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REPUBLICANISM, RATIFICATION, AND ROUGES' ISLAND: RHODE ISLAND AND THE CONSTITUTION OF 1787

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LOUISIANA STATE UNIVERSITY

REPUBLICANISM, RATIFICATION, AND ROUGES' ISLAND:

RHODE ISLAND AND THE CONSTITUTION OF 1787

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Chapter I: Prelude to Constitutional Conflict

The Voice of the People, the Voice of God

In the spring of 1787, while delegates from the fledgling states met in Philadelphia to draft a new form of government, Rhode Islanders were filled with apprehension. Their state alone had declined to attend the forum. The growing movement to exchange the Articles of Confederation for a more centrally-oriented, independently financed national government alarmed many within the state. Rhode Islanders saw the convention as a possible threat to state autonomy.

Rhode Islanders had enjoyed uncommon independence and autonomy in government long before independence came in 1776. Under its English charter, the colony possessed sweeping authority in every facet of government: executive, legislative, and judicial. Both the governor and members of the legislature were popularly elected, while all judges were appointed by the state's legislature. The only effective restriction on the colonial legislature's authority was that no laws were passed "contrary or repugnant" to those of England.¹ After breaking from England, the state simply blotted out the king's name on its old royal charter, erased any royal residues from legislative and judicial documents, and changed the invocation at the end of legislative sessions from "God save the King" to "God save the United States." The transition from English rule to the Articles of Confederation was completed with relative ease and little difficulty, because the Articles left the authority of the Rhode Island government all but unamended. The system of government practiced in Rhode Island the previous hundred years provided a firm base for the

¹ John R. Bartlett, ed., *Records of the Colony of Rhode Island and Providence Plantations in New England*, 10 vols. (Providence, 1856-65), VII, 267.

state's new experiment with independence.²

Rhode Island's legislature was divided between the upper house or Assistants, and a lower chamber or Deputies. The House of Deputies contained 70 members, fixed by the charter of 1663, and elected semiannually by the freemen. The ten Assistants were also elected semiannually by members of the lower house. Although the chambers shared power equally, the lower house was traditionally more important as most legislation originated there. The Governor was little more than a figurehead, with limited authority. He could not initiate legislation, nor veto acts passed by the General Assembly.³ He could however, call special sessions of the legislature and he served as head of the armed forces, but the latter role was carefully regulated by the General Assembly. The governor possessed no appointive powers either.⁴

Consequently, the fulcrum of power in the both colony and the state of Rhode Island resided in the General Assembly. The Rhode Island legislature dominated every area of governmental administration within the state. It alone could levy taxes and enact legislation. Only the Assembly could incorporate new towns, regulate boundaries, determine the method of elections, admit freemen (that is, grant citizenship), and maintain relations with other states and foreign nations. However, its greatest influence lay in its appointive powers. Vested with the authority to select all state officials not directly elected by the populace, the General Assembly could systematically control almost every aspect of government through its selections. Its appointments included sheriffs, tax collectors, militia officers, custom officials, public notaries, and perhaps most

² Irwin H. Polishook, *Rhode Island and the Union 1774-1795* (Evanston: Northwestern University Press, 1969), 22.

³ In 1731, the question of the governor's veto power came up when then Governor John Jenckes refused to assent to an act of the General Assembly authorizing an emission of paper money. In the charter the governor had no authority to negate acts of the legislature and thus his assent was unnecessary. The legislation passed despite his intransigence. Bartlett, *Records*, IV, 456-61.

⁴ Polishook, 24-5.

important, decided the membership of Rhode Island's highest court, the Supreme Court of Judicature, in addition to that of all inferior state courts. These appointments, made annually for a term of one year, ensured that appointees wanting to stay in office would uphold the will of the legislature or quickly find themselves out of job. The legislature was also empowered to impeach, and on conviction, remove public officials.⁵

Despite the enormous political clout given the legislature, its members, particularly the Deputies, had to be cautious. The citizens of the Narragansett state were accustomed to a system of government which permitted them to exercise a great deal of power. Assembling in town meetings, the people would select their two or more representatives to the legislature, frequently providing instructions for the official to follow during his term. Semiannual elections meant that any representative could quickly be voted out of office for not adhering to the wishes of his constituents, and replaced with one more willing to take directions from the voters. The polity of Rhode Island was used to being consulted on major issues, and so the towns played an important role in state's legislative politics. Rhode Island politics during the Revolution and Confederation periods was described by its foru-----, as "Democratic Localism," a term which reflected the power wielded by the towns throughout the state.⁶

Given the democratic nature of Rhode Island politics, the idea of a stronger national government vested with powers eclipsing the state's (and so the towns and peoples') was not a popular one for most Rhode Islanders, and explains to some extent the state's reluctance to send delegates to the Federal Convention.

⁵ Ibid., 26.

⁶ See Ibid., 27-36; and for a more in depth discussion William M. Ferraro, "Localism in Portsmouth and Foster during the Revolutionary and Founding Periods," *Journal of Rhode Island History* 54 no. 3 (1993) : 67-87.

There were other reasons as well. The economy of Rhode Island was in shambles in 1783, decimated by the fighting and occupation by British troops. In the lean years of between 1783 and 1786 the state was nearing bankruptcy. The process of reconstruction was difficult and tremendously expensive. Newport alone reported war damages of \$412,920, and its neighbor, Middletown, sustained losses of \$130,000.⁷ At one time British forces had occupied over one-third of the state and three-fourths of its farms. Similarly, the war took its toll on the maritime trade that the state depended upon for its prosperity. The English naval blockade disrupted commerce to the point where the town of Providence was begging for extensions from the General Assembly to pay its war debt because of lack of funds.⁸ Wharves and ships were burned across the coasts of Rhode Island, and this suffocation of trade during the war left the state without its primary source of revenue—imposts, just as it needed them most. Funding for Rhode Island's war of independence came from loans, the emission of paper money, and taxation. Annual taxes skyrocketed to 60 times what they had been before the war. Coupled with the staggering increases in taxes came inflation from the huge issues of paper money. Rhode Island by the end of hostilities had issued over \$1,465,200 in paper money, devaluating the purchasing power of the currency. The state's debt reached \$500,000 by the end of the conflict, on which it owed interest and penalties. After the war, Rhode Island officials were at a loss on how to attack the problem.⁹

The state's financial difficulties would play a significant part in Rhode Island's reluctance to join the Union. Just as state leaders were working out solutions to Rhode Island's economic woes, the clamor for a new national government began. Many Rhode Islanders worried that a change in government would affect the plans proposed or already in place, and hinder the repair

⁷ Polishook, 46.

⁸ Bartlett, *Records*, VIII, 331.

⁹ Polishook, 47-9.

of their economy and the reduction of the state's debt. This was not the first time the state butted head with its national government about money matters, and Rhode Islanders believed they had good reason to be worried.

The Impost of 1781

During the war, the Articles of Confederation made it difficult for Congress to sustain the war effort. Under the Articles, Congress was unable to tax to raise the revenues it desperately needed. In an effort to increase its revenue, Congress proposed amending the Articles to permit it to impose an impost (that is, a 5% tariff on foreign goods entering the states) in 1781. Congressional leaders understood that if new foreign aid was to be secured, the nation first had to demonstrate an ability to pay it back. Congress's primary focus then, was to find a permanent source of revenue. The impost seemed the most feasible solution. One of Rhode Island's representatives in Congress, James Mitchell Varnum, sat on the committee that recommended the legislation. He believed, as did many of his colleagues in Congress, that a permanent source of income was vital to the success of the war and the survival of the nation.¹⁰

But many Rhode Islanders viewed the tariff as a threat to the state's autonomy and an attack on its economic prosperity. Although initially several of the states first balked at a measure that would interfere with their sovereignty, all but Georgia (still under British occupation) and Rhode Island eventually approved the legislation. Rhode Islanders, already angered over the small

¹⁰ J.M. Varnum to Governor Greene, Philadelphia, January 8, 1780, Bartlett, *Records*, IX, 42; "Proceedings and Observations of the Committee on Finance."

number of troops sent to expel the British from their state, felt they had little incentive to cooperate with Congress. In addition, the state's economy depended upon its maritime trade and an increase in the price of imports, inevitable if the Federal tariff became law, would only worsen its financial situation. Rhode Island merchants were vitally interested in the impost's defeat, and they were most vocal group against expanding the power of the national government.¹¹ Their reasoning, though predominantly couched in economic terms, was often expressed in political terms. The issue of states' rights was the crux of their public arguments. The merchants were quick to point out that the war had already damaged their beleaguered economy enough; the last thing the state needed was outside interference from the national government. Any taxes to be collected, they exclaimed, should go for the benefit of Rhode Island. The merchants saw the impost as competition to local impost taxes. And merchants saw local taxes as the only solution to eliminating the state debt—of which they were the primary owners.¹²

The problem was collecting those taxes. The war had devastated the state's economy and poverty was widespread townships. Tax collectors were being jailed and their property auctioned off for failing to collect their quotas, and letter requesting extensions for payment of debts (public and private) were sent from numerous towns to the General Assembly. Instead of relief, poverty stricken towns like Foster and Newport were each hit with further state and Continental taxes amounting to over \$25,000 through the first months of 1782. Merchants complained, with good reason, that the impost would reduce the already limited amount of taxes being collected in the state.¹³

¹¹ Hillman H. Bishop, "Why Rhode Island Opposed The Federal Constitution: The Continental Impost," *Journal of Rhode Island History*, VIII (1949), 3-4.

¹² Polishook, 60-2.

¹³ Ferraro, 72-3

The debate over the impost in Rhode Island was an emotional one, but its rejection was never in doubt. The only problem faced by Rhode Island was the anger of the other states that was sure to follow defeating the impost. The General Assembly moved carefully and hoped anxiously for another state to come out against the impost. It never happened. The Assembly, cautious, suspicious, and uncertain what to do, delayed and procrastinated for 22 months and refused to act. Rhode Island's hesitation prompted a wave of scorn and criticism from its sister states. As the Assembly debated what to do with the impost, James Mitchell Varnum and Daniel Mowry, Rhode Island's representatives in Congress and both staunch nationalists, pled with the legislature to ratify the impost.¹⁴

In an attempt to bolster support for the impost, Varnum began publishing letters in the *Providence Gazette* under the pseudonym of "A Citizen," explaining why the impost should be approved. He argued that the impost was an inherent right of the national government, being a means of enhancing and sustaining its sovereignty. Varnum believed that Congress had every right to deviate from its grant of power under the Articles whenever circumstances demanded it. Varnum's efforts met a blistering backlash of criticism. David Howell, a former professor of natural philosophy and now a prominent attorney in Providence, replied to Varnum's arguments under the name of "A Farmer" in a series of articles published in the *Providence Gazette*. He maintained that the national government possessed no authority beyond what had been specifically granted under the Articles, and he insisted the Continental Congress was obliged to follow the wishes of the states. Rhode Island's dislike of the impost was confirmed in 1782, when the General Assembly chose new delegates for Congress and Varnum and Mowry were replaced with

¹⁴ Polishook, 61.

two anti-impost members. David Howell defeated the incumbent Varnum, and Daniel Mowry went home in place of Jonathan Arnold.¹⁵

The two new delegates immediately began an assault on the impost on the floor of Congress. The bill would have allowed for national tax collectors, independent of any local or state authority, to collect the impost within each state. Their concern was over the conflict of authority between the proposed Federal tax collectors, and the Treasurers of the states. Howell argued that if these officials were given independent authority, their power would supersede that of the Treasurers, who were under state law, the only individuals authorized to collect taxes. Thus the impost would be illegal under state law. Equally troubling was the indefinite period that the tax would last.¹⁶

As the General Assembly deliberated, the rest of the states were becoming increasingly impatient over Rhode Island's indecisiveness. Thomas Paine spent the winter of 1781-82, in Providence writing pro-impost propaganda, urging support of the impost for the good of the Union. Although he converted some of the wealthy in Providence, for the most part, town and country were unified in opposition, and he left in the spring unsuccessful. Running out of option for delay, a final decision on the impost was called for in the Assembly in November of 1782. Despite the inevitable backlash that would follow, the Assembly wanted to show solidarity in its decision, and voted down the impost 53-0. Rhode Island thus ended the best prospect of enlarging the power of the national government under the Articles of Confederation. A new wave of criticism bombarded the state, reflecting the deep resentment felt by the other states over Rhode Island's refusal to act in allegiance with the rest of the nation.¹⁷

¹⁵ Ibid., 62, 69-73.

¹⁶ Ibid., 74.

¹⁷ Ibid., 78-80.

The Country Party

Events of the years following independence were the opposite of what many Americans expected to happen after the Revolution. Instead of a period of economic prosperity, the states were hit with years of depression and commercial stagnation. A very unfavorable balance of trade with England led to a shortage of specie in the United States, affecting both merchants and farmers alike. Rhode Island was struck especially hard, for its merchants and thus its livelihood were dependent upon hard currency to conduct its business transactions domestically and abroad. Farmers without a marketable commodity to sell had to resort to barter to pay for goods and services. Correspondingly, when a creditor asked for repayment, debtors often had to reply that there was no money to make payment. A heavy burden of taxation continued through the mid 1780's, and without specie to fill state coffers, property was sold at a fraction of its actual value and former owners were placed in jails. Dissatisfaction with the General Assembly soon emerged, and that bitterness spread into a general dislike of the national government.¹⁸

Out of this growing unhappiness within Rhode Island for its nationalist political leaders, emerged a new party offering solutions to the problems that plagued the state. Its members referred to themselves as the Country Party. As Irwin H. Polishook observed, the "Impost struggle represented a high-water mark in Rhode Island. Never again during the Confederation era would the state be unified on the question of the national government."¹⁹ The Country Party and its paper money program directly led to the schism. A growing minority during the first years of the 1780's, it would catapult itself to power using the issue of paper money. The state debt,

¹⁸ Ferraro, 71-73.

¹⁹ Polishook, 103.

calculated at more than \$500,000 in 1785, was rising \$25,000 yearly in interest alone.²⁰ Although the state collected nearly \$70,000 in each in revenue, after meeting administrative expenses and obligations to the Federal government, it had less than \$18,000 annually for other uses. In other words, Rhode Island's internal debt would continue to rise unless taxes were raised even higher or an alternative solution was found. The years 1785 and 1786 were going to be decisive for Rhode Island. Paper money was seen as the only answer to ridding the state of debt and the only alternative to higher taxation. When the idea of emitting state paper money was first proposed in 1784 few thought it necessary, but by mid 1786 a majority of the rural townships in the Rhode Island favored the proposal. The economic depression and heavy burden of taxation convinced most Rhode Islanders that paper money was essential for their survival, and towns across the state wrote to the General Assembly requesting paper emissions.²¹ The merchants were vehemently opposed to any emissions of paper money. As primary holders of the state's securities, inflation as a result of new currency emissions would seriously diminish the value of their holdings. When a vote was called for in the General Assembly in early 1786, the merchants and their commercial supporters defeated the bill in the lower house.²² The actions only forestalled the inevitable, the majority of the towns heavily favored new paper money, and the elections in May of 1786 demonstrated that fact.

²⁰ Governor Arthur Fenner Jr., approximated this amount in 1790, when he put the figure at about \$545,000, Bartlett, *Records*, X, 451-53; Polishook, 109.

²¹ The towns of Hopkins, Westerly, Cumberland, Gloucester, Smithfield, West Greenwich, Little Compton, Coventry, Portsmouth, Warwick, Tiverton, Foster, and Middletown, all indicated their approval of paper money emissions in their town meetings; while Richmond, Newport, Providence, Charleston, and South Kingstown stood opposed. Charleston and South Kingstown soon became proponents of the paper money. Polishook, 120; Ferraro, 75.

²² *Providence Gazette*, March 11, 25, 1786.

The May elections proved to everyone in the state that the Country Party was a significant power in Rhode Island politics. Following a platform that promised to return government to the people, the Party vowed to end the rule of presumably secluded and apathetic public officials. Its members were also firm supporters of paper money. The Party's grass-roots approach proved very successful, and it captured five of the ten seats in the upper house, and thirty-eight of the seventy in the lower chamber. In addition, Country Party candidate John Collins of Newport, a minor merchant and sea captain, defeated William Greene, the incumbent governor who was seeking re-election. Other victorious party leaders included Daniel Owen, a blacksmith from Gloucester; Elijah Cobb, a farmer and small merchant from Portsmouth; Abraham Barker, a farmer from Little Compton; Jonathan Hazard of Charleston and South Kingston; Samuel Allen of Barrington; Job Comstock of East Greenwich; Nicholas Easton of Newport; and Arthur Fenner Jr., of Providence. The elections gave the Party a thin but important majority, providing it the opportunity to direct Rhode Island's political future.²³

Once in power, the Country Party revealed its plans for the state. Its focus was to be on two of the most bitterly fought issues, representation in the Assembly and the state's financial difficulties. The party began with representation in the Assembly. Some towns in Rhode Island had long received a fixed number of seats within the House of Deputies, regardless of their population, giving areas an unfair advantage in policy making.²⁴ The Country Party offered a number of bills to remedy the malapointment, but all were defeated. The next series of attempted reforms proved

²³ Ferraro, 73.

