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The Public Services of
Gouverneur Morris to 1787

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THE PUBLIC SERVICES OF
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THIS IS TO CERTIFY THAT THE THESIS PREPARED UNDER MY SUPERVISION BY

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THE PUBLIC SERVICES OF GOVERNEUR MORRIS TO 1787

I. Family and Early Life.

In the biography of any American statesman of the Revolutionary period, there can be no more interesting chapter than the one depicting his connection with the making of the Constitution of the United States. To show that a man was influential in the Federal Convention is almost enough in itself to prove him great, while to show that he contributed some of the important parts of our Constitution, is to put him in the front rank of all Americans. We cannot properly appreciate any man of the Constitution-making period, nor can we give him proper recognition for his public services, until we study his life in the light of his influence in the making of the American Commonwealth.

No man has been more neglected as to the part he played in the Federal Convention than has Gouverneur Morris. Jared Sparks, his first biographer, writing in 1832, devoted six pages of three volumes to a description of Morris' work in the Convention. Sparks was necessarily unable to use Madison's notes; therefore we must excuse him. Anne Cary Morris, who published a Diary and Correspondence in 1889, gave but nineteen pages to the whole of his life to 1788. Theodore Roosevelt wrote a one volume life in 1886 which is much more readable, and in which a better sense of proportion is displayed than in any of the others. His chapter on Morris' work in the Convention sketches in a rather detailed way his views on the important issues. However, even that work does not give him due credit for the role he played in the
Therefore, the main purpose of this paper is to outline the work of Morris in the Convention, his views on the important questions, and his special contributions to the plan of government. In order to give a proper background for such a study, it will be necessary to sketch his early life with especial reference to his public services and his relation to the government, both state and national, before 1787.

Gouverneur Morris was born January 31, 1752, on the old family manor of Morrisania, county of Westchester, New York. His ancestors for three generations had lived on this manor, and had been prominent men in colonial affairs. His grandfather, Lewis Morris, had been Governor of New Jersey; had also served in the Assembly, and as Chief Justice of New York. His father, Lewis Morris, was also a member of the New York Assembly, acting as a supporter of the popular side in the interest of the rights and privileges of the people. Gouverneur had three brothers, Lewis, Richard, and Staats Long; the first of these was an advocate of freedom at the beginning of the Revolution, but the last of them was a resident of England, a supporter of the crown, and at one time a member of Parliament. (1)

The Morris family from its first establishment in America belonged to the powerful land holding class who played so large a part in the history of New York. This aristocracy, because of its independence after its establishment, did not always support the crown, although, on the other hand, it did oppose that group which events prior to the Revolution developed into the radicals.

(1) Sparks, Gouverneur Morris, I, 1-4.
The early English governors had been instructed to give large grants of land to the men of influence and ability in the colony, in order to gain their support (1). These early land grants had built up a small band of closely related families of wealth and power, who were known as the aristocracy, and in whose hands was a large part of the most valuable land of the colony.

Richard Morris, the great-grandfather of Gouverneur, came to America in the middle of the seventeenth century, and acquired an estate from the King in the county of Westchester (2). This estate had been invested with manorial privileges by the original grant, as had practically all the large estates in New York. At the time of the Revolution there were six manors in Westchester, of which Morrisania was one of the smallest, but, nevertheless, was large enough to identify the Morris family with the aristocracy. They were still further connected with that class through intermarriages with the Philipse and De Lancey families (3).

There were two other classes besides the aristocracy; first, the freemen and freeholders to the value of forty pounds, to which class political privileges were given; and second, the laborers and holders of small freeholds, who were unfranchised (4).

The aristocratic class had always been in control of the colony, not by organization as a court or popular party, but by organization as a social class. Once they had been firmly

(1) Becker, Political Parties in the Province of New York, 8.
(2) Sparks, Gouverneur Morris, I, 1.
(3) Becker, Political Parties in the Province of New York, 13.
(4) Ibid, 10-11.
established on their manors, they no longer felt that they need support the crown; therefore many of the most prominent families supported the Assembly as against the Governor(1). So we find Lewis Morris, the father of Gouverneur, following in the footsteps of the grandfather as a staunch supporter of the Assembly, opposing all executive encroachments on the privileges of the people(2). At the same time, many of the aristocratic class supported the crown either by virtue of office or personal sympathy. Thus Lewis Morris the grandfather was at one time Governor of New Jersey, and a member of the court party; later, as a member of the New York Assembly, he jealously opposed any extension of the power of the executive(3).

Until about the time of the birth of Morris, there was no thought of democracy among the colonists, who were content to follow the aristocratic leaders. In Westchester five-sixths of the population lived on the manors, and the elections were determined by the Philipses, the Cortlands, and the Morrises(4). The Assembly did not represent the people, but only a class who, in protecting their own interests against royal encroachments, were protecting the interests of the whole colony. Of course this was not done in the name of class interests, but rather under the guise of the general welfare of the people. On the other hand, the aristocratic class were just as much opposed to any extension of privilege to the unfranchised (who composed a majority of the people), as

(1) Becker, Political Parties in the Province of New York, 12.
(2) Sparks, Gouverneur Morris, I, 3.
(3) Ibid, I, 2.
(4) Becker, Political Parties in the Province of New York, 14.
they were opposed to yielding any of their own privileges to the crown. Yet, they were always supporters of government and the British Constitution as represented in their own institutions.

In was into this social class of a powerful landed aristocracy that Gouverneur Morris was born, and the inheritance of three generations made his alignment with them the more secure.

Lewis Morris, his father, died when the boy was only twelve, but he left ample provision for the care of his wife and the education of his son. His mother was a Gouverneur, one of the French Huguenots, and it may be the French strain which gave him that satirical sense of humor, making him so different from the always serious and ponderous men of his period. Of his early boyhood there is only the record of tradition, which has it that he was not overly fond of books, but rather sought pleasure in outdoor sports.

Morris went to King's College in the City of New York, whence he graduated at the age of sixteen (1). Here his habits were not those of a grind; rather he was noted for his alertness, versatility, and facility of acquisition. After leaving college, he began to study law as was expected of a man of his family. He so applied himself with study that he was licensed to practice in October, 1771, at the early age of nineteen years and nine months (2).

But, even before this, Morris had slipped out into the world of politics and public affairs. In 1769 a paper money bill was before the New York Assembly. Morris wrote several criticisms of the bill, pointing out with a good deal of acuteness the various defects and unsound principles which he conceived the bill to (1) Sparks, Gouverneur Morris, I, 6.

(2) Ibid, I, 15.
Morris continued to take an interest in all public affairs, but, at the same time, he did not neglect his profession. Nor did he neglect the social side of life, but entered that life of pleasure to which his social standing gave him ready access. It was not long, however, until the events of 1775 and 1776 pushed both pleasure and office work from the stage in order that more stirring scenes might hold sway.

During the years immediately preceding the Revolution, Morris had no more idea of separation from England than had most of his contemporaries. The aristocracy had opposed the stamp act, but in a lawful manner, in which they were distinguished from the riotous radical organizations (2). The problem before Morris and his aristocratic friends was to determine the basis of settlement with England. Morris writes in 1774, "I see that if the disputes with Great Britain continue, we shall be under the dominion of a riotous mob. - - - It in the interest of all men to seek reunion with the parent state " (3). Morris was remaining true to his class interests in urging reconciliation, but when the break came he was one of the first of the conservatives to break the bonds of an aristocratic training, and to unite with the radicals with whole-souled support (4).

(1) Sparks, Gouverneur Morris, I, 13-15.
(2) Becker, Political Parties in the Province of New York, 51.
(3) Sparks, I, 25.
(4) Becker, 207.
II. Public Services in New York.

The old New York Assembly, which had been loyalist in tone, adjourned in April of 1775, never to reconvene. The direction of the opposition to Great Britain was now in the hands of various extra-legal but popularly elected committees. The Committee of One-Hundred, which was at this time dominant in the city, issued letters calling for elections for a Provincial Congress. In Westchester only the radicals met since the conservatives ignored the meeting (1). This meeting elected Gouverneur Morris as one of the deputies from Westchester (3). This did not prove that he was a radical at this time because the radicals were wise enough to select a number of men who were rather moderate in order to conciliate the conservative class (4). At the same time he displayed a strong nationalistic attitude because his first act in the Provincial Congress was to support a resolution that implicit obedience be given to the Continental Congress (5). Due to a decidedly conservative element the resolution was laid on the table.

When Morris first took his seat in the Provincial Congress, he entered on a public career which was to continue, with

(1) Becker, Political Parties in the Province of New York, 202.
(3) Sparks, Gouverneur Morris, I, 36
(4) Becker, Political Parties in the Province of New York, 206.
(5) Sparks, Gouverneur Morris, I, 36
but few intermissions, to the time of his death. Even during those periods when he did not hold a public office, his thoughts were constantly in the realm of politics and public affairs. His character was admirably fitted for the career he was to follow. In the first place he had absolute confidence in himself, and he often said that in his intercourse with men, he never knew the sensation of fear or inferiority, of embarrassment or awkwardness (1). He was gifted with the power of ready speech, and could always think straight to the point. His keen sense of humor distinguished him from most of his contemporaries, but it, in the end, lost him more friends than it made him, because of the bitter satirical turn it often took. His most prominent bad quality was his absolute disbelief in all human honesty, and distrust in all motives, no matter how good and sincere they might be.

While in the Provincial Congress, Morris rapidly developed into a leader in all state affairs, both legislative and military, second only perhaps to Jay. As one of the leaders he was put on every important committee, where he labored zealously for the public good. In the first Provincial Congress his most valuable services were on the financial committees, where he helped to devise ways for raising money. Morris recommended in a report that paper money be issued, this issuance to be made by the Continental Congress and apportioned among the states. This report was adopted, and forwarded to Congress. Morris was also on the committee empowered to draw up a resolution as to the basis of reconciliation (2). Here he again displayed his nationalistic

(1) Sparks, Gouverneur Morris, I, 10.
(2) Ibid, I, 49.
breadth of mind by securing the passage of a resolution that the report be sent to the New York delegates in the Continental Congress, but that it should not be obligatory on them. He was clear-headed enough to see that reconciliation was an affair of the united colonies, and not of New York alone. The attendance soon dwindled so much that it was impossible to get a quorum. To administer the affairs of the colony a Committee of Safety was appointed, of which Morris was a member(1). By this time Morris was a leading radical(2).

The second Provincial Congress was elected at a time of the loyalist reaction, therefore was loyalist in tone(3). It met in the first part of 1776, but did nothing of importance. Its members were irresolute as to the course they should pursue, wavering between neutrality and passive support of the patriot cause.

The third Provincial Congress, which met in May of 1776, had work cut out for it to do. The questions of independence and of the establishment of a state government were both alive, and had to be settled. Thus far, few people in New York had thought seriously of independence. The delegates to Congress were instructed to act only on the basis of ultimate reconciliation with the mother country. However, they were soon brought up sharply by the fact that reconciliation was no longer possible. It was imperative that every colony should take a definite stand. The Provincial Congress was handicapped by the fact that it was not empowered by the people to grant any more power to its

(1) Becker, Political Parties in the Province of New York, 207.
(2) Ibid, 207.
(3) Ibid, 228.
delegates in Congress, who were, therefore, unable to take any stand on the question of independence. Morris, as a radical, now favored the pursuit of the war only on the basis of a fight for independence.

Congress had recommended that each colony establish a regular form of government, which resolution came before the Provincial Congress in June. Morris opened the fight for the immediate establishment of a new government, and in the course of a long speech delivered in June said: "As a connection with Great Britain without enslaving America, an independence is absolutely necessary" (1). No longer did he feel that we were dependent on the mother country, and no longer did he support the British Constitution, for he said: "Trust crocodiles, trust the hungry wolf in your flock, or a rattlesnake in your bosom, you may yet be something wise. But trust the King, his ministers, his commissioners, it is madness in the extreme" (2). Morris may have displayed irresoluteness in the early part of the Revolution, but when it came to the crisis, he at once united with the supporters of independence. From this time until the end of the struggle no one stood firmer in unwavering patriotism, demanding independence, than did Morris.

While the Provincial Congress was still considering the draft of the Declaration of Independence, the news of its adoption by the Continental Congress reached them. They at once unanimously approved the action of Congress, caused the Declaration to be published throughout the colony, and changed the name of

(1) Sparks, I, 97.
(2) Ibid, L, 107.
the Provincial Congress to the Convention of the Representatives of New York. The question of a form of government was not taken up until August, when a committee was appointed to draw up a plan of government. On that committee were Gouverneur Morris, John Jay, and Robert Livingston.

This committee did not report until March 12, 1777. When they did report, it was practically a finished document, as but few changes were made in the Convention itself. The Constitution was finally adopted April 20, 1777, and went immediately into effect (1).

