation for address, energy, and propriety of judgment, exceeded that of other men. His was, what Lamartine says of Mirabeau's wisdom, "the infallibility of good sense." The epithet precocious never applied to him. From his youth up his intellectual work had none of the infirmities of unripe effort. He was one of those few instances in which an intuitive knowledge seems to supersede the labor of learning, and the hidden nature of things appears to come without the effort of experiment. "He could see consequents yet dormant in their principles."<sup>1</sup> This sounds like extravagant eulogy, but the full development of our theme will show that we are painting an accurate portrait in natural colors. The founders of empire are the exception in history. Perhaps history does not teach a more interesting example of man's faith in a principle, and of heroism in its propagation. Columbus did not pre-  
vise, in his mind's eye, more clearly, beyond the waste of waters, a new physical world, than did Hamilton perceive the new world of political household.

<sup>1</sup> South's *Works*, vol. 1, p. 26.

Simple, abiding faith, in what to them was an intellectual demonstration of unrevealed truth, impelled each to embark for untried, unknown, speculative worlds. The fecundity, power, vigor, and maturity of his intellectual labors had then as fully impressed his contemporaries as they have since impressed posterity. Knowledge, as acquired, was in him carried into faculty. He had in rare endowment the two faculties which are the prerogative of man: the powers of abstraction and of imagination. The "occasion sudden" never found him unprepared. It seemed intuition. This intuitional genius of his mind attracted the attention of the most acute and exact judge of men that modern times has produced.

When Talleyrand, in stress of politics, arrived in America, in 1794, he became personally and intimately acquainted with Hamilton. There were many things in common to the previous studies of these two extraordinary characters, and their political experiences were not without likeness. Dissimilar in their mental and moral natures, each revealed to the other unique resources for deep conference. Friendship followed admiration. The cool head and heart of Talleyrand were aglow with a fervid respect. They readily understood each other. They had each worked upon like subjects of public concern, and each had been employed by his respective country in similar ques-

tions of national finance and public credit. While yet the Abbé de Perigord, Talleyrand had acquired a serviceable knowledge of the science of finance, and of the fiscal condition of his nation. His studies were pursued chiefly during a brief season of retirement at Autun. Hamilton's were wrought out amid the stir of active war; and his famous letter to Robert Morris was written by camp-fires, while the army was in winter quarters at Morristown. They had each come to the belief, and advocated that "in a national bank alone can be found the ingredients to constitute a wholesome, solid, and beneficial credit." Talleyrand, when Necker presented his elaborate report on the fiscal state of France, found an opportunity on that occasion to prove his knowledge of the subject, and his ability to develop and make it intelligible and interesting. In his speech, December 4, 1789, he had proposed a national bank, and the accumulation of a sinking fund for the gradual payment of the public debt. On January 28, 1790, he had reported a plan for the establishment of a mint. They had also, each, considered of, and, by the request of the national legislatures reported, a scheme concerning manufactures and commerce, and an adequate protective policy.<sup>1</sup> Talleyrand

<sup>1</sup> Hamilton was the parent of protection to American industry. Henry Clay and, afterwards, Horace Greeley were the revivers of his policy, and its persistent advocates.

had proposed a uniform system of weights and measures ; a system looking to uniformity among all nations ; and it was adopted by his exertions, — it has proved to be the one most worthy of universal use. They had each formed a plan of public education. Talleyrand had presented his report to the National Assembly. In it he treated of the origin of public education, its objects, its organization, and its methods. It is said that this was the first time public education, as a duty of the state, had been proposed in Europe. The plan, it is true, was not then undertaken. But when public affairs became settled after the Revolution of 1830, and when a citizen king was brought in, chiefly by Talleyrand's diplomacy, a kindred system of national instruction was established, in which the main features of his plan were engrafted upon the more mature and perfect school system which had been devised by Hamilton. They had, also, each confirmed opinions concerning the general nature and science of popular government. Those opinions were alike, and came from like reflection. Their conception of a legislative assembly had been inspired by the English theory. The English constitution was no exotic in France. It had borne fruit there from an early day. A Philip de Comines had praised its polity in the fifteenth century, and a De Lolme had explained its growth, lauded its principles of

civil liberty, and enforced its example three centuries later. A simple single assembly was not a fit depositary for power. So thought Hamilton, instructed by the lessons of the Congress of the Confederation; and so thought Talleyrand, instructed by those of the States-General at Versailles. Their studies had been in the deep, clear, tranquil principles of the English Constitution, as instituted by Alfred the Great; overborne for centuries by the Norman Conquest, and revived in dignity and power when England, in the Revolution of 1688, re-settled its liberties upon the ancient foundations from which it had been violently pushed centuries before. The principle of the Revolution of 1688 was the instructive prototype which sanctioned the revolt of the American colonists in 1776. Talleyrand had wished as well for France; but 1793, as a mighty flood, had burst its way through all restraints and dykes, and spread destruction and desolation far and wide. The people became a mob; then, naturally and of course, absolute power became centered in few hands; then the Reign of Terror. France had attempted to establish philosophy by crime, and liberty by license. Hamilton and Talleyrand had learned by experience that true government was law; and in constitutional law alone was to be found perfect liberty. It is well worth the time to continue this comparison a while longer, that we

may so observe how similarly men act when nursed in the same *alma mater* of statehousehold. Like principles, when followed, produce like results. Hamilton rejected in his theory of government for America all forms which were not the embodiments of a true republican system. Hence he regarded the English Constitution as the "best model to work from." Talleyrand's preference was for a limited and constitutional monarchy. Lafayette and the constitutional party had the same preference; and they and Talleyrand were the sincere reproducers of the doctrines of Mirabeau. A government for the people, rather than a government by the people. This habit of thought Hamilton and Talleyrand had already acted upon when they each represented their constituencies in a public representative capacity. They had each acted upon "implied powers." As in the Convention of 1781, at Philadelphia, so at Versailles, in 1789, the delegates were called upon to decide whether they would obey the literal instructions received. A majority in each of these popular assemblies decided that it was their duty, as representatives, to consult the interests, in preference to the opinions, of their constituents. Edmund Burke had more than once, in 1774-80, taken the same exalted ground before the electors of Bristol.<sup>1</sup> Indeed, when the States-General were

<sup>1</sup> "Your representative owes you not his industry only, but his



summoned to meet together at Versailles, nothing was contemplated beyond a consultation on the state of France. A constitution was not dreamed of, and its solemn acceptance by the king was a vision that had not arisen before the wildest fancy. Talleyrand was among the foremost in the making of that constitution. Jefferson was then the American Plenipotentiary to France, and a frequent spectator of the proceedings at Versailles. America had set an example concerning the duty of representatives, which, perhaps, was not without its influence. When the delegates were appointed to Philadelphia "there was no expectation on the part of any State that any other principle would be adopted as the basis of action than that by which the Articles of Confederation contemplated that all changes should be effected by the action of the States assembled by the unanimous assent of the different state legislatures." But the American delegates gave to their instructions a broader purpose by interpretation, and claimed, by inference, a corresponding authority. They esteemed it safer to be faithful to the object of the trust, and not mechanical reflectors of impulsive sentiment; to have the determination of public questions follow, not precede, debate. This was the

judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."—Burke's *Works*, vol. 3, p. 232; his Speech on the Conclusion of the Poll (1774).

way they spoke and acted at Philadelphia, and at Versailles. Hamilton and Talleyrand had thus, each independently of the other, concurred in the fundamental axiom of the essentiality of "implied powers." It is the key-note to the progress and history of the American Republic. In the due occurrence, or chance, which brought these two men into the active, responsible administrations of the governments of their countries, there is a striking coincidence. The picture does not lack completion even in its mere accessories of circumstance. Colonne, Minister of Finance, desired Mirabeau to draft a paper on the finances of the country. Mirabeau declined; but he directed the attention of the minister to Talleyrand: "You have stated to me the regret you experienced at my unwillingness to devote my feeble talents to the embodying of your conceptions. Permit me, sir, to point out to you a man more deserving, in every respect, of this proof of confidence. The Abbé de Perigord unites great and tried abilities to profound circumspection and unshaken discretion. You will never find a man . . . who possesses more the capacity to conceive great designs, and the courage to execute them." Washington, forming his first cabinet, applied to Robert Morris, the famous financier of the revolutionary and confederate epochs, to undertake the duties of the Secretaryship of the Treasury; he declined, but named

Hamilton "as the one man in the United States" fitted by studies and ability to create a public credit, and to bring the resources of the country into active efficiency. Washington found, in his former military secretary, the one thing most needed; the fiscal affairs of the nation at once were organized, and prosperity quickly came. Hamilton achieved therein an immediate success which, all agree, is without parallel.

Talleyrand felt in France that a destructive tempest was coming, and, admonished, he procured an appointment on a mission to England to elude its direct effects; he was, nevertheless, proscribed by his own country; he was ordered, by direction of Pitt, under the alien law, to depart from Great Britain within three days. He had known Pitt, in his youth, when he was, during a short stay, the guest at Paris of the Bishop of Rheims, an uncle of Talleyrand's; but he thought it indelicate to remind the supercilious minister of the former acquaintance.<sup>1</sup> Nowhere in Europe could the pro-

<sup>1</sup> During the first interview between Pitt and Talleyrand, when the latter was on his first mission to England, in 1791, he thought it was Pitt's place to recollect their former acquaintance,—for which reason Talleyrand did not mention it. Pitt, who did not wish for any renewal of intimacy, did not even allude to the circumstance, nor speak to him about his uncle. Talleyrand did not forget the incivility in after life, and when Austerlitz was fought and won he came nearly consummating a European league, of which England was to be the hostile objective point. That plan proposed to Napoleon at Ulm was found, in Talleyrand's own hand-

scribed and excommunicated Perigord find a safe refuge; so, in 1794, he departed for America. There he remained until the decree of proscription was, in September, 1795, revoked. Talleyrand and Hamilton soon met, of course. Their friendship is not a mere episode, but constitutes a prominent chapter, in their memoirs. Hamilton was then Secretary of the Treasury in Washington's administration. He had done the great work of his public life; redeemed the financial honor of his country; established its public credit; and set in motion the springs of its abundant and many sources of prosperity. He was in the thirty-seventh year of his age — Talleyrand was but three years his senior. Hamilton spoke the French language fluently, with correctness, and fine expression. Each was master of a language common to both. Hamilton's ruddy, vivacious countenance, inviting confidence, was in notable contrast to the other's pale repose; but the fascination of Talleyrand's bland and polished manner was irresistible for Hamilton. Talleyrand's experience of remarkable men was great and varied. He had met Voltaire when the philosopher of Ferney came for

writing, among his secret papers, after his death. Napoleon had other ambitious views, and neglected the project. The Talleyrand of 1830-38 had a changed policy, and desired a close friendship between England and France. The reciprocal visits of the sovereigns at Windsor and St. Cloud were among the results of that policy.

the last time to Paris. The young Abbé was enchanted with the keen intelligence and subtle speech of that supreme scoffer of the eighteenth century. He was received in a darkened chamber, and through an opening in the curtains it was so arranged that a single stream of subdued light fell upon the seated, draped figure of Voltaire. The light fell on him alone. It was the Rembrandt effect. The genius of philosophy in *chiaroscuro*.<sup>1</sup> Talleyrand's susceptible vein of satire was

<sup>1</sup> Voltaire was much given to the *coup de théâtre*. The familiar scene in the Academy of Science (April 29, 1798), is graphically described by John Adams, who was there among the spectators. "Voltaire and Franklin were both present, and there arose a general cry that M. Voltaire and M. Franklin should be introduced to each other. This was done, and they bowed and spoke to each other. . . . But this was not enough. The clamor continued until the exclamation came out, 'Il faut s'embrasser à la Française.' The two aged actors upon the great theatre of philosophy and frivolity then embraced each other, by hugging one another in their arms and kissing each other's cheeks, and then the tumult subsided. And the cry immediately spread throughout the kingdom, and I suppose throughout Europe, 'Qu'il était charmant de voir embrasser Solon et Sophocle!'" "When the American philosopher," says Condorcet, "presented his grandson for his benediction, 'God and Liberty,' uttered Voltaire, 'the only benediction suitable for a grandson of Franklin.'" — *Franklin's Life* (Bigelow's edition), vol. 2, p. 431.

When the writer of this essay was at Ferney, Switzerland, in the summer of 1870, he noticed on the wall of the chamber in which Voltaire died an engraved likeness of Franklin. All things in that chamber remain as at the time of Voltaire's death, and that engraving retains its place among the portraits of the distinguished men whom he liked to honor even in his household.

touched; but he wondered at the colloquial power of Voltaire. That wonder was not elevated nor tempered by respect. He early became captivated by the companionable qualities, discriminating taste, and superb intellect of Hamilton. Hamilton, in truth, was a revelation to Talleyrand of a higher degree of human nature, and brought to his recollection afresh the impressions of Mirabeau and of Charles James Fox. He found in Hamilton one who was, also, as preëminently as himself in his own famous social sphere, the first of conversationists. While the sparkling *mots* of Talleyrand flew from lips to ear with the applause of delightful excitement, it was always the strong sense of Hamilton's that lodged his animated thought into the very mind, and there induced reflection. Each was distinctively a gem — yet alike. As the single drop of pure dew resembles its crystallized similitude, the diamond, so did the clear intellect of Hamilton resemble that of Talleyrand. The one, full of life and lustrous — the other, fixed and brilliant. Talleyrand, notwithstanding this dry intellectual quality, was probably capable of deep moral feeling and as sensitive as Hamilton. If Talleyrand were, indeed, the ideal of attractive insincerities and elegant deceptiveness, which gossips of the *salons* have represented him to be, he could have felt little pleasure in the frank, ingenuous nature of Hamilton; nor could the latter have so

given himself to a devious-minded, artful, plausible diplomatist prone and skilled to circumvent and deceive. It will yet surely be entirely disclosed, when the seal of the secret memoirs of the Prince is broken and they are unfolded, — as they are promised to be within the next fifteen years, — that the judgment pronounced in the House of Lords by the Duke of Wellington will be verified and approved.<sup>1</sup> His real character and his agency in the great affairs of his time will not be fairly known until they are seen as drawn by his own hand.

The personal individuality of Talleyrand is a familiar historical portrait. His features were handsome and refined ; soft dark eyes, much veiled by the lids, contributed to an air of quiet reverie,

<sup>1</sup> In answer to remarks which fell from Lord Londonderry, October, 1831, concerning Prince Talleyrand, the Duke of Wellington said that none of the great measures resolved upon at Vienna and Paris had been concerted or carried on without the intervention of that eminent person. "In all the transactions in which I have been engaged with Prince Talleyrand, no man could have conducted himself with more firmness and ability in regard to his own country, or with more uprightness and honor in all his communications with the ministers of other countries, than Prince Talleyrand. No man's public and private character has ever been so much belied as those of that illustrious individual." Lord Holland added that no man's private character had been more shamefully traduced, and no man's public conduct more mistaken and misrepresented, than that of Talleyrand. His behavior towards the American Commissioners at Paris, in 1797-98, will be likely to receive consideration in a subsequent part of this essay.

which, being habitual to him, was popularly misconstrued for an indication of natural secretiveness and politic scheming; and this habit blended and was in harmony with the pensiveness and aristocratic delicacy of his complexion. The defect of lameness was not readily observable in his handsome figure and graceful demeanor. Would not the pen of a Walter Savage Landor have had a felicitous labor in depicting the probable conferences of these two characters in an "Imaginary Conversation;" one that would have won our admiration as that fabled between Talleyrand and Louis XVIII. moves us to contempt and mirth. The respect and friendship of Talleyrand for Hamilton always continued; and, when the former was permitted to return to his native land, he called upon Hamilton to say adieu. Seeing on the mantel-piece a miniature of the American Secretary, he took it in hand and requested it for a souvenir. Hamilton was not free to give it; so Talleyrand borrowed it, and had a verisimilitude painted in France, which yet keeps its place on the walls of the home of the Talleyrands. It is that portrait which has been engraved, and is known as the Talleyrand miniature. It represents Hamilton in the civic costume of the time, with hair powdered, ending in a cue; and it bears a likeness to the celebrated bust by Cerrachi. There is an anecdote connected with this miniature which Tal-



leyrand related to Mr. Van Buren during the last evening they spent together in London. "Burr," said the Prince, "called in pursuance of a previous communication from him, and his card being brought up, he directed the messenger to say that he could not receive a visit from Colonel Burr, and referred him, for an explanation of his refusal, to a painting hanging over the mantel-piece in the ante-chamber, which was a portrait of Hamilton." Talleyrand frequently spoke his high opinion of Hamilton's genius. He had, before he went to America, learned much of him; his renown had reached Versailles. A translation of "The Federalist" appeared in Paris in 1792. Talleyrand, therefore, expected to find in him one who was deeply versed in all questions relating to general government, and its bearing on American republicanism; but he did not expect to find in him a comprehensive and penetrating intellect which had pierced through and through the very substance of the politics of Europe; and grasping the entire controversy that was about to make Europe one immense battle-field, upon which its giant frame should sink down exhausted by the paroxysm. He laid bare the subject with marvelous power of simplification. "One day in January, 1819, talking with Prince Talleyrand, in Paris, about his visit to America, he expressed the highest admiration of Mr. Hamilton, saying, among other

things, that he had known nearly all the marked men of his time, but that he had never known one, on the whole, equal to him. I was most surprised and gratified," writes in 1854 the celebrated George Ticknor, "with the remark; but still, feeling that, as an American, I was in some sort a party concerned by patriotism in the compliment, I answered with a little reserve, that the great military commanders and the great statesmen of Europe had dealt with larger masses and wider interests than he had. 'Mais, Monsieur,' the Prince instantly replied, 'Hamilton avait *deviné* l'Europe.'" <sup>1</sup> Talleyrand repeated the same opinion to others; and on some of those occasions mentioned the most exalted characters he had personally known as less in intellectual greatness than Hamilton. <sup>2</sup> "When I was Minister of the

<sup>1</sup> Curtis's *History of the Constitution of the United States*, vol. 2, p. 410, note. The word "diviné" was a favorite one with Talleyrand. When on his death-bed books of devotion were brought to him, at his own request, one especially, *The Christian Religion Studied in the True Spirit of its Maxims*. "The recollections which you recall," said he to his spiritual adviser and friend, the Abbé Dupauloup, "are dear to me, and I thank you for having divined the place they have preserved in my thoughts and in my heart."

<sup>2</sup> "Le prince, qui fut son ami et qui vécut avec lui durant son séjour en Amérique, répondit à quelqu'un qui lui demandait quels étaient les hommes les plus remarquables qu'il avait rencontrés dans sa longue carrière: 'Je considère Napoléon, Fox, et Hamilton comme les trois plus grands hommes de notre époque, et si je devais me prononcer entre les trois, je donnerais sans hésiter la

United States in England," writes President Van Buren, "I saw much of Prince Talleyrand, the French Ambassador at the same court, and enjoyed relations of marked kindness with him. In my formal visits to him we had long and frequent conversations, in which Hamilton, his acquaintance with him in this country, and incidents in their intercourse, were his favorite themes. He always spoke with great admiration of his talents, and during the last evening that I spent with him he said that he regarded Hamilton as the ablest man he became acquainted with in America, — he was not sure that he might not add without injustice, or that he had known in Europe."

What we wish to have noted is, that this master judge of men had accurately observed and correctly valued that most peculiar quality of Hamilton's mind, which qualified him to "see consequents yet dormant in their principles."<sup>1</sup> To exhibit the première place à Hamilton. Il avait deviné l'Europe." — *Étude sur la République*, par le Marquis de Talleyrand-Périgord, p. 192.

<sup>1</sup> Since writing the above the author has come upon the following passage in Mr. Curtis's *History of the Constitution*, vol. 1, p. 410: Hamilton's "great characteristic was his profound insight into the principles of government. The sagacity with which he comprehended all systems, and the thorough knowledge he possessed of the working of all the freer institutions of ancient and modern times, united with a singular capacity to make the experience of the past bear on the actual state of society, rendered him one of the most useful statesmen that America has known. Whatever in the science of government had already been ascertained; whatever the civil condition of mankind in any age had made practi-

means which Talleyrand had for forming his opinion has been the chief reason why we have indulged ourselves in making this parallel of individual history, and of their mental and moral characteristics.<sup>1</sup>

Guizot, also, had read and reflected much upon the writings and political acts of Hamilton; and he says that Hamilton "must be classed among the men who have best known the vital principles and fundamental conditions of a government; not of a government such as this [alluding to the government of France at that moment], but of a government worthy of its mission and of its name."

His writing was of the school of Bolingbroke, and reminds us of that which Edmund Burke was still capable of at the time when he wrote "Thoughts on the Cause of the Present Discontents." The letters in "The Federalist" are the best examples of his style of written expres-

cable, or proved abortive; whatever experience had demonstrated, whatever the passions, the interests, or the wants of men had made inevitable, — he seemed to know intuitively. But he was no theorist. His powers were all eminently practical." Mr. Curtis's *History* is a very lucid recital of the course of events which lead to the project and to the adoption of the federal Constitution, and is enriched with graphic sketches of the several persons who assisted in the great undertaking.

