

Pt. III:

THE
AMERICAN HISTORICAL
REVIEW

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James McHenry,
Maryland delegate at the Constitutional Convention:

Papers on the Federal Convention of 1787.

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Being¹ opposed to many parts of the system I make a remark why I signed it and mean to support it.

1s[t]ly I distrust my own judgement, especially as it is opposite to the opinion of a majority of gentlemen whose abilities and patriotism are of the first cast; and as I have had already frequent occasions to be convinced that I have not always judged right.

2dly Alterations may be obtained, it being provided that the concurrence of 2/3 of the Congress may at any time introduce them.

3dly Comparing the inconveniences and the evils which we labor under and may experience from the present confederation, and the little good we can expect from it—with the possible evils and probable benefits and advantages promised us by the new system, I am clear that I ought to give it all the support in my power.

Philada. 17 Sepr. 1787 James McHenry.

Major Jackson Secry. to carry it to Congress. Injunction of secrecy taken off. Members to be provided with printed copies. adjourned sine die. Gentn. of Con. dined together at the City Tavern.

18—

A lady asked Dr. Franklin Well Doctor what have we got a republic or a monarchy. A republic replied the Doctor if you can keep it. [(Foot-note by McHenry.) The lady here aluded to was Mrs. Powel of Philada.]

Mr. Martin² said one day in company with Mr. Jenifer speaking of the system before Convention.

I'll be hanged if ever the people of Maryland agree to it. I advise you said Mr. Jenifer to stay in Philadelphia lest you should be hanged.³

II.

[The following drafts of amendments are found on scraps of paper in McHenry's handwriting in the journal. They are obviously drafts of the amendment presented by McHenry and Carroll on September 15; see p. 617, *supra*.]

provided that any state may lay additional duties on shipping for the support of Lights, piers marks or Buoys or for the deepening or improvement of Harbours.

The legislature shall have power to erect piers buoys or marks and to deepen or clean harbours for facilitating or improving navigation—

No State shall be prohibited from laying such duties of tonnage as may be sufficient for improving their harbours and keeping up lights or buoys, but all acts laying such duties shall be subject to the approbation or repeal of Congress. Amended. 6 ay. 4 noes. 1 divided.

¹ From here to McHenry's signature is written on the preceding page in different ink.

² The anecdote of Martin is an insert written on the preceding page.

³ End of book.

THE
THREE PATRIOTS;

OR,

THE CAUSE AND CURE

OF

PRESENT EVILS.

ADDRESSED TO THE

VOTERS OF MARYLAND.

Baltimore :

PRINTED FOR THE AUTHOR.

B. Edes, printer.

1811.

It is evident that the government of the United States belongs to neither of these forms. It is not a democracy, for the people cannot enact laws in a body or seriatim, by a majority of their own votes ; but in as much as they *elect* persons who *make the laws*, it partakes of the principles of democracy. It is not an *aristocracy*, for the *rich exclusively* have no right to make laws ; but as it vests the law-making power under restrictions in citizens of certain ages, to be chosen by the people, and excludes from the exercise of this power, all under the prescribed age, so far it partakes of the principle of aristocracy. Lastly, it is not a monarchy, for the president is not the *depository* of the supreme power ; in as much, however, as he is vested with certain *kingly* prerogatives, the government, so far participates in the principle of monarchy. It follows that our government is neither the one nor the other. What then is it ? A *federative republic* ; federative, because composed of several states independent in certain respects, and united in others ; a republic, because made up of the principles of different forms, the name given to all mixed governments by that great master in politics, Aristotle. Hence Mr. Jefferson, in a moment of sincerity, declared to the people “ We have called, by different names, brethren of the same *principle*. We are all federalists—we are all republicans.”*

As our constitution of government then, is neither an aristocracy, monarchy, nor democracy, no citizen, without offending against its nature, can call himself a monarchist, aristocrat or democrat.