The exact amount of credit that must be given Morris for his share in framing that first state constitution, is a question. There is no doubt that he was one of the leaders in both the committee and the Convention. However, since the committee kept no records, and the Convention kept no official record, we cannot determine just what credit should be given to any one man. It has been said that Morris, Jay, and Livingston acted as a sub-committee of the general committee, but this is extremely doubtful. However, they were all very good friends, and we have it from Jay that they met often to consult concerning various parts of the instrument (2). Jay was probably the leader of the three. William Jay, his son, who had sufficient opportunity to ascertain the true facts in the case, states that the draft of the Constitution presented was in his father's handwriting (3). A writer under the

(1) Lincoln, Constitutional History of New York, I, 556.
(2) Jay, Correspondence, (Johnston ed.), I, 128.
(3) Lincoln, Constitutional History of New York, I, 496.
name of Schuyler in the New York Columbian says that the draft was
chiefly drawn up by Mr. Jay, and that a considerable part of the
instrument came from his hands (1). Nevertheless, since Morris
was greatly interested in such matters, it is certain that if he
was on the committee, the instrument was not all the work of one
man. Furthermore, such a period of time elapsed between when the
committee was appointed and when it met, that the various ideas,
acting and reacting on each other, would tend to harmonize, and
the proposition of one would become the proposition of all.

On some subjects we can find out definitely Morris' atti-
tude. Even in his first attempt at government making, Morris
was in favor of a strong executive. The ruling tendency of all
constitutional bodies of that time was to curtail the power of the
executive, much in the same manner as they had desired to curtail
the power of the royal executive. The New York convention tried
to carry out that idea of a weak executive by making the executive
a board of men in place of a single man, thus dividing the author-
ity and the responsibility. Morris, more clear-headed than his
fellows, saw the fallacy in trying to weaken an executive who de-
rived his office and his power directly from the people. One
limitation on the executive power was to vest the appointive power
in a Council of Appointment composed of the governor and four
senators. Morris was at first induced by Jay to assent to the
plan (2). Morris later realized the weakening effect that the

(1) Carter and Stone, Reports of the Convention of 1821, 691-692.
(2) Jay, Correspondence (Johnston ed.), I, 128. Jay to Living-
stone and Morris, April, 1777: "I spent the evening of that day
with Mr. Morris at your lodgings, in the course of which I proposed
Council would have on the executive; therefore he refused to support the plan, and moved that the governor be allowed to appoint without the consent of the Council (1). This motion was defeated, and the council adopted as Jay had conceived it. Another limitation was placed on the executive by the establishment of a Council of Revision, composed of the governor, the chancellor, and the judges of the Supreme Court, which was to be given the veto power. Morris had urged the adoption of a limited veto in the governor himself, but was overruled by the Convention (2). After that, he made no opposition to the adoption of the Council of Revision. Morris was not entirely satisfied with the New York Constitution when it was finally adopted, and one great cause of his dissatisfaction was that these councils deprived the executive of the vigor which he should have. He so expressed himself to Hamilton, who agreed with him in that particular.

Morris' interests in the Constitution were not confined to the executive department, but were equally distributed throughout the whole frame of government. It was he who invented the plan whereby delegates were elected to the Continental Congress (3). Each house was to nominate a full list of delegates, and those on both lists were to be considered elected. Where the lists differed, the selection was to be made by joint ballot. Morris did not the plan for the institution of the Council as it now stands, and, after conversing on the subject, we agreed to bring it into the House the next day."

(1) Lincoln, Constitutional History of New York, I, 533.

(2) Lincoln, Constitutional History of New York, I, 505.

(3) Ibid, I, 537.
believe in any especial restraints on the legislature, but urged that a simple majority should constitute a quorum (1).

Although Morris has been called a radical at this period, he is often found remaining true to his aristocratic heritage. This is well illustrated by the part he played in fixing the qualifications for suffrage. In the old colonial days a man had to own a freehold worth forty pounds before he was allowed to vote (2), and up to the Revolution the unfranchised had exhibited no discontent (3). About 1775 the Assembly, loyalist in tone, did not offer opposition to Great Britain in the manner which the more radical colonists desired; therefore the dissatisfied people began to take control of affairs into their own hands. Committees of Correspondence were self appointed by the leaders. These in turn called for elections of various committees which became extra-legal governing bodies. At first these committees were in control of the conservatives, and they showed no disposition to give the radicals (who were generally at this time the unfranchised) any voice in the control of the committees. Thus a contest developed between the aristocratic conservatives and the unfranchised radicals as to whether the franchise should be extended or not. Since no new legislation was passed on the subject, they came to no definite conclusion. As long as the conservatives were in absolute control, they decided against the unfranchised. However, as time went on, the strength of the radicals increased until they had absorbed practically all the conservatives who had not turned

(1) Lincoln, Constitutional History of New York, I, 516.
(2) McKinley, Suffrage Franchise in the English Colonies, 213.
(3) Becker, Political Parties in the Province of New York, 15.
loyalists (1).

Thus the Convention was in control of the radicals, but moderated to some degree by the conservative element which they had absorbed. The extreme radicals were quick to seize the opportunity to secure an extension of the franchise, and introduced a resolution that a mere freehold, of any value, would give a man the franchise. If Morris had been in perfect accord with the radicals he would have offered no opposition. Since he was still somewhat of an aristocrat with conservative policies, he offered an amendment that the freehold must be at least worth twenty pounds before a man could vote. This amendment was adopted, and became part of the Constitution (2).

Morris made every effort to have an article adopted, which recommended to future legislatures that they take effectual measures for abolishing domestic slavery, as soon as it could be done consistently with public safety and the rights of private parties (3). He had the support of Jay and many other members of the Convention in his efforts to have the article adopted, but it did not have sufficient support to pass, and, therefore, was not incorporated in the Constitution.

The Constitution was finally adopted on Sunday, April 20, 1777 (4), and with that act went into effect, since there was no provision for submitting it to popular vote. The new government yet lacked organization, and a committee of Morris, Jay, Scott, Livingstone, Yates, and Hobart was appointed to start the govern-

(1) Becker, Political Parties in the Province of New York, 120.
(2) Lincoln, Constitutional History of New York, I, 514.
(3) Ibid., I, 553.
(4) Ibid., I, 558.
ment in operation (1). Morris was also made a member of the Council of Safety, which was instituted as the governing body until the elections could be held.

New York had not been left in peace and quiet to adopt and put in operation her Constitution. The very Convention which had adopted the Constitution had been forced to flee from place to place to avoid the British (2). Now all New York was again endangered by the advance of Burgoyne in his campaign of 1777. The Council of Safety was filled with alarm by the wild rumors of northern disasters. Morris and Yates were appointed to go north to the army and confer with General Schuyler as to the best means of defence (3). Morris immediately joined the army, and began a correspondence with the Council of Safety on the military conditions. His information was not very definite, and his vague expressions of disaster and depredations did little to quiet their apprehensions. The people were also clamoring for news; therefore the Council suggested that they desired more full and precise information, and that Morris include some paragraphs for the public. Morris did not take kindly to the suggestion that he write to appease the curiosity of the public; therefore he replied in a somewhat petulant manner: "We have received yours of the 19th, which offered us great pleasure, since we were enabled in some measure to collect from it our errand to the northward, one of the important objects of our journey 'being in the opinion of your honorable

(1) Sparks, I, 128.
(2) Lincoln, Constitutional History of New York, I, 491-492.
(3) Sparks, I, 130.
board to write the news'. "(1) Shortly after this Morris returned, prepared to give all requisite information to the Council of Safety.

Schuyler had been in command of the army during this part of the campaign, but the repeated disasters and his unpopularity with the New England troops induced Congress to replace him with Gates (2). Morris took up Schuyler's cause at the beginning of the trouble, and even went down to Philadelphia to intercede for him. On his dismissal Morris wrote him, expressing sympathy, and asking him to sink all personal feeling and consider only the common weal of the country (3). Morris himself, always acted on that proposition; and, although he disliked the manner in which Gates had attained his command, once he had been appointed Morris gave him all the support in his power. (4)

(1) Sparks, I, 134.
(3) Sparks, I, 141.
(4) Roosevelt, Gouverneur Morris, 73.
III. Public Services Under the Confederation

The time had now come when Morris was to be taken from the narrow field of his early activities, and given a place in the affairs of the nation. New York recognized the national scope of his talents (1), and elected him as delegate to the Continental Congress, where he took his seat on January 20, 1778 (2).

This was the winter that the army endured such dreadful suffering at Valley Forge. Not only was the army in a bad way because of the lack of proper food, clothing, and housing, but it had no assurance that the conditions would be remedied. The general organization of the army was a more or less haphazard affair, and could not handle a situation as pressing as the one at Valley Forge. Washington constantly urged Congress to institute some reform, and to this end Congress appointed a committee of five to repair to Valley Forge and consult with Washington.

(1) Jay, Correspondence (Johnston ed.), II, 147. Jay to Governor Clinton: "It gave me much pleasure to hear that Gouverneur Morris would probably be in your delegation this fall. Independent of my regard for him, it appears to me of great importance to the state that every valuable man in it should be preserved, and that it is particularly to our interest to cultivate, cherish, and support such of our citizens, especially young and rising ones, as are, or promise to be, able and honest servants of the public."

(2) Journals of Congress, VI, 30.
Morris was placed on this committee (1), and went at once to Valley Forge. There he assiduously devoted himself to the interests of the army, which meant the interests of the commander-in-chief. The interests of Washington were ever the interests of the army, and a man could not work for one without working for the other. Morris was wise enough to adopt without change the recommendations of Washington (2), and he labored so earnestly in attempting to secure their adoption that Washington considered him as the personal representative of his interests in Congress (3).

The most important measure to Washington was the one which secured half pay to the officers for life. Morris strenuously advocated the measure, and in the end was partly victorious; but the value of the measure was greatly reduced by amendments which limited the half pay to seven years (4).

Morris lost none of his self-assurance when he stepped from the New York Convention into the more important Continental Congress; therefore Congress overawed him not at all. What little respect he had for that body disappeared by the time his measures had suffered from disapproval of Congress. He wrote to Jay: "The mighty Senate of America is not what you have known it. Continental

(1) Journals of Congress, VI, 30.
(2) Roosevelt, Gouverneur Morris, 78.
(3) Washington, Writings (Ford ed.) VII, 17. Washington to Morris, May 18, 1778: "The sooner regimental regulation and other arrangements are set about, the sooner they will be finished, and for God's sake, my dear Morris, let me recommend to you to urge the absolute necessity of this measure with all your might."
(4) Journals of Congress, VI, 159.
Congress and currency have both depreciated"(1). Much of this feeling had been inspired in Morris by the shoddy way that Congress had treated the army. In his letters to Washington Morris was very frank in his disapproval of Congress. His energetic, impetuous temperament could not bear the dilatory tactics of that body. He wrote to Washington in May, 1778: "Had the several members who compose our multifarious body, been only wise, our business would have been long since completed. But our superior abilities, or the desire to appear to possess them, leads to such an exquisite tediousness of debate, that the most precious moments pass away unheeded like vulgar things"(2).

Because of his interest in the affairs of the army, Morris was put on practically every committee which had charge of military matters. The name, military, implies no unity to this kind of work, however, for we find him one day remedying abuses in the medical department, and the next day arranging for an exchange of prisoners (3). Morris was also on many other important committees, many of which dealt with the finances. He was keenly alive to the defects of government, and in 1778 drew up a long paper on the condition of the country. He took up in detail both the financial system and the organization of the army, showing the defects, and proposing a remedy. One of his proposals, which he did not soon forget, was that a treasury, navy, and commerce board should be established, together with an executive committee.

(1) Jay, Correspondence (Johnston ed.), II, 174.
(2) Washington, Writings (Ford ed.), VII, 29.
(3) Sparks, I, 153.
of government (1). Later, in the course of the debates in the Federal Convention, it was he who proposed a somewhat similar group of executive officers (2).

Morris also took a deep interest in the foreign relations of the Confederation. After the failure of Burgoyne and the empty victory of Howe in Pennsylvania, the British ministry began to despair of a successful termination of the war. Therefore, Lord North brought forward his famous Conciliatory Bills, which gave the colonists almost everything but independence (3). These bills were, on their arrival, referred by Congress to a committee of which Morris was the chairman. This committee lost no time in presenting a report which declared that the colonists would not treat with peace commissioners unless the British troops were withdrawn, or the independence of the colonies recognized (4). When the British Commissioners arrived, they met with but little better reception than the bills which preceded them. Their mission ended in total failure because of the unpopular basis on which they wished to treat. Gouverneur Morris played a chief part in the whole affair, and most of the reports and resolves, which were issued from time to time, came from his pen (5). At the close of the affair he was one of a committee to draw up an outline of the whole proceedings, entitled "Observations on the American Revolution". It was a clear and comprehensive account of the progress

(1) Sparks, I, 162.
(2) Farrand, Records of the Federal Convention, II, 342.
(4) Journals of Congress, IV, 165.
(5) Sparks, I, 187.
of the war and the attempts of Great Britain to secure peace.