<sup>1</sup> Talleyrand was born at Paris in 1754, and died at the hotel, which still bears his name, in that city, Thursday, May 17, 1838. He outlived Hamilton thirty-four years.

sion; they are, also, the most highly esteemed and widely read. " 'The Federalist,' written principally by Hamilton," says the "Edinburgh Review," No. 24, "exhibits an extent and precision of information, a profundity of research, and an accuracy of understanding which would have done honor to the most illustrious statesmen of ancient or modern times;" and "Blackwood's Magazine," January, 1825, observes: "It is a work altogether, which, for comprehensiveness of design, strength, clearness, and simplicity has no parallel. We do not even except or overlook those of Montesquieu and Aristotle among the writings of men." Guizot said: "In the application of elementary principles of government to practical administration it was the greatest work known to him." Three translations of "The Federalist" have been published in France; but no edition, as yet, so far as we are informed, has been printed in Great Britain. "Vous avez lu 'Le Fédéraliste'?" said Talleyrand to the Duc d'Aranda, then the Envoy from Spain at the French court. "Non," replied the ambassador. "Lisez donc-lisez," added Talleyrand, with emphasis.<sup>1</sup> But much as has been, and may be,

<sup>1</sup> The latest edition of *The Federalist* is that one edited by Mr. John C. Hamilton, a son of the statesman, and published by Lippincott & Co., of Philadelphia, in 1875. The *Historical Notice*, which is written by Mr. Hamilton, and prefaces the book, is careful, candid, and full, and supplies all that seems to be desirable to elucidate its history and aid in its study.

repeated concerning "The Federalist," it is the official advice, given by Hamilton, when Secretary of the Treasury, to President Washington, on the legality of a National Bank of the United States, in which he develops fully his doctrine concerning the "implied powers" of that government, which will remain forever as the maturest monument of his philosophy in the broadest domain of American political jurisprudence. Chief Justice Marshall is the judicial expositor<sup>1</sup> of the meaning

<sup>1</sup> "Trois noms se détachent en relief dans l'histoire, et sont ce que j'appellerai la clef de voûte sur laquelle se construira le grand édifice de l'Union américaine. Ces noms sont ceux de Washington, Hamilton, Marshall. Ils ne sont pas choisis arbitrairement ni à la légère ; ce sont leurs actes, les faits eux-mêmes qui les portent en avant, qui les détachent en lumière sur les autres, et font qu'ils attirent du premier coup de l'œil l'attention de celui qui étudie l'histoire des colonies américaines." — *Étude sur la République des États-Unis d'Amérique*, par le Marquis de Talleyrand-Périgord, p. 188.

"John Marshall, chief-justice des États-Unis, fut l'homme qui entreprit ce long et difficile travail ; il sut l'accomplir avec une supériorité telle qu'on peut sans hésiter le comparer, pour l'érudition et l'interprétation claire et précise des lois, au chancelier d'Aguesseau." — p. 190.

In the foregoing extracts the younger representative of the house of Talleyrand, with its traditional intelligence and acuteness, shows that he has discerned the true relation of Marshall to be that of the acknowledged expositor of the Constitution. The following extract from the same book, shows that he has formed a right conception of Hamilton : —

"Ce fut au génie constructeur politique d'Alexander Hamilton que l'Amérique doit sa constitution ; ce fut lui qui fournit les matériaux essentiels, qui la composent. C'est à lui qu'elle doit le plan général de l'édifice ; c'est lui qui dessina les lignes qui font de cette

of the Constitution, and he ever esteemed the writings of Hamilton as the reasonable and safest guide in its interpretation. The judgments of the Supreme Court, especially when Marshall presided there, upon questions arising under the Constitution, are commentaries upon the knowledge and wisdom of which those writings are the depository.

The elaborate report "nominally upon manufactures, but embracing in its range every pursuit of human industry susceptible of encouragement under an unlimited government," was thought by President Van Buren to be "Hamilton's masterpiece;" and, he says, that by it "the subject was first brought to the notice, and recommended to the consideration of Congress."

It is not within the scope of this study to treat of Hamilton as a jurist in the labors peculiar to the profession. Yet that side of his triple talents cannot be wholly passed by unnoticed. It will be remarked that his labors therein were akin to

constitution un des monuments les plus remarquables de l'histoire. Grâce à son énergie, à son patriotisme, à sa merveilleuse intelligence et à son éloquence, il parvint à diriger l'esprit public vers la nécessité d'une union plus cohérente, plus parfaite. Sachant faire les sentiments égoïstes des différents Etats, ils les amena á concourir à l'achèvement du grand œuvre. La constitution achevée, une chose restait à accomplir : il fallait donner une interprétation judiciaire, claire, précise, et lucide de cette constitution dans les rapports constants qu'elle serait appelée à avoir avec les événements publics." — p. 190.

those of his political life,—the creative and organizing faculty was ever industrious and productive. Chancellor Kent, in an address which he delivered October 21, 1836, before the Law Association of the city of New York, gives a sketch of this phase of the public life of Hamilton, whose marvelous power for continued labor and vigorous aptitude for deep research impressed the Chancellor from their first acquaintance. It was the custom of Hamilton, he says, to “ransack cases and precedents to their very foundations;” and that he did not content himself with anything less than going to the original sources; that he was familiar with the great Civilians, and thoroughly imbued with the ample and comprehensive spirit which distinguishes their writings; and that he, pursuing with elaborate care, attained rich results by, “inquiries into the commercial codes of the nations of the European continent.”<sup>1</sup> It is certain that, on

<sup>1</sup> The writer has been informed, but by whom he finds himself now unable to recollect, that Chancellor Kent was influenced by the urgent advice of Hamilton to give the special attention, which he did, to the works of the Civilians. The writer, when a boy, had the honor to be known to the Chancellor, and read to him in his room at William S. Johnson’s law-offices, in New York, the copy, while the Chancellor corrected the proof-sheets for the third volume of the third edition of the Commentaries. This was in 1841. The Chancellor was one of the most lively, charming, companionable of men, and very loquacious. It may be probable that the writer was told at that time by the Chancellor how it was he gave such special devotion to the study of the civil law, although it would have been for any one, besides that amiable, eminent man,



the retirement of Chief Justice Jay, the office of the Chief Justice of the United States was offered to Hamilton, so high did he stand in the estimation of all as a lawyer. He declined the nomination. His ambition and duty lay elsewhere in the public service. There are traditions which preserve an idea of his manner as a forensic advocate. They remind us somewhat of the manner which Brougham describes as characteristic of Erskine. Animated reasoning, glowing, chaste diction, and forcible earnestness were the elements which marked their efforts at the bar. None of Hamilton's forensic speeches were reported in full. Even the speech in which he submitted, in the case of *The People v. Croswell*, the definition of a libel, punishable as a public offense, is only a skeleton of the chief points and of the general course of reasoning. That definition has been incorporated into the jurisprudence of the several States and of foreign countries, and in some of the States has been embodied in the constitutions.

We have something to say of his manner of popular speaking. It was deliberate, sustained, and impassioned. Those who heard both have spoken of his manner as like that of the younger Pitt. But Pitt was cold, lofty, and declamatory. Ham-

an unusual topic to speak of to a mere lad. See *Appendix* for some extracts from the Address delivered by the Chancellor relating to Hamilton.

ilton was warm and genial, and considered the logical more than the mere rhetorical. Both, however, had the same weighty and authoritative air. But Pitt was not a great lawyer, nor, if Lord Macaulay's judgment is to be regarded as sound,<sup>1</sup> was he a great statesman. Tried by the standard of that age, he was a great man. That standard was in parliamentary government, which is described as "government by speaking." Pitt was surely a great "master of the whole art of parliamentary government." He domineered over the minds of his auditors. Legislation and administration were with him secondary matters. His inferiority becomes obvious when he is compared with a Tully, a Somers, an Oxenstiern, a John De Witt, and, let us add unhesitatingly, a Hamil-

<sup>1</sup> "Very idle apprehensions were generally entertained, that the public debt, though much less than a third of the debt which we now bear with ease, would be found too heavy for the strength of the nation. Those apprehensions might not perhaps have been easily quieted by reason. But Pitt quieted them by a juggle. He succeeding in persuading first himself, and then the whole nation, his opponents included, that a new sinking fund, which, so far as it differed from former sinking funds, differed for the worse, would by virtue of some mysterious power of propagation belonging to money, put into the pocket of the public creditor great sums, not taken out of the pocket of the tax-payer. The country, terrified by a danger which was no danger, hailed with delight and boundless confidence a remedy which was no remedy. The minister was almost universally extolled as the greatest of financiers."—Article, "William Pitt," written by Macaulay, *Encyclopædia Britannica*, January, 1859.

ton. These men were great as projectors of government. Great in the closet, great at the council board, and some of them great in the arena of debate. Hamilton was a marvel of success in creating a credit, and relieving his country from the burden of debt. Pitt was a failure in his financial system, and increased the public debt of England to such an incomprehensible magnitude, that his admirers are fond of mitigating the burden by describing it as a public blessing. The habit of comparing these two men, in all other mental respects dissimilar, has come from the attractive circumstances of each having at so early an age been brought into the public service of their countries; each being, in a maturity of youth, the conspicuous member of the administration of government; and having a manner of oratory belonging to the same school. Hamilton was as great as Pitt in the control of the will of deliberative assemblies. Hamilton, in common with Pitt, had that moral virtue inestimable for the talented and successful public man: he was known to be free from avarice and kindred dishonesty. Poor in the midst of abundance, and surrounded with the temptation of opportunity to get money, he neglected his own individual advantages, and dedicated himself to his country. This virtue his most adverse political foes admitted and admired. "Mr. Jefferson's habitual tone in speaking of Col-

onel Hamilton," wrote the Hon. Nicholas P. Twist, May 31, 1857, to President Van Buren, "was always the very reverse of that in which he spoke of those whose characters, personal or political, were objects of his disesteem. It was invariably such as to indicate, and to infuse a high estimate of Colonel Hamilton, as a man, whether considered with reference to personal matters or to political matters. As regards politics, their convictions, their creeds, were diametrically opposite." And President Van Buren, for himself, speaks of "Hamilton's elevated character in private life: upon whose integrity and fidelity in his personal dealings, and in the discharge of every private trust that was reposed in him, no shadow rested, who was indifferent to the accumulation of wealth, who as a public man was so free from intrigues for personal advancement, and whose thoughts and acts in that character were so constantly directed to great questions and great interests." His health was impaired and nearly broke under the loads imposed by his public and private duties. Talleyrand was walking, late one night, past the small brick house in Garden Street, in the city of New York, where Hamilton kept his law chambers. He was, as usual, at work. The next day the Prince, calling upon a lady, said to her: "I have seen one of the wonders of the world. I have seen a man laboring all night for the support

of his family, who has made the fortune of a nation."

The name and personal appearance of Hamilton were, at the epoch of the formation of the American Constitution, familiar to the American people. He was, as has been described to the writer by some that knew and one that loved him,<sup>1</sup> a small, lithe figure, instinct with life; erect, and steady in gait; a military presence, without the intolerable accuracy of a martinet; and his general address was graceful and nervous, indicating the beauty, energy, and activity of his mind. A bright, ruddy complexion; light-colored hair; a mouth infinite in expression, its sweet smile being most observable and most spoken of; eyes lustrous with deep meaning and reflection, or glancing with quick canny pleasantry, and the whole countenance decidedly Scottish in form and expression. He was, as may be inferred, the welcome guest and cheery companion in all relations of civil and social life. His political enemies frankly spoke of his manner and conversation, and regretted its irresistible charm. He certainly had a correct sense of that which is appropriate to the occasion and its object: the attribute which we call good taste. His manner, with a natural change, be-

<sup>1</sup> Catherine V. R. Cochrane, the sister-in-law of Hamilton, and youngest daughter of General Schuyler. She spent the latter years of her life at Oswego, N. Y.

came very calm and grave when "deliberation and public care" claimed his whole attention. At the time of which we now speak particularly (1787), he was continually brooding over the State convention then at hand; moods of engrossing thought came upon him even as he trod the crowded streets, and then his pace would become slower, his head be slightly bent downward, and, with hands joined together behind, he wended his way, his lips moving in concert with the thoughts forming in his mind. This habit of thinking, and this attitude, became involuntary with him as he grew in years.

Such was the individuality, personal, intellectual, and moral, of the man. He who was the architect and organizer of the new frame of government. It has been imputed that he managed the affair in water too deep for others. True. Not, however, in a deceitful or objectionable, but in a wise and masterly, sense. He knew well that in deep waters shallows and dangerous rocks are best avoided. It is only in our own times that a war for that Union has enabled us to really fathom the depth of his intentions and comprehensive policy. That intention and policy will receive our consideration when we come to treat of him as the Founder of Empire, and as the Organizer of its Administration of Government.

ALEXANDER HAMILTON was born a British sub-

ject, at Nevis, one of the West Indian Islands, on the 11th of January, 1757. His father was a son of Alexander Hamilton, of Grange, who in 1730 married Elizabeth, a daughter of Sir Robert Pollock. His mother was the child of a Huguenot, who had been driven from his country by the edict of Nantes. France and Scotland have not been unkindred alliances. Their intimacies have been many and dear. A Scotch guard adorned the court of a Louis XI.; a Mary, "Queen of Scots and of Hearts," shared for a too brief reign the throne of France; and France gave a refuge to the exiled Stuart. Michelet observes the relation of the people of these kingdoms. The fallen state of his father's business affairs allowed relatives of his mother to undertake the care and education of the lad, and he went with them to Santa Cruz; here he soon became proficient in the French and English languages. Before he had reached his thirteenth year he was taken from school, entered a mercantile house, and in a year's time was deemed capable to have control of the business during his principal's temporary absence from the island. A letter written by him at this early age discloses the lad's disposition and spirit. It was to a young friend named Stevens, afterwards his life-long friend. It is dated November 11, 1769. "To confess, Ned, my ambition is prevalent, so that I contemn the groveling ambition of a clerk,

or the like, to which my fortune condemns me, and would willingly risk my life, though not my character, to exalt my station. I . . . mean to prepare the way for futurity. I'm no philosopher, you see, and may be justly said to build castles in the air; my folly makes me ashamed, and beg you'll conceal it. Yet, Neddy, we have seen such schemes successful, when the projector is constant." An avenue opened. In August, 1772, a most violent storm burst upon those islands; a description of its fearful effects was published in a local newspaper; the author was sought, and discovered by the Governor of the Island of St. Croix to be the boy Hamilton. Arrangements were made, offered to him and accepted, by which his liberal education was provided for. In October, 1772, he departed on the journey to New York by the way of Boston; without delay he entered the Grammar School at Elizabethtown, near New York. A few months were found sufficient to prepare him for college, and, before the winter of 1773 had passed, he was a student at King's College in the city of New York. The rapidity and thoroughness of his learning relieved him, by special privilege, from the time required by the rules for the usual curriculum. His application was very close and severe during this preparatory course, and afterwards in the college.

A storm was already gathering in the political



heavens more portentous than that which had swept over the West Indies, and its effect upon his destiny was to be as controlling and more determinate. But the student, if he noticed, was not distracted by the outward world. The academic grove claimed his duty, and had that claim allowed. There was a quiet, retiring spot, then called Bateau Street, where stately trees formed shady groves; here he took his daily walks, reflecting on his daily lessons; adding to his knowledge by conning over "thoughts of other men," and getting wisdom by being "attentive to his own." The genius of ambition did not intrude upon him there. Yet the time had come when he was to be summoned forth to "the battles, sieges, fortunes" of an eventful life.

A visit to Boston in the spring of 1774 brought him where the question of colonial resistance to the English administration was most warmly debated. Franklin, in London, on his mission of peace and petition for justice, had been insulted by Wedderburn in the face of the British ministry.<sup>1</sup> The supercilious spirit was to be met with defiance and resistance. The Boston Tea-Party had suited the action to its word; the word to its

<sup>1</sup> January 29th, 1874. The famous hearing at "The Cockpit" on the Hutchinson petition will be found best related in the 2d vol., p. 186, of *The Life of Benjamin Franklin*, edited by the Hon. John Bigelow, late our minister to France.

action. The Boston Port "Bill" had been denied the respect and force of law. Voices came from high places in England strengthening the purpose of the colonists. Chatham had publicly "rejoiced" in the House of Lords, "that the colonies resisted;" and Burke urged the Commons that America be conciliated, and told them that "invention was exhausted; reason was fatigued; experience had given judgment; but obstinacy was not yet conquered."<sup>1</sup> Camden, Fox, and others, openly sustained the resistance to the taxation as just and constitutional. These illustrious men declared that they spake under the sanction, and in support of the principles of English liberty. Burke emphasized the disposition and facility with which the American intellect searched to the very substance of the nature of things, moral and political. The writings of Hobbes of Malmsbury, Harrington, John Locke, Sydney, and the "Patriot King" of Bolingbroke, were widely read. While at Elizabethtown Hamilton became acquainted with Governor Livingston, Elias Boudi-

<sup>1</sup> Exordium to his speech on American Taxation, delivered April 19, 1774. Towards the close of the session of 1775, Edmund Burke, after three months' almost daily discussion of American affairs, presented a remonstrance from New York—hitherto a quiet and loyal colony—upon the harshness shown to her sister colonies. It met with a like reception from the minister as other innumerable petitions and agents did from Lords, Commons, and Privy Council: that is, few were received and none deigned to be answered.—Prior's *Life of Burke*, vol. 1, p. 312.

not, and their families; and had the propitious advantage of educated and refined society, and of sincere friends. In Boston his social intercourse was of a like kind. What he heard and saw there inclined him to study the history and principles of the contest. He did it with his habitual research and reflection. On his return to New York he soon became master of its fact and philosophy, as well as of a clear and authentic knowledge of the resolutions and acts of the British Parliament, relating to America subsequent to the peace of 1763; and of the proceedings of the British ministry to enforce them. His recent intercourse with people had already convinced him of the determined opposition with which these acts were met, and to be met, on the part of the people of the colonies. More serious claims were at this critical moment presented by the parliament; more serious oppressions threatened. The twelve colonies, which were spread over the vast space from Nova Scotia to Georgia, took alarm, and began to interchange opinions and projects to unite in appointing delegates "with authority and direction to meet and consult together for the common welfare."

Such a Congress was to meet at Philadelphia in September, 1774, and then and there was consummated a permanent union of the colonies which prepared the way, under the force of coming events, for the ultimate declaration of inde-

pendence. It was at a meeting held on July 6th, in the city of New York, to aid this project, that Hamilton made his first public appearance as an orator. The meeting was in the open fields, and attended by the most worthy citizens who were opposed to the course of the government. Well known orators had spoken to the assembly. Hamilton was among the audience. Under an impulse of the moment he ascended the hustings, and, with calm, earnest words, held the attention of the people. They marveled at the eloquence and mature sense of that which the unknown youth said. It was marked by the qualities of his later time, — deliberateness, clearness, warmth, and reason. From that period Hamilton, then seventeen years old, was a public and notable man. The work of his life was upon him.

Two pamphlets on the proceedings of the Continental Congress were published and distributed gratuitously among the people. They were written for the cause of the crown, and were marked with unusual ability. The advocates of the colonial cause felt the cogency of the arguments; violent discussion ensued; disturbances in public places; and, so little control had these folks over their anger, that copies of the pamphlets were tarred and feathered and nailed to the common pillory. Within two weeks from the first appearance of those pamphlets an answer came forth.

The tide of popular feeling was changed. The patriot party was delighted, and was thankful for the chance which gave the opportunity for such a satisfactory exposition and vindication of their colonial rights as English subjects. The controversy in writing went on, pamphlet answering pamphlet. The thoughts, learning, and style indicated that the answers had been the work of some one of the ablest men of the day; and to none but such as Governor Livingston and John Jay was the authorship ascribed. When a lad of nineteen years old was discovered to be the author, incredulity was pardonable. Indeed, only irrefragable evidence convinced those who doubted. As an orator and as a political writer, Hamilton was now before the people.

Samuel Seabury—a name to become known and venerated more than once in the American Church and honored in both hemispheres—was, in connection with Mr. Wilkins, another clergyman, the principal author of those two addresses “for the crown.” He was a stout churchman, of most vigorous intellect, strong convictions, and, by those convictions, a loyalist. Afterwards he was the first Bishop of the American Church, and was consecrated at Longeau, Aberdeen, on Sunday, November 14th, 1784, by Bishop Kilgour, *Primus*, Bishop Petrie, and Bishop Skinner, of the Church of Scotland, who described themselves in the

Concordat, then made with the American Bishop, as "of the Catholic remainder of the ancient Church of Scotland."<sup>1</sup> His remains are buried in the crypt, beneath St. James's Church, New London, in the State of Connecticut, honored by the marbled reverence of that diocese of which he was the first bishop, and by a people who had imprisoned him for fidelity to his unpopular political principles and to his sincere allegiance.