²⁴ The four shire towns of Newport, Providence, Portsmouth, and Warwick made up the over-represented delegations. Newport had six seats, Providence, Portsmouth, and Warwick each had four respectively in the General Assembly. The towns of Portsmouth and Warwick were roughly half that of Providence but sent the same number of representatives to the Assembly. Scituate for example, with a population double that of Warwick was only entitled to two representatives. Polishook, 23-24; *Providence Gazette*, July 2, 1784.

much more successful. At the first session of the newly elected General Assembly, in May 1786, the legislature authorized a paper money emission of \$300,000 of paper bills, on par with gold and silver. The state would lend the currency to its citizens on the basis of real estate mortgages of twice the value of each loan. Every loan carried an interest charge of 4 per cent; the principal was repayable after seven years in seven annual installments, bearing interest only for the first seven-year period. Crucial to the success of the plan was the stipulation of the emitting act that made the paper bills legal tender in all contracts—past, present, and future. Refusal to accept the money extinguished a debt (this was a change from the prevailing common law, where rejection of legal tender merely suspended further interest charges until the creditor was willing to accept payment). The statute provided that a debtor might lodge the money he owed with a court when a tender of payment had been made and refused. If the creditor persisted in spurning the money, the law required public notification of the tender in the newspapers for three consecutive weeks—the famous “Know-Ye” citation. If, after three months, the money had not been claimed, it was forfeited to the state and the debt was extinguished.²⁵ The forfeited money would be used to eliminate the public debt of Rhode Island. The majority of Rhode Islanders benefited from the program, however, some benefited more than others.

The program was dependent upon the wealthy assuming a great portion of the debt. Using new issues of paper money, the destitute would pay back their debts in the currency to avoid bankruptcy. However, as a result of inflation, the bills held by the rich or accepted in payment of the loans in the past would depreciate, and they would have to take a loss. By August 1787, the paper bills had depreciated to a rate of seven to one.²⁶ As a result, the elimination of the state debt

²⁵ Polishook, 126.

²⁶ *Ibid.*, 127; and an official scale of the depreciation made by the General Assembly in 1790 was printed in the *Providence Gazette*, January 16, 1790.

came mainly at the expense of the merchants. Instead of accepting the devaluated currency, merchants flatly refused the money, forfeiting their holdings--\$344,259 to the Treasury of Rhode Island, which greatly reduced the \$587,312 state debt. The remained of the state arrears was paid by taxes collected within the state. Regardless of how much it angered merchants, the bill increased the amount of currency within Rhode Island which stimulated trade and provided urgent relief to the poor.²⁷

The Country Party's rise is not difficult to understand given the political climate of the period. At a time where most Rhode Islanders favored isolation, their political leaders were headed in the opposite direction, looking outward instead of inward for solutions. The threat of a Continental impost aroused fear of more intrusions by Congress into local politics, and Rhode Islanders worried about losing their self-government as a result. They had fought and suffered during a long war against England to secure the rights they were now so vigorously defending. The Country Party capitalized on the anxiety felt by many in the state, and used it to dominate state politics on the eve of the Constitutional crisis. In 1786, the Party offered voters solutions to critical problems, and its "localism" constituted a change from the nationalism of their former seemingly distant public officials.

However, late in 1786, Rhode Island once again found itself confronted with another threat to its political independence, very much reminiscent of the clash over the impost of 1781. The Virginia legislature in a letter to Governor Greene dated February 9, asked the Rhode Island Assembly to send delegates to a convention set to meet in Annapolis on the first Monday in September, to discuss trade and other related matters. In his letter, Edmund Randolph, commissioner of correspondence for Virginia, "requested the concurrence of [the] state," and

²⁷ Polishook, 155-56.

noted that the meeting was expressly requested, “from a regard to the federal interests.”²⁸ As the year progressed, more letters promoting the convention were received by then Governor Collins. One from James Bowdoin of Massachusetts, and another from Nicholas Vandyke of Delaware, both urging Rhode Island to follow the examples of Massachusetts, Pennsylvania, Maryland, and Delaware in appointing delegates for the Annapolis Convention.²⁹ For Rhode Island’s Country Party leaders however, this new convention on “federal” principles seemed designed to foil those very policies that underlay the Party’s recent success. And the Party reacted to this new threat much as the state had to the impost.

²⁸ Bartlett, *Records*, X, 176.

²⁹ *Ibid.*, 214-15.

Chapter II: United in War, Divided in Peace

The Annapolis Convention

The General Assembly heeded the call to the Convention at Annapolis in 1786, appointing Jabez Brown and Christopher Champlin as the state's representatives to the meeting. The Assembly appeared hesitant to act at all on the matter, waiting until the very end to appoint commissioners.¹ Bowen, Deputy Governor under the old administration, and a strong spokesman for the merchants in Rhode Island, was later replaced on the delegation by Samuel Ward Jr., thus removing a powerful voice for the merchants in the delegation.² The representatives were instructed to keep the discussion at Annapolis to matters of "commercial regulations" only, and that any convention results would have to be ratified "unanimously" by the states to become law.³

In the end, however, Rhode Island's delegates never made it to Annapolis. While they were still on the way, the convention met, issued a call for a broader convention to meet in Philadelphia the following summer, and adjourned. Ward and Champlin did reach Philadelphia, where they spoke with convention delegates returning home. Ward and Champlin concluded to their dismay that the commercial life of the United States was in a state of depression, and that foreign competitors dominated the country's markets. More alarming was that the carrying trade among the states, from which Rhode Island gained considerable revenue, was also being overtaken by

¹ In a letter written by Patrick Henry and received by Governor Greene in February, Henry informed the Governor that Virginia and Maryland had already selected commissioners, much sooner than Rhode Island would do in June, 1786. Bartlett, *Records*, X, 175, 205.

² *Ibid.*, 206.

³ *Ibid.*, 203-04.

European shippers. They started home, convinced that the nation's commerce was in terrible shape and that something had to be done. However, the failure of seven states to attend the convention made the Rhode Island delegates pessimistic about the future.⁴

The initial reaction to the Annapolis Convention in Rhode Island was mixed. Merchants, seeing the convention as an opportunity to improve American trade, heavily favored the meeting. Their reactions were part of a growing reconciliation with the Union, as merchants and traders slowly realized how the development of a stronger national government could secure their interests. They had already assented to a revised impost plan in 1785, which gave the Confederation Congress an independent source of revenue.⁵ The news that a Rhode Island vessel the *Queen of France*, had been seized, condemned, and sold by British customs officials illustrated the vulnerable state commerce was in as the convention was set to meet.⁶ A correspondent asked his readers "how long will America tamely submit to the impositions of Britain," and chided them "perhaps when our merchants are ruined and our trade extinct we shall then give power to Congress."⁶ Merchants who had found little to complain about under the Articles, nevertheless thought reforming American commerce was a necessity. The problem however, just as it had been during the impost crisis, was the reluctance many voters had to expand the powers of the national government.

For many, the Annapolis Convention was viewed as a direct attack on American liberty, and a devious plot to strengthen the national government. An article from the *Massachusetts Gazette* began by recalling the events preceding the Revolution and by drawing a comparison with the

⁴ Polishook, 111.

⁵ The new impost allowed the states to appoint its own tax collectors, and set a definite time period of twenty-five years for tax; two issues that directly led to Rhode Island's objection to the 1781 tariff. Bartlett, *Records*, X, 130.

⁶ *Providence Gazette*, September 2, 1786.

present crisis. The author condemned the convention and its participants for laying the foundation of a “CIVIL WAR” and for their attempt to “molest [the] government in the execution of its constitutional powers.” “A Citizen” in another article warned of the “crafty and clever,” and their designs to make men “exchange liberties for bondage, and readily agree to transition from good to bad.” The author also saw a conspiracy in the upcoming convention. “We see them” he wrote, “assembling in Conventions to do acts treasonable to the state” and he concluded that these men were “judging” those they had chosen to serve in government and that in those very men “we shall find them to be desolate of property, without reputation, hardy and factious in their tempers, and eminent only for their vices and depravity.”⁷ Most surprising was that these opinions came from citizens of Massachusetts, founders and organizers of conventions during the various crises prior to the Revolution. Such strong and fiery speculations were all the more inflammatory when written by the fathers of the rebellion. These articles defended the legitimacy of the Confederation, and they came from the same state that attacked English tyranny using the convention as its primary weapon.

These initial paper debates over the Annapolis Convention laid the foundation for later conflict between Federalists and Antifederalists over the Constitution of 1787. As early as September 1786, lines in Rhode Island were being drawn. Suspicions that were first aroused by the impost controversy in 1781, returned during the debate over the Annapolis Convention. This time Rhode Island was not alone in its defiance of a stronger national government, and the absence of other states had a profound impact on the conclusions made in the convention.

In spite of the truancy of those states, important decisions were made and the necessity of a

⁶ Ibid.

⁷ Ibid.

future convention was decided upon. Alexander Hamilton's address at the conclusion of the convention articulated the frustration felt by the representatives of both the Annapolis Convention and members in Congress. Eight states (a majority), never attended the meeting, and such "defective a representation" led the commissioners to believe it was inadvisable "to proceed on the business of their missions." Consequently, the convention members thought it in the best interests of the nation to recommend a "future convention" which "all members of the Confederacy" would attend. This would be the Constitutional Convention of 1787.⁸

The Confederation Congress faced similar problems by the mid 1780's. Many states were reluctant to send representatives to Congress because of the expense, and by 1786 the situation had worsened to the point where the secretary of Congress was ordered to transmit to the states a letter monthly, showing the representation and those unrepresented to "remedy these defects." Because of absenteeism, Congress could scarcely operate, and was often forced to simply convene and then adjourn. President of Congress, David Ramsey, frequently complained that there were never enough members to proceed on the great business of the Union.⁹ This lack of commitment displayed by the states, along with the inability of Congress to adequately govern a nation in which the states took little interest in national government, prompted this second convention. Ironically, states like Rhode Island that would later rebuke the Constitution might have ended the discussion over amending the Articles if they had only attended the convention

⁸ *Colonies to Nation, 1763-1798: A Documentary History of the American Revolution*, ed. Jack P. Greene (New York, W.W. Norton & Company, 1975), "Call for a Constitutional Convention: Address of the Annapolis Convention," 509-11.

⁹ Correspondence from both David Ramsey and Charles Thomson, Secretary of Congress, to Governors Greene and Collins illustrate this fact. In February of 1786, Ramsey mentions that in three months no more than seven states sent representatives to Congress. A circular letter sent by Thomson listed Rhode Island along with five other states as without having delegations in Congress. Not until May of 1786, would Rhode Island send delegates to Congress. Once there, its representatives continued to forward comments regarding insufficient attendance in Congress by the states to allow any action. In September the Annapolis Convention met. Bartlett, *Records*, X, 173-74, 189-90, 200-01.

initially.¹⁰ Now, however, rather than a discussion on trade, the next convention would focus upon an entirely new plan of government for the nation.

Congress received the report of the Annapolis Convention on September 20, and congressional delegates quickly passed it on to their home states. In October, Rhode Island's delegates told Governor Collins about the proposal to hold a Federal Convention, "for granting to your federal government additional powers to render it effective." They also told him that state paper monies were no longer acceptable for federal debts. The letter concluded with a description of the pitiful condition of the national government, and an emotional argument urging Collins to support the convention call and a stronger national government. James Manning and Nathan Miller added, "that our federal government is but a name; a mere shadow without any substance" and "without being vested with more extensive powers, must prove totally nugatory." They noted the constant criticism towards Rhode Island and its populace by the other states, and added that if Rhode Island continued its opposition to constitutional reform, it would lead to the ruin of the state and the "subversion of the Union."¹¹ Rhode Island's representation in Congress, when in attendance, usually demonstrated nationalistic sentiments. The General Assembly was not against sending nationalist delegates to Congress, mainly because they held little political clout in Rhode Island, and to appease its critics in Congress. This is why individuals like Manning, Miller, and Varnum would consistently be returned to Congress; despite the Country majority in the General

¹⁰ The majority of states at the Annapolis Convention supported a stronger national government. Evidence for this could be the succession of ratification by the states. Three of the five state delegations that did attend the Convention, Delaware, Pennsylvania, and New Jersey, would be the first three to approve the Constitution. Virginia's vocal proponent of a stronger national government, James Madison, played an instrumental role in the Convention. And New York, though later Antifederal, was represented by Alexander Hamilton, another ardent spokesman for a more powerful national government. Without a voice of dissent from states like Rhode Island, the resolutions of the Convention went unimpaired and the new convention called.

¹¹ Bartlett, *Records*, X, "James Manning and Nathan Miller to the Governor of Rhode Island," 222-23.

Assembly.

On October 21, the *Providence Gazette* printed Rufus King's report to Congress of the conclusions reached by the Annapolis Convention. King declared Congress as the only body able to legitimize the recommendation of holding a federal convention. Only when it an all state legislatures approved, argued King, could a Constitutional Convention be called. However, the correspondent writing the article argued, that a convention could only be legitimized by the people and than only they could decide the degree to which the recommendation of the Annapolis Convention should be followed. It would be this argument that Country Party leaders would offer as their principle justification for not acting with the rest of the states.¹²

Paper Money, the General Assembly, and Trevett vs. Weeden

Immediately following the first emission of post war paper money in May 1786, Country Party leaders ran into obstacles to their paper money program. A small but still potent merchant minority were disrupting the program outside the confines of the General Assembly any way they could. Paper money was causing a firestorm of controversy, by the Party was determined to keep its plans in place. However, a case that reached the Rhode Island Supreme Court of Judicature jeopardized its agenda.

By late May 1786, merchants had already organized a defiant stand against paper money. Merchants in both the towns of Newport and Providence refused to do business with any towns

¹² *Providence Gazette*, October 21, 1786.

that supported paper money. The strength of their position was formidable enough that agrarian towns were calling emergency meetings. In response, the towns favored a counter-boycott of all transactions with commercial towns. East Greenwich instructed its representatives in the General Assembly to adopt stricter penalties for refusing the money to force merchants to accept it.¹³

The General Assembly responded. In June of 1786, it passed a law subjecting anyone refusing to accept paper money to a \$300 fine; upon a second conviction, the offender became ineligible to hold elected office. Mercantilists in the legislature were livid over the act. Jonathan Hazard, author and spokesman for the act, responded that if the merchants were dissatisfied and wanted to leave Rhode Island “he could not help it.” But if they wanted to stay, they would have to accept the legislation. This first addition to the original emitting act had little effect. An additional act passed during the August session of the General Assembly was even more punitive. It allowed for calling special sessions of courts to convene if they were not in session, ten days after any infraction of the law occurred. In addition, the act empowered the court to proceed to trial “without any jury,” and denied any appeal to a higher jurisdiction.¹⁴

By refusing the right of trial by jury, the Country Party created an “influential shift in the utility of the natural-rights philosophy” in Rhode Island, and its opponents used the opportunity to blast the Party for denying the very rights which the Revolution had been fought to secure.¹⁵ It was labeled a despicable violation of Rhode Island’s constitution, and thirteen members in the lower house, from commercial centers, filed a formal protest against the law. Their protest was rejected

¹³ Polishook, 142-43.

¹⁴ *Ibid.*, 126-29; Bartlett, *Records*, X, 205, 212-13.

¹⁵ Quoted from Polishook, 105.

in the lower house. The Assembly's unyielding position demonstrated the growing conflict between the Country Party and Mercantilists.¹⁶

The laws forcing creditors to accept the depreciated paper was violated by numerous tradesmen, and cases where it was refused ended up in court under the guidelines of the second penal statute. The suit of John Trevett, a Newport cabinetmaker, against John Weeden, a Newport butcher, who had refused to accept Rhode Island paper for a debt, was one of several cases in progress under the law in question. Henry Marchant, a well known advocate and later an important Federalist, along with James Mitchell Varnum, offered their services ad hoc to the butcher. Varnum was the principle speaker for the defense; and he attempted to prove that the law was unconstitutional and convince the court to bar the enforcement of the statute. Both momentous tasks in Confederation Rhode Island.¹⁷

The essence of Varnum's defense was to challenge the statute allowing cases to be heard without a jury; a direct violation of Rhode Island's constitution. He also commented that it was the court's solemn obligation to make void any legislation that infringed on the natural rights of the state's citizens and not admit any act in conflict against Rhode Island's constitution. Varnum's oratory held the day. All four of the presiding judges found in favor of the defense, and declared the act unconstitutional for not allowing trial by jury in the proceedings. The General Assembly was flabbergasted, this was the first and only time the Supreme Court of Judicature would void an act passed by the legislature. The presiding judges, including David and Howell and Thomas Hazard (both supporters of the Country Party and paper money), were called before the legislature to give an account of their actions. The court's decision to void the act set a dangerous

¹⁶ Polishhook, 129; *Providence Gazette*, September 2, 1786.