Morris' second great service in the field of diplomacy was as chairman of a committee to consider certain important dispatches from the American Commissioners abroad and certain communications from the French Minister in the United States. The report of this committee may be considered as the basis of the peace made later, since it embraced all the essential points in the treaty of peace as to boundaries, evacuation of military posts, fisheries, navigation of the Mississippi, etc. The report of this committee was kept up for discussion from February to August of 1778, in which debate Morris took a leading part as a harmonizer. When the opinion of Congress had been definitely determined by this long debate, Morris was given the task of embodying the prevailing views in a draft of instructions to commissioners of peace later to be appointed. His draft was adopted by Congress without change.

Although Morris' greatest devotion was to the interests of the army and to foreign affairs, he was active in many of the minor affairs which came before Congress. He was one of the leaders in the very warm debate which grew out of the controversy between Silas Deane and Thomas Paine as to the former's negotiations in Europe. As regards treaties, Morris was an advocate of conservatism, and urged that it was below our dignity to seek foreign alliances before we had attained independence. He also mixed

(2) Sparks, I, 196.
(3) Ibid, I, 197.
(4) Ibid, I, 196-205.
(5) Ibid, I, 205.
up in the dispute between New York and Vermont. He refused to urge the right of New York to control Vermont, and, as a result, he lost many friends in his home state (1).

Morris had now served two one year terms in Congress, but, because of the machinations of some small minded New York politicians, he was not re-elected in 1779. His enemies put forward the frivolous charge that he neglected the interests of the state for those of the nation, which argument found favor with the states rights men. His luke-warmness in the Vermont matter was also used against him. The states-right politicians could not forgive him for his broad nationalistic attitude, simply because they could not understand it. Their state was their world, and when a man went out from it completely, they at once severed all connection with him.

The work that Congress did during this period was prodigious, and the energetic Morris escaped none of the labors. Although his greatest services were on special committees, he did work just as necessary, but not so noticeable, as chairman of three standing committees,—commissary, quartermaster, and medical department (2). On these committees he did all the work. Morris, as

(1) Sparks, I, 212.
(2) Ibid, I, 217. In a letter of Morris' : "I have no memoranda of what passed during the war. I led then the most laborious life. - - - - Not to mention the attendance from 11 to 4 in the House, which was common to all, and the appointment to special committees, viz., on the commissaries, the quartermaster's, and the medical department's. You must not suppose the members took any charge or burden of affairs. Necessity, preserving the democratic forms,
a personal representative of Washington, rendered especial service in combating intrigues against him. In what spare time Morris had, he labored at his profession, since his wages as delegate could not support him (1). Because of his prodigious labors, Morris had no time to keep a record of his connection with contemporaneous events; therefore what we know of his record in Congress must be gleaned from the meagre journals of that body.

When Morris left Congress, he did not return to New York, but established himself in his profession in Philadelphia. Although he now became a private citizen, he by no means lost his interest in national affairs. During the first part of 1780 he wrote several papers on the financial situation, attacking the laws which forced people to accept paper money as legal tender (2). He pointed out the errors of the states in their financial legislation, and outlined a remedy in a plan of taxation. He saw the great defect of the Confederation was its lack of revenue powers, and he said that after the war was over and its centralizing influence lost, the Confederation would become a mere rope of sand (3).

Morris was not long destined to play the role of the private citizen, for in the middle of 1781 he was made Assistant

assumed the monarchical substance of business. The chairman received and answered all letters and other applications, took every step which he deemed essential, prepared reports, gave orders and the like, and merely took the members of the committee into the chamber for form's sake to receive their approbation. "

(1) Sparks, I, 216.
(2) Ibid, I, 218.
(3) Ibid, I, 222.
Financier under Robert Morris. The affairs of the nation had long been in a rather chaotic condition because of the committee system for executive duties. This condition was remedied in 1781 by the establishment of the Departments of Foreign Affairs, Finance, War, and Marine. Robert Morris, because of his experience in financial matters and his ardor for the patriotic cause, was put at the head of the Department of Finance(1). In order that he might be free to remedy conditions as he saw fit, he demanded from Congress a large grant of powers, one of which was that he might choose his own assistants (2). As soon as Congress complied, Robert Morris requested Gouverneur's assistance in an office later to be created, which assistance Gouverneur willingly promised (3). When Congress created the office of Assistant Financier, Robert Morris appointed Gouverneur in a letter which expressed high praise for his talents, saying: "My entire conviction of the great and essential services, which your talents, genius, and capacity enable you to render to your country; and of that aid, ease, and confidence you can and will administer to my own exertions and feelings, never left me for one moment to hesitate about the choice I should make" (4). Gouverneur continued in this office until the beginning of 1785, when Robert resigned.

During this period a large share of the arduous labor of the department fell on his shoulders, of which he acquitted himself creditably. He had a good share in the establishment of the "Bank of North America". The scheme originated in Robert

(1) Sparks, I, 231.
(2) Ibid, I, 233.
(3) Jay, Correspondence (Johnson ed.), II, 36.
(4) Sparks, I, 233.
Morris and Alexander Hamilton, but Gouverneur drew up the final plan and also the observations which accompanied the plan to Congress (1). The bank at once had a wonderful effect in restoring public credit, and was invaluable in the assistance it rendered to the Department of Finance.

Gouverneur Morris also had a hand in the development of our present system of coinage. He drew up and presented to Congress a report on the state of the foreign coinage then in circulation, and to this report he added a plan of his own for a system of coinage (2). The basis of this plan was the present system of decimal notation, but the unit was very small because he wished to be able to express any foreign coin in terms of the new unit. This was a disadvantage since it required too many figures to express even small amounts. Therefore, when Congress took up the subject of a monetary system, they did adopt Morris' original idea of decimal notation, but they discarded his unit and remaining values.

When Robert Morris resigned in 1785, Gouverneur went with him, and again took up the practice of law in Philadelphia. He also engaged with Robert Morris in a series of commercial enterprises, which included shipments of tobacco to France, iron works on the Delaware river, and a voyage to the East Indies (3). These enterprises and the practice of law took up all of his time until the meeting of the Federal Convention.

Until after 1787 Morris kept no record of his correspondence; therefore all our knowledge of his views on public

(1) Sparks, I, 235.
(2) Ibid, I, 273.
(3) Ibid, I, 266.
matters or of his relations with his contemporaries must be gathered from the letter files of other men. These letters are not many, but they express some of his most decided opinions upon the pressing issues of the time. We find in his letters to Washington and Green some very caustic remarks on the manner in which Congress dealt with the army (1). Morris early realized the inefficiency of Congress, and he frankly expressed his disapproval of the way in which they administered the government. He found especial fault with the administration of foreign affairs. At one time he advised Jay to refuse his appointment as one of the American commissioners of peace because Congress instructed him to be governed by the advice of the French Ministry (2). The proud and haughty spirit of Morris rebelled at such servility, and to him the only way out of the situation was to decline the post. Jay decided differently as to the means, but he attained the same end by breaking the instructions.

(1) Sparks, I, 165
(2) Jay, Correspondence (Johnston ed.), II, 30.
IV A Member of the Federal Convention.

Morris early saw the need of a strong union in place of the Confederation, which he likened to a rope of sand. His experience in Congress and in the Department of Finance taught him that such as inefficient government could not last long. He constantly reproached Congress for its lack of material accomplishments, and although he was in Congress when the Articles of Confederation were adopted, he never strongly advocated the system of government that they established. He had hopes, however, that before long the states would grant more power because he wrote to Jay: "True it is the general government wants energy, and equally true is it that the want will eventually be supplied" (1). Morris relied on the evil conditions brought about by the weakness of the Confederation to force the states to amend the Articles. He wrote to Jay in 1783: "I think it probable that much of convulsion will ensue, yet it must terminate in giving to government that power without which government is but a name" (2). Again in the same year he wrote to Jay: "Nothing can do so much good as to convince the Eastern and Southern states how necessary it is to give proper force to the federal government, and nothing will so soon operate that conviction as foreign efforts to restrain navigation" (3).

Morris was correct in his optimistic view that more

(1) Jay, Correspondence (Johnston ed.), III, 104.
(2) Sparks, I, 249.
(3) Ibid, I, 259.
power would in time be given to the general government, and he was also correct in that it was the weakness of the government under the Articles of Confederation which compelled the additional grant of powers. Money troubles were the chief evils of the government. There was no power to force the payment of taxes, and Congress could not collect its requisitions. Various states passed crude financial measures which only made the economic discontent worse, and finally actual rebellion broke out in Massachusetts. Each state distrusted the others, and sought to benefit itself at the expense of the general government. This interstate jealousy made it impossible to secure the grant of any additional powers to the general government by way of amendment of the Articles.

One of the greatest causes of the friction between states was the difference in commercial regulations. In an effort to settle these differences, Virginia and Maryland met in a convention at Alexandria in 1785. This convention accomplished its immediate purpose so well that Virginia invited all the states to meet in May of 1786 at Annapolis "to take into consideration the trade of the United States, to examine the relative situation and trade of the said states" (1). The meeting at Annapolis was thinly attended, and no state except Virginia sent a full representation. However, resolutions were drafted by Hamilton, who attended from New York, and were sent out to all the colonies. These resolutions outlined the defects of the Articles and the desirability of having them strengthened by a convention which should report to the state legislatures.

As a result of the above resolutions, elections were held in most of the states for delegates to a convention to meet

in Philadelphia in May of 1787. Gouverneur Morris, having resided in Philadelphia for seven years, was considered a citizen of Pennsylvania, and was elected as one of the delegates from that state.

The framers of the Constitution of the United States assembled in the month of May, 1787, amid difficulties and embarrassments of the most extreme kind. In the first place, notwithstanding the weakness of the Confederation, many people were attached to that form of government. Many people did not believe it possible to better the situation by the means proposed. Some said it was not wise; others doubted the likelihood of any useful results; others even doubted the legality of the Convention. In truth the country had come to no united opinion as to what could or what should be done. However, the unhappy circumstances of the trials, sufferings, and difficulties that the country had gone through with in the years immediately preceding 1787 were keenly apparent to all. By the "crue of such adversity, and in an attempt to make some effort to avoid it in the future, the majority in most of the states finally gave their approval to the Convention.

One of the chief obstacles in the path of the success of the Convention was a lack of suitable models on which to build the framework of government. Europe could offer little help. The British Constitution, although its advantages were well known, did not suit the taste and temper of the people whose fundamental principle was that sovereignty was in the people. The very name monarchy had a repellent sound to the masses. The state constitutions offered some help, but they were on too small a scale to include the diversified interests which the national Constitution must include. At that time the world had never witnessed the meeting of the deputies of a nation chosen by the people for the
purpose of establishing a government in its entirety. No man had ever conceived such a colossal undertaking even in theory. There were some political theorists in Europe who considered the state of society and the relation of the sovereign and subject, and upon particular events discussed the right of the people to dethrone a bad monarch or to resist tyranny. However, this body had to go farther than that, build a government from the fundamentals up, and decide as to the best mode of the arrangements and distribution of powers. It was not that they created any new element of government, because in the history of the colonies, the mother country, and the Confederation, we can find the origin of practically every proposition; but the stupendous undertaking of building up a government piece by piece, even if the material was at hand, was one that the world had never before witnessed.

Another great difficulty that the Convention had to contend with was the diversified interests represented in its personnel. But few men realized the meaning of the word union in its full significance. Special interest had unselfishness crowded out of the creed of the average delegate. State jealousies were rife, depending not only on comparative size, but also upon location and economic development. So we find the large state party opposed to the small state party; the north against the south; and the agricultural class opposed to the commercial class. Each class rallied to the protection of its own interests, caring not how other states might suffer. It was only by compromises, urged by the most disinterested and far-seeing of the members, that the Constitution was finally evolved.

It is noticeable that the men who were the most disinterested, who were the most unselfish, and who looked not so much
to the interest of the few as to the good of the many, were the men who ranked as the leaders of the Convention. The men who labored for a special interest, whether successful or not, were not numbered among the most prominent statesmen. They may have had great ability and great influence, but because of the misuse they made of their talents, they are relegated to comparative obscurity.