The War for Independence was now upon the country. In May, 1775, another Congress was assembled, also at Philadelphia. It was invested with full powers to take care, according to its own discretion, of the liberties of the land. Georgia came into the confederacy, and the union then comprehended the whole thirteen colonies. Hostilities had actually begun in the Province of Massachusetts. The appeal to arms was made. A declaration of the reasons and necessity for taking up arms was proclaimed; and on July 3d, 1775, Washington, by commission from the Congress, took command of the American Army at Cambridge, Massachusetts. His headquarters were in the mansion to-day the residence of the poet Longfellow. Event followed event rapidly. The

<sup>1</sup> The writer is not aware that this important document has been printed. The words quoted have been copied from the original now in possession of the Rev. William J. Seabury, D. D., of New York, a great grandson of the Bishop.

people intended to protect their freedom as British subjects from the oppressions of a British ministry. They meant to do as a people what English barons and prelates had done at Runnymede.<sup>1</sup>

<sup>1</sup> From Hallam's *View of the State of Europe during the Middle Ages* (vol. 2, pp. 323, 324), I quote the following reflections, to show that that which we call "progress" is, in historical truth, a recurrence to those primary principles from which nations have wandered, or have been driven by usurpation. There is not an important moral or political reformation related in history but has been equally an assertion and reestablishment of an ancient well-ordered freedom, and a manifestation of a living power. "One is surprised," says Hallam, "at the forbearance displayed by the barons, till they took up arms at length in that confederacy, which ended in establishing the Great Charter of Liberties. As this was the first effort towards a legal government, so it is beyond comparison the most important event in our history, except that Revolution, without which its benefits would have been rapidly annihilated. . . . All that has since been obtained is little more than as confirmation or commentary ; and if every subsequent law were to be swept away, there would still remain the bold features that distinguish a free from a despotic monarchy. . . . An equal distribution of civil rights to all classes of freemen, forms the peculiar beauty of the charter. In this just solicitude for the people, and in the moderation which infringed upon no essential prerogative of the monarchy, we may perceive a liberality and patriotism very unlike the selfishness which is sometimes rashly imputed to those ancient barons. And, as far as we are guided by historical testimony, two great men, the pillars of our church and state, may be considered as entitled beyond the rest to the glory of this monument ; Stephen Langton, Archbishop of Canterbury, and William, Earl of Pembroke. To their temperate zeal for a legal government, England was indebted during that critical period for the two greatest blessings that patriotic statesmen could confer : the establishment of civil liberty upon an immovable basis, and the preservation of national independence."

Those who wish to pursue thoughts on an associate theme, as

The principle of the Revolution of 1688 was within their understanding and appreciation, and had prepared the Englishry throughout the colonies to know their rights.<sup>1</sup> But there was a Providence shaping their ends. The infant colonies were, in three epochs of growth, — the revolutionary, the confederate, the constitutional, — to become the Republic; they had, as Montesquieu observes, “grown great nations in the forest they were sent to inhabit.”

July 4, 1776, came. The United Colonies, in convention, at Philadelphia, declared with one consent, in the name and by the authority of the people, that all allegiance and political connection between them and the British crown had totally

just in principle as they are eloquent and correct in expression, will receive great pleasure and edification from reading the sermon of Canon Liddon on “The Law of Progress.” — *University Sermons*, p. 25.

<sup>1</sup> “They were affectionate to the people of England, zealous and forward to assist in her wars, by voluntary contributions of men and money, even beyond their proportion. The King and Parliament had frequently acknowledged this by public messages, resolutions, and reimbursements. But they were equally fond of what they esteemed their rights; and, if they resisted when those were attacked, it was a resistance in favor of a British Constitution, which every Englishman might share in enjoying, who should come to live among them; it was resisting arbitrary impositions, that were contrary to common right and to their fundamental constitutions, and to constant ancient usage. It was indeed a resistance in favor of the liberties of England, which might have been endangered by success in the attempt against ours.” — *Life of Benjamin Franklin* (Bigelow's edition), vol. 2, p. 316.



ceased ; and that the United Colonies assumed, as independent and free States, their place among nations as a nation.

The war to maintain that declaration of independence and nationality was fought. By years of toil and sacrifice it was won. But it did not make nor leave the United Colonies a nation ; except in the presupposition which, by a sort of theory, enabled them to act as such in their first diplomatic negotiation with England.

With the conduct of the war itself, and the part, important as it was, that Hamilton took in it ; with his seven years of military service, and as "the chief adviser and aid of Washington" during that time, we are not to become specially interested in this study. It is the statesman — not the soldier nor jurist — that is to have our attention.

It was on January 20, 1783, that peace was concluded, at Paris, between Great Britain and the United States. The American commissioners had loosed themselves from the surveillance of the Count de Vergennes and settled upon the preliminary conditions with the British agents in a manner creditable to the wisdom and the honor of both nations. Indeed, the dislike to have France act directly or indirectly in that negotiation, guided as she then was by the ambitious Vergennes, who had ulterior views of his own to

chiefly serve, was shared by the English statesmen of all parties, as well as by the monarch himself. John Jay sympathized in this disposition of the English, from something he had heard from the French ambassador on their voyage together to Europe.<sup>1</sup>

Jay acted on the information received, and this inclination coincided with the purpose of Lord Shelburne, then at the head of the colonial office. Shelburne wished to secure peace, or rather a truce, independently of the French intervention. Charles James Fox was the Secretary for Foreign Affairs. To his hands, as he supposed, the negotiation properly belonged. He was ignorant of Shelburne's private, indirect, determination to take the matter into his own control, and of his secretly opening the subject to John Adams, at Amsterdam, the previous March. Fox was acting in his direct, frank, friendly way. Shelburne was aiming to deal with the States as distinctly colonies. The conduct of the States was encouraging unconsciously this project. Fox was advising that the negotiations be commenced by a recognition of the common independence of the United States. He was warm to an unusual degree, even above the customary license of Parliament. He continued to wear in the House of Commons what was beginning to be taken as the American uniform, buff

<sup>1</sup> *Life of John Adams*, vol. 2, p. 22.

and blue<sup>1</sup> — that mode which many persons still living will remember as the usual dress of Daniel Webster on occasions of professional arguments and of public significance.

It was early in 1782 that the dawn of peace began to be discernible. How could peace be negotiated? By the States in their form of confederation, or by each State for itself? It was a vital point for America. She claimed that it must proceed with the Foreign Office of Great Britain, and not with that of the colonies. The question had been anticipated by a council held by the British ministry. The way advised by Fox was not agreed to. Rockingham suddenly died. Shelburne had the control now, and the administration decided to treat with the successful States as "revolted colonies," and only with those. By this, as it was hoped, several of the colonies would be induced to continue adherents of the crown; and those others, by being apart, and their jealousies encouraged, would lapse into anarchy. The design was surely not without grounds for expectation to such as knew of the mutual strifes among the States. Benjamin Franklin was resident plenipotentiary to France, John Jay had left his mission to Spain, John Adams his at Holland, and Henry Laurens

<sup>1</sup> Prior's *Life of Burke*, vol. 1, p. 353. Burke declined to adopt this uniform as his ordinary dress in Parliament, and did not wear it except solicited to do so.

had come especially from the United States to assist in these negotiations of peace at Paris. Hamilton was requested to go upon that special mission. He declined, for he knew that a greater duty for him was at home. The Count de Vergennes had advised these commissioners to accede to the Shelburne proposal. Those sagacious men declined to act on the weak, if not selfish counsel; and they insisted that the United States were no longer colonies, but were a free and independent nation; and to be acknowledged and treated with as a nation. A recital of the details which accompanied this discussion would not elucidate the intent of our theme.<sup>1</sup> But the commissioners felt that the very idea of nationality in the negotiation of a treaty was desirable and necessary. To the English, the point was one of procedure merely. Not so to the United States. The negotiation finally went on with the Office for Foreign Affairs. Those and other statesmen were not deceived. It was better policy though, just then, to act upon the apparent, rather than to insist upon the real, fact. To the exterior world the United States presented the semblance of unity. Between the States themselves it was scarcely acknowledged. The unity of the States in any national sense was an empty

<sup>1</sup> Vol. 4 of the *Life of Lord Shelburne* is about to be published. It should be very interesting in its history of the secret and devious policy of that minister during this period.

theory. Pride, policy, and patriotism had nerved the American commissioners to insist on the ideal. But they knew, and intelligent people in Europe knew, that the thing itself did not exist. "To be more exposed in the eyes of the world, and more contemptible than we already are, is hardly possible," were the words of anguish wrung from even the patience of Washington.

Far otherwise was the effect of the American Revolution upon the imagination of the people generally in Europe. It fevered into false fancies. Those people had seen feeble, distant colonies, till then unknown, vindicate rights against a power upon whose dominions the sun never sets. The combat unequal, the success determinate.

Peace had brought difficulties surpassing those of war. Those difficulties had become notorious. Even the people of Europe, of whom large numbers had emigrated on the conclusion of the peace, began to see more clearly into the actual relation which affairs bore to each other. This and other disclosures came fully to pass before John Adams, in December, 1785, presented the memorial to the Court of St. James, urging a perfect compliance with certain articles of the treaty of peace. It seemed as if by the acquisition of independence no substantial good results were to follow. The Confederation was the only compact made "to form a perfect union of the States, to

establish justice, to insure tranquillity, and provide for the security of the nation." The epithet Union still commanded reverence, though not obedience. The public tranquillity was a portentous calm. A project for three confederate empires in America was beginning to be encouraged. Ambition was incited and nursed by the prospect of pronounced disunion. In the language of "The Federalist," "each State, yielding to the voice of immediate interest or convenience, successively withdrew its support from the Confederation, till the frail and tottering edifice was ready to fall upon our heads, and to crush us beneath its ruins." It was proclaimed, and circumstances led to the belief, that the States had each achieved its independence for itself, — that the Confederation was a league offensive and defensive, but not a government. The States were unwilling to surrender that independence, and merge their existence into a common form, wherein each would lose its individuality, as water is in water. The general government held a barren sceptre. It could plead, but not enforce. It could give judgment, but had no means to execute it. It was all head, and no arms. It could devise, but not perform. It could request the States, but not act upon the persons or property of the individual inhabitants. The State stood between the Confederation and the people. The general government had no fund, nor the power,

in and by itself, to raise a fund. It had already borrowed and created public debts. They were due, and owing to domestic and foreign creditors. Yet the general government found itself without requisite authority to lay taxes, or, by imposts, to get in a revenue. The State governments solemnly declined to concede such powers, notwithstanding the pressure. A public credit of course could not exist; no sort of valid assurance could be given to pay. Commercial jealousies and contentions among the States brought fearful bodings. Domestic peace was verily in danger. The general government, unable to respond to its vicarious liabilities, became the object of positive assault. The army clamored. The soldiers did not demand money, only that some reasonably sure provision might be made for ultimate payment. Congress was unable even to give this. The States refused to aid. The officers of the army, which had gone into winter quarters, pending the negotiations of peace, were about to meet, with hostile intent, to obtain redress. The veterans felt the neglect. Their heroic sacrifices had passed into history, but not into the hearts of their countrymen. Their simple, honest understandings could not distinguish between the Confederate Congress and the controlling power of the States, so as to appreciate where the blame should not be imputed. Washington, acting on the urgent advice

of Hamilton, did not allow the proposed meeting to take place. He acted with characteristic firmness and decision, and summoned the general and field officers to assemble together, giving their consultation a regular authority and orderly appearance. They assembled on Saturday, March 15, 1783. General Gates, restored to his command in the army, as its senior officer, presided. Knox and Putnam were there. The latter had fought at Bunker Hill. Washington stood in the midst of his old companions in arms. The tableau is one of the most affecting in the history of the war. It was certainly at one of its most momentous crises. Washington had in the mean time been truly informed "that the army had recently determined not to lay down their arms until due provision and a satisfactory prospect should be afforded on the subject of their pay; . . . and that plans had been agitated, if not formed, for subsisting themselves after such declaration." He read a prepared address. On one, and but on one, other occasion was his heart to be again so tenderly moved. He was unable to preserve his composure. Tears were obscuring his vision, and it was with difficulty he read. "Fellow-soldiers," he said, "you perceive I have not only grown gray, but blind in your service." Having finished the address he immediately withdrew, so as to leave the officers unembarrassed by his presence



in their deliberations. They declared, without dissent, that they would "still place confidence in the justice of Congress and of their country." The impending storm was subdued. Washington wrote a letter to Congress appealing to its sense of justice. The appeal was to an empty, hopelessly bankrupt treasury; to a Congress with no power to fill it; to States too jealous of a national government to make the grant. The "justice" of the country slept on, undisturbed by any emotions of gratitude; the claims of the soldiers were pushed aside, and then forgotten. The Continental Army ceased to exist. The troops returned to their poverty-stricken homes. Happy the patriot who falls upon the field of glory. Rather the death of Leonidas than the doom of Belisarius.

Washington resigned, at Annapolis, Maryland, on December 23, 1783, into the hands of the Congress, the authority which it had invested him with in 1775. He was saluted by nations as the Fabius and the Epaminondas of the age. Thebes fell with Epaminondas; but the country of Washington was to endure, despite the troubles which were now clouding down upon it. The people of America had passed through two forms and stages in the course of their governmental growth. First, the revolutionary; second, the confederate; and now the third, the constitutional, was in its development. The uses of adversity never showed

sweeter nor more prolific of good. The passions of pride and selfishness in the dissociate States were impelling them into that consolidation which they wished to escape. The parent idea of union could not be annihilated, nor its urgency be overcome. It had recurred again and again from the time when first the Colonies were planted. It was of the essence of American colonial life. The Colonies clung to it during the Revolution; fitfully and fretfully tolerated it during the Confederation. A constitution and a perfect union were among the things inevitable within the pressure of the circumstances. The Confederation had died out. In the southern States, when a blight comes over the cotton field and all seems destroyed and gone forever, the people there say, "it has died out to a stand." That, only, which is corruptible and perishable has gone: the living principle from which shall spring a new and prosperous crop has not perished. It will bloom again in renovated strength at the future season. It had but died out to a stand; and that stand was made, in the sensitive economy of nature, at the vital part where the power of renewing lay in its concentrated and imperishable energy. A beautiful analogy of Resurrection and Life.

The Confederation had, indeed, died out. The energy from which a new, a great and adequate national government was to grow, lay treasured

and secured amid that which appeared but decay and death. Hamilton intelligently awaited its earliest and expected manifestation; and then cultured it to a pristine health. The development of that parent idea of union will be related in the succeeding part of this historical study.

Without the credit of a nation abroad, without the strength of a nation at home, the work for the new Constitution was begun and accomplished. A few, a very few, hopeful, earnest, and able men brought the blessing of good and national government upon the country. The general Convention at Philadelphia, September 17, 1787, had fulfilled its trust, and proposed for acceptance a constitution of government for the States. The following are its introductory words: "We, the people of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquillity, provide for the common Defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America." Hamilton is the author of that declaratory preface.

Washington had presided at that general Convention. His patriotism again strengthened the hearts and hope of those who wished well to the new system for a union. It was to the character of Washington, as it ever had been since

the efforts for independence and a republican form of government began, that the Nationalists turned when the cause of the Union grew weak. The country had no other single thing which was so sure to hold the confidence of all, and in whose presence passions subsided and jealous interests felt that they were safe. To be sure, there were other men. The men, whose talents and wisdom Chatham had compared to the choicest instances in history, had not all retired from public life. The places of those who had retired were filled by new men whose names were to become alike illustrious. Hamilton and Madison were of the latter. The political heavens were certainly aglow with lights throughout its widest space; but each led its own host, and was conspicuous as the leader of a particular constellation. Washington stood alone; less brilliant than others, but ever fixed in his place. The brightest stars are not the safest guide — the north star guides though others lead astray.

It was late in the autumn of 1787. Hamilton was then, as we have seen, silently concentrating his power and preparing himself for the Convention about to assemble at Poughkeepsie to deliberate upon the adoption of the proposed Constitution. The future of America was with the People. To them he spoke. They were the source of and avenue to legitimate power. Government must rest

on the consent of the governed in its first instance. After that the law, prescribed, dominates. That the People might be instructed in their political capacity, and in the nature of the work to be brought before that Convention, he commenced the addresses to them known as "The Federalist." No one was more competent either by knowledge, by talents, by wisdom, by faith in republican institutions, by patriotism, to give that instruction. In the language of that accomplished French statesman Guizot, "there is not in the Constitution of the United States an element of order, of force, of duration, which he has not powerfully contributed to introduce into it and to cause to predominate."

Such was Alexander Hamilton, upon the history of whose deeds as a statesman we now purpose to enter.



## APPENDIX.

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EXTRACT FROM CHANCELLOR KENT'S ADDRESS BEFORE THE  
LAW ASSOCIATION, NEW YORK, OCTOBER 21, 1836.

“AMONG his brethren Hamilton was indisputably preëminent. This was universally conceded. He rose at once to the loftiest heights of professional eminence, by his profound penetration, his power of analysis, the comprehensive grasp and strength of his understanding, and the firmness, frankness, and integrity of his character. We may say of him, in reference to his associates, as was said of Papinian, *omnes longo post se intervallo reliquerit*. A few reminiscences of the display of his genius and eloquence may not be uninteresting to the gentlemen I have now the honor to address.

“In January, 1785, I attended, for the first time, a term of the Supreme Court, and Mr. Hamilton, in an interesting case then brought to a hearing, commanded great attention and applause by his powers of argument and oratory.

“In the case I allude to, Chancellor Livingston claimed lands to a large amount in value, and lying on the north part of the County of Dutchess. . . . He carried his cause, as it were, by a *coup-de-main*, and obtained a verdict rather by the force of his character, and the charm of his eloquence, than by the weight of evidence. In the January term following, a new trial was moved for, on the ground that the verdict was against evidence. I had the pleasure of being present at the argument, and a witness to the contest of

genius and eloquence between Chancellor Livingston and Colonel Hamilton, the master-spirits who controlled all hearts on that occasion,—the one contending for a new trial and the other resisting it. . . . The tall and graceful figure of Chancellor Livingston, and his polished wit and classical taste, contributed not a little to deepen the impression resulting from the ingenuity of his argument, the vivacity of his imagination, and the dignity of his station.

“Mr. Hamilton was then at the age of twenty-seven, and he had never met and encountered such a distinguished opponent. He appeared to be agitated by intense thought. His eyes, his lips, and his pen, were in rapid motion during the Chancellor’s address. He rose with firmness and dignity, and spoke for perhaps two hours in support of his motion. His reply was fluent, argumentative, ardent, and accompanied with great emphasis of manner and expression. It was marked for a searching analysis of the case, and a mastery of all the law and learning suitable to the subject. . . . I have always regarded Mr. Hamilton’s argument, near the close of his life, in the celebrated *Crosswell case*, as the greatest forensic effort he ever made. The subject was grave, and of lofty import. It related to the liberty of the press, and to the right of the jury in a criminal case, under the general issue, to determine the law as well as the fact. He never, in any case at the bar, commanded higher reverence for his principles, or equal admiration of the power and pathos of his eloquence. But we have not time to enlarge on that case; and it will be more interesting, as an example of the mighty powers of that great man, to take a general view of his efforts on a broader theatre, and not only as a lawyer but as a statesman, before a very dignified assembly, and upon the highest and noblest topics of political discussion that ever arose in this State. I am the more willing to recur to that history because I am apprehensive that the scanty memorials of the exhibition of Mr. Hamil-



ton's talents on that occasion are going fast into oblivion. I allude to the Convention which assembled at Poughkeepsie in the summer of 1788, to deliberate and decide on the adoption of the Federal Constitution. The intense interest with which the meeting of the Convention was anticipated and regarded can hardly be conceived at this day, and much less adequately described. I then resided in that village, and was enabled and induced to attend the Convention as a spectator, daily and steadily during the entire six weeks of its session, and I was of course an eye and ear witness to everything of a public nature that was said or done. The Convention was composed of sixty-five members, and not one of them remains a survivor at this day. That bright and golden age of the Republic may now be numbered 'with the years beyond the flood,' and I am left in comparative solitude."



# ALEXANDER HAMILTON

A HISTORICAL STUDY

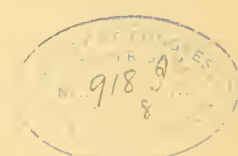
PART II

*THE FOUNDER OF EMPIRE*

BY THE

HONORABLE GEORGE SHEA

CHIEF JUSTICE OF THE MARINE COURT



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H. O. HOUGHTON AND COMPANY.

To  
CHARLES MAURICE,  
*MARQUIS DE TALLEYRAND-PÉRIGORD,*  
NAMESAKE AND HEIR TO THE PROUDEST TITLE OF THAT GREAT PRINCE WHO WAS THE  
COMPANION AND FRIEND OF HAMILTON,  
THE FOLLOWING PAGES, TREATING OF THE HISTORICAL INDUCEMENTS TO  
NATIONAL UNITY,  
ARE DEDICATED,  
AS A SOUVENIR OF OUR OWN LONG FRIENDSHIP,  
AND OF THOSE DAYS WHICH WE HAVE SPENT TOGETHER IN AMERICA AND IN FRANCE;  
BUT CHIEFLY IN RECOGNITION AND PRAISE  
OF HIS INTELLIGENT EFFORTS AND PATRIOTIC SACRIFICES  
TO BRING TO THE FRENCH PEOPLE  
A KNOWLEDGE OF THOSE PRINCIPLES OF PERFECT FREEDOM  
AND OBEDIENCE TO SOVEREIGN LAW,  
THE POWER AND WORTH OF WHICH HAVE BEEN ILLUSTRATED BY THE PROSPERITY  
OF THE  
AMERICAN STATES IN EMPIRE.



PART II.

