

The Pennsylvania Assembly, Friday, 28 September 1787

.
On CALLING a CONVENTION

GEORGE CLYMER: The House cannot, sir, have forgotten a business of the highest magnitude, which was recommended to their attention by the Federal Convention, and I am persuaded they will readily concur in taking the necessary measures for calling a convention of the citizens of Pennsylvania, to deliberate upon that plan of government which has been presented to this House; for which reason I shall submit the following resolutions.

“Whereas the Convention of deputies from the several states composing the Union, lately held in this city, have published a Constitution for the future government of the United States, to be submitted to conventions of deputies chosen in each state by the people thereof, under the recommendation of its legislature, for their assent and ratification, and whereas it is the sense of great numbers of the good people of this state, already signified in petitions and declarations to this House, that the earliest steps should be taken to assemble a convention within the state, for the purpose of deliberating and determining on the said Constitution.

“Resolved, That it be *recommended* to such inhabitants of the state as are entitled to vote for representatives to the General Assembly, that they *choose suitable persons to serve as deputies in a state convention*, for the purpose herein before mentioned; that is, for the city of Philadelphia and the counties respectively, the same number of deputies that each is entitled to, of representatives in the General Assembly.

“Resolved, That the elections for deputies as aforesaid be held at the several places in the said city and counties, as is fixed by law for holding the elections of representatives to the General Assembly, and that the same be conducted by the officers who conduct the said elections of representatives, and agreeably to the rules and regulations thereof.

“Resolved, That the election of deputies aforesaid shall be held for the city of Philadelphia, and for the counties of Philadelphia, Bucks, Chester, Lancaster, York, Cumberland, Berks, Northampton, Northumberland, Montgomery, Franklin, and Dauphin, on the ninth day of October next, and the election for deputies for the counties of Bedford, Huntingdon, Westmoreland, Washington, and Fayette, be held on the fourth Tuesday in October next.

“Resolved, That the persons so elected to serve in convention shall assemble on the _____, at the State House, in the city of Philadelphia.

“Resolved, That the proposition submitted to this House by the deputies of Pennsylvania in the General Convention of the states, of ceding to the United States a district of country within this state, for the seat of the general government, and for the exclusive legislation of Congress be particularly recommended to the consideration of the convention.

“Resolved, That it be recommended to the succeeding House of Assembly, to make the same allowance to the attending members of the convention, as is made to the members of the General Assembly, and also to provide for the extraordinary expenses which may be incurred by holding the said elections.”

These resolutions being seconded by Gerardus Wynkoop, they were by agreement stated as distinct propositions, and on the question, Will the House agree to the following:

“Resolved, That it be *recommended* to such of the inhabitants of the state as are entitled to vote for representatives of the General Assembly, that they *choose suitable persons to serve as deputies in a state convention*, for the purpose herein before mentioned; that is, for the city of Philadelphia and the counties respectively, the same number of deputies that each is entitled to of representatives in the General Assembly.

“Resolved, That the elections for deputies as aforesaid be held at the several places in the said city and counties, as are fixed by law for holding the elections of representatives to the General Assembly, and that the same be conducted by the officers who conduct the said elections of representatives, and agreeably to the rules and regulations thereof.”

ROBERT WHITEHILL answered, *no*. He then rose and said: The House, sir, ought to have time to *consider* on this subject, before they determine; for which reason I move to postpone *the consideration* until we meet again, and that may be this afternoon, as the session is drawing so near to a close.

THOMAS FITZSIMONS: I will submit it to the House, whether it is proper to delay this business for the reason assigned by the member from Cumberland [Robert Whitehill]. If the gentlemen are not prepared to say what time the election for delegates shall be held, at least the general principle, or that such convention is proper, must be well enough understood to warrant an immediate determination. It will be observed, that the ordinary business of the state is pretty well gone through, and the House likely to dissolve tomorrow. But the subject brought forward by my worthy colleague [George Clymer] is a business of the highest consequence, and the House must see how eligible it will be to give it the sanction of the legislature. The only object of our consideration is, whether the election shall be held with that propriety which may perhaps be best effected by the representatives pointing out the mode for the conduct of the people. We are not, I conceive, to consider, whether calling a convention is proper or improper; because that I look upon as a measure inevitable, even should not the Assembly consent, but it will be well for us to appoint the mode by which such choice shall be conducted. These are distinct propositions; and on the first every gentleman must have determined, but on the other every member will have an opportunity of offering his reasons, when it comes before us in the next resolution. Perhaps, sir, it may be necessary to alter the times, from what is there mentioned, to more distant periods; of this the gentlemen from the several counties will be better able to judge than I can pretend to, and I am sure I shall give no opposition to every reasonable extension of the time. I hope it will not be thought necessary, that anything should be said in commendation of the new Constitution prepared for the government of the United

States. This, sir, is not the object of our discussion or deliberation, and was it, I think, sir, my abilities could not enable me to do justice to the subject; but the feelings of every member will more forcibly convince his judgment than all the argument which could be offered. From the number of petitions on your table, it may be clearly inferred, that it is the wish and expectation of the people, that this House should adopt speedy measures for calling a convention. I do not, therefore, see a necessity for saying much on a subject so well felt and understood within and without, but cheerfully submit it to the members to say, whether they will proceed now or in the afternoon.

DANIEL CLYMER: The worthy gentleman from the city [Thomas FitzSimons] has submitted the subject to the feelings of the House, and I agree with him, argument will not more clearly show the advantages that must result from the adoption of the Federal Constitution, than what suggests to the mind of every person within these walls. Nor have I a doubt, sir, but every member will do justice to those feelings, and cheerfully assent to calling a convention, for their own as well as for the future happiness and welfare of the citizens of Pennsylvania. The gentleman observes, it is the general wish of the people, that we should go forward in the measure. Here, sir, I firmly believe him; for, I think, it has but few opposers, very few indeed! I have heard, sir, that only four or five leading party men in this city are against it, whose names I should be glad to know, that their characters might be examined; for I am confident, they will be hereafter ashamed to show their faces among the good people, whose future prosperity they wish to blast in the bud. The reason of their opposition, though not positively known, can be well conjectured; and let them be careful, lest they draw upon themselves the odium of that people, who have long indulged their rioting upon public favor. But, sir, the adoption of this measure is a matter of so much consequence to America, that I am satisfied it will meet the hearty concurrence of this House.

WILLIAM FINDLEY: Whatever gentlemen say with respect to the importance of this subject is argument to prove, that we should go into it with deliberation. And if it is of so much importance, and so well understood out of doors, the House then certainly ought not to be surprised into it. The gentleman from Berks [Daniel Clymer] has spoken warmly against opposing the present measure, in a manner as if intended to prevent men from speaking their minds. He has charged some leading characters in this city with giving opposition. If he means me as one of them (Mr. D. Clymer interrupted him, addressing the Speaker with: No, sir, upon my honor, I did not mean him). Well then, I don't consider that part of his speech as not addressed to the House, but merely to the gallery. But, sir, I consider what has been said of the wishes of the people, as applying to the plan of government, and not to the present question. If I understand it right, we are not at present to judge of the merits of the plan, but on the proper and adequate measure of conducting the people into it. Of the plan I believe there can be no doubt of its being wisely calculated for the purposes intended, but nothing is perfect, and this may be as well as could be expected, and I consider it as very deserving the commendation it received; but this can be no reason for hurrying on the measure with such precipitancy. If it is of the importance it is said to be, surely the House will not refuse to postpone for the present, in order that there may be time to make it as agreeable as possible.