The Convention included in its roll many men of marked quality. Some one has said that of the two great periods in our history the Civil War brought forth great generals, while the period of independence brought forth great statesmen. That which the time especially demanded was produced in each instance. To see us through the troublous times of our birth the nation demanded great statesmen, and one of the results of their labors was the Constitution. The government had to be built from widely scattered materials, and in the face of opposition by many different interests. To surmount these difficulties we had men in the Convention who combined a profound knowledge of the science of government with an acute sense of justice, and the qualities of magnanimous patriotism. They were men who rose above all local and narrow objects, and who embraced in the scope of their vision the welfare of the whole nation.

George Washington is first on the list of the great men in the Convention. He had not been eager to fare forth into public life once more, but he finally went since he was made to feel that much depended on his presence and support. He was elected President of the Convention,—a most fortunate selection, as his powers in debate were feeble, but the mere knowledge of his opinion as President would have great influence. Washington's friendship with Morris dated back to 1776, when Morris met him in New York as
a member of a welcoming delegation from the Provincial Congress of New York. This friendship became strengthened by Morris' invaluable services to the General and to the army while Morris was in the Continental Congress. Throughout the war they kept up a steady correspondence on the affairs of the nation, Morris always exhibiting a profound respect for the opinions of the elder man. An amusing incident is told of one time when Morris presumed on his intimacy with Washington. Washington was noted for his reserve, even to his most intimate friends; but Morris made a wager with Hamilton that he could be as familiar with Washington as with any of his friends. At one of the receptions Washington gave during the stay in Philadelphia, Morris attempted to carry out the wager by coming in and familiarly slapping Washington on the back. Morris in telling of it afterward said: "He did not speak, but the majesty of the American people was before me. Oh, his look. How I wished the floor would open and I could descend to the cellar. You know me, and you know that my eye would never quail before any other mortal" (1). The friendship of these two men was of the most personal sort, for Washington often records in his diary the hours he spent in company with Morris at dinners, in drives, and even in fishing trips taken (2). Their opinion on constitution making coincided to some extent, for Washington favored a strong federal government and a national sovereign (3):

With the second great figure of the Convention, Alexander Hamilton, Gouverneur Morris also had a very intimate rela-

(1) Farrand, Records of the Federal Convention, III, 36 note.
(2) Washington, Writings (Ford ed.), XI, 150.
(3) Ibid, XI, 150.
Alexander Hamilton was undoubtedly the greatest statesman in the Convention. The tangible results of his efforts are small because he was outvoted in his own state delegation. However, the value of the disinterested and patriotic efforts he made to secure the best possible government can not be measured. He had a deep knowledge of both past governments and the government of his own country, and also a profound insight into the principles of political science. He leaned toward the British Constitution in that it typified a strong, centralized government, under which he believed the blessings of liberty and the natural rights of mankind could best be secured. He realized keenly the evil effects of state attachments, and he saw the need of an efficient national sovereign. He had no narrow political or economic interests to serve, and he labored only in the interest of good government.

Morris' connection with Hamilton began when he was in the Provincial Congress of New York, and there began to carry on a correspondence on the affairs of the army (1). Both were young men deeply interested in public affairs, and both had somewhat similar views on government. When the first Constitution of New York was adopted, Morris sent Hamilton a copy of it with his ideas as to its defects (2). Concerning the Constitution Morris wrote: "I think it deficient for want of vigor in the executive, unstable from the very nature of popular government, and dilatory from the complexity of the legislature" (3). Hamilton agreed to the first and last propositions, but disagreed with the second.

(1) Sparks, I, 145.
for he wrote: "That instability is inherent in the nature of popular government I think very disputable. - - - A representative democracy, where the right of election is well secured and regulated, and the exercise of the executive, legislative, and judicial authorities is vested in select persons, chosen really but not nominally by the people, will, in my opinion, be most likely to be happy, regular, and durable"(1). In his opposition to a radically popular government Morris here seemed to go farther than even Hamilton, whose theories are considered as approaching nearest a monarchical form of government.

When Morris became Assistant Financier, he again entered work which brought him into close contact with Hamilton, for Hamilton was very much interested in financial matters, and kept up a constant correspondence with the Department of Finance. He offered many suggestions in the plan of the Bank of North America. In the later correspondence between Gouverneur Morris and Hamilton we find frank discussions of the political topics of the times. Morris combats the establishment of another bank, but Hamilton did not think it so harmful, and advises a coalition (2). Hamilton tells of the deplorable legislative conditions in New York, and in one letter asks for advice from Morris on some matters of banking (3). The whole correspondence shows that a close personal friendship existed between the two men. Because of the similarity of their earlier views, it is not surprising to find Hamilton and Morris striving for the same strong, centralized, almost monarchical

(2) Ibid., VIII, 161.
(3) Ibid., VIII, 164.
government in the Federal Convention.

Morris was not so closely connected with the other prominent statesmen of the Convention as he was with Washington and Hamilton. There was Madison, not a man of brilliant statesmanship like Hamilton, but one, nevertheless, of imminently talent and ability. He spent much time in preparing for the work of the Convention by a study of past constitutions and political theories. In addition to his theoretical knowledge, he was well equipped practically by his experience in the State Legislature, in the Continental Congress, and in the Constitutional Convention of Virginia. Madison early in the Convention came to recognize the ability of Morris, and the two labored together on many propositions.

Wilson and Franklin, two other leaders in the Convention, were in Morris' delegation. Wilson was one of the leading jurists of that time, and for six out of twelve years had been a member of the Continental Congress (1). To him the defect of the Confederation was the doctrine of states' rights, and he used his greatest efforts to secure its elimination by the adoption of proportional representation. Yet, on that question where he was the leader, Morris was the last to give up the fight for proportional representation in the upper branch (2). Franklin may be called one of the prominent men in the Convention because of the weight given to his opinions by his fellow members. He had some extreme and peculiar ideas, but because of the regard with which men held him, the Convention listened with the greatest respect when he spoke. Then often, when the debate became most

(1) Curtis, Constitutional History, I, 308
(2) Farrand, Records of the Federal Convention, II, 25.
heated, it was Dr. Franklin who reminded the members that they were there to consult and not to contend. With yet another member of the Pennsylvania delegation, Robert Morris, Gouverneur Morris was closely connected. He had served as Assistant Financier under Robert Morris for three years and a half, and later the two had been partners in the business world, which relation was still existing at the time of the Convention.

There were many other men whose presence meant well for the Convention. Randolph and Mason from Virginia were both men of note and influence; from Massachusetts came that brilliant orator and statesman, Rufus King; South Carolina sent Rutledges and the Pinckneys; from Connecticut came Ellsworth and Sherman; and from Delaware came Dickenson. These were the men who were to have the leading part in shaping the destinies of America.

Morris was well equipped for the work he was about to begin. He had the training of a lawyer, to which he had added legislative and executive experience. Morris had been in the state legislative bodies during the early part of the war and in the national legislature in the later period, where he had developed clear ideas as to the working relation between the general and state governments. He was a member of the first Constitutional Convention of New York, and took a very important part in the shaping of the instrument there produced. There, because of the distrust of the people, he had to be content with less than he desired in the way of a strong, centralized government. The mere fact that he was instrumental in the building of one government was invaluable when it came to undertaking the same thing on a

(1) Farrand, Records of the Federal Convention, II, 189.
larger scale. Morris had been on three of the executive committees of the Continental Congress where he full opportunity to realize the inefficiency of a government conducted in that manner. His later connection of three years with the Department of Finance gave him a yet deeper insight into the weaknesses of the Confederation. In addition to this practical experience in government, Morris had made some study of past constitutions, and his speeches in the Federal Convention show a wide knowledge of history.

As has been said, the Convention embraced in its membership the representatives of many special interests, from which list but few men could be excepted. Morris was different from most of his contemporaries only by the fact that his allegiance to special and class interests was not so strong, and also by the fact that he was usually able to disregard such allegiance when the best interests of the country demanded it. These special interests were due in a large part to the influence of his birth, his location, and the economic class to which he belonged.

Morris was born into the aristocracy of New York, and he remained true to his breeding. The only time he absolutely deserted his class was during the Revolution, when his love of liberty and freedom made him align with the radicals as opposed to the aristocratic conservatives. After the war was over, Morris found that his interests no longer coincided with the radical group. He could not favor their popular commercial restrictions, which so well expressed the radical views. He was now clearly on the side of the conservatives, and eager to use all his influence against radical legislation (1). He expressed his idea of the class he

(1) Sparks, I, 271.
opposed in a letter to Jay where he speaks of "those turbulent spirits who wish for confusion ", and he said that" in the regular order of things they can only fill a subordinate sphere " (1). Morris in the Convention expressed his disapproval of the establishment of an aristocracy (2), but his actions belied his words. He was at heart an aristocrat absolutely opposed to democracy, Madison wrote to Sparks years after the Convention : "He (Morris) certainly did not incline to the democratic side. - - - - He contended for certain articles capable of protecting the rights of property against the spirit of Democracy " (3). Morris' aristocratic tendencies are plainly visible in most of the things he did in the Convention, particularly in his work in the establishment of the legislative and executive departments. He was never in favor of a purely popular government, and when the New York Constitution was being considered, he wrote to Hamilton that he believed popular elective governments unstable from their very nature (4). He came to the Convention seeking this element of stability, which he believed could be best secured under an aristocratic government.

Morris' economic interests were also instrumental in shaping his course. These interests arose after he had moved away from the landed class of New York and had become connected with the commercial classes of Pennsylvania. Beard finds that Morris' economic interests were represented by his holdings in mercantile establishments, manufacturing, and shipping, all holdings

(1) Jay, Writings (Johnston ed.), III, 104.
(2) Beard, Economic Interpretation of the Constitution, 151.
(3) Farrand, Records of the Federal Convention, III, 499.
(4) Hamilton, Works (Hamilton ed), I, 27.

in personality as opposed to agrarian holdings (1). It was the agrarian class which was behind the paper money movements, and Morris had begun his opposition to them before he was out of his teens. He combated a paper money bill in the New York Assembly in 1769, and he kept up his opposition to similar bills throughout the years of frenzied paper money legislation. Madison in his letter to Sparks quoted above, mentions Morris' allegiance to property interests. His support of property was well shown in the New York Constitutional Convention, where he secured freehold suffrage in the face of radical proposals to remove all restrictions on suffrage. The class of personality holders that Beard lay so much emphasis on, the holders of public securities, did not list Morris as one of their number (2).

Morris' location in the states, that is, in the north and in a large state, was also influential in determining the interests that he represented. His northern sentiments were shown in many instances. His defense of the rights of personality can be partly attributed to northern influence, as most of the wealth represented by personality was in that section. His opposition to slavery, which had been begun in the New York Constitutional Convention, was northern in sentiment, although not essentially so. Morris was willing to restrict the South and the West in order that the North might predominate in the governmental councils. He was not interested financially in the West, but belonged to that class which opposed the West at every opportunity. As a representative of a large state he was bound to protect the interests of the large

(1) Beard, Economic Interpretation of the Constitution, 151.
(2) Ibid, 133.
state party, and he did so consistently.

It is evident that Morris went into the Federal Convention owing allegiance to many special and class interests. Summarizing; he was a member of the aristocracy and conservative classes; he represented "business" and money interests as opposed to agrarian interests, but he was not interested in public securities; he was a northerner; he was a member of the large state party; and he was opposed to an extension of power to the West.

The influence of these special interests was not enough to blind Morris to justice and the needs of his country. We find him often disavowing allegiance to any party or interest, and urging measures only on the grounds that it was for the best welfare of America. The following extracts from his speeches and letters express his sentiments as to class or sectional interest at three different times in his life. In 1783 he wrote to Jay: "The sovereign acts weakly, as well as wickedly, if he cramps one part of the community that he may drain more easily the blood and juices from another part"(1). In the Federal Convention itself he said: "I come here as a Representative of America; I flatter myself that I come here in some degree as a Representative of the whole human race. ——— I wish you gentlemen to extend your views beyond the present moment of time, and beyond the narrow limits of place from which you derive your political origin. — If I believed some things I have heard, I would suppose that we are assembled to truck and bargain for our particular states. I can not descend to think that any gentleman is really actuated by those motives "(2).

(1) Jay, Correspondence (Johnston ed.), III, 86.
(2) Farrand, Records of the Federal Convention, I, 529.
Finally, he wrote in a letter just before he died: "But gentlemen, let us forget party and think of our country. If our country be delivered, what does it signify whether those who operate her salvation wear a federal or a democratic cloak. It has been the unvarying principle of my life, that the interest of our country must be preferred to every other interest" (1). A man who professed to order his life by the above principles could not be influenced unduly by any sectional or class interests. No doubt the interests he represented affected subconsciously his course of action, but not enough to make him stray far from the path leading to the best possible government.