¹⁷ Polishhook, 134-35; *Providence Gazette*, September 9, 1786.

precedent from the Country Party's point of view, since all their legislation passed in prior months might be repealed under judicial review.¹⁸

Growing weary of the constant bickering, and aggravated over the recent court defeat regarding paper money, Country Party leaders sought a permanent resolution to the problem once and for all. A legislative committee recommended that all prior legislation on paper money be repealed, and a new act was proposed. It would stop the interest that could be collected on any private debt, and would allow any debtor to lodge paper money sufficient to pay his debt at the clerk of court's office. The debtor would receive a receipt, which operated as a an "absolute and full discharge" of the debt; and if the creditor failed to apply for the money at the clerk of court's office, it would be forfeited into the general treasury of the state. The law also called for all freedmen to take an oath pledging that he would accept the currency on par with hard money, and anyone found breaking the oath would be subject to harsh penalties including: disenfranchisement and ineligibility to hold public office—and as a jab at the merchants—no resident would be allowed to clear a vessel unless the oath was taken. The act was so drastic that the Assembly sent it to the towns for their approval. Its severity caused the towns to vote it down; even country areas would not sanction the bill.¹⁹ Disappointed but undaunted, the Country Party continued trying to sure up its paper money program. In December, the General Assembly passed an act that retained all of the former failed legislation cited above, except the oath and harsh penalties.²⁰

Merchants and businessmen felt they were being taken advantage of by the General Assembly. "A Freedman" urged citizens to fight the paper money acts, and support the rights of businessmen

¹⁸ Polishook, 139; *Providence Gazette*, September 16, 1786; Bartlett, *Records*, X, 219-20.

¹⁹ Polishook, 146-47; Bartlett, *Records*, X, 217, "An act to stimulate and give efficacy to the Paper Bills;" Smithfield for example, rejected the plan unanimously. Warwick, one of the leading towns in securing the paper currency, defeated the proposal by 44 votes, Exeter was similar with a 55 to 3 vote against the bill.

²⁰ Bartlett, *Records*, X, 226; *Providence Gazette*, October 14, 1786.

to “refuse” paper money, and to “sell our goods for the highest price for gold and silver.” The Country Party, argued merchants, enjoying the favor of most farmers and residents outside commercial areas like Newport and Providence, sought to keep their approval by assisting them at their expense. The merchants certainly had reason to think they were being treated unfairly. Although paper money was harming their businesses, many merchants were less concerned with the economic implications of the paper-tender laws, and more so with the subtle attack paper money legislation posed to their natural rights. Insofar as an individual was forced to surrender his goods or services upon an offer of depreciated paper money, merchants believed that paper money encroached on the right to private property. Citizens cannot not refuse the money, insisted “A Friend to Justice,” without the threat of penalties that could take away their property and liberty.²¹

In reaction to the recent paper money acts passed by the General Assembly, paper money opponents once again went on the offensive. Conditions in the town of Cranston had become so severe due to the depreciated money, its residents claimed, that the town could no longer provide for the poor as required by the state. A town meeting voted unanimously to petition the legislature to seek redress of grievances for the pitiful state of affairs brought on by paper money.²² An article in the *Providence Gazette* by “Honestum Praetulit Utili” told the sad tale of a mechanic who was accosted by a group of his debtors, enraged because they wanted to pay in paper bills he refused to take. Playing the Good Samaritan, “Honestum” devised a list that he printed in the paper, naming everyone in the state that had used paper money to make payment of old debts at court houses, and then suggested that the list be posted in shops and trading houses,

²¹ *Providence Gazette*, October 14, 1786; *U.S. Chronicle*, August 10, 1786.

²² *Providence Gazette*, January 27, 1787.

for “occasional inspection as application might be made for credit.”²³ Even though the Country Party controlled the legislature, merchants were finding ways to fight its programs.

There were, however, voices of moderation who attempted to reunify the dissident factions. An article on the front page of the *Providence Gazette* began, “Thus the public good, as generally happens, is borne down by private interests.” Its author, “A Citizen,” perhaps Varnum, commented on the situations of both the merchants and supporters of paper money, and called for the “sentiments of patriotism” to prevail in their struggle. He asked all good men to “procure the peace and tranquillity” of the state, and join in an effort to “heal internal divisions” during this dangerous crisis. Only when people “think together,” argued the author, will the present conflict be resolved.²⁴

Some merchants realized that the Country Party was not going away and were willing to look for a middle ground. In the summer of 1786, after the first emission of paper bills, the minority first proposed that a bipartisan committee be formed in the lower house to “coolly discuss the subject,” and try to sketch out a compromise between the two sides. The proposal was rejected. John Brown, a prominent Providence merchant and politician, publicly announced he would accept the money, if no more bills were printed (which at the time totaled only half of what was proposed) and, in return, “do everything in my power to give it currency.” His suggestion failed as well. Such individuals were in the minority. Very few sought a reconciliation of the opposition groups and the conflict continued on. Having control of the Assembly, and the majority of voters in the state behind it, the Country Party had little incentive to compromise.²⁵

²³ Ibid.

²⁴ Ibid., October 7, 1786.

²⁵ Ibid., July 8, 1786; Polishook, 150-51.

The Road to Philadelphia

As 1786 ended, for a time, public attention shifted away from the proposed convention to more pressing domestic concerns. The paper money controversy continued to play a significant role in Rhode Island politics and in its relations with other states in the Union. Another conflict erupted when Jacob Richardson, federal postmaster at Newport, was instructed by Postmaster-General Ebenzer Hazard and Congress, not to deliver any mail attempted to be paid for with paper money. Shortly after, two communications addressed to the governor of Rhode Island arrived in the federal post office in Newport. John Collins, determined to receive his mail and uphold the law of Rhode Island, sent his son with some paper bills to retrieve the letters. Richardson as instructed refused to release the letters. Enraged, the elderly Governor went to the post office in person to demand his mail. Finding the post-master absent, Collins ordered Richardson's son to go and get his mail, who fearfully obeyed the Governor's order. After having retrieved his mail, Collins then ordered the boy to go and get his father. Richardson returned, only to snatch the letters out of Collins's hand, and tell him Hazard's and Congress's order not to release his mail. A fight almost between the two almost broke out, but Richardson declined to go out to the street to settle the dispute.²⁶

The incident became the talk of the town. Collins reported the affront to his honor to the General Assembly, and Richardson was called before the legislature to answer for his actions. Under questioning, Richardson defended his actions by repeating the orders he had been given by

²⁶ Bartlett, *Records*, X, 223.

Congress. However, upon urging of the Newport Deputies, Richardson backed down from his position and in a written statement apologized for his actions and released the mail.²⁷

The outcome troubled Hazard and Congress. It was a struggle for supremacy between the nation and a state, and the state was the obvious victor. “It seems the misconduct of the postmaster,” remarked a Connecticut newspaper, “was his obedience to the resolves of Congress in not being willing to receive paper of that state for the postage of a letter.”²⁸

But this incident was not over yet. One of the letters detained in the post office in Newport was a message from Governor Bowdoin of Massachusetts, regarding a proclamation for the seizure of fugitives from Shays’s Rebellion. Massachusetts officials were growing angry over Rhode Island’s lack of cooperation. Obviously, Rhode Island was unable to act on the request because the letters were being held by Richardson, and Collins’s blamed the “misconduct” of the federal postmaster for the delay.²⁹

However, in March 1787, the General Assembly refused to cooperate with Massachusetts in apprehending any of the fugitives. In fact, one rebel, Dr. Samuel Willard, attended a meeting of the General Assembly and later participated in a tavern brawl. Rhode Island’s refusal to capture rebels led Americans to associate paper money with sedition, illustrated in a mock dispatch:

The University of Rhode Island lately conferred the honor of L.L.D. (Doctor of Musket, Swivel, and Cannon Laws) upon his excellency Major-General Shays; and that a Diploma, upon parchment, will be forwarded to the General as soon as the Governor [of Rhode Island] can acquire hard money sufficiently to pay the postage to Vermont.³⁰

²⁷ *Ibid.*, 233.

²⁸ *Middletown Gazette*, April 16, 1787.

²⁹ Polishook, 178.

³⁰ *Daily Advertiser* (New York), June 5, 1787.

In one article brought together three great villains of the Confederation: Daniel Shays, Vermont and Rhode Island. The Assembly reaction to Shays's rebellion—it willingness to harbor fugitive rebels—contributed to the disreputable character Rhode Island continued to make for itself. "Rhode Island! Rhode Island only," wrote one newspaper, "as a state, is the only one that has, by its proceedings, encouraged Treason and Rebellion!" The state came to represent chaos and sedition, and like Shays's rebellion, provided nationalists with further proof that stronger national government was needed.³¹

Shays's rebellion did much to convince the states to appoint delegates to the Constitutional Convention. Many began to think the present government incompetent to handle national crises, and that a new government might improve upon the existing situation. George Washington, writing to Henry Knox, told him that the state of the Union following Shays's rebellion was like a "dream" and he "could realize it as thing in actual existence." Washington commented that American reaction to crises was "too slow." He speculated that similar incidents might erupt at any moment in any state, and until "a prompt disposition to support and give energy to the federal system is discovered," a "spark might set fire" anywhere an conflict engulf the Union. He optimistically looked at the proposed Federal Convention in Philadelphia, asserting, "it eseems very desirous of a general convention to revise and amend the federal constituion." He was disconcerted that Massachusetts, with a constitution "amongst the most energetic in the Union," was the scene of Shays's rebellion. Equally troubling were the Indian raids in the west, which Washington believed were directly caused by England in hopes of producing dissent and

³¹ *Worcester Magazine*, Fourth Week in May, 1787.

distraction in America. He looked at the Philadelphia Convention as necessary to save the nation.³²

Virginia, a key participant in the frontier wars, quickly realized the necessity of stronger national government, and on December 4, its legislature chose delegates to the proposed Philadelphia Convention. They were George Washington, Edmund Randolph, Patrick Henry, George Mason, and James Madison. News soon followed that the states of New Jersey, Pennsylvania, New Hampshire, New York, North Carolina, Delaware, Massachusetts, and Georgia had also elected delegates to attend a Constitutional Convention if called by Congress.³³ But the Country Party still refused to act, and continued instead to focus upon paper money and on tightening its control of the state's government.

In early March 1787, news reached Rhode Island that Congress had approved the Philadelphia Convention to meet in May, and the next two months were decisive to Rhode Island's future relationship with the rest of the nation.³⁴ The Country Party began to solidify its control of the General Assembly and to prepare for the state elections in May. Country Party leaders knew that if they failed to stay in power, a merchant majority in the General Assembly would elect delegates to attend the convention and put an end to their paper money program. The Country Party was determined not to let that happen. During the March session of the General Assembly, the Party passed a series of acts directly related to elections and representation in the legislature.

It tried again to change representation in the legislature, offering a bill that would have made representation equal for all towns in the General Assembly (which would reduce the number of members Providence and Newport to two instead of six and four). The act was sent to the towns

³² Greene, *Colonies to Nation*, "The Reaction of George Washington: Letter to Henry Knox," (December 26, 1786), 507-08.

³³ *Providence Gazette*, January 6, 1787; March 10, 1787.

for their approval, but was defeated.³⁵ But the Country Party was not without other means to break the power of the merchants. A petition to the General Assembly from Newport, signed by 107 freemen, called for the repeal of Newport's city charter and the restoration of the town-meeting form of government. The petitioners claimed that the city form of government placed all power in the hands of the mayor, alderman, and the city council, leaving the "free people" with very little voice. The petition was widely supported by the Country Party. Newport was a bastion of power for the merchant community, in addition to being one of the towns overrepresented in the Assembly. The Country Party hoped a new change in government might tip the balance of power in Newport. The town meeting format would allow more supporters of the Country Party to affect policy and to drive out the Mercantilist opposition. Having a town with an abundance of representatives in the legislature that supported Country Party politics would be an added bonus.³⁶

In the March meeting of the General Assembly, the city of Newport was once again made into a town. The Assembly states that Newport's "mode of government was novel, arbitrary, and altogether unfit for free republicans." The Assembly called for a town meeting, where a moderator would be chosen and elections for town officials were to be held. However, much to the chagrin of the Assembly and the Country Party, little changed as a result. The freemen of Newport assembled in a town meeting and promptly approved a resolution of appreciation to the old city administrators, and elected many of the same individuals to run the town. The merchants still controlled Newport.³⁷

³⁴ Congress's decision was reported in the *Providence Gazette*, March 10, 1787.

³⁵ "An act for a more equal representation of this of Rhode Island and Providence Plantations, in the General Assembly," Bartlett, *Records*, X, 238.

³⁶ Polishook, 148-50; *Providence Gazette*, March 17, 1787.

³⁷ Polishook, 150; Bartlett, *Records*, X, 233-34.

In March, the General Assembly established its Antifederalist character when it defeated a motion to send commissioners to Philadelphia by a majority of 23 votes.³⁸ The vote came right before the state elections in May, making it all the more important. Federalists hoped they could use the defeat as a platform against the Country Party. However, a Party victory would reaffirm popular sentiment for paper money and against the Philadelphia Convention.³⁹

Federalists launched a series of attacks, claiming that Rhode Island government under the Country Party had become a virtual despotism. The General Assembly, claimed merchants, had become a tool for the Country Party, and that the voice of the minority was no longer expressed. In the *Providence Gazette*, “A Freeman” described his mistake of voting for the Country Party in the last elections. Feeling that a “change in government was necessary” he had voted for the Party and felt “fortunate” when it won. He thought the previous, nationalist administration, although composed of “respectable gentlemen” was “opposed to the interests of the people at large.” However, he now believed the new government to be even worse than the previous one. He thought the Country Party would “promote” the welfare of “every class of citizen,” but he was wrong. Not only had the laws passed under the new regime been detrimental to the state they were “evil” and unjust. The paper money acts forcing creditors to accept depreciated currency only favored certain groups in the state. He also questioned the Party’s commitment to reform. He used its opposition to the upcoming federal convention to stress his point. To fail to attend the convention supported by both Congress and all the states, would be, he wrote, contradictory to the general interests of the state. The General Assembly’s refusal to elect delegates was yet another evil committed by the Country Party, along side its paper money program.⁴⁰

³⁸ *Providence Gazette*, March 31, 1787.

³⁹ Polishook, 185-86.

⁴⁰ *Providence Gazette*, April 14, 1787.

Other articles published in the Providence Gazette opposed the Country Party's right to direct Rhode Island's government. A poet, calling himself "A Friend to Mankind" dismissed the Country Party and its followers as a "mob" who in a "lucky our" gained control of the state. These "dregs," had manipulated the emotions of the people to gain power so that now, "by rule of the topsy turveys, the scum stands swelling on the top." He questioned, therefore, not just the policies of the Country Party, but also its legitimacy and right to govern.⁴¹

Country Party opponents also argued that its policies created a truculent relationship for Rhode Island with other states in the nation. "A.Z." claimed that the new government's policies had only worsened problems in and outside the state, and made Rhode Island a pariah in the Union. He quoted from *Connecticut Magazine* a poem that called Rhode Island a "realm of rouges, renoun'd for fraud and guile," advising that everyone steer clear of the state and "Like Lot from Sodom, from Rhode Island Run." "A.Z." claimed this satire was reprinted throughout the colonies and added to the disreputable image of the state.⁴² The fact that the diatribe was directed at Rhode Island's paper money program made it an attack on the Country Party as well.

Perhaps the most vicious attack upon Rhode Island was made by Francis Childs, printer and editor of a New York paper, the *Daily Advertiser*. Childs obtained proceeding of the General Assembly through Peter Edes, editor and printer of the Newport Herald—an openly anti-Country publication.⁴³ Childs reproduced one of Edes's "proceedings" under the title "Quintessence of

⁴¹ Ibid., March 31, 1787.

⁴² Ibid., April 7, 1787. The excerpt was from the Anarchiad, a long satire aimed directly at Rhode Island's paper money program. It was composed by a group called the "Connecticut Wits," John Trumbull, Joel Barlow, David Humphreys, and Lemuel Barlow.

⁴³ Edes was by no means an objective observer. He used his paper to print a frank and biased view on the happening of the General Assembly. There were seventeen sessions of the General Assembly between March 1787, and January 1790, when the articles ended. Edes's articles were reprinted in newspapers throughout the United States, an indication of the kind of news American journalists believed was important for their readers. Footnote from Polishook, 167.

Villainy.”⁴⁴ The action drew a prompt and heated response from James Mitchell Varnum and Peleg Arnold, Rhode Island’s delegates in Congress. The Congressmen immediately dispatched a letter to Governor Clinton of New York protesting “this daring insult to a sovereign state” as the “most scandalous of libels,” and demanded Childs be “apprehended” for his actions. A request that Governor Clinton and the New York General Assembly flatly refused.⁴⁵ The Rhode Islanders’ demands only led to suspicion that the state was also guilty of undermining freedom of the press. Reactions to the representatives’ demands were uniform.