DANIEL CLYMER: I said, sir, the matter was well understood, if we might judge from the sentiments of the people, and there was but little opposition, and that from a few men, who will be ashamed hereafter to come forward and avow their secret machination; so, sir, I say still—nor can any gentleman aver to the contrary. With respect to the postponement of the business till the afternoon, I will ask where is the necessity? Every member must be confident that, with or without his consent, the measure will be adopted; for it is too generally agreeable, and too highly recommended, to be assassinated by the hand of intrigue and cabal. And if it must be adopted, why can it not be done as well this morning as in the afternoon? Or do some gentlemen want an opportunity of consulting with their associates, how far it is agreeable. If there are objections to the time of holding elections, it may be altered. I think sufficient time is not allowed to the county, which I am honored by representing; many others may be in the same predicament, but this can be accommodated. Yet the general principle is so clear, that nothing is left for consideration or discussion.

GERARDUS WYNKOOP: I suppose, sir, there is not a member of this House but what has pretty fully considered the present business. This I am led to believe from its importance and the length of time which has elapsed since it was communicated to the House. Now if every member has made up his mind, what reason can there be for further consideration? And if the members do not declare they have not yet made up their minds on the propriety of calling a convention, I shall vote for going on with the business.

ROBERT WHITEHILL: It is very well known, that this business is a matter of great importance and deserves the serious attention of the House. But however well the people may be said to be acquainted with the design and intention, yet I don't know how far that may be the case. This, sir, is a very large and extensive state, and I may venture to say, that so far from being the general voice of the people, that not one in twenty know anything about it. I believe a great many people in and about the city have signed petitions in favor of it, but that is but a small part of the whole state.

But to waive the question on the propriety of the measure, it will appear clear, sir, when we come to consider, whether it should be held in so many distant counties on the day of the general election, that it cannot be done; and the members ought to have an opportunity of asking or consulting themselves on that, which would be more proper.

The gentlemen that have brought forward this motion must have some design, as they cannot digest the postponement, or why not leave the members at liberty to consult, or acquire further information? If this is a concerted plan, and it must go through as it stands, we cannot help it; but if it is to be made agreeable to what may be right, on due consideration, why not allow time to consider of it? I believe if time is allowed, we shall be able to show, that this is not the proper time for calling a convention, and I don't know any reason there can be for driving it down our throats, without an hour's preparation. It appears to me to be a plan not fit for discussion, or why refuse to allow it to be postponed? I hope, when the House comes to consider how it has been introduced, they will allow us the time we desire.

DANIEL CLYMER: The gentleman has misunderstood me for I did not speak of the state at large, when I said the people understood it and were in favor of it; though I have not the smallest doubt, but it will receive their warmest approbation, when they hear of it.

THOMAS FITZSIMONS: I did wish, and still hope, the House will pretty unanimously agree to the resolutions which are before us. When we took the business up, I flattered myself the decision would not be delayed, because every member had [had] time enough to consider this subject, since it was first introduced to our attention. But if it is the opinion of any considerable number of gentlemen, that it should lay over till the afternoon, I will not press it. I am sure the arguments made use of by the member from Cumberland [Robert Whitehill] offer no sufficient inducement for a delay. The plan of the new confederation has laid upon your table near a fortnight, and it can be nothing more or less than a confession of inattention, not to say neglect of duty, for gentlemen to plead they have not considered it; for surely the subject was so important, that they must have turned it in their minds and know what is proper to decide on this occasion. The House is also so near its dissolution, that if the measure is to be effected, very little time remains for it; though as I observed before, I do not think it lies with the House to determine, whether a convention shall be called or no. This, I think, sir, forms no part of our deliberations. But it is my wish, that the legislature should take the lead and guide the people into a decent exercise of their prerogative; and surely, sir, it cannot be a matter of such high consideration as to require much time in determining the day on which elections should be held for nominating persons to form a state convention. And, I conceive, this is the single point which we have to consider; for I repeat again, that I do not think it is in our power; nay, I am sure it is not in our power to prevent the people from adopting what may be a lasting benefit to themselves and a certain treasure to posterity. But I think that taking the lead in this business will be an honor not only to this legislature, but to the state also. It is not only honorable but convenient and advantageous; and I submit it to the majority of this House to conclude, whether we shall, by proceeding, obtain for ourselves and constituents these advantages, which even our neglect cannot prevent.

GEORGE CLYMER: The resolutions, Mr. Speaker, which I presented to you, contain separate and distinct propositions. Directing the elections to be held at a short day goes upon the supposition that there is time to communicate the necessary information. If this is not well founded, of consequence it must be altered; but I hope no kind of hesitation can be made, as to the propriety of adopting the first, which goes on the principle, that such a convention is necessary for the better union and happiness of the several states of America. To hesitate upon this proposition will give a very unfavorable aspect to a measure on which our future happiness, nay, I may almost say, our future existence, as a nation, depends. If the time, sir, is not agreeable for holding elections, as mentioned in the second resolution, it cannot operate to prevent our entering upon the first. I therefore hope gentlemen will withdraw their opposition and let a degree of unanimity prevail, which may be an inducement to others steadily to cooperate in perfecting a work, that bids fair to relieve our embarrassments and carry us to a height of prosperity we have hitherto been strangers to.

[Alexander J. Dallas' report of Clymer's speech, *Pennsylvania Herald*, 2 October (Mfm:Pa. 74):
Sir, The resolutions before you may be divided into two propositions—first, whether the House will call a convention, and secondly, in what manner it shall be done. On the first of these propositions the House is certainly prepared to decide, and the other may be left till the afternoon. I therefore propose a division of the question in order to accommodate the arguments of the gentlemen who think it necessary to consult upon the times and places of holding the election.]

HUGH H. BRACKENRIDGE: Before the division of the propositions, I had made up my mind to be in favor of the postponement; but it now appears clear to me, that we may decide upon the general principle, to wit, shall a convention of the people be called? With respect to this point, every member must have made up his mind fully, because it is a measure, that from the first was apparent and must have occupied the attention of every individual who had but seen the plan. This, as was remarked before, has been on your table many days, and from its magnitude and importance must have been a subject of reflection to the members, who wished to perform the duty they owed to their God, their conscience, and fellow citizens, so that voting now on a subject already well understood cannot be difficult; and, in my opinion, we are as well prepared to determine upon the principle as we shall be after dinner.