Morris played a very prominent part in the Convention. He was intensely interested in the science of government, and labored earnestly for the welfare of the nation; therefore he interested himself in every question that came before the Convention, no matter how trivial it might be. He was a natural orator, as William Pierce said, "Morris was one of those geniuses in whom every species of talent combine to render him conspicuous and flourishing in public debate" (2). He made good use of this talent for debate, for no man spoke more in the Convention than did Gouverneur Morris (3). Pierce also said that no one had more wit, nor could engage the attention more than Morris; his brilliant intellect could discern clearly the fundamentals of every argument, and bringing them to light make the labor of reasoning "lazy and pleasing" to his listeners. His principles were usually permanent ones, but, nevertheless, if in the course of the debate he saw the error of his position, he quickly admitted it.

(1) Sparks, III, 361. (2) Farrand, Records, III, 92. (3) Roosevelt, Gouverneur Morris, 139.
Morris believed in a strong national government. When he was first a member of the Provincial Congress of New York, he had urged allegiance in all matters to the Continental Congress, a position in advance of most of his contemporaries. During the period under the Confederation he constantly bewailed the lack of power in the national government, and he said that that very defect would force a reform. He came to the Convention still more firmly entrenched in his nationalistic attitude, with a strong determination to secure a powerful and permanent union in place of the loose federal league. In the first few days of the Convention he pointed out the distinction between a national and federal government, the former having a compulsive and complete operation, while the latter was a mere compact resting on the good faith of the parties. Morris urged that a supreme national government should be established (1). On this basis of desiring to establish a strong, centralized, national government Morris' work in the Convention must be interpreted.

A large share of the work of the Convention was done by committees, of which the three most important were the Committees on Detail, on Unfinished Portions, and on Style. Morris was a member of both the Committee on Unfinished Portions (2) and of the Committee on Style (3). The former was appointed the last of August, and considered many important provisions. The biggest thing it handled was the constitution of the executive, especially the method of election. This committee also refused to report a Council of State, and left the President supreme in his department, a fact which alone

(1) Farrand, I, 34.
(2) Farrand, II, 473. (3) Farrand, II, 547
made the government established noteworthy. The Committee on Style molded the Constitution into its present form and phraseology. There were five men on that committee, but the entire work was turned over to Gouverneur Morris (1), and credit for the clear and forceful language of the instrument must be given to him.

(1) Farrand, III, 419.
V. Services in the Federal Convention.

The time set for the meeting of the Convention was May 14, 1787, but on that day a quorum had not yet assembled. The delegates present met and adjourned from day to day. Finally on May 25 a sufficient number of delegates appeared to constitute a representation from a majority of the states. On that day Gouverneur Morris appears on the roll of the delegates (1). He had been present before, however, because Madison notes that he was a leader in some of the discussions which place before the Convention convened as to the plan of procedure (2). Morris remained in the Convention only a few days, and then he went to New York, returning again on July 2. From that time on he was present continuously, except for one or two days, until the Convention adjourned.

As soon as the Convention had organized, Randolph opened the main business by presenting a plan of government as a basis for discussion. This plan was far in advance of the Articles of Confederation. It provided for an executive, legislative, and judicial department, proportional representation, extension of the powers of the national government, a negative on state laws, and coercion of the states. The Convention immediately resolved itself into a Committee of the Whole, and took the Randolph plan under

(1) Farrand, I, 5.
(2) Ibid, I, 11.
consideration. Morris was present for only one meeting of the Committee of the Whole. At that time he declared that a union of the states merely federal would not accomplish the objects of common defense, security of liberty, and general welfare; that no treaty or treaties among the whole or part of the states as individual sovereignties would be sufficient; but that a national government consisting of a supreme Legislature, Executive, and Judiciary ought to be established. Morris frankly disclosed that his purpose was not one of amendment of the Articles of Confederation, but rather one of establishing an entirely new government on the basis of the centralization of the national powers in one supreme head.

The Committee of the Whole kept the Virginia plan under advisement until the 13th of June, when it reported it to the Convention (2). The national party was in control of the Convention, and things were moving rapidly toward the establishment of a strong government. Proportional representation for both houses of a bicameral legislature was part of the plan as reported. A party still remained which was opposed to any departure from the principles of the Confederation, and whose ideas were presented to the convention by Patterson in the New Jersey plan (3). This plan enlarged the powers of the national legislature, left the constitution of Congress as it was under the Confederation, and really left the sovereignties of the states very little diminished. Hamilton also presented his ideas on a constitution, which instituted

(1) Farrand, I, 33.
(2) Ibid, I, 223.
a government much stronger nationally than one proposed in the Virginia plan. He believed in tenure for good behavior for the Executive and Senate, a large extension of legislative powers, and subordination of the states. Notwithstanding the opposition to the Virginia plan, it was reported to the Convention on June 19 as the basis of the plan of government (1).

The propositions as reported by the Committee of the Whole were again taken up one by one in the Convention itself, and the whole struggle between the opposing factions was repeated. The question as to proportional representation was not yet settled, although the small state party seemed in the minority. Finally on June 19, by six states to five, it was definitely decided a proportional rule for representation in the first branch (2). No reversal of this decision was ever attempted. The rule of suffrage for the second branch yet remained to be decided, and Ellsworth of Connecticut at once moved for equal representation in the second branch (3), expressing his hopes of a compromise. The large state party could see no need or reason for a compromise, and warmly urged the extension of proportional representation to the second branch. The small states were desperate, and asserted that they would never confederate on any except just principles, which to them meant equal representation in at least one branch. Bedford even threatened a dissolution of the confederation and an alliance of the small states with some foreign power. All that day and the next were spent in fruitless debate. The motion of Ellsworth finally came to a vote on July 2, and resulted in a tie, five to five, with Georgia divided. The Convention was at full stop; there-

fore a committee or one from each state was proposed and decided upon (1).

Gouverneur Morris had just this day returned to the Convention, and he took this opportunity to make an extended speech on a variety of topics (2). Sparks related to Madison an anecdote, which had it that when Morris returned to the Convention, he spoke with such eloquence and power on the necessity of union and partial sacrifice, that he effected a change in the feelings of the members, which was the means of restoring harmony and ultimately effecting the objects of the Convention (3). Madison replied that Morris did speak at a critical time, but that his speech was not one which changed matters in the least, because of the fixed minds of the delegates, and because of the substance of the speech, containing, as it did, some of Morris' most disrelished ideas (4). Although Morris often did subordinate his own views and plead for harmony and disinterestedness, Madison was right in saying that this was not one of those times. Morris had been absent during the consideration of the Virginia plan; therefore he used this time to sketch over the whole plan of government and to express his own views. He based his ideas on the need of stability and permanence in government, and also on the need of combating the vices, which he believed inherent in every human, with other vices. He urged an aristocratic Senate, holding office during life, in order to separate the aristocratic interest and oppose it to the democratic interest as represented in the more popular lower house. He also contended that the Executive should appoint the Senate.

Since under this plan the Senators would lose all state attachments and could be taken from any place, it would do away with the need of determining a ratio for representation. Recurring to the idea that no man was honest, he said that there would be no need to pay the Senators as they would pay themselves. He also said that the Constitution could be forced on the people by bribing the popular leaders with office. Such a speech could do little to settle the immediate difficulty since it was neither directly on the point, nor was it a popular speech. Fundamentally the speech was good because it urged those essentials of a good government, stability and permanence. Morris said, "A firm government alone can protect our liberties"(1).

When the Grand Committee of one from each state was appointed, its personnel indicated that equal suffrage would win the day. Gerry from Massachusetts, Franklin from Pennsylvania, Davy from North Carolina, and Baldwin from Georgia were not men who would stand firmly for the rights of the large states. They were the weaker members from those states, and were willing to compromise at once. Therefore, on July 5 the committee reported for equal representation in the second branch, representation in the first branch proportioned 1 to every 40,000 inhabitants, and they conceded to the large states that all money bills must originate in the first branch (2). The large state party offered strenuous opposition to this report. It was no compromise to them. Even the power of originating money seemed no concession on the part of the small states.

In the matter of the restriction of money bills Morris

(1) Farrand, I, 511-514. (2) Ibid, I, 536.
was especially interested, and he opposed the restriction to either branch \(^1\), expressing his disapproval of the clause every time it came up for consideration. Morris considered the Senate more capable, hoped to see it aristocratic, and, therefore, was very much averse to any decrease in its power. He was afraid that the House would use this power to extort concession from the Senate in times when appropriations would be badly needed \(^2\). His real reason was a desire to keep all possible power in the Senate, but he advocated many others such as smaller number in the Senate, thus added responsibility; unnecessary division of powers; and inconvenience in operation. The clause was reported finally by the Committee on Unfinished Portions, but with a right of amendment in the Senate. Although Morris was on the committee, he gave notice of his reservation of a right to later dissent to the clause \(^3\). He did secure a postponement, but was unable in the end to prevent its adoption.

Morris also opposed the remainder of the compromise which established equal representation in the Senate. He conceived the whole thing to be against the best interests of the country, in whose interest he declared he acted as a Representative of America. He wanted the members to extend their views beyond the narrow limits of the place from which they derived their political origin. He expressed his disapproval of those who came to "truck and bargain" for their respective states. Bedford had said that in case the small states refused to agree, they would ally themselves with some foreign power. Morris pointed out that the people of the

\(^1\) Farrand, I, 545. \(^2\) Ibid, II, 297. \(^3\) Ibid, II, 509.
small states would soon follow their neighbors, and that if persuasion would not unite the country, the sword would. He painted with pessimistic colors the results of civil war if the Convention failed. He concluded by saying; "State attachments and state importance have been the bane of this country. I wish that your ideas could be enlarged to the true interest of man instead of being circumscribed within the narrow compass of a particular spot" (1). But for all his plea for disinterestedness, his biting scorn of the small state selfishness, and his grim prophecy of civil war, the adherents of equal representation were not to be stayed.

The report was taken up clause by clause, the one that fixed the proportion in the first branch at 1 to every 40,000 inhabitants being the first to come up. This did not accord with the views of Morris, who was not going to sit by and see property eliminated from the apportionment of representation. He outlined the basis of his argument when he said; "Life and liberty were generally said to be of more value than property. An accurate view of the matter, nevertheless, would prove that property was the main object of society "(2). Morris was moved to urge this consideration for property not only by his allegiance to the property holding class, but also by his narrow-minded opposition to the West. He endeavored in every way possible to curtail the influence of the West in the government, and since most of the property was in the Atlantic states, a representation based on property would subordinate the West(3). The Convention refused to establish legislative representation on a property basis alone; therefore Morris

(1) Farrand, I, 529-532. (2) Ibid, I, 533. (3) Ibid, I, 533
secured a commitment of the clause, and he was elected chairman of the committee which considered it (1). This committee brought in a report July 9 which assigned a definite number of delegates to each state (2). The numbers given to the states were chosen arbitrarily with the population and the wealth as a basis. However, they had no definite figures, and the thing was arranged rather haphazardly; therefore the clause was recommitted. When the second report was brought in, the states began to haggle as to the exact number of delegates that each state should get. It was another case of truck and bargain, and again Morris pleaded with them to forget state attachments and consider only the interests of the whole country (3).

As soon as the report had been amended and adopted, a motion was made for a periodic census in order that the representation of the future could be apportioned on an exact basis. Here Morris' aristocratic interests and his opposition to the West made him oppose the motion. If apportionment was left in the hands of Congress with no restrictions, he had little fear but that that body would keep the power in its own hands. He frankly avowed his purpose was to keep the West out of the government as much as possible (4).

Williamson introduced a new element when he amended the clause so that representation should be apportioned to all the whites and to three-fifths of the negroes (5). The South had failed in its first attempt to have the blacks counted as equal to the whites, but was determined to secure some sort of representation

for her negroes. Morris was opposed to counting three-fifths of the negroes. He pointed out the logical difficulty in that if the slaves were being counted as wealth, wealth should not be restrict-
ed to that one class of wealth; if the slaves were counted as pop-
ulation, all should be counted (1). Morris could feel that he
was fighting a losing fight, for the determination of the South
was plainly apparent. In order, however, to stave off the end as
long as possible, he moved that "taxation be proportioned to rep-
resentation". This as amended to include only direct taxation was
agreed upon (2). Even the menace of increased contribution could
not stave off the South, and she again demanded representation for
her blacks. The leaders saw the negroes must be counted in the
end; therefore they directed their best efforts to the establish-
ment of a compromise. As the clause finally passed it provided
that both representation and taxation be proportioned to the free
and three-fifths of all other inhabitants, and that a census be
taken every ten years.