To dissipate the error which has given currency to these terms is of great importance, in as much as any change in the proportion of the blended powers of the constitution (an easy result from their use) must lead to its destruction. The fate of a hundred republics might be cited to convince you of this truth ; but instead of tiring you with examples, I shall relate a short anecdote or dialogue.

* See his inaugural speech.

The day the convention finished their labours, and before the constitution was promulgated, Dr. Franklin, who was a member of that body, met with Mrs. Powel, of Philadelphia, a lady remarkable for her understanding and wit.

“Well, Doctor,” said the lady on his entering the room, “We are happy to see you abroad again: pray what have we got?” “A republic, madam, if you can keep it.” “And why not keep a good thing,” said the lady, “when we have got it?” “Because madam,” replied the Doctor, “there is in all republics a certain ingredient, of which the people having once tasted, think they can never get enough.”

Observe, I pray you, how the doctor’s warning has been verified in France. The people of that country, not aware of the march of democracy, thought they saw the dawn of liberty in the demolition of the Bastile. When the king was removed from Versailles to Paris amidst the exclamations of fish women, it seemed to them to approach nearer day. He was beheaded; monarchic and aristocratic blood ran in streams from the guillotine in every quarter of the kingdom; then the sun of liberty ascended to the horizon. The reign of Robespierre took place: this too, was to increase its effulgence. The christian Sabbath was abolished, the Tiara trampled under foot, and the Pope dragged from Rome and marched triumphantly into France. This procedure was strange, but still it was applauded. One constitution followed fast on the heels of another, the last always the best. One set of patriots deposed another set, the last always the greatest patriots. At length Bonaparte became the depositary of the peoples’ rights, first as consul and last as emperor.

Reflect, my fellow citizens, I beseech you, upon these events. Where is the democratic show and scenery, that glittered on the shores of France, that dazzled your eyes and bewildered your imaginations? Vanished into air. Where the sun of liberty? Set. The temple of reason? Destroyed. The imprescriptible rights of man? No where to be found. All that you delighted in seeing torn up by the roots, as monarchic and aristocratic, you behold again te-

placed in their most dreaded forms, by a tyrant whose little finger bears heavier on a wretched people, than the loins of all their former monarchs.

Whilst the impression of these images yet harrowed the imagination, and the usurpation of Bonaparte inflamed the mind almost to madness against tyrants, Mr. Jefferson proclaimed in a message to congress "France has an enlightened government."

If we would secure our government from the fate of all its predecessors, we must unite our endeavours to preserve its principles in their well adjusted proportions, and be careful not to add one grain more of democracy to its ingredients.

Examine, now, I pray you, with as little prepossession as possible, the character and actions of those men you have been taught to look upon as "the advocates of aristocracy, monarchy, hereditary succession, a titled nobility, and all the mock pageantry of kingly government." Some are your neighbours, others your acquaintantance. Many you have known from childhood. Can you point to an individual among them, who has endeavoured to instil into you a love for a monarchy or aristocracy, or who has laboured to disgust you with your constitution? Be candid; have those who advocated the adoption of the government, done any act since, which evinces an abatement of attachment to it? Are they not (as many of them are still living) the same now that they were then, devoted to the constitution, and inimical only to whatever would alter it in its principles or form. Look now to those calling themselves democrats; pay the same attention to their way of thinking, and you will not discover, perhaps one among them who understands the meaning of the term and is not under the influence of sinister views, that would willingly agree to exchange the government for a democracy. Let this scrutiny be conducted dispassionately, and my life for it, you will be convinced, that excepting demagogues and office-hunters, who are ready to sacrifice every

18-

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well Doctor what have we got
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if you can keep it.

+ The lady here alluded to as
Mr. Powell of Philad.

Indist. by

James McHenry. Diary, September 18, 1787.
James McHenry Papers, Manuscript Division, Library of
Congress (63.02.00) [Digital ID# us0063_02p1] Manuscript
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