ROBERT WHITEHILL: The gentleman from Westmoreland [Hugh H. Brackenridge], as well as the others who have spoken in favor of the resolutions, seemed generally of opinion, that they ought to be adopted without further consideration, concluding that every member is prepared to determine on the propriety thereof. But this, sir, is not the case; for I own, that I have not prepared myself to take up this business, because I did not expect any notice would be taken of it for Congress ought to send forward the plan before we do anything at all in this matter. For of what use was sending it forward to them unless we meant to wait their determination. Now as these measures are not recommended by Congress, why should we take them up? Why should we take up a thing, which does not exist? For this does not exist, that is before us, nor can it until it is ratified by Congress. I have no doubt for my part, but Congress will adopt it; but if they should make alterations, and amendments in it, is there anyone can say then, what sort of a plan it will be? And as this may happen, I hope the House, when they come to consider seriously, will see the impropriety of going on at present. It will appear, that it is necessary to give time for Congress to deliberate before they recommend. It does appear that Congress have not recommended it; and the recommendation of Congress ought to be waited for in a matter that concerns the liberties and rights of the people of the United States. I say this recommendation is not come forward to the House, nor we don't know when (if ever) it will. We do not know that Congress may be able to go thro with it this long time yet, and why are we to determine on it before we know whether they will allow of such change of the Confederation? We do not know that Congress are even sitting or whether they will be in session. And before we proceed to measures of this importance, do let us know what we are going on, and let us not sport away the rights and liberties of the people altogether. I say, is it not better to go safely on the business, and let it lie over till the next house; when we have adjourned, let our constituents think of it and instruct their representatives to consider of the plan proper to be pursued. Will not the next house be as able to determine as we are? And I

would wish the members to consider, that it never was supposed at our election, that we had the power to determine on such a measure. When we come to consider, it does appear to me better to leave it over to the next house, and they will be better able, and better instructed, what to do in this case. And what is the consequence the gentlemen propose by this hurry, that the State of Pennsylvania shall have the honor of taking the lead. This may be preserved, sir, as well by letting it lie over; for, can the other states go into it before us? Can the State of Georgia receive it as soon, and send it forward for ratification, as we can? No, to be sure they cannot. Therefore this hurry does appear too great in my opinion; because, if it is delayed, our determination can still be brought forward sooner than that of any other state. If there are any objections of moment against calling the convention at present, let us be prepared to make them; we may do that better, perhaps, by deferring only till the afternoon for tho gentlemen say they have had time, and have made up their minds, yet that has not been my case, and I don't see why the business should be hurried upon us at this rate. I hope when gentlemen consider, they will agree to postpone for the present.

HUGH H. BRACKENRIDGE: I conceive, sir, that the member [Robert Whitehill] has wandered from the point, whenever he went into remarks upon the new Constitution; but I did not interrupt, nor do I mean now to reply to those observations, because I would not follow him in a subject which is not before the House. But if it should be necessary to speak on the general principles, I trust that he would be fully answered. At present, sir, I understand the question to be, whether sufficient time has not elapsed to give every member, who respects his duty, sufficient opportunity to have made up his mind on the propriety of calling a convention of the people. If this is the case, the House will not surely postpone.

DANIEL CLYMER: The member from Cumberland [Robert Whitehill] seems to think it highly improper, that we should proceed in this business until Congress shall recommend it to our attention and have given it the stamp of their approbation; but this, sir, is extremely fallacious. For if Congress are to determine the point, where was the necessity for the Federal Convention to recommend calling state conventions? Or pray, sir, were the delegates to that important undertaking ordered even to report to Congress? No, sir, they were not. But I take it that their reason for having done so was that as they meant to report to the people of the United States at large, they thought Congress would be a proper channel to convey it to every part from New Hampshire to Georgia and I think the mode of conveyance very proper; but I never entertained an idea, that it was submitted to their cognizance, as the gentleman says, for alteration or amendment. He supposes too, that the convention of the state may adopt some part of the frame of government and refuse the other. But not so, sir, they must adopt *in toto* or refuse altogether for it must be a plan that is formed by the United States, which can be agreeable to all, and not one formed upon the narrow policy and convenience of any one particular state. Such, sir, is the Constitution lately presented to you, framed by the collective wisdom of a continent, centered in a venerable band of patriots, worthies, heroes, legislators and philosophers—the admiration of a world. This, sir, is a subject the member from the city [Thomas FitzSimons] did well to submit to your feelings. Vain is every attempt to do justice to its merits. No longer shall thirty thousand people engage all our attention—all our efforts to procure happiness. No! The extended embrace of fraternal love shall enclose three millions,

and ere fifty years are elapsed thirty millions, as a band of brothers! And will the State of Pennsylvania, will a few of her inhabitants I should say, attempt to defeat this long-expected and wished-for moment, by entering into a discussion of the minutiae? How her interest is preserved? Why, sir, to form a happy Union, the weakest eye must perceive the necessity of mutual concessions—mutual sacrifices. Had the late Convention not been composed of gentlemen of liberal sentiments, patriotism, and integrity, it might never have been perfected. Had each been studious of accommodating the Constitution to the circumstances and wishes of the state they represented, nothing could have been effected. Do we not hear, that disposed as they were to make a sacrifice of the local interests to the general welfare, that five weeks elapsed before they could determine the proportion of representation. If these gentlemen met with such difficulties, who possessed the information and knowledge of the continent, can it be supposed the United States would submit to the amendments and alterations to be made by a few inhabitants of Pennsylvania? Could it be expected that Virginia (the Dominion of Virginia, as some people in derision call it, though I say it is a land of liberty, a land of patriots, and the nurse of science) I say will you expect, sir, that Virginia and the Southern States shall coincide with alterations made only for the benefit of Pennsylvania? No! Away with such idea, and let that unanimity prevail at its adoption that it did at its formation. It is improper for gentlemen to say, we ought not to enter on this business until it is ratified by Congress. This, sir, is not the case, and let me, as setting my argument on a foundation of solidity, call your attention to the recommendation made by the united sense and wisdom of our continent to this legislature. Remember how strong the language of the venerable Franklin, when he addressed you to enforce this recommendation. Remember the advantage and prosperity held out to Pennsylvania, for her early and cheerful concurrence in a measure, whose perfections are so clearly seen as to make hesitation criminal. Will all the art of sophistry prove an inferiority to the present Confederation, which, upon trial, is found to be loose and ineffectual? Shall we, by chicane and artful procrastination, defeat the measure so loudly demanded by every circumstance of happiness or preservation. Better would it be, Mr. Speaker, to join in the glorious sentiment of that gallant officer, who having quitted his station, and gained a signal victory over his enemy, and when called to account for his breach of orders, answered, that man holds his life too dear, who would not sacrifice it for his country's safety.

If it is the interest of a few individuals to keep up the weak and shattered government, which brings on us the contempt of every surrounding tribe and the reproach and obloquy of every nation, let them exert their opposition, but it will be all in vain, for should even this House refuse, I think it the duty of people, as they value their present and future welfare, to come forward and do that justice to themselves which others would deny them.

As this subject is now before us, let us not hesitate, but eagerly embrace the glorious opportunity of being foremost in its adoption. Let us not hesitate; because it is damping the ardor with which it should be pursued. Sir, it is throwing cold water on the flame, that warms the breast of every friend of liberty and every patriot who wishes this country to acquire that respect to which she is justly entitled.