Randolph took advantage of the way things were going,
and moved that representation rest on numbers alone. Morris was
on his feet in an instant, voicing opposition to a proposition
which would overturn his pet principle of representation propor-
tioned to wealth. If Randolph's motion passed it meant that part of
the wealth of the South was counted while that of the North was ex-
cluded. Morris could see as a result of the motion a union between
the West and the South, leaving the North in the minority. Morris
had always declined to see any division into Northern and Southern
interests, but now he said that he believed the gentlemen from

(1) Farrand, I, 583. (2) Ibid, I, 592.
the South would not be satisfied until they saw a way open to gaining a majority in the public councils. If the distinction between the South and North was real " let us at once take a friendly leave of each other ". With the power in the hands of the South and the interior country, he could see no advantage to the North in confederating (1). This speech was the farthest from deserving commendation of any Morris delivered in the Convention. Generally he was patriotically disinterested and unselfish, striving to establish the best possible government under the circumstances. But things had been going bad with Morris in the last ten days. He had strenuously opposed both the census and the representation for the slaves, but he had been defeated on both propositions. Now by the adoption of Randolph's resolution he was again defeated, and this time on one of his pet theories, that representation should be proportioned to wealth.

The final decision on the question of representation in the second branch came on July 16. On the question of agreeing to the whole report, including the three-fifths compromise and equality of state representation in the Senate, the vote was five to four, with Massachusetts divided (2). The leaders of the large state party had resisted the inevitable conclusion to the last, but now they accepted the vote with the best possible grace. They met before the Convention assembled the next morning, and decided not to risk the future of the convention by again urging proportional representation in both branches (3). Morris, however, refused to be bound by any such decision, and on the morning of July 17 he moved a reconsideration of the whole constitution of the

Legislative branch. It was the last feeble wall of the large state party, and did not even get a second (1). Although the question as to representation was settled, several minor questions as to the legislature yet remained to be decided.

The small states would secure the maximum influence in Congress if their delegates voted by states in the Senate and not per capita. It was to the interest of all men who opposed states' rights, and who wished to limit the influence of the states in the Senate, to secure a per capita vote in the Senate. Gerry had suggested it, but had made no definite proposal. Morris moved on July 23 that the members of the second branch should vote per capita, which was carried with only Maryland in the negative (2).

Morris finally became reconciled to the fact that equality would exist in the Senate in spite of his opposition. It was contrary to his principles of government, but bowing to necessity he accepted the fact as it was. However, the small states not only wanted equality given to them, but they wanted to be sure that they would not be deprived of their equality by any subsequent amendments. When the article on amendments was under consideration in the closing days of the Convention, Sherman moved that amendments should not be passed affecting either the internal police of any state or its equality in the Senate (3). Because of the opposition to establishing a precedent of special limitation on the amending power, the motion was lost. This seemed to the small states to bode ill for their future welfare, especially as regards their equality in the upper house. Morris, in order to quiet the murmurs of the small states and to restore harmony, moved that "no

state without its consent shall be deprived of equal suffrage in the Senate". This was agreed to with cut opposition (1).

Morris constantly urged that all unsettled questions be decided in favor of the national government and at the expense of the state government. One of these questions was as to the payment or the legislature. It had been debated in the Convention while Morris was absent in June, but nothing had been done about it. The Committee of Detail reported on August 14 for payment by the respective states (2). This plan would leave part of the control of the congressmen in the hands of the states,—a thing that was contrary to Morris' views on the subject. He offered as a substitute that the payment be out of the national treasury, the quantum to be left to the discretion of the national legislature. The motion was passed by nine states to two.

As to the powers of Congress Morris urged the greatest extension possible. He would oppose no grant or power which lessened the power of the states and increased the power of the national government. He urged that Congress be allowed to tax exports as well as imports (3). He wanted the whole power of commercial regulation given to Congress without restrictions (4). He favored the power of Congress to subdue rebellion in any state although the Governor, himself, should be at its head; and even if the Legislature refused to apply for help. He said, "The general government should enforce obedience in all cases where it is necessary"(5).

The one exception to his desire to increase the power of Congress, was in the case of emission of bills of credit.

Before Morris was out of his teens he had seen the fallacy of paper money, and had opposed its emission at every opportunity. He favored the interests of the creditor, commercial class as opposed to the debtor, agrarian class. During his residence in Pennsylvania he was one of the leaders in opposition to bad financial legislation, which had as its basis paper money. Following out the same principles in the Convention, Morris moved that the clause, "to emit bills on the credit of the United States", be struck from the powers of Congress (1). The friends of paper money urged the retention of the clause, but Morris' motion prevailed.

The powers that were granted to Congress Morris interpreted in the broadest manner, giving evidence of what later became Federalist political doctrines. When the clause prohibiting the states from laying embargoes was under consideration, Morris opposed its adoption because he thought that the general power to regulate interstate trade would cover the situation (2). McHenry records that he consulted Morris about inserting a power enabling Congress to erect piers and preserve navigation in the harbors, but Morris thought that it could be done under the clause "provide for the common defense and general welfare" (3). Again, on consideration of a power of Congress to establish a National University, Morris said that it would not be necessary as the exclusive power at the seat of government will reach the object (4). Morris would not limit the grant of power to the exact words used, but was willing to imply a grant of any power that the broadest interpretation would bring under the clause. He was a believer in the doctrine

(4) Ibid, II, 616.
of broad construction.

Morris was very influential in the constitution of the Executive, where his especial service was in the determination of the method of election. The whole question of how to call forth one of the people as chief executive, and how to clothe him with appropriate powers, was a most perplexing one. Other federal governments had no separate executive branch, and elective monarchies offered no available precedents. Therefore, the Convention had to work out the whole plan of its executive in detail, a wearisome task because of the frequent changes in opinions. As an illustration of the difficulty of securing a definite decision on any one point, over thirty-five votes were taken on the method of election alone.

The Virginia plan had the Executive elected by the Legislature, and without any change the Committee on Detail reported the clause on July 17. Morris objected. "If the Legislature elect," he said, "it will be the work of intrigue, of cabal, and of faction. It will be like the election of the Pope by the Conclave of Cardinals; real merit will rarely be the title to appointment." He moved for an election by the citizens of the United States (1). He was almost universally opposed, and on the vote only Pennsylvania recorded an aye.

On the method of election of the Executive depended the length of the term of office and his re-eligibility, which subjects the Convention now took up. The Committee of Detail had reported for ineligibility, but the Convention struck out that clause, and made the Executive eligible a second time (2). This gave rise

to the fear the Executive would be too dependent on the Legislature. To obviate this difficulty, Dr. McClurg moved that the Executive hold office during good behavior. Morris expressed his great joy, and declared his indifference to the method of choice if the tenure was to be during good behavior (1). That was nearer to his own principles of government than he had supposed would be proposed. It was not monarchy that he sought to attain, but rather the elements of permanence and independence in the Executive. Several members supported McClurg's motion, but Madison notes that most of them did so more from a desire to alarm those attached to a dependence on the Executive on the legislature, than from a belief in this sort of tenure. When it came to a vote, the motion was lost by four states to six (2). It was then decided to reconsider the question of re-eligibility.

When the question came up again on July 19, Morris made an extended speech on the constitution of the Executive. Because of the great extent of the country, he urged an Executive with sufficient vigor to pervade every part of it. The Executive should be the protector of the people against the tyranny of the Legislature. But if the Executive is to be ineligible a second time, it will destroy a great inducement to merit public esteem, and so be rewarded with reappointment. Furthermore, if he cannot seek lawful re-election, he may secure it by the sword, and even in the short period he will be in office, he will make the best of it in the accumulation of wealth. Morris went on to oppose impeachment as another means of making the Executive independent. If the Executive was to be the guardian of the people, let him be elected by the people;

(1) Farrand, II, 33. (2) Ibid, II, 36.
if he is to be a check on the Legislature, let him not be impeachable. The people would express their views as to the best man intelligently, for they would know all the prominent men in the country. Morris saw no way of making the Executive independent of the Legislature, except to make the office for good behavior, or to put the election in the hands of the people. Therefore, Morris moved that the whole constitution of the Executive should be reconsidered (1). This motion was passed unanimously.

Ellsworth now brought forward the method of election by electors appointed by the State Legislature, but the numbers to be apportioned to the people. This plan was adopted for the time being on July 19 (2). The opponents of the system of election by electors brought forward the objections of the inconvenience and expense of getting all the electors together, and such was the potency of their arguments that on July 23 they secured a reconsideration of the method of election. Election by the Legislature was again adopted, which brought up those vexing questions of re-eligibility and length of term. Morris was dismayed, and declared, "Of all possible modes of appointment that by the Legislature is the worst". He urged a short term, re-eligibility, and a different mode of election. He had changed his ideas in regard to impeachment, and urged that it was proper if the term was to be of any length (3).

The small states were afraid that a popular election would put them at a disadvantage, in that the Executive would always be a resident of a large state. Morris brought forward as a solution for that difficulty, a plan whereby each voter voted for

two men, one of whom should not be from his own state. Even this
did not clear away the difficulties in the minds of the opponents
to the system of election by electors; therefore on July 26 the
clause was adopted as reported from the Committee of the Whole,
that the Executive be appointed by the Legislature for seven years,
and that he be ineligible a second time (1). In this form the
clause was referred to the Committee on Detail.

The Committee on Detail did not change the clause, but
reported it as received on August 24 (2). The opponents of an
election by the Legislature brought in a motion to substitute
election by the people, but they were decisively defeated (3). How-
ever, Morris would not see a clause adopted, which seemed to him
so utterly bad, without strong objection. To guard against the
evils of corruption and cabal in the Legislature, he desired a
purely popular election, but the vote had just shown that an im-
possibility. Therefore, he revived the plan which seemed to him
the next best, an election by electors chosen by the people of the
several states (4). Although this motion had the support of five
states, it failed to pass.

The method of election was not yet definitely decided
upon; therefore it went to the Committee on Unfinished Portions,
which was appointed on August 31, and of which Morris was a mem-
ber. He was the most vigorous champion of the system of election
by electors in this committee, and he used all his influence to
secure a favorable report for that plan. It was probably not very
difficult since a majority of the Committee on Unfinished Portions

already looked with favor upon the plan, although some members were strong supporters of an election by the legislature. Brearly was strongly in favor of any plan which would secure power to the states, and had urged an election by the legislature, giving each state one vote (1). Williamson had always supported an election by the legislature (2). Gilman had not expressed his sentiments. Sherman thought that the President should be elected by the legislature (3). He later favored the system of electors, but this was not until after the Committee on Unfinished Portions had reported, and the change on mind must have taken place during the deliberations of the committee. Baldwin did not care for the electoral system at first, but he also changed his mind, and after the report of the committee he said: "The plan was not so objectionable after being well considered as at first view" (5). Butler favored part of the plan, but he opposed any inequality in the states (6). Madison (7), Carroll (8), Dickenson (9), and King (10) had all expressed a preference either for a popular election or, failing that, an election by electors. Thus in the committee there were five men who consistently favored an election by electors, three who were not favorable to the whole plan until after the committee had reported, two who opposed any plan but election by the legislature, and one of whom we have no record.

Morris, the leading supporter of the electoral system, was instrumental in securing the favorable votes from the

(10) Ibid, II, 55.
three who changed their opinions during the deliberations of the committee. That made a favorable majority, which on September 4 reported the section providing for election of the President by electors chosen in each state. To obviate the difficulty of the inconvenience and expense of coming to the seat of government to cast their votes, it was provided that they should meet in their respective states, vote, and then transmit the vote to Congress where it should be counted. In case no one secured a majority for President, the Senate was to choose from the five highest on the list. The man having the second greatest number of votes was to be Vice-President, and in case of a tie the Senate was to make a choice (1).

The report provoked an immediate storm of debate, and an explanation of the reasons for changing the mode of electing the executive was demanded. Morris rose to explain the reasons of the committee and his own. The danger of intrigue and the necessity of making the executive independent of the legislature were the chief reasons; dissatisfaction with appointment by the legislature, the inconvenience of the ineligibility demanded by that mode, and the anxiety of some for an immediate choice by the people were other influential reasons for the action of the committee.

The desire to use the Senate as a court of impeachment, — which would be undesirable if the legislature also appointed —, was another reason advanced by Morris (2).

Various objections were advanced to the new plan, of which the most urgent were obviated by amendments. A growing distrust of the aristocratic tendencies of the Senate led the convention to change the selection in the absence of a majority

to the House of Representatives (1). To retain the power given the states by the choice residing in the Senate, it was provided that each state should have but one vote. With a few additional amendments, adopted in order to make the section as clear as possible, the section was incorporated as part of the Constitution.

Morris was the moving force in the whole fight against the selection of the executive by the legislature. The fact that time after time the convention decided upon an election by the legislature did not deter him. At every possible chance he brought up the plan of an election by electors until he secured a favorable report from the Committee on Unfinished Portions, which assured its final success.