Let any man of common honesty examine the measures of the last [Rhode Island] General Assembly and then say whether ever a sovereign power so totally broke down all fences of property , and let loose *Villains* to prey upon the innocent, and whether it can be presumed that a just God will continue to such a society much longer the forms of government.⁴⁶

One Country Party supporter, “Plato’s Letters,” tried to lessen the blow, claiming that Childs had retracted his statement in an apology printed in his newspaper.⁴⁷ “Fair Play” claimed that “Plato’s Letters” “mutilated and garbled” the apology, and it was not an apology at all. “Fair Play” wanted to show that the situation was indeed “much worse than before,” and rather than let the people of Rhode Island believe they were vindicated, he wanted to demonstrate that the state was still the outcast of the nation. Childs’s supposed “apology” which he himself only called a “message,” launched a series of attacks against the Assembly, the congressmen, and Rhode Islanders. Childs denounced the congressmen for attempting to “shackle the freedom of the

⁴⁴ *Daily Advertiser*, April 9, 1787.

⁴⁵ Bartlett, *Records*, X, 245-46.

⁴⁶ *Connecticut Gazette*, April 20, 1787; *Connecticut Journal*, April 25, 1787; *Massachusetts Centinel*, April 25, 1787.

⁴⁷ The “apology” was printed in the *Daily Advertiser*, April 19, 1787. The Country Party supporter, “Plato’s Letters,” published his article in the *U.S. Chronicle* (Providence).

press,” the Assembly for governing “by principles the most mistaken and capricious,” and Rhode Islanders for allowing their leaders to bring the state “into anarchy and ruin.” He went further and defended the term “Villainy” to describe the General Assembly’s proceedings, claiming that if indeed everything being said about Rhode Island were true, better to know now rather than when it might be too late. Childs saw a definite threat in the state, one that could prove fatal to the Union. The Assembly’s actions, he wrote, had a “manifest tendency to dissolve the sacred bonds of national unity and concord, to blast the blossoms of peace, to excite the horrors of the intestine commotion, and to deluge a rising empire in blood.”⁴⁸

These articles, however, did little to diminish the popularity of the Country Party. The May elections were a triumph for the Party, paper money, and Antifederalism. Country Party incumbents were easy winners in nearly every case and the Party would dominate the newly elected Rhode Island Assembly and the executive levels of the state’s government as well. John Collins beat his opponent William Bradford in the governor’s race by a margin of almost three to one.⁴⁹ Jonathan Hazard was sent to Congress in place of James Mitchell Varnum. Mercantile Party incumbent William Channing, who as Rhode Island’s Attorney General had supported the decision in *Trevett vs. Weeden*, and was a strong opponent of paper money, lost his bid for reelection to the prosecution attorney in that case, Henry Goodwin.⁵⁰ The election was an affirmation of Country Party politics and a crushing blow for the Mercantilists. There would be no reform of the paper money program, and most likely no election of delegates to attend the Philadelphia Convention.

⁴⁸ *Providence Gazette*, April 21, 1787.

⁴⁹ Collins won by a vote of 2,969 to 1,141. Polishook, 153.

⁵⁰ *Ibid.*

Despite the sweeping victory, at first the Country Party appeared uncertain in deciding whether or not to attend the Federal Convention. A motion to send delegates was urged in the lower house and adopted by a margin of two votes when it came to a division. But the upper house rejected the motion, and it was lost.⁵¹ However, in less than a month the Assistants reversed their decision and sent a bill to the lower house authorizing an election of delegates. Surprisingly, the Deputies reversed their initial decision and voted down the resolution by seventeen votes.⁵² These bizarre reversals illustrated that Country Party leaders were not unanimous in their thoughts on the convention. Major Party leaders like Collins and Owen at one time or another favored sending a delegation. However, when the Convention began, Rhode Island was not present at Philadelphia.

Early in the Convention, Gouverneur Morris presented to the chair a letter from “sundry persons of the State of Rhode Island.”⁵³ The letter, signed by prominent merchants from Newport and Providence, was dispatched before the upper house reversed its decision to send delegates, blamed the Assistants for overturning the motion of the lower house; and thus for not allowing a delegation to be present at the proceeding. They were apologetic that because of the “evils of the present unhappy times” a “Compleat representation of the Federal Union” was impossible. They assured the Convention members that they supported their endeavor and that they hoped to prevent “any impressions unfavorable to the Commercial Interest of this state” by not attending.

⁵¹ Ibid., 184.

⁵² *Providence Gazette*, June 23, 1787.

⁵³ The letter, signed by thirteen individuals, was written by members of the lower house and merchants in Newport and Providence. Sydney V. James, *Colonial Rhode Island: A History* (New York, Charles Scriber's Sons, 1975), 37.

They looked forward to the resolutions of the meeting, still believing that they “may finally be adopted by this state; for which we pledge out Influence and best exertions.”⁵⁴

Three times while the convention was still in session, the Assembly considered electing delegates. Federalists believed there was no reason not to attend, arguing that at least if a delegation was present the state’s voice could be heard. Failing to attend meant Rhode Island would have no influence in amending the government, and attendance would at least alleviate some of the constant criticism of the state. Country Party members thought otherwise. Instead of directly defeating another convention call, Country Party members failed to attend a scheduled session of the Assembly in September, thus preventing a quorum. Finally, the unity of the Country Party began to crack. The convention was a difficult decision. Not attending meant possible expulsion from the Union, and unwanted independence. Rumors circulated that the Philadelphia Convention had decided to expel Rhode Island permanently. There was also the threat of dismemberment. The *Newport Herald* printed a letter from a “gentlemen in the Southern States” to a friend in Rhode Island stating, “it seems the opinion of many here, that...in Philadelphia...measures will be taken to...strike you out of the Union, and annex you to others.”⁵⁵ Another paper, the *Pennsylvania Herald*, reported that the convention had already expelled the state, but that even so, the state would still have to its debt with its former government—in specie. Of Rhode Island refused, it would be “compelled” to do so. The article also hinted at annexing the state to its neighbors, Massachusetts and Connecticut.⁵⁶ This news heightened the fears of some Country Party members, who realized that Newport and Providence

⁵⁴ Merrill Jensen, ed., *The Documentary History of the Ratification of the Constitution*, 13 vols. (Madison: The State Historical Society of Wisconsin, 1976), Vol. I, 225-28.

⁵⁵ *Newport Herald*, April 12, 1787.

⁵⁶ *Pennsylvania Herald*, June 6, 1787; in the *Maryland Journal*, July 7, 1787, a letter from a gentlemen in Kentucky also proposed annexing Rhode Island to Connecticut.

were prime candidates to secede from the state. Governor Collins ordered that a special session of the Assembly convene, to discuss sending representatives to the convention. During this time, Collins showed himself to be a true Federalist. He had long been supportive a stronger national government. He maintained loyalty to the Country Party mainly because he supported their paper money program and detested the powerful merchants in the Federalist ranks. In 1784, he wrote to an unknown correspondent, “I have for several years past, wished for a General Convention to mend the Confederation and form some General Bond of Union.” His days in Congress might have led to this ideology.⁵⁷

In September, Collins went to the Assembly in person to discuss the situation, but before anything could take place, Country Party leaders in the lower house secured a two-day adjournment. During the interim, its leaders discussed the Philadelphia Convention and the future of the state. After the Assembly met again, the Party was still in control.⁵⁸

Its decision was to focus on the paper money program, and leave other matters, including reorganization of the Federal government, for another time. The Assembly made its decision clear in a letter to the President of Congress. It attacked the constitutionality of the convention, stating that if the Assembly sent delegates it would destroy the liberties of the people as “only the people at large are entitled” to elect delegates, and that the format prescribed by Congress to choose commissioners neglected those privileges. The Assemblymen stipulated that if they sent delegates to a convention which “might be the means of dissolving Congress,” the nation in effect would have another Congress but no Union. They also argued that the state had already granted Congress the right to tax international trade, giving Congress an independent source of revenue—

⁵⁷ “Collins to unknown correspondent, Newport,” January 17, 1784; the letter was printed in the *Providence Gazette*, July 28, 1787; Polishook, 186-87.

⁵⁸ Polishook, 178.

the main complaint against the Articles. Rhode Island had played its part, argued the Assemblymen, in the attempt to remedy the problems of the Union. The convention was both unwanted and unnecessary. The letter ended with the Assembly assuring Congress, it would be “a pleasure to join with our sister states” so long it was “upon Constitutional principles.”⁵⁹

In a letter of rebuttal sent to Congress, deputies from the towns of Newport and Providence denounced the Assembly’s argument as absurd. The deputies argued, contrary to the Assembly’s letter, that the powers given to Congress to regulate trade (as with the impost of 1785) were approved by the legislature, not by the people at large. In addition, they argued that the articles stipulated that any amendment to the national government was to be approved by the legislatures of every state, placing the power “in the Legislature only.” The deputies went on to contend that the Assembly had not hesitated in electing delegates to conventions in the past. The decisions to attend the Continental Congresses, to take part in the ratification of the Articles, and to vote for the constitutional amendment granting Congress the power to tax foreign trade were all made entirely by the Assembly. To claim that they now had no authority to elect delegates would be contradictory and “inconsistent with those powers which all legislatures must be presumed to possess” and that such a “contrary supposition is most absurd.” The deputies argued that it would have been “more consistent with our Honor and Dignity to have lamented our mistake, and decently appologised for our errors,” rather than fabricating erroneous principles as an excuse for nonparticipation. They accused the Assembly of sophisting; the truth was the legislature did not want a new federal government because Country Party leaders knew it would interfere with their paper money program.⁶⁰

⁵⁹ Bartlett, *Records*, X, 258-59.

⁶⁰ *Ibid.*, 259-60.

Rhode Island Federalists' efforts to send delegates to the Philadelphia met bitter opposition from the Country Party. The Assembly's decision not to send representatives to the convention led to Rhode Island's alienation from the United States for the next three years.

In late September, the Constitution was revealed to the nation, and the Country Party's fears were confirmed: it denied the states the right to print paper money. However, the Party had other objections to it as well. To republican Rhode Island, the Articles provided the government most agreeable to the people. Most power was lodged in the hands of local authorities, and that was where Rhode Islanders wanted it kept. The new Constitution provided for the opposite. Taking substantial powers from the state and placing them in a Federal government resembled too closely the government of monarchical England; especially when the Constitution included no Bill of Rights. This new Constitution Antifederalists proclaimed, would create an "iron government." They also condemned the lack of term limits and the infrequency of elections for representatives, senators, and the President. Rhode Island, which held its government elections every six months, saw lengthy terms, especially for senators (six years) and the President (four years), as invitation to despotism.⁶¹

But what it really came down to was the paper money program. The Assembly and the majority of people in the state had already committed themselves to eliminating the state debt, and that depended on completing the paper money policy that had brought the Country Party to power in the first place. "Paper money is still their idol," wrote James Madison, the state saw nothing in the Constitution worth abandoning the paper money program for.⁶² However, the state

⁶¹ Polishook, 190.

⁶² Ibid.

was not alone in its dilemma; twelve other legislatures faced the same difficult decision and many of their conclusions would be vitally important to Rhode Island's future.

Chapter III: Reluctant Partners

Suspected Revolution

Certainly one of the most interesting results the proposed Constitution had on the country was how the states reacted to the proposed government. States found themselves drawn to one another in alliances, formed in support or opposition to the Constitution. The alliances were diverse and sustained on issues other than simply geography or political ideology. From the outset, everyone knew Rhode Island was against the new government; the question was: who else would be? One of the oddest alliances formed was between Rhode Island and New York.. New York had always been one of the most respected states within the Union; Rhode Island was always the opposite. Aristocratic New York, whose politics had so long been dominated by the great landed families of the Hudson Valley like the De Lancys, Livingstons, van Rensselaers, and Beckans, was a far cry from more republican-minded Rhode Island. In terms of importance within the nation, New York was a key state possessing a large population and vast economic resources next to which Rhode Island's paled in comparison. Nevertheless, the two states shared a common bond—a general dislike for more centralized Federal government. During the climatic battles over the impost of 1781, many New Yorkers responded favorably to Rhode Island's arguments. When a revised impost was proposed in 1783, New York defeated it, arguing on the same grounds that Rhode Island had in 1782. New York too relied on impost duties to bolster its economy. However, the most important similarity was paper money. New York's paper money program

was widely supported within the state. But unlike Rhode Island's, New York's paper issues had retained their value, and the state acted responsibly in managing the money. New Yorkers saw paper money as an important resource in maintaining their state's economy, and not primarily as a means of eliminating state debts by passing it on the private creditors. New York and Rhode Island both felt that denying the states the ability to print money was unwise.¹

As early as May, some observers worried that New York and Rhode Island—and possibly Massachusetts—might form a powerful bloc against ratification. A Connecticut legislator warned that without ratification “who knows how long it will be before Massachusetts, New-York, and perhaps Rhode-Island, will combine, and in excess of their affection for this state, divide us among them?”² A letter from a gentlemen in Virginia writing to a friend in Philadelphia made the papers and commented upon a possible “combination against the Federal Government” between Rhode Island and New York. The two states could not have missed the statement as it was reprinted in papers throughout both states.³ In a speech in New Haven, David Daggett denounced the character and treasonous activities taking place in all three states. He condemned Massachusetts's officials, describing them as “despicable banditti,” and described its government as begin shattered by factions. New York was in a riotous state he exclaimed, and Rhode Island was acting in such a manner, “which would cause the savages of the wilderness to blush.”⁴ These early comparisons continued, and the three states continued to find themselves together—especially Rhode Island and New York. A correspondent in an article in the *New Hampshire Spy*

¹ Jensen, *D.H.R.C.*, XIV, “William Grayson to William Short,” New York, November 10, 1787, 81-2.; “Henry Knox to George Washington,” New York, December 11, 1787, 405; “Antoine de Forest to Comte de Montorin,” New York, December 15, 1787, 447.

² Jensen, *D.H.R.C.*., “Connecticut Legislature Debates the Appointment of Delegates to the Constitutional Convention,” 106; Connecticut Courant, May 21, 1787.

³ Philadelphia Independent Gazetteer, June 26, 1787; Jensen, *D.H.R.C.*, Footnote (1), 147.

⁴ Jensen, *D.H.R.C.*, “David Daggett, Oration Delivered in New Haven, July 4, 1787,” 160-61.

thought he saw a “scheme” developed between Rhode Island and New York to “overthrow” the plans for the new government. It would be a revolution all over again.⁵ Doubtless, Federalists hoped likening New York and Massachusetts to Rhode Island would bring the former two back to their senses.

Rhode Island leaders, both Federalist and Antifederalist, understood almost immediately how vital New York would be in the upcoming battle. In fact, they seemed rather pleased to be publicly grouped with New York for it meant Rhode Island was no longer the only state facing criticism from the rest of the nation. Being associated with states like New York and Massachusetts alleviated some of the pressure from the Country Party, and showed Rhode Island no longer to be the sole holdout among the states.

Perhaps the first of Rhode Island’s political leaders to understand the importance of the relationship was William Ellery. Ellery quickly understood the necessity for unity within the state and the nation. A hardened Federalist, he was one of Rhode Island’s most outspoken voices for the Constitution. He was one of only a few individuals in the state who retained the respect of national leaders. He used his connections to push Rhode Island towards ratification. The Federalists could not have asked for a better spokesman. During the Revolution he assisted in organizing and maintaining the dilapidated American navy, and was a signer of the Declaration of Independence. As Commissioner of the Continental Loan Office in Newport during the Constitutional debates he carried significant political clout. Being a federal employee he was able to speak openly against Rhode Island’s government without facing political repercussions, like removal from office. His friendships with numerous national leaders made his influence all the

⁵ *New Hampshire Spy*, August 7, 1787.

more important.⁶ In a letter to Ebenezer Hazard, Postmaster-General of the United States, he discussed his uneasiness about the present crisis. He understood that Rhode Island was not an indispensable element in creating this new government, but New York was. Rhode Island might be dismissed as irrelevant or be incorporated into other states if necessary; New York could not be. If New York remained outside the Union and failed to ratify, it would bolster the position of Rhode Island. Ellery knew very well that if New York rejected the Constitution it would fuel resistance to it in Rhode Island. His letter to Hazard reflected the apprehensions he had about the delicate situation. He remarked that New York's "conduct" will have "great influence upon this state," and he asked Hazard to keep him informed about actions taking place in New York. He felt ratification by New York would force Rhode Island into submission; and he waited anxiously for its final decision.⁷

New York Antifederalists knew they had an ally in Rhode Island in support of paper money, but the disreputable conduct of Rhode Island was something New Yorkers did not want to be associated with. The Childs incident showed New Yorkers lacked patience with Rhode Island politics, but while other states continued a barrage of attacks against the state; New Yorkers for the most part remained uncharacteristically silent. In contrast, Massachusetts leaders continued to blast away at Rhode Island's government and leaders. Massachusetts for its part appeared to want nothing to do with the outcast of the Union, but New York, under control of the popular Antifederalist Governor George Clinton, did nothing further to distance itself. Very cautiously the state kept a distant but watchful eye over Rhode Island. The *New York Journal* communicated to its readers the proceedings of the Rhode Island General Assembly as it pertained to the

⁶ William M. Fowler, Jr., *William Ellery: A Rhode Island Politico and Lord of Admiralty*, (Metuchen, N.J.: The Scarecrow Press, Inc., 1973), 15-20, 35, 82, 133; Polishook, 236.