As we have taken up this matter, let us go through; for our determination may have weight with our sister states, and they will follow where we take the lead, the honor of agreeing first to a measure, that must entitle to posterity security for their property—no longer subject to the fluctuation of faithless paper money and party laws, security to their liberty, and security to their personal safety. These are blessings which will engage the gratitude of posterity to venerate your ashes. Excuse me, sir, for being warm; it is a matter I have much at heart, and a subject which I almost adore; and let the consequences to me be what they may, I must give it my support; for it has my most hearty concurrence, and to every part and particle I do pronounce a willing and a grateful AMEN.

I am against the postponement of the question, as to the principle; but as to that part of the resolution relating to the time, I shall move for an alteration, as my colleagues and myself think the period too short.

THOMAS FITZSIMONS: I was inclined to delay the business until the afternoon; but from all that has been said, I believe it must be the opinion of the House, that it will be proper to decide upon the first resolution before we adjourn. As to the Constitution itself, I believe the proper place for discussing that will be in the convention, so that nothing need be added on that head. If the time mentioned for the elections is supposed improper, that may be accommodated to the gentleman's [Daniel Clymer] wishes by amendments.

The question, will the House agree to the postponement? was put, and only nine rose in favor of it. So it was determined in the negative.

HUGH H. BRACKENRIDGE: You will please to recollect, sir, that, when I was up last, I observed that one of the arguments of the member from Cumberland [Robert Whitehill] might easily be obviated. As that was an improper time to reply to him, I declined doing it; but I mean now to enter on this subject, as I consider it fully before us.

ROBERT WHITEHILL interrupted him with saying he had said nothing against the principles of the proposed plan, but that we were not ready to take it up.

HUGH H. BRACKENRIDGE: The gentleman must suppose me a fool to think I was going into a defense of the principles of the new form of government. No, sir, that I take to be seated above either the reach of his arguments or information.

It is wholly upon another point I mean to remark. He has said, if I could select what he said, that we ought not to take up the present question, nor adopt the resolution, until we heard from Congress; and his argument was, that this should be left to a future house to complete. Now this I mean to answer, and hope to show perfectly, that neither premises or conclusion is well founded. There is also another question, which seems to lie at the bottom of his argument, namely, that it is necessary at the same time, for the state to wait until an improvement of the congressional government is recommended by Congress. This, sir, I conceive, would be a question lying at the bottom of the subject, which occupies our present consideration. But I

have not been able to discover any principle on which an idea of this nature can be founded. What particular right have Congress to recommend an improvement of the federal government? They may recommend, but I should suppose it comes under no part of the authority delegated to them; and therefore that it was going wholly out of the province assigned to them. I should suppose it indelicate for the superior *power* to solicit more. We know they are invested with the power of recommending by the Confederation; but who would recommend from that body, that it should be gratified with more extensive power? I should, I say, presume it must come from them, not with the highest degree of delicacy. In the next place, taking it for granted that it should come entirely from them, what is the foundation, or what must be the foundation of a recommendation of that nature? Is it because they have become sensible, that the present powers are not sufficient to conduct the affairs of the United States, and that a more vigorous and energetic government became necessary? Who ought to be the best judges of this necessity? Men in Congress reflecting abstractedly or the body of the people, on this continent, feeling and knowing this necessity. I therefore think it would be advisable to be guided in an alteration rather by this maxim, than by the other. If a thing, sir, ought to be done, it is little matter whether it be from the reflection of Congress or the feeling and sensibility of the people; and I own, that I always feel a contempt for those languid and trammelled sentiments, which move but like a piece of mechanism. And what are the consequences of taking up the subject, without waiting the result of congressional deliberation? We lead the way, and do great honor to ourselves, in marking the road to obtain the sense of the people, on a subject that is of the greatest moment to them and to their posterity. How did this business first originate? Did Virginia wait the recommendation of Congress? Did Pennsylvania, who followed her in the appointment of delegates, wait the recommendation of Congress? The Assembly of New York, when they found they had not the honor of being foremost in the measure, revived the idea of its being necessary to have it recommended by Congress, as an excuse for their tardiness (being the seat of the federal government), and Congress, to humor them, complied with their suggestions. How it happened to take effect in the other states, I do not positively say; but I am rather inclined to believe it was adopted from the influence of example, rather than from the recommendation of Congress, which happened to take place in the interval between the sittings of the legislatures. But we never heard, that it was supposed necessary to wait their recommendations. No such argument was made use of on this floor when the law was passed. The delegates to the Convention were appointed without the recommendation of Congress; and they reported the result of their deliberations to this House. What reason then is there for waiting any longer to determine, whether it is proper to call a convention, to consider of it or not? I don't see, for my part, what Congress have to do with it, though doubtless I should not object to waiting a few days to hear their opinion. This has been done even until now, which is so near the close of our session, as to make a longer delay improper, therefore, waiting their recommendation is no argument for prolonging the consideration of the subject before us. But there is certainly strong reasons, why we should call up and determine the question, whether a convention should be called or not. The advantages to the state are, that it will be to her honor to take the lead in adopting so wise a plan, and it will be an inducement for other states to follow. We no doubt remember the influence the example of Virginia and Pennsylvania had in getting a general delegation appointed, and that example will no doubt as generally be followed in adopting the

result, for it is everywhere fully and sensibly felt, that an alteration in the federal government is requisite, and I think there can be little hesitation in agreeing to the resolution for calling a convention. As for the day of election, that is but a secondary consideration and may be determined when it comes before us. We surely shall unanimously agree to the first resolution at this time, for delay would argue a lukewarmness, that must be injurious to the cause. Every person who should hear we had the subject ten days before us and, notwithstanding, avoided entering upon it, must conclude we are unfriendly to it; and it will be cause of triumph to our enemies, who wait only to see us refuse that government, which alone can save us from their machinations.

As it is fully in our power to appoint the mode and manner of calling the convention, I hope gentlemen will turn their thoughts, and say what is the proper time, for if it is delayed until the next house, it will be some time far advanced into another year before a convention can sit to ratify the plan for our future government, by which means the force of example would be for delay, and a measure so extremely necessary would be left exposed or perhaps neglected, unless the ardor of our citizens should induce them to do what our timidity would decline. The influence which this state may acquire by decision will be lost, and many of the advantages lessened by an unnecessary delay.

WILLIAM FINDLEY: I do not intend to reply to the arguments used in favor of the present measure, but only examine the ground on which we stand. When the question was on postponement, I did not think it right that gentlemen should have introduced the observations which they did, nor that the manner of speaking, which some used, was proper. It was only addressed to the passions, and in my reply I do not mean to justify such language, by using what may be similar. No, sir, I intend to address the judgment, and not the passions of any man. I have no doubt, *but a convention might be called, and will be called. That it ought to be called, and will be called*, is seen so clearly, that I shall add nothing to enforce it; therefore, I take it, that the propriety of calling a convention is not the question before us. After declaring my sentiments so far, I shall proceed, sir, now to examine the ground on which we stand. I believe we stand on federal ground; therefore, we are not in a state of nature. If we were in a state of nature, all the arguments produced for hastening this business would apply; but as we are not, I would observe, that the most deliberate manner of proceeding is the best manner. But the manner in which this subject has been introduced is an indeliberate manner and seems to argue, that we are not on federal ground. The design of carrying this through, I say, sir, is a presumption, that we are in a state of nature; if that is the case, then it can only be proper to use this expedition. What I mean, sir, by a state of nature is with respect to the Confederation, or union of the states, and not any wise alluding to our particular state government. Now my opinion is, sir, that we are on federal ground, that the Federal Convention was a federal convention, that it had the powers of a federal convention, and that they were limited to act federally, that they have acted agreeable to the limitation, and have acted federally. I know by some of the arguments which have been used, that some gentlemen suppose otherwise. Well then, sir, we will have recourse to the Confederation itself, and then to the law which appointed delegates to the Convention, and let them decide whether we are on federal ground or not.