*THE FOUNDER OF EMPIRE.*





## PART II.

### THE FOUNDER OF EMPIRE.

AN experiment of a new form of government, unknown to the science of politics, was to be tried in a new land and under new social conditions. Afar, alike, from the influence and pressure of un-republican systems, with over three thousand miles of stormy seas rolling between America and Europe, the new experiment was to take its own un-embarrassed way. Those who ardently wished its success, and strove to ensure success, had reason not to expect it. They did not conceal their fears. The problem involved an expedient by which two governments might each be distinctively supreme within the same territory and over the same people. The proposition seemed a paradox; but the man who "divined Europe" had discovered a plan, in accord with a true republican system, by which the idea could be brought into practice, and such a duality work out the functions of good government within those novel circumstances of conflicting interests and prejudices. The "democratie" was to be placed under a republic.

The general government of the Confederation needed an inherently permanent capability to get means for its own support; authority to regulate commerce between the States and with foreign countries; to be strengthened throughout all its parts; to have an executive chief, and to be enabled to enforce performance of its legitimate mandates by due process of law. These powers were not simply convenient, but were found necessary to the continuance of the general government. This was not controvertible. Great barriers were in the path, and those barriers had first to be removed or reconciled before anything like a national Congress could be allowed the required authority. It was evident to some that, while the Articles of Confederation continued in existence, the authority would not be conceded by the States. Historical prejudices and the selfishness of local interests were against such concessions. Traditional dread of centralized government; traditional dread of a hereditary aristocracy; dread that a national legislature, if allowed full authority, might assert and act upon the repudiated doctrine of an omnipotence of Parliament; dread that a supreme general government might absorb, or even usurp in the guise of the public welfare, those local interests which the States were now able to maintain, and which the Confederation was meant to protect: — the concurrence of these several

causes contributed to bring out the ever recurring opposition to any measure for increasing the powers of the Congress ; especially, whenever the measure proceeded from the Congress itself. The successful, conclusive proposition, which, so far as the States were in the beginning concerned, conducted, by unpremeditated steps, to the formation of a new form of government, was, in the end, to come, as we shall see, from the States themselves : though grudgingly and tardily. The nature and the history of those elementary impediments to a national union are interesting, and are, also, valuable to our purpose, as they will disclose the spirit which had to be disciplined, subdued, and conciliated.

Many of the colonies in North America had a traditional dread of centralized government. They liked to dwell apart and for themselves. Encompassing danger impelled them to gather together ; they adhered to the common cause while the danger pressed upon them, and then fell back as they were before.

The initiatory immigration into Virginia came out of a patriotic party in England, and was like an offering by the genius of English liberty, which may not have safely been risked at home, in the age of Elizabeth.<sup>1</sup> The descendants, and many

<sup>1</sup> A searching, full, and accurate history of the several colonial foundations in America, is contained in the first volume, recently

other successors of those early immigrants, preserved and fostered their ancestral political bent. Huguenots composed the first body of men who came to America to find permanent habitations. Spaniards had destroyed their colony. A bold English attempt had been made by Sir Walter Raleigh and his adventurous consociates to rival the Spaniards in planting colonies in America. The salubrity of the climate, the richness of the soil, the lovely and superb nature of the varied land quickly caught their approving sense. Though Raleigh's attempts came to naught, his brilliant example encouraged others to prosperous undertakings. It is curious to reflect how his zeal against the extension of Spanish dominion was, at length, to furnish an excuse for, though not the immediate cause of, his own violent death. Huguenots continued, at different times, to take refuge, in great numbers, throughout many of the colonies, and their fearful anxiety fused with the anxiety of all others adverse to the doctrines tending to centralization.

Hollanders had settled (1629-1635) in that region of country which became, under the English, the Province of New York; and the City of New

published, of the *Popular History of the United States*, written by William Cullen Bryant and Sydney Howard Gay. It satisfactorily fills an important place too long vacant in our standard literature.

Amsterdam arose upon the island of Manhattan where the confluent waters of two beneficent rivers pour their deep and full stream toward the ocean. The chief island of its magnificent bays kept in the memory, by its name of "The Staaten Island," a durable memorial of the fatherland; and, by the names which they gave to villages, these colonists indulged their filial love in a more special degree by such titles as New Dorp, and by calling the estuary that divides the island from the main shore the Kill von Kull; and, likewise, where up the river its waters expand into the broader Tappan Zee. Along the banks and through the valleys of the Hudson, and those of the Delaware, and of other regions within those territories now known as Pennsylvania and New Jersey went the sturdy pioneers from the lowlands of the German Ocean. Throughout New York the Dutchman was still conspicuously active in promoting public affairs, of weight in counsel, and prominent in its high places of renown and honor, at the time when the Constitution for the new nation was about to be laid, in the summer of 1788, before the Convention to be held at Poughkeepsie.

The revocation of the Edict of Nantes (October, 1685) set a strong current of Huguenot immigration into the Province of New York, and the town of New Rochelle, the Huguenot Park, and the peculiar Huguenot burial places in Westches-

ter County, together with the patronymics of many of its principal inhabitants and public men, bespeak the prevalence in that part of the province of a portion of the half million of people who were driven by the Edict from their native France, and who found open hospitable arms and permanent homes in the Electorate of Brandenburg and among the new plantations of the Western Hemisphere. These Dutch and Huguenots were of daring, enduring spirit and of stubborn material; hard to shape and to render capable of entertaining schemes for a "solid union." These men were of an impassioned nature not to be violently encountered in matters concerning government in church or in state; not to be reasoned with on those matters, for their opinions were colored and shaded in a resistful atmosphere of prejudice arising from sufferings and passions. Interest intensified and upheld that prejudice; and greater interest only could meet and disperse it. Tales and memories of what had been done by Philip II. and by Louis XIV. were of a kind not likely to prepare the mind of either Hollander or Huguenot to accept as true the assertion that strength in centralized authority was beneficial to the people. This temper gained strength and increase from the influence of the body of immigrants which came from Sweden, and in April, 1638, settled upon the banks of the Delaware River. The teachings of

Gustavus Adolphus, already sanctified to them by his death at the battle of Lutzen, warmed their principles and nerved their hearts. The pitcher had been broken,<sup>1</sup> but the well from which were drawn freshening drafts was not dry at its abundant source. Ambition was not wanting to the purposes of the Swedish king. He fostered the hope that a colony of Swedes should take a place among those nationalities which were peopling "the new promised land;" extending Swedish dominion, and opening an asylum there for such of his countrymen as were wearied and broken by the earlier struggles of that most disastrous of wars which for thirty years exhausted the energies of Germany. Oxenstiern was mindful of this ambitious intention of his dead friend and king, and organized and sent forth the emigrants who came to the Delaware. They thrived and grew and strengthened, until their individuality, like that of others, became mixed in with those flooding waves of various popular immigrations, almost effacing the distinctive lines which once strongly marked the land, and which, embracing all together, compose the agglomerate people which were at length brought under the government of the new Republic.

<sup>1</sup> Gustavus Adolphus loved to use homely proverbs. That most familiar with him was: "The pitcher goes often to the well, but it is broken at last."

The Puritans, more conspicuously those of the Colony of Massachusetts, had grown more and more averse to consolidated governmental power, no matter where it was lodged. Sir Henry Vane, when governor of that colony, could not induce them to inaugurate any "home rule" which combined with it an aristocratic element. Several English peers offered, if the General Council of Massachusetts was divided into two chambers, to take seats there, by their own hereditary right, and make a common government with the Puritans for the ancient colony. The dislike of those colonists was not to the aristocracy as a political estate: the dislike was to its continuous and hereditary character. Puritans were not opposed to social and political gradations in the state. Their sublime poet declares in his grand harmonious numbers that

"Orders and degrees  
Jar not with liberty, but well consist."<sup>1</sup>

A supplementary suggestion followed this made by Vane, to the purport, that, if the nobles were to lessen their estate to simply a life-tenure, its hereditary character then being gone, the offer might be considered. The effect of this scheme was to limit the tenure of all kinds of public offices in New England to very short periods. The inconveniences and expense of frequent elections were es-

<sup>1</sup> Milton.



teemed as nothing in comparison with the sense of security which resulted. This feeling has never departed from the people of America. Their confidence in the character of Washington and affectionate respect for his patriotism and public services reconciled them as to him, but as to him alone, when he was reëlected, and when it was proposed to elect him for a third term.<sup>1</sup> Jefferson looked upon the Constitution as radically defective in not prohibiting the reëlection of the same person to the presidency. Hamilton believed that the continuity of the same person in the highest executive national office would give a needed stability to the administration of government, and be more in accord with the principles of a republican form, and as commended by its most approved and illustrious instances. The Republic of Uri was such an instance.

“A church without a bishop — a state without a king,” was the thought underlying all their political, social, and religious philosophy and action. Edmund Burke, when remarking that these people were Protestants, in his speech on Conciliation with America, says, they are “of that which is the most adverse to all implicit submission of mind and opinion. I do not think that the reason of this averseness in the dissenting churches, from all that looks like absolute government, is so much

<sup>1</sup> Marshall's *Life of Washington*, vol. 2, page 395.

to be sought in their religious tenets, as in their history." Indeed, during the revolutionary and confederative periods there was no executive chief to the general government. It was a league of States and a people without a common executive head. This deep-seated conviction, that any hereditary rank and political estate, in which power and privilege may lodge, or secrete, were essentially inimical to the continuance of the liberty of the people, had, in a most violent manner, quite recently shown itself. The "Society of the Cincinnati" was organized in May, 1783, just after the close of the war. The officers of the disbanded army intended by it to keep alive, consecrate, and perpetuate the memory of sacrifices made and friendships perfected during that war. The honor of membership was to be hereditary and to descend to the heir as a cherished loom. Washington had consented to be its President. Now came down upon the society a storm of alarm, indignation and abuse, which did not spare even Washington. He and his fellow veterans in arms were innocent of any cause for offense. It was the incident of membership being hereditary that had aroused the dormant old prejudice. The society was stigmatized as a subtle design to introduce an aristocracy, subvert the republic, and institute a monarchy. Few occurrences had ever so excited violent passion; voices, private pamphlets, and the

public press, all at once, denounced the society as a public enemy. Mirabeau thought the occasion so important that he entered into the conflict, and published in England a pamphlet on the subject of hereditary nobility, which he had in great part prepared at Paris before he left there in August, 1786.<sup>1</sup> It was full of eloquent condemnation, and had so much the approbation of Franklin that Mirabeau bore a letter from him, dated at Passey, to his friend Mr. Vaughan, commending the Count to the civilities and counsel of that gentleman, respecting the printing of the pamphlet in London, as it could not be printed in France.

The Congress of the Confederation was a single body; and, so, it was looked upon as neither a provident nor a safe custodian of supreme authority over sovereign States. It was best for the nation and for the States, many thought, that such single bodies should remain advisory councils. Besides this, the omnipotence of Parliament had become an intolerable doctrine to the people of America. "It had done its work and outlived its usefulness."<sup>2</sup> The principles of the Revolution of 1688 continued ever dear to them; but the domineering height to which the supremacy of legislative power had ascended in England since 1688,

<sup>1</sup> *Memoirs of Mirabeau*, by Himself, vol. 4, pages 133-139.

<sup>2</sup> Bancroft's *History of the United States*, vol. 10, page 39.

far beyond a reasonable, prudent, and beneficent use, seemed a warning not to permit a like source of aggressive authority to be gained by the Congress. Blackstone's "Commentaries" had been widely read. It was known how rapid and luxuriant was the growth of delegated power. "I have been told by an eminent bookseller," said Edmund Burke to the House of Commons, March 22, 1775, "that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of 'Blackstone's Commentaries' in America as in England." These Commentaries amplify and affirm the opinion of Sir Edward Coke, that the power and jurisdiction of Parliament is so transcendent and absolute, that it cannot be confined either for causes or persons within any bounds. "It has sovereign and uncontrollable authority, . . . this being the place where that absolute despotic power, which must in all governments reside somewhere, is intrusted by the constitution of these kingdoms. All mischiefs and grievances, operations, and remedies, that transcend the ordinary course of the laws, are within the reach of this extraordinary tribunal. It can regulate or new model the succession to the Crown, as was done in the reign of Henry VIII. and Wil-

liam III. It can alter the established religion of the land, as was done in a variety of instances, in the reigns of King Henry VIII. and his three children. It can change and create afresh even the constitution of the kingdom and of parliaments themselves. It can, in short, do everything that is not naturally impossible; and, therefore, some have not scrupled to call its power, by a figure rather too bold, the omnipotence of Parliament. True it is, that what the Parliament does no authority upon earth can undo. . . . It was a known apophthegm of the great Treasurer Burleigh, 'That England could never be ruined but by a Parliament;' and Sir Matthew Hale observes, this being the highest and greatest court, over which none other can have jurisdiction in the kingdom, if by any means a misgovernment should in any way fall upon it, the subjects of this kingdom are left without all manner of remedy. . . . So long, therefore, as the English Constitution lasts, we may venture to affirm, that the power of Parliament is absolute and without control."<sup>1</sup> Whether this comment by Blackstone professes too much or not, is little to the purpose of our present inquiry. It was the doctrine taught by the most popular authoritative elementary law-writer of England; uttered by him to the rising generation of students in the University of Oxford, and to the nobility

<sup>1</sup> Blackstone's *Commentaries*, vol. I, pp. 161-162.

and gentlemen of England, as late as 1758; and the colonists naturally accepted it as an exposition of the true nature of legislative power, when placed in any assembly with sovereign authority; and it was the doctrine solemnly and ostentatiously proclaimed and acted upon by parliaments whose acts immediately preceded and necessitated the final declaration of independence and separation from Great Britain. Yet, in the English legislative plan checks and balances prevail. That mitigating feature did not exist in the Congress of the Confederation. The colonists were opposed to all kinds of unchecked and sovereign power, no matter where it was lodged; whether in a many-headed commonwealth, in a confederation of states, or in a monarch. They reflected upon the fact, also, that, in 1648, the House of Commons had asserted its independence of the Upper House; determined to act as sitting in Parliament for their own behoof only, and as representing the community at large; and resolved "that the Commons of England, assembled in Parliament, have the supreme authority of the nation." The Commons thenceforth styled themselves, "The Parliament," and became the unrestrainable masters of the state.<sup>1</sup> The two Houses of Parliament were at this epoch "invested with unlimited power, determin-

<sup>1</sup> Brodie's *Constitutional History of the British Empire*, vol. 3, pp. 319-320.

able only at their own pleasure; and, in short, were, in their aggregate capacity, clothed with all the authority of absolute monarchy. Invested with all the legislative power, and entitled to appoint all public officers, they had a natural tendency to advance their own greatness to the prejudice of the people, as well as to multiply jobs and places, that they might enrich and exalt themselves at the public expense. . . . Such was the natural tendency of this state of affairs; and it is no answer to the objections, that the English Parliament at that time contained a number of patriots, who were prepared to make great personal sacrifices for the public benefit, since an institution must not be appreciated by the integrity of particular men; and this assembly, with all its virtue, had neither escaped the imputation of selfishness, nor the consequences of the system.”<sup>1</sup> And so it became that these colonists had been by experience and by the philosophy of history educated to the principle not to trust their own affairs beyond their own immediate control. Federal and national legislative bodies, whether composed of two branches, each a check upon the undue acts of the other, or a single assembly unbalanced by a corresponding weight, were equally unacceptable to them.

Then there was the unformed apparition of the

<sup>1</sup> Brodie's *Constitutional History of the British Empire*, vol. 3, p. 159.

public debt affrighting a nation of insolvents with dreadful forebodings, and driving them into dishonesty. A power to tax was, they likewise knew, a power to destroy. Their sources of wealth were many and abundant; "in proportion to their number, more opulent than the people of France;"<sup>1</sup> but their industries and trade were disorganized. The war had been carried on by the States independently of each other in several respects; the debts incurred in its course were incurred in part by the States, in part by the Congress. The States had become liable directly to creditors and retained the claims unliquidated against the Confederation for any balance which might appear on the final accounting. But how and when to pay that balance, or any other claim, foreign or domestic, always excited nothing but contentious debate. On this subject two great parties were forming already in every State at the time when the convention to consider of a new form of government was proposed. They were distinctly marked; pursued distinct objects, with systematic arrangement.<sup>2</sup>

Such were the temper and character of the people of America, at that eventful epoch, — the eve of the constitutional era. Any new form of government for the whole of the States in unity had

<sup>1</sup> Bancroft's *Hist. U. S.*, vol. 10, p. 173.

<sup>2</sup> Marshall's *Life of Washington*, vol. 2, p. 103.



to encounter and conciliate that temper and character, and prejudices traditional and deep down in the heart. These, first, had to be removed, that the other might be established ; and this could be accomplished only when the need of a new government began to be felt by the people.

There was another and more comprehensive necessity which any project for a new effective government would have to insist upon. An amendment of the Articles of Confederation would not answer the public need. The vice was radical. A new system of government was the thing desired. It was a subject not to be mentioned just yet ; but other minds began to see what Hamilton saw in 1780 and of which he wrote to Duane. The idea would grow fruitfully if not forced. If able men could be brought together, in sessions not public, that object would, by candid, intelligent debate, develop itself into a conviction. A convention to consider of amendments to be proposed to the Articles of Confederation, might end, perchance, in the proposal of a new Constitution and organization of government. This was to come in time. Those who were now congratulating each other in successful efforts to thwart Congress in its measures, were unconsciously making inevitable the chief thing they abhorred. To be sure the danger to liberty that lies in a supreme authority when it is placed in a single political body of

men was an abstract principle not entirely discernible by the people at large; it did not enter into the prominent, active, and popular opposition to Congress. This danger, notwithstanding, was ever present to a few such men as Hamilton, and clearly indicated to them how futile and hazardous a mere amendment of the existing form of government would be. Though the refusals of the States were, at the time, lamented by good citizens friendly to an increase of the federal authority for its own national dignity and honest purpose, yet, before a long time had passed over their heads it was esteemed fortunate, as Chancellor Kent has said, "that all the authority of a nation, in one complicated mass of jurisdiction, was not vested in a single body of men, and that Congress, as then constituted, was a most unfit and unsafe depository of political power."

The attempts made before this one of 1787 to bring the colonies into a union for the national purposes of government had each failed of any permanent results. Let us consider the lessons taught by these several and independent attempts. They will teach us how much peoples and kingdoms are indebted to adverse surrounding pressure for their prosperity and even national existence. Generally, by such immediate pressure of hostile assault or apprehended danger, requiring a defensive and offensive league for common protection, three

leagues were, at distant periods, formed ; and they went each to pieces when the danger was gone by. That of the colonies of Massachusetts, Plymouth, Connecticut, and New Haven, in 1643, was entered into in view of attacks from contiguous Indian tribes, and as a protection from encroachments from the Dutch colony. That league is known in history as the United Colonies of New England. The management of its common affairs was entrusted to commissioners, each colony having two ; but no executive power was conferred upon the commission. It was to consult and recommend merely. This combination is to be regarded as the very root of the series of like efforts towards a union which followed. It lasted, with a few amendments in its articles of compact, for more than forty years. England looked with friendly disposition upon it, and it was dissolved only when, in 1686, the old charters of the New England colonies were superseded by the commission of James II. Congresses of Governors and Commissioners on behalf of other colonies as well as on behalf of those of New England, met, after that dissolution, to provide means to guard the frontiers of their interior boundaries. One of these Congresses met at Albany, in the Province of New York, in 1722 ; but another, which was of great importance in its consequences, and in its influence upon the minds of thoughtful men, was

held there in 1754. The object of the assembly was a bold, comprehensive, and well defined project for a continental union. Its urgent occasion was to defend those American colonists in the war with France which at that moment was at hand. Its project for a union was, nevertheless, rejected. The sagacious Benjamin Franklin was one of the members who were the authors of that proposed form for a union ; and many of the most eminent inhabitants of the colonies assisted in the deliberations. Thoughts were there liberated and freely discussed which led to ideas that prepared the way for the future. While those discussions manifested a lively jealousy of the power and blandishments of royal associations, the general feeling was more conspicuously marked by a filial respect for English principles of government. These colonists, indeed, were emulating each other in dutiful obedience to their mother country. But a strong tide of local policy, ambition, and rival colonial interests submerged those and all other considerations, and became more intense than before. Franklin said, in 1750, that loyal sentiments were so thoroughly in the hearts of the people that a union against England was absolutely impossible ; or, at least, without being forced by the most grievous tyranny and oppression. This feeling, though impaired, did not die out even during the Revolution, but lingered until the measures of the Shelburne ad-

ministration, succeeding the Peace at Paris of 1783, quenched it out for a long season. So failed the original attempt at a "Continental" Congress. The ideas, however, brought away from that consultation were beginning the work of the ultimate independence of America; and the one thing which Franklin imagined might possibly force the colonies into such a union was now developing. This thing was the claim of the British Parliament to tax America without representation. The omnipotence of Parliament was displayed. The right to tax was boastingly and offensively proclaimed. The attempt to enforce it by military aid aroused the colonists. Then a Congress of delegates came from nine of the colonies and, in October, 1765, met together in New York. A bill of rights was set forth in which the exclusive power of taxation was resolved to abide in their own several legislatures. Thus the road was clearing for that more general and extensive association of the colonies which followed in September, 1774. This was the assembly since known as the first "Congress." Temperate and intelligent in all its proceedings, it commanded the attention and admiration of the enlightened world. Its conciliatory tone toward the English government and its intelligible characterized position, claiming and demanding for the colonists the rights and liberties of English freemen, were most prominent and observed. It was

hard to break the tie which held their hearts rather than their political allegiance. They ever spoke in the spirit of the British Constitution. Their declaratory resolutions asserted the inalienable immunities common as a birthright to all natural subjects of the crown; they specified the plan of violent measures which was preparing against those immunities, and they bound their constituents by the most sacred bonds of honor and of country to renounce commerce with Great Britain; that being, in their judgment, the better means whereby to secure the blessings of the former, and to arrest the assaults of the other. It was in this step that the epoch of the Revolution began; and thus commenced the foundation for the continental union of the colonies. The epithet came into popular use by this time that people were thinking "continentally." Again, in May, 1775, another Congress, in like mood and with similar purpose, met at Philadelphia. Invested with ample discretionary powers, it unmistakably indicated the courage and fixed purpose which prevailed. In truth, the war for independence had begun. Washington was at the head of the Continental army. He was soon to be proclaimed Dictator. The history of the war itself has slight bearing on our special theme.