⁷ Jensen, *D.H.R.C.*, "William Ellery to Ebenezer Hazard," Newport, October 16, 1787," 384-85.

Constitution, referring to it as “interesting intelligence.” Antifederalists in New York knew the fight would be a close one and they seemed glad enough to have an ally in it—even Rhode Island.⁸

From very different principles, New York and Rhode Island found themselves fighting on the same side. Both had much to lose if this new government was ratified. At the core of it all for both was the paper money issue. Both states wanted to retain the ability to print paper money; but was that enough to keep them out of the new government and nation?

A Sore Evil

Another issue that created odd alliances between the states was slavery. The debate over slavery, and its place in the Constitution would have a direct impact within Rhode Island and raise even more resistance to ratification. Slavery had a long history in Rhode Island, but so did anti-slavery feelings. Between 1709 and 1807 over 100,000 people were taken from Africa to be sold as slaves by Rhode Island traders.⁹ Yet, as early as 1719, Quakers began their attack on the brutal trade. As the 1700's continued other congregations such as Anglicans and Methodists expressed their disdain for slavery.¹⁰ However, not until the Revolution did the movement achieve any notable success. The Revolution provided a sort of enlightenment for the people of the state, as its population embraced the ideas of the rebellion. During the war, Rhode Islanders formed a black

⁸ *New York Journal*, November 15, 1787.

⁹ John P. Kamanski, *A Necessary Evil?: Slavery and the Debate Over the Constitution*, (Madison: Madison House Publishers, 1995), 27.

regiment to fight against the English, the only such force within the colonies.¹¹ In 1779, the General Assembly outlawed Rhode Islanders to export slaves outside the state without consent of the legislature, and in 1783, it passed an act making all children born to slave mothers in the state after March 1, 1784, free from all bonds.¹² In February 1784, the General Assembly passed a law providing for the gradual abolition of slavery in Rhode Island. The Constitution drafted at Philadelphia gave Rhode Islanders the chance to view the rest of the nation from the unfamiliar vantage point of moral superiority.¹³

The Constitution's provisions on slavery posed a difficult problem for many in Rhode Island. Religious leaders like Samuel Hopkins and Moses Brown believed a stronger national government was necessary, but hoped one could be developed without safeguarding slavery. Of particular concern in the Constitution was the fugitive slave clause: Article IV, Section 2, "No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered upon claim of the party to whom such service or labour may be due," which required individuals and states to return runaway slaves to their owners in other states. Leaders like Moses Brown viewed this as a tremendous defeat in the fight against slavery. The provision would no longer allow runaways safe refuge in Massachusetts, a state that had outlawed slavery. Under the Constitution fugitive slaves would have to be returned to their places of origin. This clause made an otherwise easy decision much more difficult for a large number of Rhode Islanders.

The Society of Friends vehemently opposed the article protecting slavery. Its most notable leader in Rhode Island was Moses Brown, a converted Baptist, and an influential commercial and

¹⁰ Ibid.

¹¹ Ibid., 4, 27.

¹² Ibid., 24.

religious leader within the Quaker community.¹⁵ The Constitution posed a moral predicament for men like Brown. He favored a stronger national government and respected very much the work of the framers, but he despised slavery. As a noted Quaker leader, he understood that his position on the Constitution would carry great weight. It troubled him that other Quaker congregations were not objecting to the slavery provision in the Constitution. Pennsylvania's large population of Quakers showed little concern about the article supporting slavery. He had hoped to have a Quaker show of solidarity against slavery in the Constitution. In a letter to James Pemberton, a prosperous Quaker merchant and vice-president of the Pennsylvania Society Promoting the Abolition of Slavery, Brown worried over the lack of unity within the Quaker community. He wanted an unanimous reaction from the Society. "Friends will not be clear," he remarked to Pemberton, unless concerns are raised "against those parts which give Countenance to if not directly Encourage Slavery." Hoping that uniform disapproval from Quakers in all states might lead to amendments to the Constitution, he wanted Pemberton and other Quakers to take a stand on the matter. If the provisions were not denounced now as "a sore Evil" any possibility of reform was doomed. Because the Constitution, by implication endorsed slavery, he thought "I cannot see how we can approve those articles" as "we bear a faithful Testimony against slavery." He thought a new and stronger Federal government was needed, but his faith refused to allow him to accept a government that gave slavery constitutional protection.¹⁶

Another outspoken opponent of slavery in Rhode Island was Samuel Hopkins. Hopkins was

¹³ Bartlett, *Records*, X, 7-8.

¹⁵ Brown during this period was experimenting with the first stages of cotton manufacturing. In Providence he was a leading member of the Quaker congregation. See: Mack Thompson, *Moses Brown: Reluctant Reformer*, (Chapel Hill, 1962), 203-33, for information on his cotton enterprise. Interestingly, he was brother to John Brown, a leading merchant, politician, slave trader, and Federalist in Providence.

¹⁶ Kamanski, *A Necessary Evil?*, "Moses Brown to James Pemberton," Providence, October 17, 1787, 70-2.

pastor of the First Congregational Church in Newport, a longtime voice against slavery, and a frequent correspondent of Brown's on matters concerning the practice. He too was "hurt" by the convention's decision to allow the slave trade to continue and the deplorable fugitive slave clause. But unlike Brown, he supported the Constitution flawed though it was. He told Brown in a letter that "if this constitution be not adopted by the States, as it now stands, we shall have none, and nothing but anarchy and confusion can be expected." Although he shared Brown's aversion to the slavery provisions, he lacked his optimism that they could be changed. He saw no advantage coming from a memorial to the General Assembly respecting the slave trade. The "ruling part of the Assembly" was "so destitute of all principles of justice," he thought, and they held ministers in such contempt that any petition would be pointless.¹⁷

Still, Brown had reasons for optimism. In October 1787, the General Assembly passed an act to encourage the abolition of slavery. It called the transportation and selling of slaves "inconsistent with justice, and the principles of humanity, as well as the laws of nature" and incompatible with the "more enlightened and civilized sense of freedom which has of late prevailed." The act prohibited any citizen of the state from directly or indirectly participating in the slave trade, and levied a \$100 fine for every African imported and a \$1000 fine on every vessel used in transporting slaves. The act was quick to point out Congress's inconsistent stance on slavery. In 1774, Congress had resolved to neither import nor purchase any slaves, or allow any vessel to participate in the slave trade. The Assembly was critical of Congress's present attitude towards the practice, claiming the national government was "forgetful of the danger which then impended" and "inattentive to the principles of justice and sound policy."¹⁸ The law was the result

¹⁷ Ibid., "Samuel Hopkins to Moses Brown," Newport, October 22, 1787, 73.

¹⁸ Bartlett, *Records*, X, 262.

of a Quaker petition to the Assembly; and leaders like Brown were relieved to see that their opinions had been heard. In a letter to James Thornton, Sr., a Quaker minister in Pennsylvania, Brown hoped that Thornton's state would do the same. He saw little help coming from Congress, and believed only by state action could the revolting institution be ended.¹⁹

Country Party leaders were perhaps motivated less by compassion than by politics in passing the act. The Quakers generally favored the Constitution excluding the slavery provisions and they were a group coveted by the Country Party. By taking a decisive line against slavery, Country Party leaders perhaps hoped to convert or keep Quakers in the Antifederalist camp. The act certainly catered to the desires of men like Brown. In essence, the Country Party had achieved two victories by passing the act. It had gained the favor of leaders like Brown and while doing so, the act reminded Quakers of the national government's lack of commitment to ending slavery. For the Mercantilists it was a twofold blow. First economically, as it was they that participated in the slave trade, but more importantly it might have driven off Quaker support for the Constitution.

The recent actions of the General Assembly offered some hope that change in the Constitution was possible, but a letter from Pemberton soon dashed it. Pemberton assured Brown that Quakers in Pennsylvania were unified in their support for the Constitution. Many Pennsylvania Quakers had already signed a petition which called for a speedy ratifying convention that had, in fact, already been approved. Pemberton told Brown that they should avoid "agitation" on the slavery question. He defended the framers and their work. "Under the circumstances," he wrote, they "have done the best they could do." He told Brown that the Federal government would not have

¹⁹ Kamanski, *A Necessary Evil?*, "Moses Brown to James Thornton, Sr.," Providence, November 13, 1787, 75-6.

the power to affect state laws regarding slavery, or to subvert those already in place. Brown must have found the letter disappointing.²⁰

Brown's hope that his fellow Quakers would reject the Constitution over slavery took another blow when his friend James Thornton, expressed a view similar to Pemberton's. He too was pleased with Brown's "Christian Endeavour" to abolish the slave trade with the act he helped pass through the Rhode Island legislature. However, he told him, Quakers "as a religious society" had no place in "Setting up nor pulling down Governments," but should only "live peaceably under all governments set over us in godliness and honesty."²¹

As the conflict over the Constitution continued in Rhode Island, Brown grew weary of the debate. After Massachusetts accepted the Constitution, he knew the battle was lost. He continued his efforts on a local level, but until 1790 remained neutral on issues regarding the Constitution. The Quaker opposition he wanted to bring against the Constitution never developed. The fight for ratification in Rhode Island had only begun, but Brown's battle against the Constitution appeared over.

²⁰ Ibid., "James Pemberton to Moses Brown," Philadelphia, November 16, 1787, 128-29.

²¹ Ibid., "James Thornton to Moses Brown," Byberry, December 17, 1787, 140.

Chapter IV: Republicanism in Rhode Island

As 1787 closed, Rhode Island leaders were placed in a difficult situation. Delaware, Pennsylvania, Georgia, and New Jersey had already approved the Constitution, and all but South Carolina, New York and Rhode Island had called state conventions to vote on ratification. The provision in the Constitution denying the states the right to print paper money sealed its fate in Rhode Island. The majority of people in the state wanted paper money; the Country Party controlled General Assembly had to make sure Rhode Island stayed out of the Union until its people thought paper money no longer a necessity. The plan was simple: let the people decide when they wanted to enter the new government. Until then, Rhode Island would stand apart from the Union.

Rouges' Island

The first significant action on the Constitution taken by the General Assembly came in October 1787, when it made the unusual move of deciding to put the document up to a direct vote of the people. It resolved to print 1,000 copies of the proposed Constitution and distribute them to the citizens of the state; then the legislature promptly adjourned until February of 1788.¹ The freemen would consider the government and then cast their votes in March. This, argued the Assembly,

¹ Bartlett, *Records*, X, 265-66; *Providence Gazette*, October 28, 1787.

was the only way such radical changes could be made to the national government.² Antifederalists were certain that as long as they left the decision of accepting or defeating the Constitution to the people at large, the Federalists and their new government stood no chance.

The County Party and the Assembly were stalling for time, knowing that no significant actions could take place until the Assembly met again in February. The Assembly was waiting for results from the other state conventions, hoping to probe the situation before taking an irreversible step. Rhode Island could always ratify, but once in it might be more difficult to get out. The *Massachusetts Centinel* deplored the conduct of the Assembly, calling it “a time-serving Assembly of mobmen,” and asked if such actions befitted the “dignity of the legislature of a sovereign state.”³ Prominent Federalists were exasperated by what was going on in Rhode Island. The Assembly’s refusal to call a convention and its decision to adjourn and leave it up to the people at large to decide in February infuriated men like Washington and Madison. Washington writing about these series of events called Rhode Island politics, “the exception from all that is good.”⁴ A disgusted James Madison saw the General Assembly’s resolution as “folly and fraud.”⁵ The Country Party, however, saw the measure as a means of upholding the wishes of the majority of Rhode Islanders.

Federalists in Rhode Island were in a desperate situation. Few of their counterparts in other states recognized their efforts to promote the Constitution. “There [Rhode Island] a considerable party embraces the act of the Convention,” wrote Madison, “but the paper money faction is

² Bartlett, *Records*, X, 265-66.

³ Bartlett, *Records*, X, 265-66.

⁴ Jensen, *D.H.R.C.*, “George Washington to Marquis de Lafayette,” Mount Vernon, January 10, 1788, 330-31.

⁵ *Ibid.*, “James Madison to William Short,” New York, October 24, 1787, 454-55.

hostile.”⁶ Madison recognized the Federalist fight in Rhode Island, but his observation was the exception rather than the norm. Other Federalists simply cast Rhode Island out of the Union, or wished they could. Henry Knox writing to Nathan Dane detailing the prospects for ratification in the states simply said, “Rhode Island-is as she was an outcast.”⁷ More troubling were comments that force might be used to coerce Rhode Island into the Union. Charles Nisbet president of Dickenson College remarked, “Rhode Island is dispaired of, and must be subdued by arms.” Samuel Hopkins predicted a civil war erupting in Rhode Island if it failed to ratify.⁸ Another publication asserted there could be no middle way for Rhode Island; “Enemies they must be, or fellow citizens, and that in very short order.”⁹ Such comments placed Rhode Island Federalists in an awkward situation. They wanted to show that a vocal and potent force within the state supported the Constitution, and that it was simply a “vile set of beings” that kept Rhode Island from ratification.¹⁰ Rhode Island has indeed “honest men devoutly wishing for the speedy adoption of the New Constitution,” exclaimed a correspondent. But unfortunately, he added, until the Legislature’s “diabolical schemes” are completed the state would not ratify.¹¹ While the Assembly was out of session, other letters were sent out across the nation assuring their recipients that Rhode Island had men “anxious for the adoption” of the Constitution.¹²

Rhode Island Federalists found themselves in a position unlike any of their counterparts in the nation. Even though Federalists in the state mounted significant opposition to the Country Party

⁶ Ibid.; “James Madison to Thomas Jefferson,” New York October 24, November 1, 1787, 451.

⁷ Ibid., “Henry Knox to Nathan Dane,” New York, November 21, 1787, 147.

⁸ Ibid., “Charles Nisbet to the Earl of Buchan,” Carlisle, December 25, 1787, 374-75; “Samuel Hopkins to Levi Hart,” Newport, January 25, 1788, 527-28.

⁹ *Massachusetts Centinel*, April 26, 1788; Quoted from Polishook, 196.

¹⁰ *Pennsylvania Gazette*, November 21, 1787, “Extract of a letter from Rhode Island.”

¹¹ Ibid.

¹² *Lansingburgh Northern Centinel*, November 20, 1787, “Extract of a letter from a gentlemen in Providence, to his friend in Albany.” The extract was eventually reprinted ten separate times in seven other states, Footnote (1) from Jensen, *D.H.R.C.*, XIV, 455.

and retained control of the press, it was ineffective. Federalist arguments were discounted by the majority of the state, and Antifederalists were just as, if not more astute propagandists.¹³ In addition, the Country Party as proprietors of the paper money program meant Antifederalists began the fight with the favor and support of a majority of the population. When the Assembly resolved to send the Constitution to the people for their consideration, the Federalist's campaign began with a stinging defeat.

In the waning days of 1787, Antifederalists in Rhode Island enjoyed a comfortable position. The General Assembly had successfully stalled for time by putting the vote off to a distant referendum on the Constitution. They could wait until the February session of the General Assembly to take up the question again. For now, all Federalists could do was wait. "Antis" knew the Federalists were no match for them and watched as they tried unsuccessfully to rally Rhode Islanders to the Constitution. But they understood that the next few months and the upcoming state conventions would bear greatly on their future. But until Country Party members felt ratification was unavoidable they waited to see what would happen, and to keep their options open.

Federalists in Rhode Island were having a hard time convincing people that the Constitution was a necessity, but their counterparts in other states were more successful. News came in that Delaware had ratified and same result soon followed for New Jersey and Pennsylvania.¹⁴ The results of these three states' conventions worried Antifederalists in Rhode Island. Also

¹³ For an excellent account of the newspaper wars over the Constitution in Rhode Island see: Carol Sue Humphrey, "The Rhode Island Pillar: Rhode Island Newspapers and the Ratification of the Constitution," *Journal of Rhode Island History*, (52), 1994, 50-7. In her study, Humphrey argues that for the most part Federalists controlled the newspapers in Rhode Island. Although the *United States Chronicle* (Providence) was remarkably balanced with 71 articles for, and 75-against the Constitution; the *Newport Herald* offered 64-for and only 6-against; and the *Providence Gazette* printed 90-for and only 39-against.

¹⁴ The *Providence Gazette* reported Delaware's decision on December 22, 1787; New Jersey's December 29, and Pennsylvania's January 5, 1788.

discouraging were the favorable reports coming out of Georgia and especially Massachusetts; the latter in particular was monitored very closely by Rhode Island Antifederalists.¹⁵ And Antifederalists grew increasingly concerned over the Federalist control of the press. They complained that John Carter, printer of the *Providence Gazette*, was not printing Antifederalist articles. Antifederalists “complained loudly,” remarked Carter, “that they were not indulged with a fair hearing.” Carter went into a lengthy explanation as to why certain articles were printed and others not, but refused to apologize for his decisions. Defending his newspaper he remarked, “I have never suffered them [personal sentiments] to interfere with what I conceive to be the indispensable duty of an impartial printer; nor have I at any time suffered myself to become a dupe or tool of a party, although a Federalist, my conduct as a printer would certainly merit the severest reprehension, were I impertinently to attempt to the preclusion of free enquiry.”¹⁶ Antifederalists appeared to be growing anxious about the ratification process, and they had reason to be. Georgia ratified on December 31, and Connecticut ratified on January 9; the same day the Massachusetts convention began.¹⁷

On February 7, Massachusetts ratified, placing Rhode Island in a difficult predicament for a number of reasons. Massachusetts, the largest and most prominent of the New England states, held enormous economic sway over its neighbors. Now New Hampshire and Rhode Island remained the only New England states outside the Federal Union; leaving Rhode Island surrounded on land by a “foreign” nation if the Constitution went into effect without her. It made the seceding of port towns like Providence and Newport much more of a possibility.