The sixth Article of the Confederation says, "No two or more states shall enter into any treaty, confederation, or alliance whatever between them, without the consent of the United States in Congress assembled, specifying, accurately, the purposes for which the same is to be entered into, and how long it shall continue." It may be said this don't apply. Well let us examine what it says further in the thirteenth Article. "The Articles of Confederation shall be inviolably observed by every state, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a congress of the United States, and be afterwards confirmed by the legislatures of every state." Now did we act in conformity with these articles by passing the law appointing delegates to the Convention, or did we not? I say we did. I know the contrary has been said, but let us have recourse to our own act. I don't mean, as I said before, to reply particularly to any arguments, but to establish the point that we have all along acted upon federal principles, and that we ought to continue federal, and I have no doubt but we shall. But what says the preamble of the law? Hear our own words, sir: "Whereas the general assembly of this commonwealth, taking into their serious consideration the representations heretofore made to the legislatures of the several states in the union, by the United States in Congress assembled," etc. It has been mentioned that we took it up in consequence of Virginia's having engaged in the measure; and as the reasons are only mentioned in the preamble, they may not deserve much attention, but the second section of the law decides this point. The words are, after enumerating the persons, that they are hereby constituted and appointed deputies from this state, with powers to meet such deputies as may be appointed and authorized by the other states to assemble in the said Convention at the city aforesaid, and to join with them in devising, deliberating on, and discussing all such alterations and further provisions as may be necessary to render the Federal Constitution fully adequate to the exigencies of the Union; and in reporting such act or acts for that purpose, to the United States in Congress assembled, as when agreed to by them, and duly confirmed by the several states, will effectually provide for the same.

Now I consider it as a question of importance, whether we are to take up the new Constitution as being in a state of nature or acting on federal ground, whether we stand unconnected or subordinate to the present Confederation. If we are bound by that, it obliges us to continue on federal ground. I should conceive, that we are still bound by the Confederation, and that the conduct of the House has hitherto been federal; that the Convention was federal as appears by their appointment and their report to Congress. Did they, sir, address their report to this House? No, sir, they did not. It is true, sir, we were honored with a report from our own delegates. No, sir, I retract the word—the delegates were honored; they did themselves the honor of communicating the result of their deliberations. But did the Convention address this House? No, sir, they did not. They addressed Congress, as they were ordered to do. Hitherto the business has been in a federal channel, and this, sir, is the first step that places us upon unfederal ground. The report is before Congress, and it is to be presumed Congress will agree to it, but has such a length of time elapsed as to induce us to suspect they will not concur or to justify our going into it without their recommendation? We may act, sir, without due deliberation and hurry on without consideration, but Congress will not. I know the propriety of waiting to hear from them must have weight with every member, and I ask every gentleman in this House, will they take upon themselves to doubt of the acquiescence of Congress, in order

to furnish an argument for dispatch? If any will, let him say so and take the consequences upon his character. No doubt can be entertained but Congress will recommend as the acquisition of power is a desirable object with them. Their disposition must be to promote the present plan, but they must wish to preserve the appearance of decency on such a subject. I ask, can any gentleman suppose but what Congress will come readily into it? They who have been many years recommending and requiring, nay I may say, begging for such powers as are now proposed to be given them, cannot change their disposition and decline receiving an increase. Well, what does all this tend to prove; have we not all along been a federal state, remarkably so? And shall we be the first to step out of our way wantonly, and without any reason? Certainly we will not.

However, I suppose some gentlemen will say it is necessary for Pennsylvania to show a ready compliance on the present occasion—that it is absolutely necessary to supersede the existing Confederation. Why, sir, we know that nothing, no argument, no opposition can withstand the plea of necessity; well, but the absolute necessity must arise from the dangers we are in. Now where are any dangers to be avoided while Congress are going only through their usual forms to recommend this measure? They must have time to read and consider the plan; it must go through the usual course of business. Circular letters must be prepared and sent with authenticated copies of the new form of government. I am of opinion all this will be done with proper speed, and the communications will be made as soon as possible. Why send the plan to Congress at all, if we must act upon it without their approbation? If the present Confederation is not adequate to the great national purposes, it is fair to put it in competition with the proposed one. We know it was framed by good and wise men, and so was this. Wise and great men were employed in framing both. Nay, some of the same men prepared them, but as time and experience have shown a revision to be necessary, has it not been entered into a federal ground? And will the State of Pennsylvania quit this to answer the concealed purposes of those who urge on the present measure? No, I hope not, but they will agree to leave it to another house, by which time the usual formalities may be given it by the United States. Surely Pennsylvania can take it up early enough to prevent any damage that is feared. In doing so, we act federally. What are held out as inducements to act with such precipitation, as some members say the *honor* of being foremost; but I would rather say the *dishonor* of acting unfederally; and will any federal purposes be answered by a breach of the Confederation, which can counter-balance the disgrace of being the first to dissolve the Union? And, sir, it is not convenient that one state should enter into this measure any length of time before the others. This is one reason of waiting the recommendation of Congress, for then the new Constitution comes officially and all are prepared to go hand in hand in perfecting the work. But will a name justify us for a breach of faith unnecessarily, and no necessity is alleged to justify the measure. Sir, in acting the part I do in supporting federal measures, I am justified by every citizen, who will think with deliberation on a subject of this importance. I have supposed the gentlemen who support the resolutions before you have some object in view which is not understood. I have a right for such suspicion, or why was it delayed to the last but one day of the sessions? We do not treat this subject which is allowed to be of importance with any respect; we treat it rather as a matter of no importance when we hurry it on in this manner.

Why, sir, even the trifling business of appointing a prothonotary or register is made the order of the day. Certainly then we treat this with indignity.

There must be some reasons for this, but though I cannot see it, I may suppose it, and I would ask the gentlemen whether it is that they may have the merit of promoting a business which appears to be very popular; but will this consist with our federal engagements. I would go further and assign another reason against it, but I may be supposed to touch it with indelicacy. It may be asked, was this House elected with a view of entering into matters of this importance? I say this may be indelicate as the House have elected delegates to Convention, but then, sir, I have showed they had that right by the Articles of Confederation, so that the House so far did their duty. It is true they happened in their choice of delegates to choose a number of their own members; but in this they were also justified for one reason; perhaps they thought them better judges of what would be for the benefit of a state they regulated by their legislation. I believe nothing was improper in this; but, I remember, it was lamented that some persons were not chosen better to represent the country interest. And it is these very men, who now come forward with the resolutions, they, no doubt, are able to decide; but I think they should indulge others with time for a like consideration—therefore, I hope they will agree to let it lie over to the next house. I don't think that it will be then too late, and few or none of the other states can be forwarder than ourselves in calling a convention.