It was not until December 15, 1777, that Congress could reconcile and unite the wary and de-

centralizing tendencies of the thirteen political communities into the agreement which is expressed by the Articles of Confederation. Those articles were submitted to the legislatures of the several communities; declared to be the result of present and overwhelming necessity; of a wish for reconciliation; and that they were concurred in as the best that could be attained; and not for any intrinsic excellence. The States came slowly in. One State, but only on condition, rejected the plan. The retentive power of local interests and local ambition did not freely provide even when the sea of trouble was rising near and strong.

The government of the Confederation began; that of the Revolution was superseded. The "discretionary powers" had been often used by it; but under the new Confederation those powers were rapidly abridged, and Congress lessened into an inefficient council of advice, generally unheeded and ever powerless. A sense of incapacity became habitual, for Congress was mastered and nullified by the States; sometimes by a single State. A repudiated public debt, the continued presence of the armed foe after the terms of peace had been concluded, hostile measures directly affecting injuriously the industries and trade of the States: these adversities were to be the indirect forces by which "a solid republican government" was to be expressed. The efficacious pressure, as from the

first, in 1643, it had been, came once more from unfriendly foreign sources, and so induced a successful proposal for a union to proceed now from some States to Congress and again unsuccessfully from it to the States. The future Republic was truly sown in weakness, to be raised in power.

To Alexander Hamilton history traces that parent thought which made the institution of "a solid republican government," for national objects, possible. It was not a repairing and strengthening and expansion of the Confederation. A new system of government was to be set up and to be declared as established "forever." The expedient had never before been tried or heard of, so far as historians to the present time have been able to discover. It is said by publicists, that the history of the philosophy of politics from Aristotle down, shows no precedent or practical suggestion for the contrivance. All preceding associations of republics, or of democratic States, were simply leagues. The quality peculiar to the idea that a duality of governments was adaptable to the States independently, and, also to a consolidated union of them, must be accepted as the invention of Hamilton's creative mind.

This idea was to bring about an era in the science of statehousehold applicable to a republican form of government. We prefer to use, in the like sense to which we are accustomed to the term



political economy, that other composite word, itself of German descent, "state household:" an image clearly bodying forth the source, the direction, and proper objects of municipal communities and of nations. The phrase acknowledges the "State" to be naturally an extension and amplification of the domestic household, and that all legitimate and natural government springs from its primal fountain, the family. It rises from families to communities, from villages to nations. As the members of a family have their relative duties to the family, so has each member, as a citizen, relative duties to the state to which he owes a natural or a local allegiance. In the first condition they constitute in their natural domestic group the family; in the latter they constitute the state. The family was in order of time before the state, and the state is a combination of fathers and masters for the better protection of themselves and families. Reason points to this as the probable origin of political communities, and history attests the fact of such origin. Like as the members of the family regard its chief and husband, *domus vinculum*,<sup>1</sup> so does the individual citizen in his

<sup>1</sup> Although this etymology of the title husband may be specious, yet it presents to the understanding a most suggestive and beautiful image; and as it has the authority of Spelman, and Francis Junius acknowledges it "sufficiently specious," the writer thinks he is free to use the epithet in that sense.

The name of Francis Junius suggests one other Francis and

public capacity look to the state, though himself an essential constituent of it, as a supreme law

“Junius.” This is, we confess, aside from the direct way we are going ; but let us loiter a moment and take a glimpse into the attractive by-path. Perhaps it is one not more curious, and even less fanciful, than some which have engaged the searching skill of intelligent minds in the same pursuit of discovering clews which might lead to the detection of the famous writer, obscured in the shade of another’s name. *Stat nominis umbra*. Lucan’s meaning — from which poet the celebrated motto was taken — is : “ he (Pompey) stands the shadow of a (great) name.” Did Sir Philip Francis (assuming him to be accepted now generally as the author of “The Letters”) venture so far as to hazard his detection by thus indicating that he, “Junius,” was the son of Francis? Though the eminent critic’s book was not popularly known in England, yet the very title to the most valued of the works of Francis Junius reads, “*Franciscii Junii; Francisci Filii; Etymologicon Anglicanum.*” Is it a mere coincidence, or was the daring author with all his prudent circumspection, tempted, by the allurements of the device, toward the confines of exposure? Francis Junius was a man of vast classical erudition, and a great traveller, a friend of Grotius, Salmasius, Vossius (his brother-in-law), and Archbishop Usher. He was born at Heidelberg about 1589; in 1630 he went to England; died in his 85th or 86th year (1678) at Windsor, and was buried there. The University of Oxford, to which he bequeathed his manuscripts and books, out of gratitude, caused a Latin inscription to be placed over his tomb (*Preface to Phillimore’s translation of Lessing’s Laocoon*). The works of Junius were highly estimated by philologists in the times of George II. and of George III., and his volume on the *Art of Painting among the Ancients*, made him known to those who specially cultivated a taste for ancient literature. Such a scholar was the father of Sir Philip Francis. It is no strain upon belief to infer that Philip Francis, senior, the translator of “Horace,” “Demosthenes,” and “Eschines,” author of the tragedies of the *Eugenia* and of *Constantine*, and of several political pamphlets, was quite familiar with these writings of Francis Junius; and that his brilliantly gifted son was nurtured in an

and civil governance. Herein we have, not only the special and local government within a family and limited to own affairs, but we have a general government comprehending and pervading throughout, all at once, the grand aggregate, supreme in its unity and in its universality; each a government bearing directly upon the individual. Herein arises the feasible and practicable system for a duality of government over the same territory and over the same people. In it we can see the first original of the principle which Hamilton had divined and which he was to apply to the several States in their independent operation and scope, and to the same States in Empire. He saw the consequent while it was yet dormant in principle, and he called it into existence and organization. Governmental institutions are not made; they are a growth, and derive their nurture, character, and strength from the ground which bears them.<sup>1</sup>

intellectual atmosphere filled with refined learning, esthetic exercises, and spirited political dialectics. When that son, in the course of his political career, desired to shroud himself in a cloud of impersonal authorship, it would be natural for him to seek it in the shadow of a name great to him and associated with the cherished remembrance of his paternal home. All of this is digression, however; but not farther away than one on another circumstance of the same enticing topic to be found in a note to pages 87, 88, in the fourth volume of Macaulay's *History of England*.

<sup>1</sup> God, "who created man, created in him, and with him, the rudiments of that government which is necessary for the simplest form of society. In the extension and enlargement of society, men are thrown more upon their own resources for the expedients of

This idea of Hamilton first appears in a letter written by him to James Duane, an eminent member from New York, in the Continental Congress. It is dated September 3, 1780. The expedient was matured, and the letter was written, by Hamilton amid the stir of active war and "in the tented field." It contained, also, what is generally conceded to be, the very first project uttered in America to found a national government by "a solid coercive union." Hamilton was then twenty-three years old. The previous year, likewise in camp, while the army was in winter quarters, he had conceived and perfected a mode by which public credit might be restored, and a change in the whole administration of public affairs effected. This he anonymously sent to Robert Morris, the financier of the government. These letters are notable, for in them we get at the *principia* of Hamilton's scheme for a republican form of a general government and of his process of finance; each of which was destined to prevail and, for weal or woe, to

government; and in respect to these, God no otherwise ordains than as His overruling Providence directs. Families and tribes combine themselves into one nation under a single head, or they vest the supreme power in the hands of the few or the many; and hence the monarch, hereditary or elective, the oligarchy, the democracy, etc., all which are the effects of human contrivance. But government, in its original or elementary form (which is patriarchal), is the more immediate operation of the Divine wisdom, and is stamped on Nature by the Divine decree." — Samuel Seabury, D. D., on the *General Divisions of Society*, p. 74.

control American affairs in the near and, again by revival, in the distant future.—To be stigmatized, when Jefferson was in the ascendant, as inimical to the existence of the government; to be overborne in its chief feature, a national bank, by the executive daring of Jackson; and to revive in each phase, with domineering spirit, and with full amplitude of sway, under the administration of Lincoln. “A virtue cannot really die. It may indeed be neglected, forgotten, depreciated, denounced; but it cannot be absolutely extinguished by the verdict whether of a school of thought, or of a country, or of an age, or of an entire civilization. If, indeed, it be a virtue at all; if it ever deserved the name; if it was ever more than a strictly relative form of excellence; then, assuredly, it is an imperishable force.”<sup>1</sup>

It is likewise notable that whether this youth sent forth his thoughts on these grand themes with his proper name or anonymously, they received ready attention from the ablest and most experienced statesmen of that time. The maturity and perfection of the very mechanism of these projects, which distinguish them from the day-dreams of speculative philosophy, appear incredible as the product of one so young. But, be it remembered, he was already known as Washington’s “principal and most confidential aid.”

<sup>1</sup> Canon Liddon’s Sermon on “The Law of Progress.”

Hamilton, in that letter to Duane, enlarges upon the defects in the Confederation of the States and suggests the practical remedies. The fundamental, thorough imperfection, and the absence of inherent vitality, we have seen. The remedies which he proposed were two: That the Congress of the Confederation should resume and exercise "the discretionary powers" which he believed to have been originally vested in it for the safety of the state. The other; that Congress call immediately a Convention of all the States, with full authority to conclude finally upon a General Confederation, carefully stating beforehand, explicitly, the evils arising from a want of power in Congress, and the impossibility of supporting the contest as things are; and this to the end that the delegates may come, possessed of proper sentiments, as well as proper authority, to give efficacy to the meeting; that their commission should include a right of vesting Congress with the whole, or a proportion, of the unoccupied lands to be used as a means of raising a revenue; but allowing the political jurisdiction over those lands to remain in the States. He confessed that the first remedy would be thought by Congress too bold. The habit into which Congress had fallen impressed too deeply into it a sense of its want of power. From disuse the existence of the power itself came to be denied.

Hamilton had always been of the opinion that

the National Government was of undefined powers; that such "are discretionary powers, limited only by the object for which they were given: in the present case the independence and freedom of America;" that "the sovereignty and independence of the people began in a federal act: — The Declaration of Independence was the fundamental Constitution of every State;" and that "the Union originally had a complete sovereignty" and "its constitutional powers not controllable by any State." Therefore, his first suggestion was that Congress should resume and exercise, without further concessions from the States, these "discretionary powers."<sup>1</sup>

<sup>1</sup> "In the interpretation of laws it is admitted to be a good rule to resort to the co-existing circumstances, and collect from thence the intention of the framers of the law. Let us apply this rule to the present case. In the commencement of the Revolution delegates were sent to meet in Congress with large discretionary powers. In short, generally speaking, with full power 'to take care of the republic.' In the whole of this transaction the idea of a union of the colonies was carefully held up. It pervaded all our public acts. In the Declaration of Independence we find it continued and confirmed. . . . A government may exist without any formal organization or precise definition of its powers. However improper it might have been, that the Federal Government should have continued to exist with such absolute and undefined authority, this does not militate against the position that it did possess such authority. It only proves the propriety of a more regular formation to ascertain its limits. This was the object of the present Confederation, which is, in fact, an abridgment of the original sovereignty of Union." — Hamilton's *Works*, vol. 2, p. 353.

The scheme of government, and the scope of its necessary and convenient authority, as therein pointed out, had the maturing approval of his judgment during life, and, as we shall see, were ever the controlling merits of all measures for which he afterwards contended. "Civil power," he reiterated, "properly organized and exerted, is capable of diffusing its force to a very great extent, and can, in a manner, reproduce itself in every part of a great empire, by a judicious arrangement of subordinate institutions." The political history of the government of the United States, "in empire," during and, especially, subsequently to the war for the union, make clear and manifest the inexorable logic of this proposition.

The letter to Duane brought once more, but by a well defined, intelligible scheme, a project for a more perfect union before many men in authority. Conventions had been called and held. Nothing, as usual, could be effected by them. In January, 1780, one was convened at Philadelphia in the hope that power would be delegated to Congress to lay and collect if only a revenue. The New England States, New Jersey, Pennsylvania, Delaware, and Maryland were represented; but not New York. Its governor, George Clinton, did not approve of it. The convention adjourned to February to await New York to meet other States; then further adjourned to April, when another



call was made for a meeting in August ; and then in August, the only States that appeared were Massachusetts, Connecticut, and New Hampshire. The subject was ceasing to be interesting. The supplications of Washington and of Congress were falling on heedless and hostile dispositions. But, notwithstanding the discouragements, wise and instructive resolutions and addresses were issued from these conventions. Those words were, indeed, things. The education of the people, by several means, was going on. Hamilton, abating no jot of hope and heart, caught at all these symptoms of a tendency towards effective union and adequate government ; helped to warm them into life-giving influence, and to spread them over the land. His pen was constantly busy, and during 1781-82 he published "The Continentalist," in which he discussed, in his usual clear, full, and deliberative style, the state of public concerns and the remedies. On Tuesday, July 21, 1783, the legislature of the State of New York passed a resolution for a General Convention of the States. It had been drafted by Hamilton.<sup>1</sup> He, with four of the most eminent citizens of that State, were appointed, in pursuance thereof, delegates to represent the State in the United States Congress for the ensuing year. But nothing practical came of it. Listlessness was settling down upon the

<sup>1</sup> Hamilton's *Works*, vol. 2, p. 203.

hopes and fears of the people. With the dawn of peace they sank to be more and more dormant. The anxious solicitude, reasonably elicited by the condition of public interests, went little beyond the leading statesmen, and those more intelligent citizens sensitive to national honor.

January 1, 1783, Congress again issued an address to the States. It most earnestly set forth the facts and the urgent need of action. The facts and need were admitted to be as stated. But, argued those in opposition, good reasons must give place to better reasons; the individual interest of a State is to be esteemed of primal and higher obligation. Citizens were, as we already mentioned, taking sides on the question, and the two parties began to gather and to take form. One body attached itself, as first in order of duties, to the State government, viewed all the functions of Congress with fear, and assented reluctantly to any measure which would enable that "head to act, in any respect, independently of its members." With a morbid candor they declared the real truth. The members, in a reversed order of nature, controlled and directed the head. The other party fondly contemplated America as a nation; labored without ceasing to empower it with a national authority and force; felt the value of national honor and of national faith; and were persuaded that both were jeopardized, if the secur-

ity and payment of the national debts, incurred in the war and for the independence of the nation, were now to be left, at the advent of peace, to the concurrence of the thirteen disjected States. The officers of the army, who by associating with each other, away from local influences, and whose experience had given them bitter proofs not soon to be forgotten, sympathized with the national party. The states party was more numerous and powerful. The connections between a State and its own immediate citizens are ever more intimate and tangible than any possible with a general government. It is only and simply by a mental operation that the mind can get near to an appreciation of such a general sort of government, existing only in contemplation and as a maxim. It was neither seen nor felt. It was not capable of acting upon the inhabitants of a community, and not coming, like the state, in daily contact with them.

It was while this Congress of 1783 was endeavoring to reach some practicable conclusion that peace was made at Paris. Sensible that the character of the government may be fixed definitely by the measures which should directly follow the treaty of peace, citizens of the very first political talents and high social reputation sought places in this Congress. With unwearied perseverance, and despite of all former failures and the absence of encouragement, they digested what they concluded

to be a feasible project, which obtained the approval of Congress. The main object in its view was, of course, the, now more than ever, immediate and overwhelming one, "to restore and support public credit;" and, that this might be accomplished, it was essential "to obtain from the States substantial funds for funding the whole debt of the United States." Hamilton attended this Congress. He had reached only the 26th year of his age. His services while there were many and important. He was planting and disseminating doctrines of a utilitarian polity. After several weeks of anxious and protracted consideration a project was matured. James Madison, afterwards fourth President of "The United States of America," Alexander Hamilton and Oliver Ellsworth, afterwards Chief Justice, were appointed a committee to prepare the address, which should accompany the recommendation to the several States. Hamilton was the author of this address. It recited the defects of the government; described and explained the project to meet the public debt; called upon the justice and plighted faith of the States to give it proper support, and to weigh the consequences of rejection. The merits of the creditors' demands were again asseverated; and the report ends by asking that it be remembered, "that it ever has been the pride and boast of America, that the rights for which she con-

tended were the rights of human nature. No instance has heretofore occurred, nor can any instance be expected hereafter to occur, in which the unadulterated forms of republican government can pretend to so fair an opportunity of justifying themselves by their fruits. In this view, the citizens of the United States are responsible for the greatest trust ever confided to a political society. If justice, good faith, honor, gratitude, and all the other good qualities which ennoble the character of a nation, and fulfill the ends of government be the fruits of our establishments, the cause of liberty will acquire a dignity and lustre which it has never yet enjoyed; and an example will be set, which cannot but have the most favorable influence on the rights of mankind."

The toil of Washington, as the commander-in-chief of the army, was ended. Necessity drew the sword — victory sheathed it. He was on the eve of resigning that trust. The new effort by Congress had his deepest sympathy, and, as a parting advice forced from him by the critical condition of the country, he wrote a letter, and, on June 8th, 1783, sent a copy to the governor of each State. It was replete with tender feeling, and instinct with sentiments of honor and patriotism, urging that this recommendation from Congress be adopted. An impression was made; but momentary. It fell again on the rock, and took no root.

Indifference, worse than active hostility, chilled the ardor of the cause. The decline of national worth had begun. The best men of America were of this Congress. Their work was despised, rejected; nevertheless, Congress did not give up, nor weary.

In February, 1786, the revenue plan of April 18th, 1783, was again brought forward. As that part of it concerning internal taxes was hopeless, the States, therefore, were requested to enable Congress, "to carry into effect that part which related to impost, so soon as it should be acceded to." There was reason to believe that the impost might be secured. In the course of the year all the States, except New York, had granted as requested the impost duty. That State, certainly, had passed an act upon the subject, but that act did not give Congress the power to collect the money. It required that the collections should be made by agents of the State, amenable to the State alone. This non-conformity on the part of a single State to accede to the proposition suspended its operation. Governor Clinton declined to facilitate a reconsideration by the legislature. Thus finally was defeated the labored, persistent efforts of Congress to relieve and save the country's credit, its unity and honor.

The traditional dread of centralized national government; the traditional confidence in their

own independent statehouseholds ; the policy of decentralization — were triumphant over all. The Republic was lost awhile. For a season, the Revolution seemed to be worse than in vain. But while the Western horizon was filled with the clouds and darkness of descending hope, on the opposite quarter of the heavens arose other beams that were struggling, in the cool of early dawn, to usher in the light of a new and perfect day.

This last defeat was decisive and set adrift all that concerned the general weal of the country. Anarchy was apparent. It was felt profoundly and humiliatingly by those who desired to stay that downward course which was bearing vital public interests to utter annihilation. They wished to place the country as fairly as possible before the world. La Fayette was visiting the courts of northern Europe. He, writing to Washington, especially of what had occurred at the Court of Frederic the Great, said : “ I wish the other sentiments I have had occasion to discover with respect to America, were equally satisfactory with those that are personal to yourself ; . . . by their conduct in the revolution the citizens of America have commanded the respect of the world ; but it grieves me to think they will in a measure lose it, unless they strengthen the confederation ; give Congress power to regulate their trade, pay off their debt, or at least the interest of it ; establish

a well regulated militia ; and, in a word, complete all those measures which you have recommended to them.”<sup>1</sup> John Adams, then our Minister to the Court of St. James, wrote from London, to his relative, Dr. Tufts, these words : —

“ As to politics, all that can be said is summarily comprehended in a few words. Our country is grown, or at least has been, dishonest. She has broke her faith with nations, and with her own citizens ; and parties are all about for continuing this dishonorable course. She must become strictly honest and punctual to all the world before she can recover the confidence of anybody at home or abroad. The duty of all good men is to join in making this doctrine popular, and in discountenancing every attempt against it. This censure is too harsh, I suppose, for common ears, but the essence of these sentiments must be adopted throughout America before we can prosper.”<sup>2</sup>

America had impaired its respect in Europe ; and those there, most friendly to her welfare, were ceasing, at last, to find excuses for her defaults. Washington retired, and seeking a much needed rest amid the shades of Mount Vernon, could not suppress an expression of his own mortification. He wrote : “ The war has terminated most advan-

<sup>1</sup> Marshall's *Life of Washington*, vol. 2, p. 97.