¹⁵ News that Georgia would easily approve the Constitution was printed in the *Providence Gazette*, December 29, 1787. The entire proceedings of the Massachusetts convention were reported weekly by the *Providence Gazette*, February 2-March 22, 1788.

¹⁶ *Providence Gazette*, December 29, 1787.

¹⁷ *Ibid.*, January 24, 1788.

Massachusetts's decision also raised the probability that New York and Virginia would ratify, as those two states were watching closely the actions taking place there. New Hampshire also looked as if it would soon ratify. It was reported after Massachusetts approved the Constitution, that New Hampshire delegates initially instructed to vote against the Constitution were "returning home" to receive new instructions on how to vote.¹⁸ The final blow was the promise of amendments to be added to the Constitution by Massachusetts's ratifying convention—that a Bill of Rights would be approved to the Constitution by Congress. This suggested that a compromise could still be reached over some of the more un-republican aspects of the document. Even Thomas Jefferson, who had first advocated having some states like Rhode Island hold out until changes were made, saw subsequent amendments as a better solution.¹⁹ This hurt the Antifederalist position because many of their arguments against the Constitution stemmed from its lack of a Bill of Rights.

When the General Assembly reassembled in February to again take up the discussion of the Constitution, Federalists had the momentum. Yet, during the February session the Antifederalists showed no signs of changing their position. Adhering to the resolution passed in October, the Assembly voted 27-15 to have all freemen convene in town meetings, rather than in a convention to decide whether the Constitution would be adopted or not. Once again echoing its republican argument, the legislature insisted the government could not be altered without the express consent "of the freemen at large."²⁰ Realizing that a popular referendum was tantamount to defeat, Federalists embarked on a vigorous campaign to delegitimize the results of the voting.

¹⁸ Ibid., March 1, 1788.

¹⁹ Robert Rutland, *The Ordeal of the Constitution* (Norman: University of Oklahoma Press, 1965), 127.

²⁰ Bartlett, *Records*, X, 271-72; *Providence Gazette*, March 1; March 8, 1788.

After losing the fight to have a convention called, Federalists ordered a boycott of the polls, hoping to devalue the inevitable Antifederalist victory.²¹ In addition, on the day of the referendum, Deputies from Providence in a town-meeting drafted and presented a petition to the General Assembly arguing against the referendum. The Deputies claimed it would preclude the possibility of amendments being offered because a direct vote allowed for no discussion on the subject. “Only in Convention” complained the Deputies, can amendments be proposed; and they asked “Have [the people] not a right to have their voice heard before a Constitution shall be adopted?” The crux of their argument was that most freemen were not familiar enough with all the facts to make a educated decision on the subject: therefore a convention of knowledgeable men would be better suited to evaluate the proposed government. Finally, they stipulated that this was a “novel” method, divergent from what both Congress and the Federal Convention prescribed, and from what all other states had done. The Constitution could only be voted upon in a convention, they maintained, any other course, regardless of outcome, was absolutely meaningless.²²

As expected, when the final vote was tallied Antifederalists won. The Federalist boycott was nevertheless effective. Providence and Newport, two Federalist strongholds, had only 1 pro-Constitution vote cast between them, with 11 cast against the Constitution. Only two towns, Bristol with 26 for and 23 against, and Little Compton, 63-57, showed a majority of freemen approving the Constitution. Elsewhere, Antifederalists reaped staggering victories. In Cranston, the vote was 102 to 0 against the Constitution; Foster was similar with 177 against and none in favor. Overall, the state’s freemen cast 237 votes in favor, and 2,708 against the Constitution.

²¹ *Providence Gazette*, March 15, 1788. “A Freeman.”

²² *Ibid.*, March 22, 1788.

John Collins, writing to Congress relating the outcome to Congress, said, “it was not done with the least design to give any offense to the respectable body who composed the convention,” but simply based upon “pure republican principles.”²³

²³ Bartlett, *Records*, X, 291.

“Report of the Committee appointed by the General Assembly relative to accepting the new
Constitution of the United States”²⁴

| Towns, | Yeas. | Nays. | Towns, | Yeas. | Nays. |
|----------------------|-------|-------|-----------------------|-------|-------|
| Newport..... | 1 | 10 | Exeter..... | 6 | 136 |
| Providence..... | 0 | 1 | Bristol..... | 26 | 23 |
| Warwick..... | 3 | 140 | Tiverton..... | 28 | 92 |
| Portsmouth..... | 12 | 60 | Little Compton..... | 63 | 57 |
| Westerly..... | 12 | 56 | Warren..... | 2 | 41 |
| South Kingstown..... | 1 | 125 | Cumberland..... | 10 | 118 |
| New Shoreham..... | 0 | 32 | Richmond..... | 1 | 68 |
| North Kingstown..... | 2 | 160 | Hopkinton..... | 33 | 95 |
| East Greenwich..... | 2 | 91 | Johnston..... | 1 | 79 |
| Jamestown..... | 5 | 11 | Cranston..... | 0 | 101 |
| Smithfield..... | 2 | 158 | Middletown..... | 6 | 40 |
| Scituate..... | 0 | 156 | North Providence..... | 0 | 48 |
| Glocester..... | 9 | 228 | Barrington..... | 9 | 34 |
| Coventry..... | 0 | 180 | Foster..... | 0 | 177 |
| West Greenwich..... | 2 | 145 | | | |
| Charlestown..... | 6 | 51 | | 237 | 2,708 |

²⁴ Ibid., 275.

Despite the trouncing, Federalists claimed a nominal victory. Their boycotting denied Antifederalists an accurate assessment of Federalist strength in the state. In addition, the total vote was about 1,200 less than cast in the proceeding general election, and the Federalists argued that because many men declined to vote, a future convention “will sooner or later become necessary” to achieve a final decision on the subject.²⁵

Although Rhode Island Federalists suffered defeat at the polls, they had some reason to be optimistic. Massachusetts’s approval of the Constitution had a cascading effect. New Hampshire was already reevaluating its position on the Constitution, and reports out of Maryland now showed a Federalist majority.²⁶ In addition, Rhode Island Antifederalists were now faced with the stigma of controlling the only state to formally reject the Constitution. The Federalists used this to their advantage.

Federalists requested John Carter, editor of the *Providence Gazette*, to publish the “Landholder XII,” a pro-Constitution tract addressed directly to Antifederalists in Rhode Island. Its author, Oliver Ellsworth, a lawyer, and delegate to the Constitutional Convention from Connecticut, was a long standing critic of Rhode Island’s politics and its leaders. Although the pamphlet was primarily concerned with the popular referendum that had already taken place, Rhode Island Federalists obviously thought it important enough to print anyway. Ellsworth had diligently watched Rhode Island since the struggle over the Constitution began, and showed a astute grasp of the events taking place there. Ellsworth was especially critical of the paper money

²⁵ Bartlett, *Records*, X, 275; *Rutland*, 126; *Providence Gazette*, March 29, 1788.

²⁶ An article in the *Providence United States Chronicle* on March 6, 1788, related: “We learn, from Maryland...that the Constitution will certainly be approved in Maryland, by a great majority.” From the *Pennsylvania Mercury*, it was also learned that many former Antifederalists had “become highly and truly federal.” *Pennsylvania Mercury*, February 26, 1788.

program initiated by the state, and equally disgusted with Rhode Island's political leaders. A "desperate junto" was his description of the Assembly after it refused to call a convention in October. Claiming Antifederalist antics over the Constitution had as their main purpose to draw attention to themselves, he flatly said it was no longer amusing.²⁷ He likened himself to a mother chiding her child screaming for attention, and told Rhode Island Antifederalists, "you no longer excite either the surprise or indignation of mankind." "Our minds cannot bear to be always pained," he told them, "the Creator hath therefore wisely provided that our tender sentiments should subside, in those desperate cases where there is no longer a probability, that any effort will have a power to reclaim." Although "most of the states had their prejudices," Rhode Island's behavior during the debates surpassed all reason. He told its leaders, "by your system we see unrighteousness in the essence, in its effects, and in its native miseries." Ellsworth told Rhode Island leaders, that their conduct was beyond any reasonable form of Antifederalism and caused other Antifederalists to "blush at the exhibition, and say you have betrayed the them by carrying the matter too far." He sarcastically thanked her leaders for making a spectacle of themselves, and while doing so helped convince people the Constitution was essential. The obstinacy of your behavior was of more service than most Federalist propaganda, wrote Ellsworth, and "every other state thanks you for putting their own rouges and fools out of countenance." Their efforts were not only self defeating, he argued, but were helping to overcome resistance to the Constitution in all other states as well. Ellsworth was aware of the republican spirit that reigned in Rhode Island politics, and also perceived the difficult situation Federalists in the state found themselves. He

²⁷ Ellsworth might have been referring to the frequently reprinted letter from a gentleman in Providence claiming a petition was drafted charging the states that ratified the Constitution with treason for abandoning the Confederacy. It originally ran in the February 25, 1788 edition of the *Boston Gazette*, and reprinted 17 times by April 17, including once in Ellsworth's home state Connecticut. *Salem Mercury*, February 26, 1788; Jensen, *D.H.R.C.*, XVI, footnote (1), 526.

asked the people of Rhode Island to end their support of the present administration and demand “some sacrifice” be made.²⁸ There are men of “wisdom and integrity” in your state, wrote Ellsworth. “Help them save your state” he begged, for they are “waiting for your return to reason.” He ended with these words of advice: “*to make the cure there must be an entire change of measures--political annihilation.*” And a reminder: cease in this foolishness, for the rest of the nation was no longer listening.²⁹

Ellsworth’s words were prophetic. “Rouges’ Island,” the unflattering surname given to the state during the colonial era was again circulating through the nation, and Federalists indeed offered Rhode Island as proof that the new government was indispensable.³⁰ One such example was an address by “Publicola” to the freemen of North Carolina. “Publicola” asked his audience what North Carolina should do if it failed to ratify? To reject the new government meant becoming “the most contemptible state on the face of the earth;” sinking “even beneath the political character of Rhode Island.”³¹ The mere mentioning of Rhode Island in political debate became an insult. “As the infamy of the conduct of Rhode Island outgoes all precedent,” wrote a vitriolic George Washington in correspondence, “There is no State or Description of men but

²⁸ Ellsworth was referring to the paper money program adopted by the Country party and widely supported by the populace.

²⁹ While masquerading as “Landholder,” Ellsworth had attacked Rhode Island’s government twice before; in “Landholders IV and V.” Jensen, *D.H.R.C.*, XIV, 234, 338; “Landholder XII,” *Providence Gazette*, March 29, 1788. Federalists appeared to have asked John Carter of the *Gazette* to publish the tract because a preface to the article read “Inserted by Request.” It can be accurately assumed it was a Federalist “request.”

³⁰ The name appeared numerous times in print, including: *Lansingburgh Northern Centinel*, November 20, 1787; *New Hampshire Spy*, April 15, 22, 1788.

³¹ *State Gazette of North Carolina*, March 27, 1788; Rufus King in correspondence wrote about the New Hampshire Convention “I am rather inclined to think they will adopt the Constitution; I hope and believe that New Hampshire will be in better company than [Rhode Island]—I shall be mortified if I am disappointed.” Jensen, *D.H.R.C.*, XVII, “Rufus King to John Langdon,” New York, May 4, 1788, 381.

would blush to be involved in a connection with the Paper-Money Junto of that Anarchy.”³²

Rhode Island was indeed alone in its course.

As Ellsworth predicted, Federalist attention turned towards the convention now taking place in Maryland, and the one scheduled in South Carolina. News came to Rhode Island of Maryland’s ratification in early May of 1788.³³ South Carolina soon followed, bringing the number of assenting states to eight, leaving one more state needed to bring the new government into effect. With victory close at hand, Federalists focused their efforts on the upcoming New Hampshire convention. Rhode Island became little more than an unpleasant topic. It was generally believed that Rhode Island would soon have to enter the Union. Thomas Jefferson writing from Paris told a friend that “time” was needed to coax the state into compliance. Genuinely worried that force might be used against Rhode Island and hoping it would not come to that, he remarked, “I cannot conceive that she will come to rights in the long run.” “Rhode Island will be the [last],” wrote Tench Coxe, “but after her infamous Game of Depreciation is completely played she must also come in.” George Washington remarked it was “universally believed” Rhode Island would finally ratify.³⁴

In June, Federalists at last had cause to rejoice. New Hampshire ratified the Federal Constitution and thus the new national government was established. Federalists continued to exert pressure through the papers, constantly updating the proceedings in the Virginia convention then in

³² Jensen, *D.H.R.C.*, XVIII, “George Washington to Jonathan Trumbull, Jr.,” Mount Vernon, July 20, 1788, 273-74. Henry Knox, one of the vociferous critics of Rhode Island said of the state’s actions, “The conduct of the majority of that state...have been the corrosive means of rousing America to an attention of her liberties—Thank heaven a government is proposed which...will shield...the rude attacks of anarchy and tyranny.” Jensen, *D.H.R.C.*, XVIII, “Henry Knox to Benjamin Lincoln,” New York, June 13, 1788, 176-77.

³³ *Providence Gazette*, May 10, 1788.

³⁴ Jensen, *D.H.R.C.*, XVIII, “Thomas Jefferson to Edward Carrington,” Paris, May 27, 1788, 81-2; *Ibid.*, “George Washington to Charles Cotesworth Pickney,” Mount Vernon, June 28, 1788, 207-08; Jensen, *D.H.R.C.*, XVII, “Tench Coxe to Henry Bromfield,” Philadelphia, May 6, 1788, 390.

session. The reports predicted that Virginia would ratify.³⁵ Although discouraged that they were not yet a part of the new system, Rhode Island Federalists celebrated in grand fashion. They planned a Fourth of July celebration in Providence, combining the inaugurating of the Constitution as the new government and the anniversary of American independence. A cannon would be fired for each ratifying state. A general invitation was issued to Governor Collins and anyone else who wished to attend. Bitter Antifederalists tried to prevent the celebrations. Tempers flared and Country Party supporters were in a riotous state. They marched to Providence and formed a large armed force outside the town. A committee from Providence was sent out to confer with the Antifederalists, who indicated that the celebration could take place peacefully only if the ratifying states were not saluted and the Constitution not mentioned. The Providence committee consented and the festivities went on without incident. The confrontation illustrated how volatile things were becoming as Antifederalists knew they were losing and that their defeat was only a matter of time.³⁶

They were dealt yet another blow when Virginia ratified.³⁷ Antifederalists' last hopes were dependent upon their old ally, New York. Their prospects were not favorable. Virginia's acquiescence to the Constitution seriously undercut the Antifederalist position in New York. Federalists like William Ellery, delighted with recent events, believed that New York was almost certain to come in after the results in Virginia. Even Jonathan Hazard, a key Country Party figure,

³⁵ The *Providence Gazette* May 17 issue reported a majority of 20 in the Virginia convention for the Constitution, and the *Providence United States Chronicle* on May 29, reported a 14-24 Federalist majority.

³⁶ Jensen, *D.H.R.C.*, XVIII, footnote information from "Ebos Hitchcock Oration," Providence, July 4, 1788, 321.

³⁷ *Ibid.*, Residents in Providence learned that Virginia ratified on July 5, 1788; the *Providence Gazette* reported the event on July 12, 1788.

predicted a Federalist victory in New York.³⁸ Then in July, New York did, and the last prop holding up Antifederalist resistance in Rhode Island was swept away. It was only a matter of time now before the Country Party would have to capitulate to the new government. As the *Newport Herald* accurately ported out, “The unconditional ratification of the Federal Constitution by New York hath blasted the last hopes of the Antifederal junto in this state.”³⁹ Antifederalists took hope with Governor George Clinton’s “circular letter” that accompanied the convention’s letter of its decision to ratify. Clinton’s letter asked that a second convention be called in order to amend some of the more unpalatable clauses of the new Constitution. It was an attempt to rally the reeling Antifederalist groups.⁴⁰

The letter aroused enough attention to trouble leaders like Madison. Stalling for time, Antifederalists in Rhode Island embraced the idea of a second convention. The General Assembly, acted as it had with referendum, ordering copies of the proposal be sent to the towns to be voted on by the people at large. The legislature, sensing the nation was progressing without Rhode Island, conceded, “it to be the indispensable duty of the citizens of this state to be connected with union.” But it insisted Rhode Island would only join if “it can be done upon the principles of good government.”⁴¹ The measure was perhaps a means of gauging the population’s disposition towards the Constitution. The results of the town meetings showed that a majority of freemen still opposed the Constitution, even with amendments. Nine towns instructed their Deputies to favor the proposal; five were opposed. Federalist towns were caught in a quandary. Feeling that

³⁸ On July 3, 1788, the *Newport Herald* reprinted a letter from probably Hazard, as it was sent to Charleston (his place of residence) to his son which read in part, “New York will ratify the proposed Constitution of the United States, though by a small majority.”