GEORGE CLYMER: We now, Mr. Speaker, have heard all the commonplace arguments against adopting the Federal Constitution; and among this mass of matter, what has the gentleman [William Findley] attempted to establish? I think, sir, it may be reduced to these two points: first, that the legislature of Pennsylvania is not adequate to calling a convention, though generally desired; and the other is, that the measure of calling a convention, if gone into, is antifederal and shows an impropriety in the conduct of the House in not waiting the result of the deliberations of Congress. Sir, I have as great respect for federal measures and for Congress as that gentleman can pretend to, but waiting their report, sir, I believe will be to attend to forms and lose the substance. A little calculation will serve to demonstrate this and show the impropriety of waiting the report of that body. At the same time a due regard to decency has been had by postponing this business to so late an hour. If this House order a convention, it may be deliberated and decided some time in November, and the Constitution may be acted under by December. But if it is left over to the next house, it will inevitably be procrastinated until December, 1788. No man, I presume, would be willing that our Union and existence should remain so long in jeopardy or run the risk of a final ruin.

If this business is neglected by the present House and suffered to pass over to the next, it will undoubtedly have the appearance of our being unfriendly to the new Constitution, or will be owing to the world that we are not willing to decide in its favor. The gentleman [William Findley] supposes wrong, when he says, that the reason for bringing it forward now is that Congress are not favorable to the measure. It originated on no such apprehension; on the contrary we know that Congress are favorable, and I have been informed by a gentleman of information, lately from [New] York, that the members of Congress were unanimous in

approving it; but that the formality which accompanies their decisions is of such a nature as to require a longer time for making official communications.

The other argument, that it is unfederal to call a convention without the approbation of Congress, is not supported, for he agrees that should Congress disapprove, there is still a way left of laying it before the people, which amounts to a full proof that Congress is considered only as a vehicle to communicate the information generally to the United States. In this light the gentleman will find the Convention addressed them; if he turns over to the resolutions accompanying the Constitution, it is there declared as their opinion that it should be addressed to a convention of delegates chosen in each state by the people thereof, under the recommendation of its legislature; and when agreed to in such manner by nine states, it shall then be in force. Thus we see there is no power vested in Congress to prevent the states going into it separately and independently. The idea which he has taken up may be traced undoubtedly in the original Confederation, but he will not find it at all attended to by the Convention. Waiting to receive a recommendation of the measure from Congress must even, by that gentleman, be esteemed merely as a compliment, which I think, by the delay already made, has been fully complied with; so that I think little remains but that the House patronize the calling a convention by agreeing to the first resolution, and no man, I apprehend, in favor of federal measures will oppose this; and when the second comes before us, we may determine the time for holding the election.

WILLIAM ROBINSON: The arguments of the gentleman [William Findley] who objects to the present measure is not against the propriety of calling a convention, but only that this is an improper time; and it appears that he supposes further that we are not acting consistent with our federal engagements in deciding on this subject, before it is recommended by Congress, because, as he says, we quit the federal ground on which we have hitherto trodden and act as if we were in a state of nature with respect to the Confederation existing between the thirteen states. Now, sir, I must oppose these arguments by asserting, in the first place, that we have not acted hitherto on federal ground; that the appointment made by this house of delegates to Convention was not federal, nor any one step taken by us has been in conformity with the Articles of Confederation. And all this I think, sir, I shall be able to prove to your satisfaction and to a full refutation of every pretext, which the gentleman from Westmoreland [William Findley] has set up to defeat the proposed measure at the present. The gentleman has introduced to your attention the thirteenth Article of the Confederation, and concludes from it that we are acting unfederally if we do not wait their decision. Now I mean to prove by this Article, that we have not acted hitherto in conformity with it, but that at the very first onset, we entered new ground, and the Articles of this Confederation (it says) shall be *inviolably observed*, and the Union shall be *perpetual*, nor shall any alteration, at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States and be afterwards *confirmed* by the LEGISLATURE OF EVERY STATE.

From this is plainly inferred, that alterations ought to have *originated* with Congress and by them been *recommended* to the several LEGISLATURES. Here is no provision for leaving it to *another body of men* to recommend *alterations* to *state conventions*. Here is no provision for

making an engagement binding as soon as entered into by nine states assembled in *conventions*. No, sir, the Constitution proposed is no *alteration* of any *particular article* of the *Confederation*, which is the only thing provided for. The Federal Convention did not think of amending and altering the present Confederation, for they saw the impropriety of vesting one body of men with the necessary powers. Hence resulted the necessity of a different organization. America had been taught by dear-bought experience that she could never hope for security or prosperity under articles of Union that were no longer binding; that suited the convenience of each particular state and was slighted or condemned as petulance or caprice dictated. America has seen the Confederation totally inadequate to the purposes of an equal general government, incapable of affording security either within or without. Attempts in vain have been made to obtain the assent of all the states to measures which have at one time or another been agreed by them severally, yet retracted by some, when a prospect of success appeared. Hence resulted the necessity of taking up this business on original ground. Hence resulted the necessity of having again recourse to the AUTHORITY OF THE PEOPLE. *Under this impression, sir, the CONVENTION originated*. Virginia passed a law appointing delegates to join with the delegates of such other states as, influenced by her example and convinced of the necessity of having a more effective federal government, should concur therein. Virginia, sir, was not authorized by Congress to make such appointment, nor did Pennsylvania wait for that authority; but this reason, which is inserted in the preamble of the bill, was thought sufficient to justify our conduct and was the real inducement for passing the law. "And whereas the legislature of the state of Virginia have already passed an act of that commonwealth, empowering certain commissioners to meet at the city of Philadelphia, in May next, a convention of commissioners, or deputies, from the different states; and the legislature of this state are fully sensible of the important advantages which may be derived to the United States, and every of them, from *co-operating with the commonwealth of Virginia*, and the other states of the confederation, in the said design."

Finally, sir, the recommendation of Congress was obtained for calling the Convention; but this was a power not vested in them by any article of the Confederation, under which they ought to act. In this, sir, they departed from that federal conduct, which the member from Westmoreland [William Findley], by mistake, asserts has hitherto been pursued. Having, sir, not hitherto proceeded one step on federal ground, is it to be expected that federal ground should now be resumed? But, sir, if we were to proceed under the most earnest recommendation of Congress, to call a *state convention*, we proceed contrary to the principle laid down in the 13th Article, which declares the alteration must be CONFIRMED BY THE LEGISLATURE; so, whether Congress recommend or do not recommend, if *a convention is called* (which every gentleman agrees is proper), we act inconsistent with the Articles of Confederation. For is it anywhere said, that *conventions of the people* shall be called to determine such alterations as are submitted by Congress? No, sir, THE LEGISLATURES are to decide, and moreover, it must be confirmed by *all of them* before it can have effect. Now is this a circumstance that can be reasonably expected after the disunion and obstinacy, which has heretofore taken place? The new Constitution declares, when nine states concur, it shall be binding on them; so that whatever way we proceed in, it must be clear we proceed without regard to the Confederation.