<sup>2</sup> *Life of John Adams*, vol. 2, p. 125.



tageously for America, and a fair field is presented to our view ; but I confess to you, my dear sir, that I do not think we possess wisdom or justice enough to cultivate it properly. Illiberality, jealousy, and local policy, mix too much in our public councils, for the good government of the union. In a word, the confederation appears to me to be little more than a shadow without the substance ; and Congress a nugatory body, their ordinances being little attended to. To *me*, it is a solecism in politics, — indeed it is one of the most extraordinary things in nature, that we should confederate as a nation, and yet be afraid to give the rulers of that nation, who are the creatures of our own making, appointed for a limited and short duration, and who are amenable for every action, recallable at any moment, and subject to all the evils which they may be instrumental in producing, — sufficient powers to order and direct the affairs of the same. By such policy as this, the wheels of government are clogged, and our brightest prospects, and that high expectation which was entertained by the wondering world, are turned into astonishment ; and from the high ground on which we stood, we are descending into the vale of confusion and darkness. That we have it in our power to become one of the most respectable nations upon earth, admits, in my humble opinion, of no doubt, if we would but pursue a wise, just, and liberal

policy towards one another, and would keep good faith with the rest of the world ; that our resources are ample and increasing, none can deny ; but while they are grudgingly applied, or not applied at all, we give a vital stab to public faith, and will sink in the eyes of Europe, into contempt."

The downward course still continued. But an unseen influence of correcting power began to indicate its action upon the surface of events. Something was at work which was to direct those events toward the great and fundamental change in the political system. That local selfishness, which neither the counsels nor supplications of assembled intelligence, patriotism, and virtue, the character of Washington, the sympathy of his valedictory, nor even the voice of honor itself could provoke to duty, was quickening into alarm. This redeeming genius came under the appearance of endangered Trade. English creditors had debts yet due them in the several States ; English troops yet stayed in possession of military posts within the United States ; and — which produced more extensive disquiet to the States than any other cause — Great Britain was acting upon a rigorous commercial scheme invigorated by positive legislation. The latter was pressing most heavily and disastrously upon the characteristic restless enterprise and industry of the people. A retaliatory policy, compelling Great Britain to relax this rigor

by meeting it with commercial and navigation regulations equally restrictive, was suggested. Congress, however, could not act any further with effect upon foreign nations by again assuming with them, that the States were in effect a unit. The fiction had been dissipated. Its want of authority had become known. But the weakness of Congress was, at length, becoming the strength of the union cause. It had no power to regulate commerce either as to foreign powers or as between the States. The jealousies of the States had not permitted them to agree upon a method capable, now in the moment of utmost need, of enacting such a retaliatory policy. As with all former combinations and leagues between the colonies and States, the pressure for adherence encompassed them from exterior circumstances. The interests of Trade triumphed over State Sovereignty. Converts from the mart multiplied to the conviction that a national central power was a necessity for the regulation of commerce.

Meanwhile the United States representatives in Europe were endeavoring to negotiate commercial treaties. Commissioners had been appointed to that end. The trade with Great Britain and its West Indian colonies had a peculiar value. Troubles had followed the treaty of peace and serious consequences threatened. Mr. Adams had been transferred from the mission to Holland,

and appeared at the Court of St. James, as Minister. He was failing to form a commercial convention there. Indeed, he ultimately failed in accomplishing any one of the great matters undertaken there; and, at his own request, he was recalled in 1788.<sup>1</sup> England had declined for the very reason that the Confederate Assembly of the "United States" had no power to secure the observance of a treaty. There could be no reciprocity of obligation. The ideal of nationality, upon which the peace had been predicated at Paris, was no longer admissible, after the cross purposes between the States and Congress had become so notorious. "We are one nation to-day, and thirteen to-morrow," Washington frankly confessed. "Who will treat with us on such terms?"

Official information came that England would make no commercial concessions to the United States in their dismembered, dissociate, and contentious condition. The States were not a nation; and, therefore, not capable of assuming the responsibilities of nationality. Mr. Adams, in accord with the duties of his official position, presented a memorial to the British Minister for foreign affairs. It asked and urged a complete compliance on the part of Great Britain with the treaty of peace. The Marquis of Carmarthen acknowledged, explicitly enough, the obligations, created by that treaty, to

<sup>1</sup> *Life of John Adams*, vol. 2, p. 125.

withdraw the garrisons from all posts within the territory of the United States; but he insisted, that the obligation of the United States to remove every lawful impediment to the recovery of debts due by its citizens to English subjects was one of equivalent obligation: as correspondent and as clear; and he added the assurance, "that, whenever America should manifest a real determination to fulfill her part of the treaty, Great Britain would not hesitate to prove her sincerity to cooperate in whatever points depended upon her, for carrying every article of it into real and complete effect." The King, also, when the American Minister was taking his leave in 1788, said to him: "Mr. Adams, you may with great truth assure the United States that whenever they shall fulfill the treaty on their part, I, on my part, will fulfill it in all its particulars." The imputation was felt to be humiliating and true. Not willing to leave the matter there, the ministry seem to have had a disposition, with motives for certain future advantages, likely to arise from a continuance of the want of a common supreme government over the States,<sup>1</sup> to increase the pain natural to minds sen-

<sup>1</sup> Benjamin Franklin writes from Passy, February 8, 1785, to John Jay: "I did hope to have heard by the last packet of your having accepted the secretaryship of foreign affairs, but was disappointed. I write to you now, therefore, only as a private friend; yet I may mention respecting public affairs, that, as far as I can perceive, the good disposition of this court towards us continues.

sitive to the claims of honor, and so the ministry affected a temper which was readily construed into an intentional affront. Mr. Adams said he met only "with that dry decency and cold civility which appears to have been the premeditated plan from the beginning." But, notwithstanding, Americans were not influenced by such indiscreet conduct into any sort of palliation or excuse for the short-comings of their own countrymen. They themselves saw, felt, and acknowledged the truth as it appeared at the time. We say, as it appeared at that time, for it was subsequently discovered that England herself was already in serious default, and, so much so, that, if it had become known, she was not at liberty to insist on the position which she took in relation to any non-fulfillment on the part of America of the articles of the treaty. When the first diplomatic plenipotentiary from Great Britain came to the United States, Mr. Jefferson, then the Secretary for Foreign Affairs,<sup>1</sup> made that gentleman acquainted with the mistaken ground which

I wish I could say as much for the rest of the European courts. I think that their desire of being connected with us by treaties, is of late much abated; and this I suppose is occasioned by the pains Britain takes to represent us everywhere as distracted with divisions, discontent with our governments, the people unwilling to pay taxes, the Congress unable to collect them, *and many desiring the restoration of the old government.* The English papers are full of this stuff, and their ministers get it copied into the foreign papers."

<sup>1</sup> The office since called the Secretary of State.

his government had taken on this particular subject, and seems to have convinced him that this was the true state of the case.<sup>1</sup> We, however, are

<sup>1</sup> The famous state-paper of May 29, 1790, written by Jefferson, then the Secretary for Foreign Affairs under the Washington administration, clearly proved, and was tacitly admitted by Mr. Hammond, the first British Minister to the United States, as the newly discovered truth of the case, that "the treaty of 1783 was violated in England before it was known in America, and in America as soon as known, and that too in points so essential as, that without them, it never would have been concluded;" and that "the recovery of the debts was obstructed validly in none of the States, indirectly only in a few, and that not till after the infractions committed on the other side."

Perhaps it is well for us to remember, in apology for the popular dissatisfaction, that there were other views widely held, and at least with plausible argument in their support, discouraging the payment of such debts; and though they did not prevail even with his associates, yet Franklin, who was in most friendly relations with Shelburne, thought proper to propose and read the following to the Commissioners before signing the preliminary articles:—

"It is agreed, that his Britannic Majesty will earnestly recommend it to his Parliament to provide for and make a compensation to the merchants and shop-keepers of Boston, whose goods and merchandise were seized and taken out of their stores, warehouses, and shops, by order of General Gage and others of his commanders and officers there; and also to the inhabitants of Philadelphia, for the goods taken away by his army there; and to make compensation, also, for the tobacco, rice, indigo, and negroes, etc., seized and carried off by his armies under General Arnold, Cornwallis, and others, from the States of Virginia, North and South Carolina, and Georgia; and also for all vessels and cargoes, belonging to the inhabitants of the said United States, which were estopped, seized, or taken, either in the ports, or on the seas, by his government, or by his ships of war, before the declaration of war against the said States. And it is further agreed that his Britannic Majesty will also earnestly recommend it to his Parliament to make

not strictly considering the historical truth concerning the particulars of those transactions, but the effect of England's adverse course, and the effect of other circumstances, both interstate and foreign, whether real or supposed at the time to be real, which had a bearing in accelerating those

compensation for all the towns, villages, and farms burnt and destroyed by his troops, or adherents, in the said United States.

"FACTS. — There existed a free commerce, upon mutual faith, between Great Britain and America. The merchants of the former credited the merchants and planters of the latter with great quantities of goods, on the common expectation that the merchants, having sold the goods, would make the accustomed remittance; that the planters would do the same by the labor of their negroes, and the produce of that labor, tobacco, rice, indigo, etc.

"England, before the goods were sold in America, sends an armed force, seizes those goods in the stores; some even in the ships that brought them, and carries them off; seizes, also, and carries off the tobacco, rice, and indigo, provided by the planters to make returns, and even the negroes, from whose labor they might hope to raise other produce for that purpose.

"Britain now demands that the debts shall nevertheless be paid. Will she, can she, justly, refuse making compensation for such seizures?

"If a draper, who had sold a piece of linen to a neighbor on credit, should follow him, and take the linen from him by force, and then send a bailiff to arrest him for debt, would any court of law or equity award the payment of the debt, without ordering a restitution of the cloth?

"Will not the debtors in America cry out, that, if this compensation be not made, they were betrayed by a pretended credit, and are now doubly ruined; first, by the enemy, and then by the negotiators at Paris; the goods and negroes owed them being taken from them, with all they had besides, and they are now to be obliged to pay for what they have been robbed of?" *Diplomatic Correspondence*, vol. 10, pp. 88, 94, 106. "Paper C."



causes which finally effected the union of the States, by urging the States themselves to move towards the formation of a more united and permanent government. Indeed the sentiment among some of the leading public men bred in them a morbid moral excitement; as, for example, when the celebrated Fisher Ames, of Massachusetts, a member of Congress, speaking of the want of faith with creditors, said, concerning the formal legal contrivances enacted to delay the collection of claims, that "Justice was iniquity reduced to elementary principles;" and that "in some States creditors were treated as outlaws; bankrupts were armed with legal authority to be prosecutors, and confidence was forsaking society."<sup>1</sup> "Some of the facts," wrote John Jay to Washington, "are inaccurately stated and improperly colored; but it is too true that the treaty has been violated. On such occasions, I think it better fairly to confess and correct errors, than attempt to deceive ourselves and others, by fallacious though plausible palliations and excuses. To oppose popular prejudices, to censure the proceedings and expose the impropriety of States, is an unpleasant task, but it must be done."<sup>2</sup>

<sup>1</sup> Fisher Ames' *Works*, vol. 2, p. 27.

<sup>2</sup> The facts relative to this negotiation are stated in the correspondence of General Washington. The statement is supported by the *Secret Journals of Congress*, vol. 4, p. 329, and those which follow.

These will be sufficient to show and distinguish the spirit in which the two governments were acting toward each other and in support of what each conceived the interests of their country.

British policy or resentment at promises unfulfilled, perhaps both operated in conjunction, were aiding the organizing demand in America for some government more national, more comprehensive, and more powerful than any possible under the enfeebled Confederacy.

A national party and a state party were now in full career. One to hold the people up to the performance of the grand task undertaken for their ultimate salvation, the other to deal with the question as that of mere practical and present interest. In the State of New York the contest between the two was to be most earnest and radical. It was to give a fresh beginning to principles for party strife which were to outlive the immediate occasion and strongly mark the future of the State and the nation. On that field Hamilton was to win the decisive battle for a new Republic.

It was generally observed, also, that the feelings of admiration and respect and hope which had pervaded Europe for the American States had become sadly impaired. The effect of this was to sober the Americans into an understanding of their true relative position to the rest of the world and as between themselves ; and to teach them to

investigate and value the nature of the rich and abundant springs of prosperity lying within themselves. England, unfortunately for herself, by her general conduct, and by her transcendent literature more potent than all her other forces, led the era of unfriendly feeling with hurtful acts and an affected supercilious indifference. Between America and her all this was to beget a mutual antipathy and distrust which nearly three quarters of a century, and many interchanges of courtesy and kindness and social intercourse of cultivated minds and warm kindred hearts, were needed to mitigate and efface. George III., who, in 1785, received Mr. Adams with cheerful words approving his candor and independent manly patriotism,<sup>1</sup> turned his back, in 1787, upon him and Thomas Jefferson, when they together came on a mission to negotiate treaties of commerce with England and other European powers. A slight, equally ill-timed and ill-mannered, which encouraged, at least in Jefferson, a studied contempt for kingly authority and office; and intensified in him those *sans culotte* tastes, which blurred, sometimes, the republican

<sup>1</sup> No witness other than Lord Carmarthen, the official secretary of foreign affairs, was admitted to the initiative conference between the monarch and his recent subject. "I must avow to your majesty," finally added Mr. Adams, significantly, "I have no attachment but to my own country." The King quickly replied, "An honest man will never have any other." — See *Life of John Adams*, vol. 2, p. 101.

simplicity of his true nature.<sup>1</sup> The English Whigs, who, in 1774-75, were so enthusiastic for the con-

<sup>1</sup> Mr. Merry was the British Minister to the United States in 1803. He thus related to the Hon. Josiah Quincy, of Massachusetts, his first presentation as such minister officially to the President, Jefferson: "I called on Mr. Madison (then Secretary of State) who accompanied me officially to introduce me to the President. We went together to the mansion-house; I being in full official costume, as the etiquette of my place required on such a formal introduction of a minister from Great Britain to the President of the United States. On arriving at the hall of audience, we found it empty; at which Mr. Madison seemed surprised, and proceeded to an entry leading to the President's study. I followed him, supposing the introduction was to take place in the adjoining room. At this moment Mr. Jefferson entered the entry at the other end, and all three of us were packed in this narrow space, from which, to make room, I was obliged to back out. In this awkward position my introduction to the President was made by Mr. Madison. Mr. Jefferson's appearance soon explained to me that the general circumstances of my reception had not been accidental, but studied. I, in my official costume, found myself at the hour of reception he had himself appointed, introduced to a man as President of the United States, not merely in an undress, but actually standing in slippers down at the heels, and both pantaloons, coat, and under-clothes indicative of utter slovenliness and indifference to appearances; and in a state of negligence actually studied. I could not doubt that the whole scene was prepared and intended as an insult, not to me personally, but to the sovereign I represented." Moore, the Irish poet, who went to the United States in the same packet-ship with Mr. and Mrs. Merry, knew of, and sympathized with the British Minister in, his indignation, and the rhapsodist relieved his friends and his own mind by a few sharp iambics at the Presidential Democrat: as an

"Inglorious soul,  
Which creeps and winds beneath a mob's control,  
Which courts the rabble's smile, the rabble's nod."

There should be no doubt that the conduct of Jefferson at this time

ciliation of America, were not now to be found among those Englishmen who favored the acknowledgment of her independence of the British crown. These Whigs were most conspicuous for their novel coldness. Indeed, such are the changes and chances of political affairs, those proposals which were to promote a gracious and politic course were advised by men eminent in the Tory ranks.<sup>1</sup> Lord Mansfield it was who had managed the delicate task for the introductory reception of Mr. Adams as first American Minister; and it was William Pitt, inheriting his father's sincere

“was prepared.” Those who knew him well, including Hamilton, concur in speaking of his natural and usual manner as dignified and becoming the exalted positions which he held. He had been too accustomed to the proprieties of such and all kinds of official and social intercourse, in the highest and most polite circles in America and Europe, to be otherwise than purposely at fault. It was a piece of unseemly and unfortunate acting.

<sup>1</sup> “Standing in the lobby of the House of Lords, surrounded by a hundred of the first people of the kingdom, Sir Francis Molineux, the gentleman usher of the black rod, appeared suddenly in the room, with his long staff, and roared out, with a very loud voice: ‘Where is Mr. Adams, Lord Mansfield’s friend?’ I frankly avowed myself Lord Mansfield’s friend; and was politely conducted, by Sir Francis, to my place. . . . Pope had given me, when a boy, an affection for Murray. When in the study and practice of the law, my admiration of the learning, talents, and eloquence of Mansfield had been constantly increasing, though some of his opinions I could not approve. His politics in American affairs I had always detested. But now I found more politeness and good-humor in him than in Richmond, Camden, Burke, or Fox.” — *Life of John Adams*, vol. 2, p. 82.

desire to admit American rights and immunities, who, as chancellor of the Shelburne Administration, advocated a liberal course in commercial affairs, and introduced into Parliament a bill intended to secure the States advantages identical with those secured to the subjects of Great Britain, especially as regards her colonies in America. Had such a bill become a law, a wonderful emolument would have been applied to irritable interests; and reciprocal benefits to the trades and common intercourse of both countries would have flowed from its well-conceived friendly purport. George III. is frequently said by satirists to have been the responsible father of American independence. Truth lurks in satire. It was even yet a hard thing, so late as 1785, for any man or passion to entirely alienate the proudly filial affections of the people of British descent in America from the dutiful respect which they seem always willing to pay to the institutions and literature of England.<sup>1</sup>

<sup>1</sup> This inclination was, and is, very observable among people of generous minds in America. Adams, Jay, Gouverneur Morris, Kent, Marshall, and Webster, ever expressed their devotedness to the principles of English liberty and constitutional law. The eccentric, brilliant genius, John Randolph of Roanoke, once charged with being under "British influence," spoke a popular feeling when he fervently said in his place in Congress, "I acknowledge the influence of a Shakespeare and a Milton on my imagination: of a Bacon upon my philosophy: of a Sherlock upon my religion: of a Locke upon my understanding: and of a Chatham upon qualities which, would to God, I possessed in common with that extraordinary man.

The philosophers who opened the way for the crusade against order and perfect freedom in France, and some of her statesmen, like Vergennes, knew of this tendency, and would not have the United States become too great; they rather desired to preserve for England so much strength in North America, that the two powers might watch, restrain, and balance each other.<sup>1</sup> It was to this end that Vergennes had advised the negotiations of peace to be with each State, and not to insist on their being conducted by England as if the States were a united and entire nation; and, with similar design, he had pressed upon Jay a settlement of claims with Spain. Now, Spain was no friend to the new-comer among nationalities. Its "government singularly feared the prosperity and progress of the Americans. . . . Spain would be much inclined to stipulate for such a form of independence as may leave divisions between England and her colonies."<sup>2</sup> Aranda, the Spanish Ambassador, met Jay in company with La Fayette, at Versailles, on September 26, 1782. "When shall we proceed to do business?" asked the Spaniard. "When you communicate your powers to

This is a British influence which I acknowledge." This is quoted from memory; and, though the writer cannot be entirely certain as to its merely verbal accuracy, he is certain that it is substantially correct.

<sup>1</sup> Raynal's *History of the Two Indies*, vol. 9, p. 318, edit. 1781.

<sup>2</sup> Montmorin to Vergennes, October 15, 1778.

treat," answered the American. "An exchange of commissions cannot be expected, for Spain has not acknowledged your independence," suggested Aranda. "We have declared our independence," replied Jay. The fine hauteur of his Huguenot descent lent fire to his American patriotism. France itself had entered into the war chiefly to cripple England, and to regain her former territories and prestige. Trustworthy intelligence had already come from the United States of the strong attachment of its people to England; Turgot reasoned that, from habit and consanguinity, their commerce would return there; and Vergennes acknowledged that he had doubts of their firmness and fidelity.<sup>1</sup> The Great Frederic of Prussia had, in view of the state of his own affairs, to lessen his aid to expressions of sympathy; and was able to say no further, practically, than that he would not hesitate to recognize the independence of the United States, "when France, which is more directly interested in the event of this contest, shall have given the example."<sup>2</sup> So it is seen that with France, Spain, and Prussia really wishing but to "cripple" England, she herself was unwittingly, for once, giving new life to their original purpose; a purpose defeated at the treaty at Paris, in 1783, mainly by Jay and Adams, who knew of the object

<sup>1</sup> Vergennes to Montmorin, November 2, 1778.

<sup>2</sup> Schulemberg to Arthur Lee, January 16, 1778.



at which the other powers aimed. "You are afraid," said the British commissioner, Mr. Oswald, at that time, to John Adams, "of being made the tools of the powers of Europe." "Indeed I am," answered Mr. Adams. "What powers?" returned Mr. Oswald. "All of them," was the candid admission from Mr. Adams. The independence of the thirteen American States had no sincere, unselfish friend among the nations of Europe — the prosperity of those States, as an independent united nation, was now apparent to be equally unsuitable to their policies.<sup>1</sup> The schemes of Vergennes for "the irreparable scission of the British empire," and his manipulations of circumstances to subordinate the States into unconscious instrumentalities and aids to those schemes, are very interesting.<sup>2</sup> The French Minister's "sole object was the disruption of the British empire without the aid of any European power, except Spain." The latter power was alarmed by the dangerous example which the independence of the States would give to the Spanish-American colonies. The designs of France and Spain were again favored by the course which events were now taking. The United States, according to those original designs,

<sup>1</sup> *Diplomatic Correspondence of the American Revolution*, vol. 6, p. 483; and the *Life of Lord Shelburne*, vol. 3, p. 300.