³⁹ *Newport Herald*, July 31, 1788.

⁴⁰ Bartlett, *Records*, X, 300.

⁴¹ *Ibid.*, 309.

unconditional ratification should be Rhode Island's only course of action, Federalist towns took no united stance on the matter. Portsmouth supported the plan because its leaders felt only with radical changes would the Constitution receive acceptance in Rhode Island. Exeter and Coventry offered no instructions on how to vote. Regardless of public opinion, the point was moot. Clinton's "circular letter" never stirred up enough support to force a second convention and it was never called. Antifederalists were running out of options.⁴²

After New York ratified in late July 1788, the Country Party began to crumble. The deterioration was not immediate, but the more practical members began to distance themselves from the extremists.

The first signs of change came from one of the most prominent members of the party, Jonathan Hazard. The author of the controversial paper relief measures was currently a member of Congress. Usually one of the most astute politicians of the Party, he let his ambition get the best of him. During the August 1788 session of the Confederation Congress, preliminary meetings deciding where the new national capitol should be located were taking place. New York delegates in Congress, seeking the help of the Rhode Island delegation, convinced Hazard and his fellow delegate Peleg Arnold to vote for New York as the new capitol site. This lapse left them in a difficult situation. They were making decisions affecting the new government, although their state and constituents had not ratified the new Constitution. Realizing it had been a mistake, and sensing the criticism that was coming, Hazard and Arnold abruptly left Congress and returned home.⁴³

⁴² Polishook, 202-03; Portsmouth Town Meeting, December 20, 1788; Coventry Town Meeting, December 20, 1788; Exeter Town Meeting, December 20, 1788.

⁴³ Robert A. Becker, Gordon DenBoer, Merrill Jensen, eds., *The Documentary History of the First Federal Elections, 1788-1790*, 4 vols. (Madison, Wis., 1976-1989), I, 83-4. Arnold would later return to Congress in September. Hazard never did.

William Ellery was elated watching one of his political rivals squirm. To his close friend and Connecticut Congressman Benjamin Huntington, Ellery reported that Hazard's conduct was "censured" by Antifederalists, and that he had resorted to lying to justify his actions. Hazard told Rhode Island Antifederalists that the vote applied only to the "present Congress," that is the Confederation Congress, and did not specifically mention it was for the new Congress under the Constitution. The excuse cooled tempers, but Hazard never returned to Congress, even after pressed by New York officials to come back. He tried to resurrect his reputation by touring the state. He told voters that Rhode Island would prosper as a foreign state, relying on a great trading relationship with England. But, wrote Ellery, when Hazard first arrived in Rhode Island he told a much different story. Hazard assured Newport residents he would accept the Constitution, but only if the new government would sit in Rhode Island for the first three years. Certain of victory now, Ellery told his friend that if indeed Rhode Island joined the Federal Union and became the temporary seat of the government, neither New York or Pennsylvania should be "jealous of the little whore."⁴⁴

Another example of change came from David Howell. Although one of the earliest spokesmen in Rhode Island against enlarging the powers of the national government, Howell now argued ratification was essential. His views changed drastically after the Federal Convention in 1787, becoming a devout Federalist and opponent of paper money.⁴⁵ Under the pseudonym "Solon Jr.," Howell argued that if amendments to the Constitution were to pass through Congress, the voices

⁴⁴ Jensen, *D.H.R.C.*, XVIII, "William Ellery to Benjamin Huntington," Newport, August 25, 1788, 350-51.

⁴⁵ An indication of his conversion may be seen in the January 5, 1788 edition of the *Providence Gazette*. Where John Carter, proprietor of the newspaper, printed a column "at the request of David Howell," asserting that he had not requested anything be printed for or against the Constitution—"but had utterly abandoned politics."

of Rhode Island and North Carolina were needed. Howell claimed there were only seven states in favor of amendments, not enough for the two-thirds majority needed. However, he argued, North Carolina and Rhode Island “added to the seven in the New Congress is more than two-thirds of thirteen,” providing the majority needed to pass amendments. If we want to see changes in this government, wrote Howell, now is the time to act.⁴⁶

Late 1788 and early 1789 were odd times for both Federalists and Antifederalists in the state. George Washington was elected President of the United States, but Rhode Island had no part in the election. Washington toured New England, but carefully avoided Rhode Island. Washington’s slight heightened the growing isolation Rhode Islanders felt. Leaders on both sides saw ratification as a necessity, but most Rhode Islanders still opposed the Constitution of 1787. The Antifederalists were in an increasingly awkward situation. Convinced that liquidation of the state debt was stalling ratification, Country Party leaders worked furiously to eliminate the remaining arrears. It was believed that that once it was gone, opposition to the Constitution would dissipate as well.

However, Country Party leaders were in an uncomfortable position. If they forced a convention call too fast they might lose support of the majority they had enjoyed for three years; but if they failed to act soon, members might be entirely passed over for federal positions under the new government. Although desirous of joining the Federal Union, the Country Party was still not willing to lose control of Rhode Island’s government. Rhode Islanders wanted the state’s debt gone, and until the opportune moment arose to both eliminate the debt but still remain in power, ratification would have to wait.

⁴⁶ *Providence Gazette*, August 23, 1788; Jensen, *D.H.R.C.*, XVIII, footnote (1), 341.

In October 1788, the General Assembly ordered all persons still holding the 4 per cent notes, issued as part of the land bank scheme in 1786, to apply by January 1, 1789, to the state treasury to receive what remained due on each security. However, Antifederalists realized this was another step towards ratification, because it would be means of accelerating the elimination of the state debt. So, during the December session of the Assembly, Party members voted to extend the deadline until March. The more devout Country Party members still opposed the Constitution, and hoped to use the issue of paper money as a way of keeping the splintering Party together.⁴⁷

Their efforts only forestalled the inevitable. Most Antifederalists knew Rhode Island could not survive as an independent country, and by mid 1789, Rhode Island was facing an economic crisis. Congress was ready to implement coercive measures by levying taxes and duties on imports from Rhode Island coming into the eleven states under the new government. In May 1789, the General Assembly placed duties and imposts on all imports arriving in Rhode Island, countering the ones about to be placed upon it by the United States. Indicative of the growing financial crisis was the General Assembly's decision to place an embargo on grain, making illegal its exportation out of the state. The small state simply did not have enough farmland to produce grain for its population and the government wanted to conserve all it could before having to pay the anticipated impost duties from its former trade partners in the United States. The idea of calling a convention was discussed, but Country members insisted a conventional call would only be made after consent was given by the people.⁴⁸

⁴⁷ Bartlett, *Records*, X, 306, 312; Polishook, 203.

⁴⁸ Bartlett, *Records*, X, 331-32.

When the Assembly met in June, popular sentiment was still against the Constitution.⁴⁹

Federalists were optimistic and quick to point out the economic sanctions independent Rhode Island would shortly be laden with. The Country Party was not dissuaded. When Federalists moved to call a convention Antifederalist Deputies were prepared to vote without any debate. The majority in caucus decided on this strategy the evening before, intending to show that they were voting as such because of the instructions given to them by the towns.⁵⁰

The vote in the lower house resulted in another defeat. However, this time there was hope. The majority was reduced to eleven; suggesting that the Country Party was retreating from their position.⁵¹

William Ellery continued to antagonize Country Party membership about their delaying tactics. He told Huntington, "I asked them whether they meant ever to adopt the Constitution." "Yes," was their response. "When?" he asked. "Some time hence."⁵²

⁴⁹ One example was Portsmouth, where its town meeting on June 1, ordered its Deputies to "use their influence ...against the calling of a state convention. Quoted from Ferraro, 80.

⁵⁰ Ibid.

⁵¹ *Providence Gazette*, June 20, 1789.

⁵² William M. Fowler, Jr., *William Ellery: A Rhode Island Politico and Lord of the Admiralty* (Metuchen, New Jersey, The Scarecrow Press Inc., 1973), 166-67.

The Road to Ratification

By September 1789, the Country Party was ready to begin the process of ratification. Governor Collins convened a special session of the General Assembly to discuss the reduction of the state debt, trade with the United States, and ratification of the Constitution. Unfortunately, Country Party members had to adhere to their previous process of submitting a convention referendum directly to the people, where it was certain to fail. However, the paper money plan initiated by the Country party in 1786 when it first came to power had achieved its objective and the state debt had been eliminated.⁵³ Most importantly, the Assembly suspended the legal tender laws regarding paper money, severing the link between that and ratification.⁵⁴ This move illustrated the changing attitude within the Assembly. The legislature also sent a letter to Congress and President Washington asking for favorable trade relations with the United States. Country leaders were playing a balancing act, trying to appease Congress while not alienating themselves from their constituents at home. The letter assured Congress that not being part of the Union “had also given great pain to us,” but the delegates were forced to implement the will of the people who were still against ratification.⁵⁵

In December 1789, North Carolina ratified the Constitution, leaving Rhode Island the last state outside the Union. 1790 would be a pivotal year for the state.

⁵³ As noted earlier, the total state debt amounted to \$587,312; and most of it was eliminated by creditors who refused to accept the paper money. A total of \$344,259. The remaining debt was paid off with state taxes. Polishook, 155-56.

⁵⁴ This move no longer allowed paper money to be accepted for payment on public or private debts. Therefore, the article in the Constitution prohibiting states from printing their own money no longer forestalled ratification because even if Rhode Island continued to print paper money it was now worthless as currency. Bartlett, *Records*, X, 355.

⁵⁵ *Ibid.*, 356-57.

During the early days of 1790, the increasingly ominous prospect of military action haunted all discussions over ratification. If Congress had been restrained from taking overt military action against Rhode Island because of North Carolina, the fourth largest state, that obstacle was now gone. In addition, North Carolina's ratifying accentuated the Federal government's growing impatience with Rhode Island. The Assembly should "consider well," wrote George Washington, the possible reprisals before it again refused to call a ratifying convention. Country leaders were warned.⁵⁶

Threats and hints of invasion did not make ratification certain, but Rhode Island Federalists had every reason to be optimistic.⁵⁷ Providence upped the stakes when in its January town meeting it declared its desire to leave Rhode Island if a ratifying convention was not called, and intended to ask Congress for protection. Federalists throughout the state were threatening to call a ratifying convention of their own if one was not called during the January session of the Assembly.⁵⁸

The state's debts were gone and paper money was no longer the predominant issue, but a majority of the voters still had to be convinced. It was a daunting task for both sides. Federalists knew their views were not shared by most Rhode Islanders; Antifederalists were going to have to do the convincing. The Antifederalists had to find a way to persuade the voter, without alienating them as Country Party loyalists.

On January 14, 1790, Providence Deputy Benjamin Bourne, moved in the lower house that a

⁵⁶ Polishook, 208.

⁵⁷ Providence Gazette, October 31, 1798; It was hinted that Massachusetts was raising an army to liberate Newport and Providence, annex them into Massachusetts; and annihilate the remainder of Rhode Island.

⁵⁸ Ibid., December 13, 1789.

ratifying convention be called. After several hours of debate, the resolution passed 34 to 29. However, the following day the Assistants rejected the motion 5 to 4, defeating the bill. Country Party members in the Upper House called a caucus of Party leaders to discuss the bill, but the meeting broke up in failure. The Assistants finally recommended sending the matter back to the towns where the people could vote on the motion. The Deputies, however, rejected the proposal by 14; there would be no referendum this time. Although popular opinion was moving towards ratification, approval at the polls was not assured and another defeat it was feared, would provoke repercussions from Congress. Henry Marchant of Newport in the lower house again motioned for a convention, only changing the proposed date of its meeting. The Assistants again voted down the resolution. That should have ended the legislative session, but instead the Assistants voted to adjourn until the next day.

On January 16, Federalist Deputies proposed a convention for a third time, and the motion passed 32 to 11. Fortune smiled on Federalists that day because one of the Antifederalist Assistants, John Williams, refused to attend the session on the Lord's day. Without the vote of Williams, the Upper House deadlocked at 4 to 4.

The fate of the convention would now rest in the vote of Governor John Collins. Collins had long supported the Federalist's cause and the Constitution, few were surprised when he cast his vote in favor of a state convention.

Rhode Island's convention was scheduled to meet at South Kingstown on March 1. In other states, this news signified that ratification was guaranteed. The New York *Daily Advertiser* was the first to comment. A poem entitled "A Rising Empire" hailed Rhode Island's patriotic act. The General Assembly promptly dispatched the results to Congress, along with a request that the

impost duties about to be implemented against Rhode Island be delayed. It was granted until April 1, but “no longer.”⁵⁹

Although Federalists in other states predicted victory, their brethren in Rhode Island were much less sure. The Country Party was not about to fold completely to Federalism. The Antifederalists secured a majority of ten for the March 1 meeting, making ratification by no means a certainty. The Antifederalist leaders proved they now favored ratification by calling a convention, but the majority of Rhode Islanders still disapproved of the Constitution; and they still had to be consulted before ratification came.⁶⁰

Federalists, determined to capitalize on opportunity they had sought for so long, redoubled their efforts. They filled the papers with pro-Constitution essays, commenting on the economic and political advantages that would result from being a part of the United States. We are “driving towards inevitable ruin and disgrace,” wrote an anonymous observer. A Federalist warning that military action would eventually be used to force Rhode Island back into the Union, asked, “why not make a virtue out of necessity?”⁶¹

Country Party members to the convention, believing that if they voted to ratify the Constitution, the Party would be defeated in the upcoming elections, meant to avoid a final decision until after the state’s elections in May. Their plan consisted of drafting a bill of rights and a set of amendments to the Constitution, then adjourning until after the elections.⁶² The Country Party could then use their proposed amendments to seek reelection to the legislature without

⁵⁹ *Providence Gazette*, February 13, 1790; Polishook, 211-12.

⁶⁰ *Providence Gazette*, January 16, 1790

⁶¹ *U.S. Chronicle* (Providence), February 5; March 5; 1790.

⁶² The idea for a bill of rights presumably came from actions that took place in Congress. The amendments proposed by the state during ratification were debated and adopted in Congress and then sent to the states in September of 1789 for their approval. The Bill of Rights would not be approved until December 15, 1791. Rutland, 196, 305.

taking a definite stand on the unamended Constitution itself. After the convention met again in late May, the Party would retain control of the General Assembly and thus be able to appoint the state's first two senators after ratification. Then the Constitution would be approved.⁶³

When the convention convened on March 1, 1790, Daniel Owen, Deputy Governor, was named president and Daniel Updike was selected secretary; both Country Party members. Deliberation were calm and emotional outbursts rare. Main subjects of debate included direct taxation by Congress and the extent of Presidential powers. Joseph Stanton complained that the tax provisions in the Constitution were "obscure" and would bring hated poll taxes. Even William Bartlett, a Federalists, had misgivings about allowing Congress to lay direct taxes on the states. Henry Marchant and Nathan Miller, formerly a member of Congress, were quick to note all of the difficulties faced by Congress under the Articles of Confederation, where it possessed no such power. Marchant also reassured the convention members that Congress would rarely, if ever, levy direct taxes.⁶⁴

Joseph Stanton along with other members voiced their opinions on the powers of the President. Stanton characterized them as "dangerous" and "too extensive." Henry Marchant again defended the Constitution, claiming that widening the powers of the executive office was necessary to counteract the enlarged powers of the legislative and judicial branches. Other Federalists saw the power of the President key for national unity and an effective check against sectional strife.⁶⁵

The most heated debate arose over slavery. Job Comstock and Joseph Stanton attacked the Constitution for its compromises on slavery. Comstock insisted that there should be a *quid pro*

⁶³ Polishhook, 215; *Providence Gazette*, March 6, 1790.

⁶⁴ Polishhook, 216.

⁶⁵ *Ibid.*

quo from the South, since northerners were asked to hide their feelings over slavery. Fearful that the issue would destroy the Country Party's cleverly laid plans for ratification, Jonathan Hazard urged moderation. "We are clear of it," spoke Hazard, "let southern states act for themselves." He argued that although slavery was a despicable practice, Rhode Island's convention members did not have the power to change the situation and stalling ratification because of it was a pointless gesture; the results could prove disastrous.⁶⁶

After four days of debate, the convention members decided on a bill of rights and twenty-one amendments to the Constitution of 1787. The bill of rights, largely a duplication of Virginia's, reaffirmed the heritage of freedom gained from England. Rhode Island's mistrust of national intrusions into state politics materialized into an amendment, when convention members asserted that Rhode Island's freemen would still have the right to "nominate and elect all state officers."