With respect to the recommendation of Congress, I think it is generally believed they will recommend, but it is only mere formality that could require us to wait it. Even was it federal, which it is not, let us suppose that Congress were to refuse recommending, would it drop to the ground? And suppose we decline calling a convention, will not the people call one themselves? They surely will, and have an undoubted right so to do. And the only question before us is, what advantage will arise from calling that *convention now*? The people who reside near the seat of government have generally applied to you to direct this affair. Now, should we treat their application with a silent neglect, it will argue that the General Assembly are unfriendly to a more federal and effective government. If it should not carry that idea to the people about us, who may have fuller information, it certainly will to the extremes of the state and other distant places. It will tend to damp that ardor, which the proposed plan has universally inspired. The State of Pennsylvania is of great weight, her influence would be extended, nor has she ever relaxed her federal exertions, she would become still of greater importance in the Union, and her example on the present question may fix the liberty, prosperity and happiness of united America; while sun and moon endureth.

A tardiness will lose us these advantages, and by referring to another house, we may not see it effected until many other states that have formed a better judgment of its importance shall have acceded and eclipsed our fame.

THOMAS FITZSIMONS: I think too highly of the good sense of this House to suppose it necessary to say anything to prove to them that their *agreement* to calling a convention is *not unfederal*, as every member must have fully considered the point before this time; nor I do not think a single gentleman supposes that it would be unfederal. Though the member from Westmoreland [William Findley] has taken some pains to persuade us that Pennsylvania has been hitherto a federal state, and that we are about to depart from that conduct, and to run before even prosperity itself. I think it greatly to the honor of Pennsylvania that she deserves the gentleman's commendation by having always stood foremost in support of federal measures, and I think it will redound still more to her honor to enter foremost into this new system of Confederation, seeing the old is so dissolved or rotten as to be incapable of answering any good purpose whatsoever. Has the gentleman ever looked at the new Constitution? If he has, he will see it is not an alteration of an article in the old, but that it departs in every principle from the other. It presupposes, sir, that no Confederation exists; or if [it] does exist, it exists to no purpose; as it can answer no useful purpose, it cannot provide for the common defense, nor promote the general welfare. Therefore, arguments that are intended to reconcile one with the other, or make the latter an appendage to the former, are but a mere waste of words. Does the gentleman suppose, that the Convention thought themselves acting under any provision made in the Confederation for altering its articles? No, sir, they had no such idea. They were obliged, in the first instance, to begin with the destruction of its greatest principle, *equal representation*. They found the Confederation without vigor and so decayed that it was impossible to graft a useful article upon it; nor was the *mode*, sir, as prescribed by that Confederation, which requires alterations to originate with Congress. They found at an early period that no good purpose could be effected by making such alterations as were provided by the first articles of the Union. They also saw that what alterations were necessary could not be ratified by the

legislatures, as they were incompetent to ordaining a form of government. They knew this belonged to the people only, and that the people only would be adequate to carry it into effect. What have Congress and the legislatures to do with the proposed Constitution? Nothing, sir, they are but the mere vehicles to convey the information to the people. The Convention, sir, never supposed it was necessary to report to Congress, much less to abide their determination. They thought it decent to make the compliment to them of sending the result of their deliberations, concluding the knowledge of that would be more extensively spread through their means, not that I would infer there is the least doubt of the most hearty concurrence of that body. But, should they decline, and the State of Pennsylvania neglect calling a convention, as I said before, the authority is with the people, and they will do it themselves; but there is a propriety in the legislatures providing the mode by which it may be conducted in a decent and orderly manner.

The member from Westmoreland [William Findley] agrees that a convention ought to take place. He goes further and declares that it must and will take place but assigns no reason why it should not early take place. He must know that any time after the [state] election will be proper, because at that time the people, being collected together, have full opportunity to learn each other's sentiments on this subject. Taking measures for calling a convention is a very different thing from deciding on the plan of government. The sentiments of the people, so far as they have been collected, have been unanimously favorable to its adoption, and its early adoption, if their representatives think it a good one. If we set the example now, there is a great prospect of its being generally come into; but if we delay many ill consequences may arise. And I should suppose, if no better arguments are offered for the delay than what has been advanced by the gentleman on the other side of the House, that we will not agree to it. As to the time of election, that has been all along conceded, and gentlemen will propose such time as they think proper.

WILLIAM FINDLEY: I wish to make a few observations, sir, on what has been said by the several gentlemen who support the motion, and to offer some further reasons in favor of delay. One gentleman [George Clymer] says, it will be procrastinated, if laid over to the next house, into another year. In that, sir, I will agree with him, if he means the beginning, but not if the middle or latter end. The same gentleman says, that no one in favor of federal measures would oppose it. Now, sir, I profess myself in favor of federal measures, and I believe the members of the House are generally so; and it is for that very reason that I wish to defer it, in order that we may accomplish in a federal manner. The gentleman further says, that if Congress disapprove of it, there is still a way left of having it adopted, but if Congress should disapprove, will it be contended that we have acted properly in agreeing to a measure without consideration. Congress certainly take no more time than is necessary, and they must know how the legislature of Pennsylvania is circumstanced. They know we are near our dissolution, and never can imagine that even if they were to determine on recommending, that we have time to decide on that recommendation.

As to what the gentleman from the county [Philadelphia] (William Robinson) says of the Federal Convention's not being a federal convention, I have but little to reply. I stated some facts to

prove they were a federal convention acting under the Confederation, both by its injunctions and by the law. He charges Congress also with not having acted agreeable to the Confederation; but he has not shown us why that body should wantonly step out of the way when, by the 13th section [i.e., Article], they were able to effect every alteration which was required. But, for my part, I think their conduct was federal and their resolution conformable to the Confederation. Neglecting to adopt the measure of calling a convention is said by him to carry the idea of this state's being unfriendly to the proposed Constitution; but why should it have this effect? Is it not known that the usual method of determining any matter of a public nature is, by a due consideration and repeated deliberation, conformable with our constitution? Can a hasty decision be expected? No, it is expressly prohibited. Why then must it be inferred from delay that we are unfriendly?

The member from the city (Thomas Fitzsimmons) says, that every member must have considered this subject. I will say, that every member has not considered it. For my part I have read it over not with a view of considering it in this House, and as for the object before us, I never thought of it at all, taking it for granted that the session was so far expired that time was not left to receive it from Congress or deliberate upon it. I know that it is the province of the convention to consider of the merits of the plan, and I suppose that they will have good reasons assigned for their determination, whether it be to reject or adopt it, so that I shall add nothing on this head. The gentleman goes further and informs us, that the Federal Convention did not act under the Confederation, which he says is dissolved and rotten, and they paid no respect to it in their deliberations. I know this matter does not come properly before the House; but, sir, I cannot forbear remarking upon these words. I should think it unwise to throw out the dirty water, sir, before we get clean. If the Confederation is dissolved, there is no bond to keep us together, even while we deliberate on the new. But, sir, our Confederation is not dissolved, though it may be defective. We remember, it was framed in time of war, and every requisite for the time of peace may not have been adverted to; and we should remember it served, and served us faithfully, through a difficult and protracted war. Let us, therefore, not censure it too highly, as we have been advantaged by it, nor despise it and say it is dissolved and rotten; for, sir, when I go into my new house, I wait till it is finished and furnished before I quit the humble cabin that has served me many a cold and weary day; and when I bid it an adieu, it is becoming to speak respectfully of it, because it was true and faithful to the last.