<sup>2</sup> This episode is well told in the *Life of John Adams*, vol. I, pp. 420-484, and in vol 2, p. 22.

were to have been confined to a strip of land on the coast of the Atlantic Ocean, bounded by lines nearly like those which France contended for against England after the treaty of Utrecht; Spain was to have held West and East Florida, and to claim that these extended to the interior and reached the great lakes; England was to have had the territories north of the Ohio, as defined by the Quebec Act of 1774; the country between Florida and the Cumberland was to have been left to the Indians, who were to be placed under the protection of Spain and the United States; and thus it would be that England, Spain, and the United States would watch, restrain, and balance each other, and make France the paramount power. This Vergennes meant to have insured as the result of his covert practices in arranging the terms of the proposed peace. The claim of the United States to have its western boundary on the Mississippi was to have been denied; as was, also, that of the right of fishery on the banks off Newfoundland.<sup>1</sup> Jay, as we have already intimated,<sup>2</sup> knew from an early time of these schemes; and John Adams had, of his own observation, causes to suspect the good faith of Vergennes. It was the certain knowledge of these schemes

<sup>1</sup> *Life of John Jay*, vol. 1, pp. 120, 143, 144, and in vol. 2, pp. 472-477.

<sup>2</sup> *Ante*, pp. 57-58 of Part I.

which had brought the English government and the American commissioners to an understanding speedily and, apart from the coöperation of Vergennes, to negotiate and conclude the preliminaries of the peace. Turgot, it is since then disclosed, had been consulted by Louis the Sixteenth himself, and had approved of Vergennes' policy. The official papers of Vergennes, and the written advice of Turgot, discovered in the famous iron-chest of that ill-fated monarch, have made public how few, beyond the generous La Fayette and his immediate consociates, are justly entitled to the indiscriminate laudation and gratitude with which it is habitual with us to speak of the France of that epoch. The schemes of those two kingdoms remained unchanged even after the peace of 1783. The disturbed condition of the States, and their continued repugnance to national unity and a common government, gave reasonable hope to France and Spain that their ambitious several purposes might yet be accomplished. The effect which the detected intrigues had upon the course of Washington's Administration, in establishing the policy of having no "entangling alliances" with foreign nations, will require our attention in a subsequent Part of this study.

But the sturdy conduct of George III. was to accomplish great events; among others to alienate awhile the kind feelings of his former subjects,

and to help that pressure which was forcing them into a "solid union." The Shelburne ministry, excepting, perhaps, William Pitt, were his very able ally. Positive, hostile legislation, Orders in Council, which were "war in disguise," and, over and beyond all, that old ever-pervading affectation of insulting pride, made many improbable hopes, beneficial to America, come speedily and unexpectedly to pass; and chiefly among them concessions from the several States toward a union competent to the purposes of nationality and dominion. American interests had become thoroughly alarmed; American pride stung to the quick and excited into action. The sting was the more severe because, in part, thought to be deserved. Lord Shelburne watched with hopeful eagerness the progress of disaffection and consequent impending disasters in America: for Congress had exhausted its vitality, and publicly declared its impotency. And now the absurdity of the Confederacy was more fully declared by the failure to get even the impost. This was done too by the non-conformity of a single State. The significant, unequivocal fact was accepted by English politicians as a finality: the end of any further attempt looking to a united government, and, as surely, of course, the end of all devices and means on the part of the American States and their discarded Confederacy to provide for the public debts. The

understanding of men, especially in Europe, became convinced from the repeated failures of these Congressional ventures that a union of the States in an efficient and responsible form of government, was to be taken as forever impracticable and would now be abandoned.

The English ministry conducted its foreign affairs as though anarchy was from the first closely following peace in America; and that the labors of the Revolution would be quickly lost in the loss of liberty itself. The condition of feeling and the motives of political parties in England at this time have been freely and accurately described by Mr. Charles Francis Adams, who has himself patriotically, honorably, and usefully filled the office of Minister Plenipotentiary to the Court of St. James, during a time not less imminent to the continued existence of his country.<sup>1</sup> The policy of England

<sup>1</sup> Lord Sheffield . . . . "painted the ruin and confusion in which the colonists were involved by the state of anarchy consequent upon their independence. And he ventured to whisper the prediction that, out of this chaos, New England, at least, would, in the end, solicit to come back as a repentant child to the maternal embrace. These arguments finally carried the day. In July of the year 1783, the exclusive system was decreed, first by Orders in Council, then by temporary acts of Parliament. The United States were treated as utter strangers, and carefully shut out from trade with the colonies. Restrictions and commercial jealousy were the order of the day. The demonstrations were viewed by all Americans as hostile in spirit, and therefore to be met in the same manner. The failure of all efforts to establish an effective counter-system of restriction went a great way to rouse them to a sense of

was then finally settled by the Shelburne administration. It was restriction. The healing method proposed by Pitt was rejected. To cripple and destroy the American States, and reduce them to suppliant colonies, was the object. The English ministry failed again. "War in disguise" was as fruitless as open war had been. The wrath of man worked unto the purpose of the union. For the arms which were to overcome and end this sea of trouble were to be sought and to be found only in a consolidation of the States in a common government; by that alone strength could come and authority be secured; past indebtedness be provided for out of the abundance of means for

the necessity of a better form of government. Pride came in aid of principle, stimulating the sluggish, and quickening the timid, until the cry for a new confederacy became general. The pamphlet of Lord Sheffield had its effect upon the formation and adoption of the Federal Constitution of 1788. Thus it often happens with nations that think to make a gain out of the embarrassments and miseries of their neighbors. Indignation at once supplies the vigor to apply a remedy, which, had the matter been left to reason alone, might have been put off a great while or never been resorted to at all. Lord Sheffield's interference must be classed among the secondary misfortunes which befell Great Britain in the disastrous record of the American War; whilst among the people of America it deserves to be remembered with satisfaction as a conversion of what was intended to be a poison into a restoring medicine." — *Life of John Adams*, vol. 2, p. 105. See *Life of Lord Shelburne*, vol. 3, p. 263, relating the unfriendly suggestion of the emissary of Vergennes to Shelburne as to the claims of the United States to the Newfoundland fishery and to the Valley of the Mississippi and the Ohio.

national wealth; credit be restored at home and abroad; manufactures encouraged, and trade revived and extended.

England had, in fact, immediately after the peace of 1783, entered actively upon an epoch of aggressiveness and of defense. Aggressive, on behalf of her traditional assumption of the dominion of the seas: which was to reinforce the empire of her navigation, and to keep open and maintain to her own use and management the markets of the world; defensive, as the trusted champion of legitimate liberty on the continent of Europe. The French Revolution soon in bloody act denounced the divine right of kings; filled Europe with apprehension for its established order and peace; and boasted a special hostility to England and its constitutional freedom. That revolution developed into the Consulate; the Consulate into the Empire; and on the field of Waterloo alone was Europe assured of protection from universal conquest, given repose, and England's station in European affairs at once confirmed. No such moral or physical triumph followed the selfish career of England in her attempt to fasten again upon the world her assumed dominion of the seas. It brought her and the United States once more, in 1812-14, into what may be correctly called a complementary war, and its issue freed the open seas from that assertion of exclusive

dominion; but in 1861, when the surrender of Messrs. Mason and Slidell was demanded from the United States, England finally renounced, by necessary inference, the doctrine itself, insisting, upon that occasion in her own behalf, for the right principle vindicated by America in that war of 1812.<sup>1</sup>

<sup>1</sup> Lord Lyndhurst, in his speech on the Right of Search Question, in the House of Lords, July 26, 1858, had already said: "Many persons — perhaps I ought not to say 'many persons,' but several persons, and those in a high political position — appear to think that . . . we have surrendered a most valuable and important right. The answer which I make to that is, that we have surrendered no right, for that, in point of fact, no such right as that which is contended for [the right of search] has ever existed. We have, my Lords, abandoned the assumption of a right, and in doing so we have, I think, acted justly, prudently, and wisely." He then proceeds to observe "upon the general question," and refers to "some of the most eminent authorities on the subject," including Lord Stowell, to the end that the "question should be distinctly and finally understood and settled." "A distinction," he continues, "has been attempted to be drawn — for which I think there is no foundation — between the right of visit and the right of search. Visit and search are two words which are always placed together in our vocabulary of international law, but they express what is conveyed by a single term in foreign vocabularies, '*le droit de visite*.' What is the use of visiting if you can do nothing? . . . The moment you call for an examination of the papers, the moment you ask a single question, the visit becomes a search; so that the visit to a particular vessel for the purpose of inquiry, is, in effect, the exercise of a right, comprehended in the words *droit de visite*. . . . I think I have now gone far enough," he concludes, "to establish the position with which I started: that there is, in truth, no such thing as the right of visit." — Hansard's *Parliamentary Debates*, vol. 151 (3d series), pp. 2078–2083. Grotius' *Mare Liberum*, published in 1609, in which he asserts that the



Such was the condition of the American States at this complex crisis [1785-1787]. Practically segregating as a nationality from the family of nations; threatened and endangered from abroad; dissolving into hostile communities at home.

Yet it was within, and by the influence, of these several and converging hostile circumstances that the Republic came forth.

sea is a common open and free to the use of all nations. That treatise was really designed for a defense of the maritime rights of the Dutch. Selden's answer, published in 1635, entitled *Mare Clausum*, or, as its enlarged title declares, "*The Closed Sea; or Two Books concerning the Dominion of the Sea. In the first, it is demonstrated that the sea, by the law of nature and of nations, is not common to mankind, but is capable of private dominion, or property, equally with the land. In the second, it is maintained that the King of Great Britain is lord of the circumfluent sea, as an inseparable and perpetual appendage of the British Empire.*" Selden's book was translated into English by Marchmont Needham, and printed in 1652, with an appendix of additional documents by President Bradshaw. See, likewise, *War in Disguise; or, the Frauds of the Neutral Flags* (London, 1805); a remarkable and most eloquent pamphlet, published anonymously, but since admitted to have been written by the celebrated James Stephen, M. P.; and, also, *An Answer to War in Disguise: or, Remarks upon the New Doctrine of England concerning Neutral Trade* (New York, 1806). Gouverneur Morris was the author of the latter. These pamphlets made a wide and profound impression at the time they appeared. They are long since out of print, and are now little known.

As to the revolt of the American colonists, the late Lord Derby, in a frank spirit of intelligent candor, "unreservedly admitted, in a speech delivered in the presence of an American minister, that we were right in the Revolutionary contest; and if that question were now submitted to the free judgment of the people of England, such would be found to be the public sense of that great nation." — President Van Buren's *Political Parties*, p. 14.

Few perceived that germs of life were beginning to stir and glow in amid the States themselves. Fewer saw hope for blossoms and fruit to come. Among those few who felt national life at last stirring beneath the surface of sectional interests and state antipathy, and who fervently cherished the indication, was Alexander Hamilton.

“There is a day in spring  
 When under all the earth the secret germs  
 Begin to stir and glow before they bud :  
 The wealth and festal pomps of midsummer  
 Lie in the heart of that inglorious day,  
 Which no man names with blessing — though its work  
 Is blest by all the world.”<sup>1</sup>

And such days there are in the slow story of the growth of durable and grand empire.

The constitutions of the separate States were each admirable and excellent; their political systems rested on an approved principle suitable to the genius and history of its own people. John Adams had explained and vindicated their excellence in his “Defence of the Constitutions of Government of the United States of America, against the Attack of M. Turgot,” published in London, in 1787, and republished there in 1794. But a national government was the imperative, overwhelming, controlling necessity of the present safety and future prosperity and existence of those States, even in their separate organizations.

<sup>1</sup> *Story of Queen Isabel.* By Miss Smedley.

The slow story of that day has often been told. How it was that a comprehensive and permanent union of the States came, at length, to be considered in general convention; how, from the wise counsel of Washington, came the first practicable movement which led to the consummation of a union. This was the first step which really counted. For from that moment, uncertain as many of them were, each step afterwards, by necessary inductions, proceeded surely to the desired object.

It was in March, 1785, that a few gentlemen, citizens of Virginia and of Maryland, commissioners on behalf of those States, went to Mount Vernon, there to confer with General Washington. Those gentlemen were then attending a joint commission at Alexandria, a neighboring town on the Potomac river. They wished to profit by the advice of Washington on the local affairs which engaged their attention. Many of the States were getting more and more involved in the ever-recurring and increasingly serious disputes concerning the exercise of their right to navigate the bays and rivers which spread and flow between their borderlands. We remember that there was then no central power, no acknowledged common supreme authority over all the States, which could intervene and regulate that subject. Wherefore it was that the States of Virginia and of Maryland had

determined upon this joint effort to adjust those rights, and free the navigation of the rivers Potomac and Pocomoke, and Chesapeake Bay, for and between themselves. The conference with General Washington begat a wider purpose for the action of the commissioners, so that not only might the navigation of those waters be cleared of all embarrassing exercise of rights, but harmonious commercial regulations between the two States might be settled and established. Still wider influence was to result from the impulse of this scheme, — an influence which makes that visit ever memorable in American legend. That the first suggestion came from Washington himself is not to be asserted. It certainly arose, in its practicable shape, from the conference held on that day at Mount Vernon. It is very likely that it was introduced there by Madison, and approved by Washington and all others present,<sup>1</sup> as politic and desirable. To Mr. Madison appears to belong “the credit of having originated that series of Virginia measures which brought about the meeting of commissioners of all the States at Annapolis, for the purpose of enlarging the powers of Congress over commerce; while Hamilton is to be considered the author of the plan in which the conven-

<sup>1</sup> George Mason and Alexander Henderson on the part of Virginia; and Daniel of St. Thomas Jenifer, Thomas Stone and Samuel Chase, on that of Maryland.

tion at Annapolis was merged, for an entire revision of the federal system, and the formation of a new constitution."<sup>1</sup>

In pursuance of the recommendations which the joint commissioners made to the legislatures of their respective States, communicating to each the proceedings and advice of the meeting at Alexandria, resolutions, drafted by Madison, were passed, and representatives were appointed to "meet such commissioners as may be appointed by the other States in the union, to take into consideration the trade of the United States; to examine the relative situation and trade of the said States; to consider how far a uniform system in their commercial regulations may be necessary to their common interest and their permanent harmony."<sup>2</sup> The commerce of the States with foreign nations must be had in our view if we would rightly estimate the history of those causes which ultimately established the union of the States. It was, perhaps, the most potential. But this plan from the two States, it will be observed, had no national purpose; it embraced a project for a convention to deal with inter-state commercial subjects merely: great and urgent, yet limited in its sphere to that which might be done by a treaty

<sup>1</sup> Curtis' *History of the Constitution of the United States*, vol. 1, page 425; Sparks' *Life of Washington*, vol. 1, page 428; and Washington's *Writings*, vol. 9, page 509.

<sup>2</sup> *Life and Times of James Madison*, by Rives, vol. 2, page 60.

between independent sovereign States in a league. The idea of a national compact did not lodge in its contemplation. The plan, however, began the lead which inclined the public mind to regard as feasible and proper the practice of public representatives meeting and advising upon public affairs, distinct and apart from the Congress of the Confederation. Congress had dwindled down to a migratory body of about twenty members.<sup>1</sup> The able men of the country were no longer there. Hamilton had retired. Resolutions, which he had intended to submit to that body in 1783, showing essential points wherein the Confederation of the

<sup>1</sup> "On the 3d of November, 1783, a new Congress, according to annual custom, was assembled at Annapolis, and attended by only fifteen members, from seven States. Two great acts awaited the attention of this assembly, — both of an interesting and important character, both of national concern. The one was the resignation of Washington; a solemnity which appealed to every feeling of national gratitude and pride, and which would seem to have demanded whatever of pomp and dignity and power the United States could display. The other was a legislative act, which was to give peace to the country by the ratification of the Treaty. Several weeks passed on, and yet the attendance was not much increased. Washington's resignation was received at a public audience of seven States, represented by about twenty delegates; and on the same day letters were dispatched to the other States, urging them, for the safety, honor, and good faith of the United States, to require the immediate attendance of their members. It was not, however, until the 14th of January, that the Treaty could be ratified by the constitutional number of nine States; and, when this took place, there were present but three-and-twenty members." — Curtis' *History of the Constitution of the United States*, vol. 1, pp. 235-237.

United States was defective, were never presented, but were "abandoned for want of support."<sup>1</sup> Nevertheless, Congress was the only formal and legitimate power; and, being such, could not prudently be disregarded. It was by its authority that the States were to be called to order and assemble in the great Convention of 1787; so preserving the modes and form of constitutional law. At Annapolis there were brought together, in pursuance of its recommendation, enlightened minds disposed and able to attempt greater things. In those competent hands the simple topic of commercial intercourse and navigation was made to evolve the generous idea of national unity and power in a way which grew to be acceptable to the States, and, also, to the Congress.

New York, Massachusetts, and Virginia, were the chief centres and sources of public opinion. How Virginia stood inclined towards the plan proposed was clearly evinced by its own legislative act commending it to the other States. Massachusetts took no part. Its Governor (James Bowdoin), a wise and firm statesman, careless of unsubstantial, evanescent, popular applause, and devoted to the principles of orderly and strong government, had already sent to the legislature a

<sup>1</sup> Hamilton's *Works*, vol. 2, pp. 269-275. These resolutions, which are preserved, bear this indorsement in his own handwriting: "Intended to be submitted to Congress in seventeen hundred and eighty-three, but abandoned for want of support."

message (May 31, 1785), advising the appointment of special delegates to settle and define the powers with which Congress ought to be invested. From this message ensued a solemn legislative act, declaring the Articles of Confederation incapable of effecting the benefit of proper government, and advising Congress to recommend a meeting of delegates from the States themselves, in a distinct body, to revise those Articles, and to report to Congress the parts and the extent to which the Articles might be changed and enlarged, so as to enable it to fulfill the demands and ends for which government is instituted. Letters from the Governor to the Governors of the other States, and to the President of Congress, were sent, representing the necessity for the proposition. The resolutions were forwarded to the members from Massachusetts then in Congress, with instructions to present them. Objection was made by those members, and they determined not to obey instructions — not to present the resolutions. Congress was in no proper vein to receive such proposals. A movement of the kind was thought to be, in any view, premature. It was indeed true, that the Congress of the Confederation was as little disposed that way in 1785 as it had been in 1783, when Hamilton abandoned his scheme. The delegates from that State, after allowing two months to pass, and acting under the prejudice of the dominant



but sincere antipathies, only then declared to the Governor their reasons for not acting in compliance with the instructions received by them.<sup>1</sup> The General Court of Massachusetts<sup>2</sup> immediately rescinded what it had ordered: and Massachusetts was not represented at the commercial convention assembling at Annapolis. The gathering elements of distress had to become more severe and penetrating; the blight to spread farther among the industries and commerce of the people; their money more and more drained from the community to pay remainders against imports from foreign countries; Great Britain and other nations to continue restrictions paralyzing trade, and in the autumn of 1786 an insurrection to break forth, so full of peril to the existence of Massachusetts herself, that the present generation seem incapable of duly estimating its dangerous character;<sup>3</sup> these

<sup>1</sup> "Reasons assigned for suspending the delivery to Congress of the Governor's letters for revising and altering the Confederation."—*Life of Hamilton*, by his son, vol. 2, p. 353.

<sup>2</sup> By which title the legislative assembly of that State was known.

<sup>3</sup> Rufus King, who was, at the period we speak of (1785), a delegate from Massachusetts, and united with his colleagues in opposing the movement for a convention, wrote, early in 1787, to Elbridge Gerry, one of those colleagues, earnestly asking his assistance to have a convention called as the measure demanded by the public peace and safety. "Events," he said, referring to "Shays' Rebellion," "are hurrying us to a crisis; prudent and sagacious men should be ready to seize the most favorable circumstances to establish a more perfect and vigorous government."—*Life of Gerry*, vol. 2, pp. 7, 8.

and other compelling forces had yet to converge before that and many States were entirely disciplined, so as not only to accept, but to seek for, a central authority and federo-national government as the inexorable recourse for their perishing commerce and navigation. Thus it was that at this conjuncture New York was called upon to do the important part. The political conduct of that State gave no encouragement that she would stir herself beyond those duties which she had, by a series of acts, declared to be her first and exclusive care. The power of levying a national impost, proposed in the revenue system of 1783, had been stubbornly withheld from Congress by her Legislature. Ever since the peace with England the people of the State had been divided, as we have seen, between two parties: those which advocated the concession of competent powers to Congress, and those which adhered to preserving the sovereignty of the State. The belief that the commercial advantage, relatively, of New York, was to be better raised up and supported by keeping to herself the power to collect her own public revenues, gave the State-party a popular ascendancy. In 1784 was established a custom-house and a revenue system. In 1785, a proposition to grant requested authority to Congress was lost in the Senate, and in 1786 it had become necessary for Congress to bring the question to a final issue. Three other

States, — Rhode Island, Maryland, and Georgia, — stood with New York in a like attitude, having decided in favor of no part of the plans which Congress had so earnestly and so repeatedly urged upon them for adoption.<sup>1</sup> The great body of the citizens of New York had long estimated their State sufficient in and for itself.<sup>2</sup> Sufficient, unquestionably, in its natural resources, rapidly concentrating the elements of a nation, the ease and independence of separate existence seemed to commend its continuance. Her ample dominions extended then, as now, their shores along the waters of immense interior lakes; two convergent, capacious, highways brought the foreign commerce of Europe and of the East to her chief city and commercial emporium; the Hudson River thence,

<sup>1</sup> Curtis's *History of the Constitution of the United States*, vol. 1, pp. 343-344.