Of the state's twenty-one proposed amendments, all but five had already been urged by previous conventions. These five new amendments help to illustrate the unique characteristics of Rhode Island's Antifederalism. Among these was a suggestion that after 1793, changes to the Constitution receive the consent of eleven of the original thirteen states before becoming law, regardless of any additions to the Union that might come later. Another amendment sought to increase the power of the states by prohibiting Congress from laying direct taxes without consent of three-fourths of the states. The Rhode Island convention also recommended barring compulsory service in the military except in times of general invasion. Rhode Island's convention also authorized Congress to establish a system for the uniform settlement of the poor throughout the country. Finally, an amendment regarding slavery passed by a single vote; the delegates

⁶⁶ Polishook, 217; Rutland, 305.

wanted their objections to the practice noted. The amendment denounced the practice of slavery as “disgraceful to the cause of liberty and humanity,” and wanted Congress to establish laws that would end the importation of slaves into the United States.⁶⁷

The remaining amendments resembled those proposed by other state conventions. One asked for a two-thirds congressional majority before Congress could declare war, and a two-thirds majority before Congress could borrow money abroad. Others were directed at limiting the power of the national government. One declared that all monopolies should be outlawed; another wanted standing armies banned during times of peace. The delegates also wanted assurances that Congress would not interfere with state elections for federal positions.⁶⁸

After those issues were dealt with, the Country Party moved to adjourn the convention. Federalists, knowing a vote would approve the Constitution, attempted to force one immediately. Job Comstock and Jonathan Hazard defended the adjournment, arguing that the delegates still needed to consult with their constituents. “We are the servants of the people,” exclaimed Comstock, “we act for them.” The Federalists, mindful that economic sanctions from Congress were coming shortly, argued that if Rhode Island did not act now, Congress might compel it to act. They also argued that the convention could not dissolve, legally, without first making a decision about the Constitution. Nevertheless, Country Party members assumed control and on March 6, voted to adjourn by a margin of thirteen. In another heated debate, the Country Party won the battle as to when the convention would reconvene. Federalists wanted to reconvene as

⁶⁷ Ralph Ketcham, ed., *The Anti-Federalist Papers and the Constitutional Convention Debates*, “Amendments Proposed by the Rhode Island Convention. March 6, 1790” (New York: Mentor Printing, 1986), 225-26; Polishook, 220.

⁶⁸ *Ibid.*

soon as possible. Country Party members, wanting to wait until elections scheduled in April were over, set May 24, 1790, as the date for the next convention.⁶⁹

After the convention adjourned, the two sides prepared for the election campaign. The elections in 1790 were a tricky issue for the Country Party. They needed to be certain they had enough moderate votes after the election to ratify the Constitution; but they also had to maintain their support from Antifederalist voters. At the same time, they needed to show the Federal government that they would indeed ratify in May, so they would be eligible for Federal positions under the Constitution. To keep Antifederalist votes, John Collins, who had approved the convention, was dropped from the ticket. He was replaced with Arthur Fenner, Jr., a Providence merchant with known Antifederalist sympathies. But at the same time, an effort to show the growing moderation of the party, hardened Antifederalist Daniel Owen was taken off the ticket as well. He was replaced with Samuel Potter of North Kingstown, a moderate on the matter of ratification.⁷⁰

Federalists saw little reason to engage in an all-out election war with the Country Party. The more irreconcilable Country members were being weeded out of the Party's legislative ranks and they were unwilling to provoke an incident that might jeopardize ratification. Federalists proposed a strategy of splitting the election ticket with the Country Party, giving the Assembly an equal number of deputies on both sides, and urged Fenner to support the ticket in hopes of state unity. Fenner refused, arguing that it went against the nature of republican government by forcing the public to choose a predetermined slate of candidates. Antifederalists were ready to concede to the Constitution, but did not intend to share control of the Assembly.⁷¹

⁶⁹ Polishook, 222; *Providence Gazette*, March 13, 1790.

⁷⁰ Bartlett, *Records*, X, 375; Polishook, 224.

⁷¹ *Providence Gazette*, March 27, 1790; Polishook, 224-25.

Federalists went ahead with their unity ticket anyway. They supported Fenner and Potter for Governor and Deputy-Governor, but offered five merchants for seats in the Upper House. But the voters would not buy it. In fact, whether or not the Country Party would remain in control became the dominant issue of the campaign. The Constitution and ratification were pushed out of the spotlight. When the voting ended the Country party remained in control; seven Country Party members were reelected to the Upper House and 45 in the House of Deputies—a majority in both Houses.⁷²

With the elections concluded, attention once again turned towards the Constitution. The more cynical from outside the state and realistic from within knew ratification was still far from being a done deal. Ellery was now not sure the state would ratify. He still thought that economic and military actions might be essential to force Rhode Island into the Union. After the elections, Congress took Ellery's advice and on April 28, with a strong New England backing called an embargo on all goods imported from Rhode Island. Ellery hoped this would be only the first in a series of coercive measures against the state.⁷³

Ellery was also interested in congressional protection for Federalist towns. Ellery's friend and Congressman Benjamin Huntington could make no promises, but he told Ellery if Rhode Island seaports separated themselves from the state, Congress would probably protect them. He advised Ellery to be cautious because Congress was nearing the end of its session, and would not be able to take any action while it was dissolved. The towns, still unsure of protection of Congress went ahead anyway. The May town meeting in Providence declared it would meet with other

⁷² Bartlett, *Records*, X, 375; Polishook, 226.

⁷³ Fowler, 169; *Annals of Congress*, I (Senate), 966.

commercial towns and secede from the state, and petition Congress for protection if the convention failed to ratify.⁷⁴

Outside Rhode Island, patience for the state was gone. Two *Philadelphia Federal Gazette* articles reprinted in the *Providence Gazette* on the eve of the convention minced no words in addressing the citizens of Rhode Island. The first article warned “Your decision is of great importance, as it will affect our future deportment towards you,” and emphasized possible ramifications if the results were not favorable. “Indignation is so highly raised, reduction of your state is desired by many.” The article determined that there were only 5000 men of the state against the Constitution who could bear arms. In short, Rhode Island “antis” could not defend an invasion by Federal troops.⁷⁵

The reconvened session met at Newport, May 24. The first order of business was to read the instructions the town meetings had given to their convention delegates. The instructions still suggested an Antifederalist majority against the Constitution. Eleven towns and their 30 votes were in the affirmative, while sixteen towns and their 34 votes were in the negative.⁷⁶ It was to be a close vote, and a few delegates were going to have to ignore the instructions they had been given by their towns in order to ratify.

On May 28, after three days of debate, Job Comstock moved that the convention dissolve without a ratifying vote. Henry Marchant moved that a vote be taken on the Constitution before adjourning. Daniel Owen, still acting as President of the convention, ruled Comstock’s motion to

⁷⁴ Fowler, 169; *Providence Gazette*, May, 1, 1790.

⁷⁵ *Providence Gazette*, May 8, and 15, 1790.

⁷⁶ Newport, Providence, Portsmouth, Bristol, Middletown, Jamestown, Tiverton, Warren, Cumberland, Barrington, and Little Compton were in favor; North Kingstown, Gloucester, Charlestown, Coventry, West Greenwich, Coventry, West Greenwich, Richmond, Foster, Warwiick, South Kingstown, East Greenwich, Exteter, Cranston, Johnston, North Providence, Smithfield, and Siquate stood opposed. For three towns it is unclear if any instructions were drawn up for its convention members, Hopkinton, Westerly, and New Shoreham. Polishhook, 229-30.

adjourn took precedence. A vote was called for and dissolution was defeated by a majority of fourteen. Marchant's motion was tabled, and the convention moved to recess until the next day to allow some last minute consultations. On May 29, Henry Marchant's motion to ratify passed 34 to 32.⁷⁷ It had taken three years, but Rhode Island was finally back in the Union. A New York gentlemen said of the event, "The Accession of Rhode Island to the union is a most propitious event—it completes a great and glorious work, and will open the way to such a Revolution in that state as I will trust obliterate all remembrance of former times."⁷⁸ *Rouges' Island* had at last agreed to conform.

⁷⁷ *Providence Gazette*, May 29, June 5, 1790; Polishook, 229-30.

⁷⁸ *Ibid.*, June 5, 1790.

Chapter V: The United State?

Rhode Island's sister states cordially welcomed her back after ratification, and accommodations were made to make the transition as easy as possible. Daniel Owen quickly dispatched a letter to President Washington communicating the decision of the convention, and a letter from the General Assembly was equally prompt.¹ President Washington, in an effort to smooth relations with Rhode Island, made a special trip to the state during a recess of Congress. A small but illustrious entourage accompanied Washington: Thomas Jefferson, Secretary of State; George Clinton, Governor of New York; and members of Congress. The event marked a symbolic public end to the hostilities that had occurred in recent years.²

Still, sweeping changes had to be made to prepare the state to operate under the new Federal government, first and foremost being the shifting of powers from local control to the new national government. The General Assembly quickly made provisions to elect representatives to Congress. Rhode Island had been absent far too long in shaping this new government and wanted its voice heard as soon as possible. These elections removed the last taint of militant Antifederalism from Rhode Island's image from the rest of the nation. Theodore Foster, a Federalist from Providence, won the nomination to the senate in the Rhode Island legislature. Joseph Stanton, a vocal Antifederalist, won the other nomination. Stanton's victory was not surprising given the Country majority in the Assembly, but Foster's certainly was. Notably absent from the new senatorial delegation was Jonathan Hazard. He made it clear he wanted the position, but Foster's selection

¹ Bartlett, *Records*, X, 382.

² J. Franklin Jameson, "The Adjustment of Rhode Island into the Union in 1790," *Rhode Island Historical Society*, Vol. VIII (4), 112.

was deliberate and telling. Arthur Fenner, using his leverage as Governor, helped Foster edge out Hazard. He wanted to keep one of the most notorious symbols of Antifederalism from representing Rhode Island in the new national government. Fenner would continue to reshape Rhode Island's government for another sixteen years as Governor. When Foster's seat came back up for election in the General Assembly again in 1791, Fenner remarked to his brother-in-law Foster, "Hazard has a mind to try it again. It will be vain in my opinion."³ Hazard's political demise after ratification is one of the best examples of how dramatically the Constitution changed politics in the Narragansett State.⁴

More revealing would be the selection of the state's single delegate to the House of Representatives, since he would be elected by the people at large. Antifederalist Job Comstock was heavily favored to win, but was running along with two other Country Party members: James Sheldon and Simon Potter. The Country Party, having lost its two most important issues (paper money and Antifederalism), fell apart. Unable to decide on a single candidate, its three nominations split the vote and Federalist Benjamin Bourne won the seat. Bourne was an outspoken Federalist and key participant in the ratifying convention, in addition to being a well know opponent against the Country Party and paper money. His victory was by a decisive margin of 239 votes.⁵

One of the most intriguing outcomes of ratification was the mad dash of Rhode Islanders seeking government appointments under the new Federal government. Various state offices were dissolved and new ones created, leaving many individuals competing for the same new jobs. Applying for open Federal positions was rare since most appointments had been made the year

³ Ibid., "Arthur Fenner, Jr., to Theodore Foster," Providence July 12, 1790.

⁴ Bartlett, *Records*, X, 394; Ibid., 113.

⁵ Ibid., 388; *Providence Gazette*, August 28, 1790.

before, leaving only a few positions available. What made this process significant was how it was conducted. The appointments, made personally by Washington, demonstrated that recent events had not been totally forgotten. Previously, he had selected individuals based upon their prior positions, recommendations, and Revolutionary War experience. His decision for the Rhode Island positions were not as objective. In his appointments, former Antifederalists were frozen out. John Collins, former Governor, could not escape his previous association with the Country Party and was not thought a sufficient friend to the Constitution. Despite casting the vote to call a convention, he was overlooked as Collector of Customs for Newport. Instead, William Ellery made his diligence pay off and the outspoken Federalist was selected for the office. Henry Marchant, a key voice in the ratifying convention, was made a Federal District Judge. Other appointees were William Channing for District Attorney; William Peck for marshal; and Jabez Brown for Commissioner of Loans. All avowed Federalists. Rhode Island's political structure was being altered dramatically. These changes helped to solidify the sense of moderation that was taking hold in Rhode Island politics.⁶

These adjustments were relatively easy to get accustomed to, and no one grumbled much over shifting areas of local authority into the hands of a national government. However, the state's economy had more trouble digesting the reorganization. Four acts were passed by Congress that specifically addressed Rhode Island's ratification. The most important of these were the Tariff and Tonnage Acts. Under the Constitution, collection of customs and imposts would be handled directly by the national government, and revenues sent to the national Treasury. As a result, the state lost its primary source revenue and the impact was immediate. Without the monies supplied by shipping duties, local projects lost their subsidies and faced bankruptcy. One example was the

⁶ Jameson, 115.

River Machine Company, employed to dredge and deepen the Providence River. To that point all the equipment and labor had been funded entirely by the impost duties collected at Providence; the new act cut off that source. Without that revenue workers were sent home and the machines were idle and literally rusting away. Welcome Arnold, president of the company, wrote to Rhode Island's senators in Congress, Theodore Foster and Joseph Stanton pleading for help. "It is becoming entirely frustrated" he told the senators, and added that if sufficient funds were not acquired soon the project would fall apart.⁷ Stanton and Foster managed to pass a bill in Congress allowing Providence to collect certain duties on imposts until the project was completed.⁸ That problem was easily solved, others proved much more difficult.

When the Country Party's plan to eliminate the state debt was finally completed in 1789, Rhode Islanders thought the debate was concluded. Alexander Hamilton's plan to have the federal government assume the states' debts threatened to revive the issue. When he proposed his plan in 1789, it was a non-factor in Rhode Island's decision to ratify. Amid reports that the plan would never be approved by Congress, the convention delegates in Rhode Island did not consider the plan when they decided to ratify. Hamilton's plan made Rhode Islanders question whether or not the state's debt had been liquidated. The parties had conflicting views on the subject. As far as the Country Party was concerned, the state's debt was gone. Individuals who accepted Rhode Island's paper money had been compensated; those who had refused forfeited their claims to the state. Hamilton's bill had to infuriate Country Party leaders. To say there was still a debt meant

⁷ Jameson, "Welcome Arnold to Theodore Foster and Joseph Stanton," Providence, July 12, 1790; 113-15.

⁸ Ibid.

that all their efforts and fighting had been for nothing. It was this realization that threatened to rip apart the recently united Rhode Island government.⁹

Merchants were highly supportive of the plan, after all, their interests had been affected the most. Hamilton's bill pertained directly to the \$344,259 that was forfeited by creditors refusing to accept Rhode Island's issues of paper money. Hamilton and the national government now argued that Rhode Island had a debt of \$344,259 that it would have to pay off. Unfortunately, those that had accepted the depreciated Rhode Island currency could expect no compensation and only opponents of the paper money system would benefit. The Country Party and its supporters would suffer another defeat. However, instead of using the opportunity for revenge, merchants sought to appease all groups. The General Assembly voted to distribute the \$200,000 assumption fund equally to all creditors in the state. The remarkable outcome to this debate showed the determination of legislators to keep paper money from every again disrupting politics and reminding people of old hatreds.¹⁰ But there was still a remaining debt.

Another recourse sought by the General Assembly and Governor Fenner was to demand more money from the national government. This request was vehemently denied by the Treasury Department, and its representative in Rhode Island, Jabez Bowen. Fenner, working with the General Assembly, calculated that the \$200,000 assigned Rhode Island did not cover the amount owed the state's creditors. Fenner calculated that, insofar as Rhode Island was generally prorated as having one-fiftieth of the nation's wealth, its share of the total assumption fund of \$21,500,000 should have been 430,000. In the end, however, there was no second assumption, and in 1793, Rhode Island was compensated \$299,000 for its efforts in helping win the war. When the last of

⁹ Polishook, 235.

¹⁰ Ibid., 237-37.

these funds ran out, the state still had remaining debts. Regrettably, the state would again have to liquidate a state debt on its own. It was a bitter conclusion to a prolonged and disruptive affair. However, Rhode Islanders could now look back at this last struggle from the Revolution and breathe a sigh of relief. The concluding struggle of ratification was finally dispelled and Rhode Island was again united.¹¹

In 1787 when the Constitution was proposed as a new federal government, Rhode Island had no inclination to leave the Confederation. However, just as events precipitated its rebellion from mother England, events drove it for a time from the Union. Rhode Islanders prided themselves on their independence; after all, between 1789 and 1790 it was in all respects an independent country. Despotism at the hands of its fellow patriots or a Federal government appeared no better than that of English despotism. In truth, Rhode Island was ill prepared for the strenuous task of national cooperation required to build a united Federal government. Rhode Islanders only slowly came to realize the benefits of a stronger Union. Perhaps the state took the longest, most dangerous route to that discovery, but that was what its people demanded and so it was done. Until the Constitution appeared to uphold the principles of republicanism as Rhode Islanders understood them, it was thought a dangerous document. Only hesitantly did Rhode Island make its jump from isolationism to unification, and thus into the uncertain future of the American Republic.

¹¹ E. James Ferguson, *The Power of the Purse: A History of American Public Finance 1776-1790* (Chapel Hill 1961), 333; Polishook, 238-39.

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