Now with respect to the propriety of waiting the recommendations of Congress and whether we are acting federally or not are questions, in my opinion, of high importance. The gentlemen say also, that the subject is important; but how do they treat it? They treat it, sir, as a trifle, whilst we, by desiring due deliberation, treat it as important. Ask the gentlemen, sir, what they are about to do? They mean to summon an election of delegates at so short a day that people have not the least time to consult together even on a proper representation. Perhaps the city and county of Philadelphia may have time sufficient, but no other can. If a majority of the people of Pennsylvania are favorable to the new Constitution, how can they find out the sentiments of those, whom they wish to represent them? Perhaps they may elect persons who will give it every opposition, and it may be, sir, that the very persons who are pressing this business forward do it to inspire a confidence that they are its supporters, when they mean, if

opportunity shall offer, to destroy it. I ask the members of this House, is it reasonable to suppose proper time is allowed? Let every member ask himself, if the people can choose delegates with any kind of judgment? The people generally are disposed to have a government of more energy. How far the proposed one may answer their idea, I think we ought to let them consider. They have a right to think and choose for themselves. Shall we then deprive them of their right? Surely not. Let them then have time, and they no doubt will act right and refuse or adopt the plan of government held out to them.

HUGH H. BRACKENRIDGE: With respect to the expediency of immediate decision on this question, it has been sufficiently observed, that the example of Pennsylvania would be a great inducement to the other states to come speedily into its adoption; on the contrary, a delay with us will occasion a delay in the other legislatures. The gentleman [William Findley] allows we labor under inconveniences by the present mode of government; let his object then be to remove the difficulties and hasten their termination by a speedy application of the only remedy the case admits of. I cannot see, Mr. Speaker, whence the gentlemen (Robert Whitehill and William Findley) are so averse to a measure that the one owns is necessary and the other cannot state a single objection against.

All efforts to restore energy to the federal government have proved ineffectual, when exerted in the mode directed by the 13th Article of the Confederation, and it is in consequence of this, that recourse is once more had to the *authority of the people*. The first step toward obtaining this was antifederal; the acquiescence of Congress was antifederal; the whole process has been antifederal so far as it was not conducted in the manner prescribed by the articles of Union. But the first and every step was *federal*, inasmuch as it was sanctioned by the PEOPLE OF THE UNITED STATES. The member from Westmoreland [William Findley] pleases his fancy with being on federal ground, pursuing federal measures, and being a very federal sort of person; he concludes we are not in a state of nature, because we are on federal ground. But, sir, we are not on federal ground but on the wild and extended field of nature, unrestrained by any former compact, bound by no peculiar tie, at least so far are we disengaged, as to be capable of forming a constitution, which shall be the wonder of the universe. It is on the principle of self-conservation that we act. The former Articles of Confederation have received sentence of death, and though they may be on earth, yet are inactive and have no efficacy. But the gentleman would still have us to be bound by them, and tells you your acts must correspond with their doctrine; this he proves, sir, from the 13th Article, but in this he is like some overstudious divines, who in commenting on their text turn it to different shapes and force it to prove what it never meant, or in the words of the poet:

As Critics! learned Critics view,

In Homer, more than Homer knew.

He will not suffer the old to be dissolved, until the new is adopted; he will not quit his old cabin till the new house is furnished, not if it crumbles about his ears. But, sir, we are not now forsaking our tenement, it is already been forsaken, and I conceive we have the power to

proceed, independent of Congress or Confederation. But as to the second object, whether the time is proper, as stated in the resolution, I do not say that it is, because I conceive it too short for several counties distant from this city; but this subject will come forward with propriety after the present question is agreed to.

WILLIAM FINDLEY: The proposed plan is not now before us; therefore we have nothing to say on that subject. But, sir, I would still suppose the old Confederation is in existence. The new says, that when nine states agree, it shall be binding on them; that is to say, we shall not go out of the old until the new is so far completed. Then, sir, for my part I would retire from under the old, but not till then, when I would bid it an honorable and friendly adieu, for its meritorious services. Then I would cheerfully pay that attention to the new, which a more perfect edifice deserves. I would then support or act under it as occasion might require.

ROBERT WHITEHILL: I shall make but a very few observations on this business, as enough has already been said I apprehend to convince the House of the propriety of delay, if any consideration can effect it. I believe, sir, we are under the Confederation, and when we come to consider the Articles of that Confederation, as well as the law passed appointing delegates to Congress, we shall have reason to conclude, that we are on federal ground and not in a state of nature. In the sixth Article it is expressly declared, that no state shall enter into any confederation without the consent of Congress; this is sufficient to satisfy the House that they ought not to proceed without the approbation of Congress. I say, when we come to consider that the states appointed delegates in consequence of the recommendation of Congress, and that they reported to Congress agreeably to their orders, every member must be convinced that it is a federal measure; and this way of going out of it must be contrary to all right and propriety. We have Articles of Confederation, sir, and we are bound by them; we are acting, sir, a very wrong part to deny this; they are our government. They have the necessary powers by the Confederation, and I say their recommendation is necessary; and unless we have it, nothing can be done toward establishing the new Constitution.

DANIEL CLYMER said the new Constitution had nothing to do with the present question, which was simply, will the House take the proper means to have a convention of the people called to deliberate on the propriety of receiving or refusing the new plan of confederation?

The question was now put, Will the House agree to the resolution? And the yeas and nays being called by Daniel Clymer and Thomas Fitzsimmons are as follows:

Yeas. Will, Fitzsimmons, [G.] Clymer, Hiltzeimer, Gray, Robinson, Salter, Logan, Foulke, Wynkoop, Chapman, Upp, Moore, Willing, Ralston, Evans, Thomas, Wheelen, Lowry, Hubley, Carpenter, Work, Ross, Clemson, M'Conaghy, Schmyser, M'Lellan, Lilley, G. Heister, Kreemer, J. Heister, Davis, D. Clymer, Trexler, Burkhalter, Cannon, Antis, Brackenridge, Moore, Wheeler, Hockley, Riffe [Reiff], Carson. 43.

Nays. Whitehill, Kennedy, Mitchell, Brown, Piper, Powel, Dale, Findley, Barr, Wright, M'Dowel, Flannaken, Allison, Phillips, Gilchrist, Smith, M'Calmont, Clarke, Miley. 19.

After which the House adjourned till 4 o'clock in the afternoon.

Cite as: The Documentary History of the Ratification of the Constitution Digital Edition, ed. John P. Kaminski, Gaspare J. Saladino, Richard Leffler, Charles H. Schoenleber and Margaret A. Hogan. Charlottesville: University of Virginia Press, 2009.

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[accessed 16 Nov 2012]

Original source: Ratification by the States, Volume II: Pennsylvania