Morris also had some influence on that very important clause of the Constitution which says, "The executive power shall be vested in the President of the United States". That clause puts the whole responsibility of the administration of the executive department on one man, the President, with no one to share either the power or the responsibility. In this one clause the Constitution established a government different from any that existed at that time. Each state had its executive council, the King of England had his Cabinet, and the European governments had their ministers. It was hard to conceive of an executive department established which vested the power in one man alone. At first the convention assumed that a constitutional Council of State would be provided before the Constitution was finished. "There must be certain great officers of state, a minister of finance, of war, of foreign affairs, etc," said Morris. "These, I presume, will exer-

(1) Farrand, II, 327.
cise their functions in subordination to the executive, will be amenable by impeachment to the public justice. With out these ministers an executive can do nothing of consequence "(1). This was in the middle of July, and as no one submitted a plan of such a council, Morris turned his attention to that phase of the executive department. Ellsworth declared some of his ideas as to a council, but upon notice that Morris was going to present a plan, he let the proposition lie over. Later Morris presented a plan which provided for a Council of State consisting of the Chief Justice of the Supreme Court, Secretary of Domestic Affairs, Secretary of Finance and Commerce, Secretary of Foreign Affairs, Secretary of War, Secretary of Marine, and the Secretary of State(2). It provided that the President could submit any matter to the Council of State, but that he did not have to be bound by their opinions. This plan was referred first to the Committee on Detail, and later to the Committee on Unfinished Portions.

The Committee on Unfinished Portions refused to report the plan, but merely substituted a clause that the President might require the opinions of the principal officers in the executive department (3). Mason objected to the action of the committee on the grounds "that in rejecting a council to the President we are about to try an experiment which the most despotic governments have never ventured. The Grand Seignior himself had his Divan ". Franklin, Wilson, and Madison all urged consideration for an executive council. Morris rose and explained his change of mind and the opinion of the committee by saying that it was judged that the President would acquire protection in his bad measures by persuading the Council of State to approve them(4). The clause as

reported,—without a Council of State—, was adopted.

Morris urged voluntary shirking of responsibility by the President as the best grounds for discarding a Council of State, but in the end it would have probably been the involuntary shirking of responsibility that would have damned the plan. Once give an executive council the foothold of being supported in its existence by the Constitution, and it would never stop in its acquisition of power. The mere fact that the members would have held office only at the pleasure of the President, and that he would not have been required to follow their advice, would not have exerted much influence in the long run. The British Constitution is founded upon the same principles as the plan that Morris suggested, and yet the King has become a mere figure head in the executive branch. The Council of State would have used every little precedent which they might have established in the furtherance of the extent of their power, until the dominant force in the executive department would have been the Council and not the President. Under the present system the Cabinet is entirely unknown to the Constitution. Without the support of that document it can become of little importance as compared with the President, in whom is vested the executive power of the United States. Morris and his colleagues did better than they knew when, discarding all precedents, they established a one man executive, sharing no power but that of appointment, and sharing the responsibility with no one.

Since he was interested in the establishment of a stable executive department, Morris urged appointment of officers (1) should be by the President. The convention did not incline to

(1) Farrand, II, 44.,
Morris's view, but proposed to vest the appointive power in the Senate. Gorham made a motion on July 18 to have the President appoint the judges, which motion Morris seconded, but it failed to pass. Morris said that if the Senate alone was given the appointive power there would be too little responsibility and too much intrigue. He favored giving the President the power of nomination and the Senate the power of confirming, since that would secure both responsibility and security. The power of appointment was finally referred to the Committee on Unfinished Portions, which reported for appointment by the President, by and with the advice and consent of the Senate, and in that form the clause was adopted. Morris later secured even a greater increase in the executive power in a clause which provided "that Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments." 

Morris's motives in the establishment of the executive were purely nationalistic ones. A strong, firm, and independent executive meant to him a national government; therefore he opposed anything which was inimical to such strength, firmness, or independence. Many of Morris's contemporaries had keen remembrances of the misuse of power by the royal governors, and were not anxious to give the executive much power. Morris had a keener vision, and distinguished as to the source from whence the popularly elected executive would draw his power; therefore he used his efforts to putting all possible power in his hands. Bancroft intimates that Morris underhandedly attempted to secure a life tenure by means of

a combination of the electoral system with election by the Senate. He said that Morris figured out that under the electoral system no man would ever secure a majority, but that the election would always be cast into the Senate. Then by a junction between the outgoing President and the aristocratic Senate the President would secure re-election for life(1). The above charge is an injustice to a man who on every occasion boldly and frankly enunciated his true opinions and the object he sought. To refute it we only need to refer to Morris's own action in the convention. On September 6 he urged a proposition of Gerry's that in case of no majority the election should be referred to both branches and not just to the Senate(2). Morris even went farther than this, and suggested that the President in office should be re-eligible only in case he should secure a majority in the electoral college(3). Morris at this time had discarded all idea of a tenure for good behavior, since he was satisfied that the electoral system would secure the independence that he desired. But if Morris had still desired a tenure during good behavior, he would have urged it openly, and not have tried to secure it by a subterfuge.

The questions of the veto power and the establishment of the judiciary are very much mixed up, because of the proposition to combine the Supreme Court with the President in a Revisionary Council. The idea of the Revisionary Council was first brought up in the Committee of the Whole, and was discarded as the veto power was vested in the President. Wilson revived the plan on July 21. Morris had allowed the introduction of the same plan of a Council of Revision to be introduced into the New York

(1) Bancroft, History of the Constitution, II, 176-177.
(2) Farrand, II, 522. (2) Ibid, II, 527.
Constitution, and here again he half-heartedly favored it. He said that he was apprehensive that even the auxiliary weight and firmness of the judiciary would not give the executive sufficient protection against encroachment of the legislature (1). The proposition was again defeated, and upon being brought up in the middle of August was once more defeated. Morris regretted very much the defeat of the motion the last time, because at that time the election of the President was in the hands of the legislature, and he thought it needed this additional support to secure its independence. As it was the President had a veto which could be overruled by a two-thirds majority. Morris urged an absolute veto in place of the qualified one, and his words at least had the effect of getting the two-thirds changed to a three-fourths (2). In the closing days of the convention the majority needed to overrule a veto was changed back again to two-thirds, with Morris strongly objecting. Morris’s support of the Revisionary Council was due to a desire to secure added support for the executive against the body that elected it, the legislature. When the electoral system was adopted Morris favored a veto in the President, but he did not want it so qualified as to be worthless.

Even after the judiciary had been eliminated from the veto power, Morris believed that they should retain some control over legislation. This control was the power of declaring laws unconstitutional. In a speech on August 15 he said: "I cannot agree that the judiciary shall be bound to say that a direct violation of the Constitution is law" (3). Encroachments of the popular branch of government ought to be guarded against.

Such expressions show that Morris was one of those in the convention who thought that the judiciary had the power of declaring laws unconstitutional.

There was very little actual contention in the convention as to the establishment of a judiciary, but where there was contention Morris usually held the prevailing views. He favored the appointment of the judges by the executive, but conceded that it might be with the advice and consent of the Senate (1). He urged the necessity for the establishment of inferior tribunals. The term of office for the judiciary had been made during good behavior, but on August 27 Dickinson moved that the judges should be removed by the President on the application of Congress. Morris opposed the motion on the grounds that the judiciary should not be subjected to such an arbitrary authority. The motion was defeated.

Morris believed strongly in the theory of separation of powers. He would make the exception, however, in case of one department being weak and needing protection. Under that exception he urged the Revisionary Council. As long as one branch was as strong as another he objected to no increase in power, since that all tended to strengthen the national government. He wanted to subordinate the state governments because to him state attachments were the bane of the country. Nationalism was the dominant tone in all his work on the fundamentals of government.

The slavery question was one that could not be settled, but continued to bob up and vex the convention under a variety of guises. When the Committee on Detail reported the clauses on representation, August 26, opposition arose to the continued

(1) Farrand, II, 41.44.  (2) Ibid, II, 428.
importation of slaves. Morris did not stop by objecting to the importation, but moved that there should be no representation except of free inhabitants (1). "I never will concur in upholding domestic slavery", he said. He compared slave holding states with the free states, to the great disadvantage of the slave states. He again pointed out the inconsistency in counting only three-fifths of the slaves as population, or in counting only wealth in slaves and no other wealth. He gave way to sectional interests, and demanded, "What is the proposed compensation to the northern states for a sacrifice of every principle of right, every impulse of humanity. They are to bind themselves to march their militia to the defence of the South." He grandiloquently concluded with, "I would sooner submit to a tax for paying for all the negroes in the United States than saddle posterity with such a Constitution". (2). It was a defeated motion as soon as made, and even the one affirmative vote of New Jersey was a surprise. As far as counting slaves in the representation was concerned, that was settled for good, but the skirmish had just begun on the limitation of the slave trade.

The question again came up on August 21 with the report of a clause prohibiting a duty on exports, on slaves, and forbidding any prohibition of the importation of slaves. The South had opposed any duty on exports, and although Morris reminded them that "these local considerations ought not to impede the general interest", the convention adopted that part of the clause which concerned exports (3).

The rest of the section caused some little discussion. To those who urged a prohibition of or a tax on the importation of

slaves, the South replied that she would never confederate on such terms. South Carolina and Georgia were especially outspoken in their demands, and refused to adopt any Constitution which threatened the slave trade, while North Carolina intimated that she would follow the example of her neighbors on the south. In an attempt to remove the difficulty Tinkney moved to commit the clause in order that the slaves might be made liable to an import tax (1). Morris saw the hopelessness of reaching any harmonious opinion on the subject. He was greatly opposed to slavery, and gladly would have seen the importation of slaves stopped. He also favored the taxing of exports. Neither of these propositions, however, was so important to him that he would not consent to a compromise for the ultimate good of the country. Understanding the impossibility of the South's confederating if the slave trade was abolished, he wished to have the whole section committed, including the clauses relating to taxes on exports and the navigation act. "These things may form a bargain among the northern and southern states", he said (2).

Accordingly the clauses were committed, and on August 25 reported to the convention. A tax was to be laid on the importation of slaves, but the importation was not to be prohibited by the legislature prior to the year 1806. Amended so that the tax should not exceed ten dollars per person, and that the year should be 1808, the clause was adopted. In urging this as a compromise Morris was putting his love of America above his love for any section, creed, or class, and it is to his credit rather than to his disgrace that he finally consented to recognize the slave

(1) Farrand, II, 373.  (2) Ibid, II, 374.
traffic. Without such recognition union would have been impossible.

Morris was interested in the clauses on the admission of new states because of his opposition to the West. The Committee on Detail reported for admission of new states by a two-thirds majority of Congress, such admission to be on the same terms as the original states. When the clause came up on August 30, Morris moved that the clause read: "New states may be admitted by the legislature into this union; but no new state shall be erected within the limits of any of the present states without the consent of the legislature of such state, as well as the general legislature." (1). By this clause the legislature would not be compelled to admit any states except on such terms as it desired, and Morris hoped that this would secure permanent subordination of the West. The last part of the clause was worded by Morris with an idea of protecting the large states in their claims to western territory. This brought on the old conflict between the landed and the landless states since the landless states were unwilling to guarantee the territorial claims of any other state. Morris pointed out that if the clause was rejected with a forced division of the landed states as an object of the new system, that "the gentlemen from those would pretty quickly leave us" (2). The clause as Morris framed it was adopted the next day (3).

Still following Morris, the convention took up the clause bearing on the regulation of territories. The landed states wanted further guarantee of their territorial claims, while the landless states desired the claims guaranteed to the United States.

(1) Farrand, II, 455. (2) Ibid., II, 456. (3) Ibid., II, 464.
Wilson and Madison thought it best to leave the whole question in statu quo, and thus escape the need of coming to any decision either one way or the other. In order to satisfy both sides, Morris offered the clause in the following words: "The legislature shall have the power to dispose of and make all needful rules and regulations respecting territory or other property belonging to the United States: and nothing in this Constitution contained shall be so construed as to prejudice any claims, either of the United States or of any particular state." (1) In that form the clause was adopted.

When the question of suffrage qualifications arose, Morris took the aristocratic side in that he urged freehold suffrage. Mason introduced a clause on July 26 which provided that members of the legislature must have landed property and must not have unsettled accounts with the United States (2). Morris said that he much preferred qualifications in the electors. He opposed the last part of the clause because of the large number of public creditors it would exclude from holding office, and he said, "It is but a scheme of the landed against the moneyed interest." (3) Personality saw the danger to which it was subjected, and secured the defeat of the clause. Morris had another opportunity to urge qualifications in the electors on August 7 when the Committee of Detail reported that qualification of electors should be fixed by the states. He moved to strike out the clause in order that he might substitute some other provision to restrain the right of suffrage to freeholders.