<sup>2</sup> Alexis De Tocqueville, in a review of the allotment of constitutional power between the States and the National Government, observes that "the Union is a vast body which presents no definite object to patriotic feeling. The forms and limits of the State are distinct and circumscribed, since it represents a certain number of objects which are familiar to the citizens and beloved by all. It is identified with the very soil, with the right of property, and the domestic affections; with the recollections of the past, the labors of the present, and the hopes of the future. Patriotism, then, which is frequently a mere extension of individual egotism, is still directed to the State, and is not excited by the Union. Thus the tendency of the interests, the habits, and the feelings of the people is to centre political activity in the States in preference to the Union." — *Democracy in America*, vol. 1, pp. 448, 449.

with its wide and deep stream, afforded rarest facilities for more than one hundred and sixty consecutive miles through the centre of her dominions; and those waters of Lake Erie and of Lake Ontario, following the lines of her northeastern limits, went by the banks of the voluminous St. Lawrence towards the Atlantic. Those lakes offered to her the resources of the great West, and those safe and short avenues to the ocean invited the commerce of the world to enter secure and prosperous ports. But this geographical position, lying between the Eastern and the Middle States, will, in the course of consequences now at hand, expose New York to political dangers, and will create one of the persuasions inducing her to enter a determinate union.

It was at this conjuncture that the figure of Hamilton emerges, and advances more conspicuously to the front of the stage of public action. He felt the stir of coming events. Circumscribed as was the object of the meeting proposed by Virginia, Hamilton, having anticipated the likelihood of such an occasion, — one opening, as he saw, a way by which his long-cherished hope might be satisfied, — with his habitual quickness and earnestness seized the opportunity, and, by most persistent and prudent efforts, long doubtful, induced the Legislature of the State of New York to appoint commissioners to attend the convention.

The influence of Hamilton was acknowledged, and his importance impliedly avowed by being appointed one of those commissioners. His activity was ceaseless and marvelous in promoting dispositions, in representative quarters, for entertaining any proposition looking toward a general assembly of citizens of all the States, to discuss subjects relating to the necessity for, and the benefits of, a more firm and perfect system for public affairs. His opinions and labors were known to many of those who were to meet with him at Annapolis.

Commissioners from the States of New York, New Jersey, Pennsylvania, Delaware, and Virginia, following their instructions, met at Annapolis, in the State of Maryland, on the eleventh day of September, 1786. John Dickinson, of Delaware, was chosen to preside. Bred to the bar, venerable at that time (1786) in years, learned and eloquent, of great ability and experience, genuine in his love of country, spotless and pure in reputation, firm and dignified in character, he is justly placed in the best rank of the rare statesmen of that rare period. While the conscientious inflexibility of his understanding would not permit him to unite in subscribing the Declaration of Independence, which he looked upon as premature and unwise, yet when independence was declared, no one maintained at greater hazard in field and in council the chosen course. The cloud of unpopular-

ity which this refusal gathered about him, soon dispersed before the splendor of his patriotic devotion. In Congress, as President of the Commonwealth of Pennsylvania, immediately preceding therein Franklin, and by the closing labors of his life in the Constitutional Convention of 1787, his toil was rich in the fruit of noble public acts. He died at Wilmington, in the State of Delaware, in 1808, aged seventy-five years. Only five States appeared. The representatives appointed by New Hampshire, Massachusetts, Rhode Island, and North Carolina, none of them attended; and the remainder of the States had not even appointed delegates. Some saw nothing in the proposed object of the assembling which concerned them; some saw merely an invitation to give up a part of their valuable individual vantage-ground; some suspected it an insidious initiation into a companionship leading to an assumption of the public debts; and, more prevalent than all these, the idea of union had long since ceased to interest them. Those who attended remained but three days in session: then adjourned without day. Yet the secret germs of a perfect union of the States lay in the heart of those inglorious days; and forth came the bud, at last, its work to be blest by all the world.

A new era had, in fact, begun. Younger men were appearing and taking important places at the

head. Those who ten years ago led in debate, in council, or in war, were now at rest awhile, or were doing public service in their own States or at foreign courts. Washington was finding congenial and refreshing diversion in tilling the soil at Mount Vernon; Jefferson was at Versailles, his imagination excited by the flames of that French philosophy — theory without facts — which were soon to set France ablaze to its destruction, and be a reproach and set-back to republicanism; Adams tarried in England: failing in all important objects of his mission,<sup>1</sup> he did not fail to fully explain and powerfully vindicate the constitutions of the States of America and to confront hostile opinion; Jay, returned from his diplomatic strifes in Spain and France, was at the head of the bureau for Foreign Affairs; Oliver Ellsworth,<sup>2</sup> had left Congress and was pre-

<sup>1</sup> *Life of John Adams*, by Charles Francis Adams, vol. 2, p. 127.

<sup>2</sup> He was of English descent, and was born at Windsor, Connecticut, on the 29th of April, 1745. His influence upon the formation of the Constitution, in 1787, was special and peculiar. To him, Roger Sherman, his colleague and "great example," and to William Patterson, of New Jersey, the late John C. Calhoun said it was due that the States were prevented from being merged in a common national government, and their political sovereignty not lost. — (Calhoun's *Works*, vol. 4, p. 354.) Ellsworth was the most earnest and the ablest advocate of what was called the "States-Rights Party." It was he who objected to the term *National Government*, and proposed, instead, the Government of *the United States*. He was, afterwards, from 4th of March, 1796, to near the close of 1800, the Chief Justice of the United States. While hold-

siding in the Superior Court of his native Connecticut; John Rutledge,<sup>1</sup> resisting all solicitations recalling him into the councils of the Confederation, had accepted the Chancellorship of South Carolina, and was engaged exclusively in the discharge of its duties; and even Benjamin Franklin, "exempt from public care," found his chiefest occupation and a philosophic happiness

ing that office he, in 1799-1800, was one of the Envoys Extraordinary on the famous mission to France. Ellsworth became intimate with Prince Talleyrand in Paris. "Mr. Ellsworth," said Talleyrand, "how can we establish among our people republican principles and free institutions?" "In the first place, sir," answered the Chief Justice, "you must establish a judicial tribunal. Let your judges be some of the first men in the nation; give them ample salaries, a hundred thousand francs a year, if necessary; sufficient to set them above the reach of the government. The nation will soon find that in that court all have equal rights and privileges. Lower courts will easily be established on similar principles, and other institutions will follow of course." "I know it," replied Talleyrand, "but Frenchmen, Mr. Ellsworth, are always in a hurry. They cannot wait such a slow process." (Quoted by Mr. Henry Flanders in his *Lives of the Chief Justices*, vol. 2, p. 253, from a MSS. memoir of Ellsworth, by Mr. Joseph Wood.) He died at Windsor, on the 26th of November, 1807, in the sixty-third year of his age.

<sup>1</sup> He was born at Charleston, South Carolina, in September, 1739, of Irish parentage, educated for the bar at the Temple, London; a member of Congress of the Revolutionary epoch; President, and afterwards Governor, of South Carolina; a member of the Congress of the Confederation; Chancellor of South Carolina; a member of the General Convention of 1787 to form the Constitution, and [1st of July, 1795] he was appointed by President Washington the Chief Justice of the United States. He died in his native city, on the 18th July, 1800.



among the scarce and rich treasures of art, science, and general literature which filled every wall, nook, and corner of the famous, unpretentious, house situate in a garden, up a court off Market Street in the city of Philadelphia: there he entertained, with his wonderful colloquial readiness and quaint worldly wisdom, interested and respectful guests from the enlightened regions of the world. It was an epoch so unlike our present days. Personal solicitation for office was then unknown. Men were unwilling to occupy responsible places unless able, and permitted, to fill their offices.

It was at this meeting at Annapolis that Hamilton was first brought into familiar intercourse and joint public labors with Madison. They had met before, and were, for a time, members together of the Congress of the Confederation. Madison had been a member of the earlier Congress of the Revolution. At the close of the war for independence he went back to his own State, and gave the succeeding three years to fostering and protecting its trade and its internal improvements. The purpose, in truth, of the meeting affected simply these local matters. Hamilton and Madison were aware of what the other thought on public questions; perhaps what each designed. They had not been like-minded: were not familiar. The name of Hamilton does not occur in Madi-

son's correspondence during the time they had been fellow-members of Congress. Madison knew of the care with which Hamilton formed his opinions, the tenacity with which he adhered to them, and the ardor and ability with which he exposed and enforced them. Hamilton stood steadily, and, but for Mr. Higginson of Massachusetts, alone in the Congress of the Confederation opposed to Madison's plan for a general revenue. Hamilton's imperious and far-seeing wisdom declined to weaken, by temporary relief, the necessities which required a complete efficiency in a national system. He would not sacrifice the standard of true government by accommodating unreasonable jealousies of federal authority.<sup>1</sup> Two remarkable official papers, relating to that measure, indicate the difference in character of these two statesmen. The paper of Hamilton to the State of Rhode Island, on this occasion, was marked with great candor and firmness of opinion as to a federal power: it presented "broad and startling doctrines of implication from powers expressly granted," and it repeated his favorite doctrines of "the beneficial influences of a funding system." It will be perceived that the principle of "implied powers" is, as we have already intimated, the latent genius of the political progress and history of the United States of America.<sup>2</sup> The paper of

<sup>1</sup> *Journals of Congress*, vol. 4, pp. 190, 191. <sup>2</sup> Part I., p. 26.

Madison, is an address to the States; and shows, on the other hand, enlightened caution, much circumspection, and a practical daily dealing with the precise question of the moment. State pride and sovereignty are by it sought to be reconciled with the urgent requirements of the Congress. Virginia became alarmed, at the contention presented by Hamilton, in his letter to Rhode Island, "that Congress, having a right to borrow and make requisitions that were binding on the States, had a right also to concert the means for accomplishing the end;" and no persuasion "could induce them to adopt the manner recommended by Congress for obtaining revenue."<sup>1</sup> Madison strictly dealt in those feasible sort of remedies which are immediately attainable. Hamilton looked beyond the passing accommodations of the day, and desired that necessities, ever recurring, should not be relieved in detail and temporarily. Better that evils should be endured as spurs to effort for permanent and comprehensive relief: a relief not enticed by expedient. It should come as the natural and lasting spring of a national, general, and efficient system of government. These two men were thenceforward to act together in harmonious action until their country had received the perpetual benefaction of their labors in the form

<sup>1</sup> Manuscript letter from Hon. Joseph Jones to Mr. Madison, quoted in Rives' *Life of Madison*, vol. 1, pp. 435, 436.

of such a government: replete with strength, vigor, and beneficence, displaying the skill and wisdom with which it was built. ✓

A comparison of the individuality of Madison with that of Hamilton will aid in bringing our subject to clearer relief. James Madison was small in stature, thick-set, but diminutive and slender in the lower limbs; a penetrating, nervous blue eye; a studious, care-worn expression of face; slightly bald; a calm, settled manner, suggesting greater years than he had reached; slow and grave in speech, adding much to his moral weight and impressive dignity, whether in debate or in council. His eye alone, the writer has been told by those who knew him, indicated the close and circumspect nature of his acute, watchful faculty for observation. His dress was always of decorous black, and he wore his hair powdered after the fashion of his time. He was born the sixteenth day of March, 1751, on the northern bank of the Rappahannock River, in the county of King George, Virginia. His father was a large landed proprietor, occupied mainly with the management of his extensive plantations, and who was, during the Revolutionary War, the County Lieutenant: an ancient traditional office, derived from the political institutions of England. The family was among those who founded the Colony of Virginia, and their ancestor's name is to be seen in the list

of the colonists who, in 1623, planted themselves on the lands of the Chesapeake. He was educated at Princeton College, New Jersey. Among his fellow-collegians were Brockholst Livingston, the future Associate Justice of the National Supreme Court; William Bradford, the future Attorney General in Washington's Administration; and Aaron Burr, destined to be the Vice-President of the United States and the assassin of Alexander Hamilton. Madison was twenty-one years of age (1772) when he returned to his father's home. He left upon those who were intimate with him at college impressions of distinctive characteristics of mind, of diligence and care in study, clearness of analytical reasoning, lucidity in order, precision and comprehensiveness combined, and of a terse and felicitous use of his native tongue.<sup>1</sup> Those were the qualities which, during after years, made him noted as a writer, debater, and statesman, among his compeers in public life, and are especially visible in the papers which he contributed to "The Federalist." Though educated for the bar, he never made a professional use of such attainments. Their effects, however, appear in his mode of treating all subjects which he considered; chiefly in showing the influence of authority in the formation of opinion. His understanding was elevated and sustained by a cultivated taste

<sup>1</sup> *Life of James Madison*, by Rives, vol. 1, pp. 1-28.

for philosophical speculations. At one season he occupied his hours of leisure by a minute analysis of the most important works of Buffon, and works in other branches of natural history. He was abundant and apt in examples to point and lend force to argument.<sup>1</sup> Such was James Madison, — he who was to be the chief associate of Hamilton while the frame of a national government was a-building, and whose more cautious disposition was to guard the tender enterprise during days when the bold and frank spirit of Hamilton refused to duck to opposing interests and antipathies. Up to the time when they met at Annapolis, nothing had come from Madison beyond those conceptions which hovered about the trade and internal improvements of his own Virginia, and

<sup>1</sup> Mr. Jefferson, in the brief memoir of his own life, says of Madison: He “came into the House in 1776, a new member and young, which circumstances, concurring with his extreme modesty, prevented his venturing himself in debate before his removal to the council of state in November, 1777. From thence he went to Congress, then consisting of few members. Trained in these successive schools, he acquired a habit of self-possession, which placed at ready command the rich resources of his luminous and discriminating mind, and of his extensive information, and rendered him the first of every assembly afterwards of which he became a member. Never wandering from his subject into vain declamation, but pursuing it closely in language pure, classical, and copious, soothing always the feelings of his adversaries by civilities and softness of expression, he rose to the eminent station which he held in the great national convention of 1787; and in that of Virginia, which followed, he sustained the new Constitution in all its parts.”

some moderate measures intended only to amend the existing Articles of Confederation. Those Articles he had, indeed, thought sufficient in an unasserted inherent authority. Jefferson was like-minded. But the delinquency of States was opening the mind of Madison to the degeneracy and utter inefficiency of the Confederation. He began to think it must be strengthened and amplified. Thus it occurred that the want of sympathy, so pronounced on the part of the greater number of those States not represented at Annapolis, aided the ultimate project of Hamilton. It was there more fully manifested than ever that the subject of simply commercial regulations between States, for which the proposed end of this assemblage was to devise a uniform plan, could not win the popular attention. A project like that which Hamilton submitted, in 1783, through General Philip Schuyler, seemed more wise and more acceptable. The express limitation, however, of the delegated power to the commissioners presupposed a deputation from all of the States; and it had in view the trade and commerce of all the States. The commissioners, for that reason, prudently concluded not to proceed on the particular trust of their meeting, under the disqualification of so partial and so defective a representation. Even New York lagged behind in its actual representation; for, though James Duane, Robert R. Livingston,

Egbert Benson, and Robert C. Livingston, were appointed with Hamilton, none but Duane attended with him. Unpromising as this may have appeared to those of little faith, yet such an occasion was too long a-coming, one not likely to recur, by which Hamilton's fondly-nursed predilection could be so well introduced to the whole country. Here his indomitable energy, suavity, and persuasive temper, secured the reflective conference of his sagacious fellow members. Madison's speculations, it is clear, had not gone farther than those which concerned a politico-commercial convention. But he quickly saw, and his judgment approved, the reasons which Hamilton laid before the commissioners for taking the whole subject of the general government into consideration, and the inadequacy of any plan which should consider dissociated details, local and transitory in their nature. A broader proposal was, indeed, necessary; and the thoughts of Madison expanded towards the teeming future of his country. What he had devised, what he had achieved, all and each, were in that right direction, and inclined him to value the new and grand domain of a national existence. He gave himself to the proposed work of strengthening the central political system, by which the States could be held together in the pursuit of one common and prosperous career. The spell of that genius, which Talleyrand acknowledged,



admired, and respected, informed and captivated Madison; the wisdom and patriotism which had early been received for a "chief and confidential aid" by Washington, pervaded and moved the assembly. Hamilton's ardor and candor had conquered the way. In after years, when the contentions of party had excited animosities, Madison still bore testimony in favor of the patriotism, truth, and honor of Hamilton. Though the junior of all present, Hamilton was requested by his consociates to prepare a report to their respective States. The report was to declare the necessity which was felt for extending any revision of the federal system to all its defects, and was to recommend the appointment of deputies, for that purpose, by the legislatures of each of the States, to meet in convention in the city of Philadelphia, on the second day of May, ensuing. A report to this effect was drafted by Hamilton. In it he had set forth his old favorite scheme for nothing less than "a solid coercive union." He thought it neither possible nor desirable to revive the lapsed powers of the Confederation. The report proposed by Hamilton was deemed too bold in purport and too strong in tone. Randolph of Virginia, had great influence with the commissioners and throughout his own State; and he stoutly declined to adopt it. Hamilton, as usual, was firmly adhering to his own view, when Madison advised him: "You had better

yield to this man, for otherwise all Virginia will be against you." The report was modified by Hamilton to suit the more accommodating temper. His chief object was gained; as the commissioners by unanimous action had commended the calling of a convention. Thereby attention was to be awakened; the people informed of the dangers which beset them; and they to be invited to send capable men — then lapped in the indolent repose of private life, or busied exclusively in local affairs,—to an assembly for the specific and comprehensive discussion of the state of the whole country. The Articles of Confederation were to be used as the medium, but the People alone to be regarded as the source of government.

Before we recite the words of that address, and describe the success which ultimately followed its impulse, we will recur to the more personal history of Hamilton; and, with all the particularity which authentic records and tradition afford, retrace the incidents of his life from the time when he first addressed a public meeting and appeared as a writer [1775],<sup>1</sup> to the time [1786] when the address was issued at Annapolis. We will not fail to observe how haply the actual circumstances of his busy life, from boyhood up, furnished his creative faculties with the experience of practical affairs. The variety and excellence of this expe-

<sup>1</sup> *Ante*, pp. 52, 53 of Part I.

rience were rare, and its uses apparent in many important acts of his future statesmanship. His occupations were certainly numerous and, each in succession, various; but he not open to the imputation of instability. The curse of Reuben was not upon him. He excelled. He kept ever in view his ambition "to prepare the way for futurity," "to exalt his station;" and, to secure this end, he was willing "to risk his life, though not his character."<sup>1</sup> This proper regard, at the age of twelve years, for the "immediate jewel of the soul," good reputation, is not the least among the evidences of his early maturity in intellect and morals. In the counting-house; in describing the tornado; in college, limiting the duration of the curriculum, and with haste, but no hurry, accomplishing its purpose of efficiency; in the impromptu speech on July 6, 1775, when method, deliberation, ardor, and argument united in proclaiming that the boy orator was to be a leader of men; in the camp, reading and reflecting profoundly with the devotion of a student; in the military family of Washington, performing not only the routine duties of secretary, but advising the commander, and others, in the highest and most delicate movements, warlike and diplomatic; in conceiving and organizing projects and plans by which the defects

<sup>1</sup> See the letter to his friend Stevens, referred to already on page 47, Part I.; and see *Hamilton's Works*, vol. 1, pp. 1, 2.

of government might be amended and it made effective; in his speeches in the Congress of the Confederation; in his withholden plan for government; in his deep, recondite, searching into the very foundations whereon the principles of political, civil, and municipal jurisprudences immutably rest: descending to "the grounds and first original sources of law;"<sup>1</sup> — in all these, the rising steps of that part of his career which preceded the assembly at Annapolis, we shall feel, and can but wonder at, the excellence of that procession and, at length, unity of influences which aided and obeyed the dominion of his great natural faculties.

To which consideration we next proceed.

<sup>1</sup> "The stateliness of houses, the goodliness of trees, when we behold them, delighteth the eye; but that foundation which beareth up the one, the root which ministereth unto the other nourishment and life, is in the bosom of the earth concealed; and if there be at any time occasion to search into it, such labor is then more necessary than pleasant, both to them which undertake it and for the lookers-on. In like manner, the use and benefit of good laws all that live under them may enjoy with delight and comfort, albeit the grounds and first original causes from whence they have sprung be unknown, as to the greatest part of men they are."—Hooker's *Ecclesiastical Polity*, book i., section 2.

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BY THE

HONORABLE GEORGE SHEA

CHIEF JUSTICE OF THE MARINE COURT

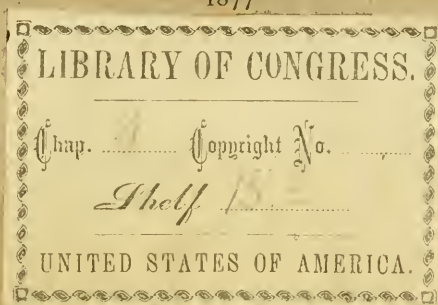
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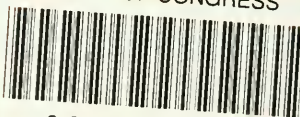






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