Morris had been active in the New York Convention

in reserving the right of suffrage to freeholders. He had been brought up in an aristocratic society which knew no other kind of suffrage, and this environment often exerted its influence. Earlier in the convention it made him urge representation proportioned to wealth as well as numbers. His defeat on that proposition did not prevent his trying again to give property what he thought was its due importance.

In his argument for freehold suffrage he did not confine himself to the merits of that system, but went on to say that it was not proper that the qualifications of the electors of members of Congress should depend on the will of the states (1). He professed to believe that giving the vote to non-property holders would threaten the country with an aristocracy in that they would sell their votes to the rich. This train of reasoning ran back to the old New York manors where the manor holder commanded all the votes on his land. Madison supported Morris, likewise thinking the freeholders the safest guardians of our rights and fearing the dominion of the rich over the poor. The majority of the convention, however, were afraid to excite the jealousy of the people by depriving them of votes for federal offices when they might vote in the states, and the motion for freehold suffrage was lost (2).

The method of ratification was a question which came up several times during the course of the convention, and on which some very diverse views were expressed. On July 25 the clause of the Virginia plan which required ratification by state conventions was reported to the convention. Ellsworth and Paterson urged that

(1) Farrand II, 201.  (2) Ibid, II, 206.
that ratification be by the State legislatures instead. Morris pointed out that the convention was not proceeding on the basis of the Confederation, but was in fact not legal under the Confederation. Ratification by the State legislatures would require unanimous consent, otherwise the courts would hold the proposed Constitution void as unconstitutional; while if the Constitution was referred directly to the people, the federal compact could be altered by a majority of them. In pursuance of such ideas Morris moved that the Constitution be referred to one general convention chosen by the people; however, this motion was not seconded (1), but it was decided to refer the Constitution to State conventions.

When the section came up again on August 30 in a report of the Committee of Detail, Morris moved that the State legislatures be left free to select their own modes of ratification, his idea being to facilitate the adoption of the plan(2). Again, however, the convention went on record as favoring ratification by State conventions. Morris was eager to secure speedy ratifications, preferably by the people. Fearing the dilatory methods of State legislatures, he offered a clause requiring the legislatures to provide for conventions as speedily as circumstances would permit. This was going too far in the way of dictation, and the convention rejected the clause (3). Morris finally was fairly content with the method of ratification by State conventions, because it was more nationalistic than ratification by the State legislatures.

Probably Morris' most important services in the convention were as a member of the Committee of Style. This committee was appointed September 8, and was composed of Johnson, Hamilton,

Morris, Madison, and King (1). Its duty was to revise and arrange the articles that had been agreed to in convention. The convention had given such long-continued and oft-renewed attention to every part that it would seem as if there could be no improvement on the language, and that the only change could be in the arrangement. However, much of the phraseology was changed in order that in later years there might not be the least possibility of ambiguity.

This work of molding ideas into definite expression was hardly the work of five men; therefore Johnson, who was chairman, turned the whole thing over to Gouverneur Morris. Morris in later life wrote: "That instrument (the Constitution) was written by the fingers which write this letter" (2). Madison records, "The finish given to the style and arrangement of the Constitution belong fairly to Mr. Morris" (3). It is doubtful whether the work could have been better done. All equivocal and redundant expressions were excluded, and the ideas were expressed both clearly and vigorously. Morris by his lucid and terse language reduced the labor and hazard of interpretation for all time, for there was no ambiguity after he had finished.

The Committee on Style not only rewrote and rearranged the articles, but they added at least one clause which was, "No state shall pass any law impairing the obligation of contracts ". King on August 28 had moved that a prohibition be laid on the states to interfere in private contracts. Morris did not wait to be enlightened by discussion, but at once opposed the clause on the grounds that it went too far in interference with state legislation. Morris thought that the clause would apply to all laws

regulating the manner of suing on contracts in the courts, in that
all such laws interfered in private contracts; therefore would be
unconstitutional (1). He saw the true purpose of the clause when
it was suggested that a prohibition on ex post facto laws would
cover the subject. Since the members thought that interference in
contracts would come under the clause on ex post facto laws, King's
motion was rejected. The next day Dickenson reported that Black-
stone had it that ex post facto related to criminal cases only, and
that further provision would be necessary. In the press of further
business, however, nothing was done.

Someone on the Committee of Style remembered the
difficulty that Dickenson had suggested, and secured the insertion
of the prohibition of the impairment of the obligation of contracts.
Since Morris had opposed the clause when first offered, it would
seem unlikely that he inserted the clause at this time. However,
at that time Morris did not understand the true purpose of the
clause, nor its analogy to the prohibition on ex post facto laws.
The debates enlightened Morris, and he saw the matter in its
true light. It was especially pointed out that this prohibition
was similar to a prohibition on bills of credit (2), a proposition
that Morris favored. Such arguments would be very apt to gain
his support for the clause. The presumption that Morris inserted
the clause is very much strengthened when we find him writing,
"Propositions to countenance the issue of paper money and the
consequent violation of contracts must have met with "all the oppo-
sition that I could make" (3). In the absence of better evidence

(1) Farrand, II, 442. (2) ibid, II, 440.
(3) Ibid, II, 419.
it is probable that Morris added that very important clause by which our private contractual rights are protected.

After the Committee on Style reported, the convention again went over the Constitution and made some minor changes. The time had come for the Constitution to go forth to the people for their approval, and it was of the greatest importance that every man in the convention signify his support of that document by signing it. To get the support of all was difficult because there was not a man in the convention who had not seen the defeat of some pet proposition, and to many the whole Constitution was bad. In order to gain the support of a few who wavered between signing and not signing, a simple form of attestation was offered which said that the Constitution had received the unanimous consent of the states present (1). This ambiguous form was drawn up by Morris and presented by Franklin with the idea that it was merely an attestation of approval of all the states present, and did not imply that any member personally approved the Constitution.

Before Morris himself signed, he made one last plea for support for the Constitution. "I too have objections", he said, "but I consider the present plan as the best that is to be attained, and shall take it with all its faults. The majority have determined in its favor, and by that determination I shall abide. The minute this plan goes forth all other considerations will be laid aside, and the great question will be, shall there be a national government or not. This must take place or a general anarchy will be the alternative. "(2).

Franklin and Hamilton added their voices to Morris' (1) Farrand, II, 647. (2) Ibid, II, 645.
and urged that every man should sign. Blount was won over by the ambiguity of the form proposed for attestation, and he agreed to attest the fact that the Constitution was the unanimous act of the states in the convention (1). Gerry, Mason, and Randolph, the other recalcitrant members, however, persisted in their determination not to sign. The remaining members who were present signed the engrossed copy of the Constitution, and on September 17 the convention adjourned sine die.

(1) Farrand, II, 646.
VI. Conclusion.

It is now possible to look back over the preceding three and a half months, and to pick out the salient features of Morris's work in the convention.

We find him coming to the convention while yet a young man, but better prepared for the work before him than most of his colleagues. He was a lawyer. He had had experience in the legislative and executive branches of both the state and national governments, and better than that, experience in one state constitutional convention. He was a student of political science, and he combined a practical knowledge of his own and past governments with a fair insight into the constitutional theories on which those governments were founded. He came to the convention an intimate friend of two of its most important members, Alexander Hamilton and George Washington. Morris had various class and sectional interests which in a large part guided his actions, but we find that his class and special interests were much less influential in his case than with most of the members of the convention, and that comparatively speaking he can be numbered with the most disinterested and unselfish of the delegates.

Morris's great aim throughout the whole convention was to establish a firm, stable, and enduring government, to eliminate state attachments, and to render the national authority supreme. His views as to the best means to that end did not always coincide with the views of the majority, for we often find Morris in the minority. Yet he never became an obstructionist. On nearly
very proposition which he advanced on proportional representation he was defeated; yet he bowed to the will of the majority without making any rash statements as to "never confederating on such terms which were so often heard from some of the other members. Some have charged that Morris was a monarchist, and that he did not desire to establish a stable, strong, democratic government as much as he desired to establish a monarchy. Lodge in his article on Morris says that the charge is unjust (1). In reality the charge arises from a misconception of the word monarchist. In the convention the word monarchical was not always applied to a form of government whose sovereign was a hereditary king, but was commonly applied to any form of government which had a strong, single executive.

Randolph opposed a one man executive because of its monarchical tendencies (2). Gerry was afraid to trust the executive with the appointive power because that was a stride toward monarchy (3). Dickinson urged removal of the executive on appeal of the state legislatures, and in rebuttal to the opposing argument that it would weaken the executive, he said, "Such an executive as some seem to contemplate is not consistent with a republic. A firm executive can exist only in a limited monarchy " (4). When the Virginia plan was under discussion, Gerry said that the people would never agree to the system of government because it was monarchical (5). Such expressions of sentiment show that the delegates used monarchical only as referring to a strong development of the single executive. According to their use of the word, Morris was a monarchist since strength in the executive was the basis of his

(1) Lodge, Morris (in the Atlantic Monthly, 57: 436).
Morris, however, did not urge or believe in the establishment of a hereditary monarchy as we understand it. Monarchy is a definite term, and we usually apply it to a government in which the duration of power is unlimited, while the degree of power is but slightly modified. In every form of government which Morris favored both the degree and duration of power was marked in a way which clearly distinguished it from a monarchy. Morris never wanted a hereditary executive, but he urged constantly an election by the people. The length of the term of the executive might be long, but it was to be definitely marked, and it could be ended at any time by a constitutional removal of the incumbent. Measured by our conception of the word, Morris was not a monarchist.

The work of Morris that counted for most can best be expressed in his own words. In writing about the convention in after life he said, "My faculties were on the stretch to further our business, and to conciliate jarring opinions "(1). No doubt Morris' contributions to the Constitution were important, but no man's contributions would have been important had the convention broken up in discord. The men who sacrificed personal feelings in order to preserve harmony, who saw their pet propositions discarded without using that as an excuse for obstructing the business of the convention, who used their efforts to temper the objectional features that were offered, are the men to whom the greatest credit is due for our government. The Constitution is a bundle of compromises, and the men who so harmonized conflicting opinions that the compromises were made possible are the men who really made the

(1) Farrand, III, 419.
Constitution.

The very first day on which business was considered, Morris had an opportunity to prevent some irritating debates. Hamilton had moved that suffrage should be proportioned to the number of free inhabitants. Such a discussion would have provoked an acrimonious discussion before the convention was fairly under way. To prevent any discord, Morris supported a resolution which merely provided for a more equitable ratio than under the Confederation (1). Later in the convention when the requirements for membership in Congress were up for discussion, it was proposed that a seven years citizenship be required. This would exclude some men who were in the convention itself, and some of them became wrathful. To obviate difficulties, Morris proposed that the seven years should not apply to anyone then a citizen. When the debate had become bitter over proportional representation between the North and the South and between the large and the small states, it was Morris who tried to bridge the chasm which seemed to separate the two parties. He proposed that taxation should be in proportion to representation in the hopes that the one party would be the less eager to secure large representation, and that the other party would be the more willing to concede large representation.

Morris opposed slavery and the continuance of the slave trade; yet when the opportunity for a compromise came, it was Morris who suggested it. The South was bitter because of the attempts to set a limit on the slave trade, while the North was firm in its demands that Congress be given unlimited power over commercial regulations. Threats of dissolution were of every day occurrence. Then Morris suggested that these two things be referred to (1) Farrand, I, 36.
committee in order that a bargain might be formed between the North and the South. Thus another great compromise of the Constitution took place(1).

The final determination of the method of electing the executive was full of compromises. The states desired as much influence as possible; therefore the states were made the electoral districts. To conciliate those who urged popular elections it was provided that the states might select the manner in which the election of electors should be held. Some had urged that election should be by Congress; therefore the election is case of no majority was given to the House. The small states were afraid that the large states would predominate in the election because of the tendency to vote for a man who was from the same state. Morris suggested the plan of giving each man two votes, only one of which could be cast for a native of the state in which the voter resided. Morris was the chief influence in securing election by electors, and he only secured the adoption of that plan by seeing that all the above compromises and many more were agreed to.

In the very manner in which Morris phrased some of the clauses he presented, we can see an effort to avoid conflicting opinions. One of the clauses that Morris framed provided for the admission of new states. The conflict arose on this point as to whether the small states would agree to guarantee the land claims of the landed states, while the landed states did not want to subscribe to a government where their territory might be diminished by legislative act. The easiest way out of the matter was to leave it alone; therefore we have those hesitating clauses as Morris

(1) Farrand, II, 374.
framed them on the admission of new states. The clauses were so worded that each party thought that they were attaining their object, yet really they were no better off than they were before.

Morris was often on the side that lost by the compromise, yet that did not alter his course of action. Madison writes; "It is due to Mr. Morris to remark that to the brilliancy of his genius he added what is too rare, a candid surrender of his opinions when the lights of discussion satisfied him that they had been too hastily formed, and a readiness to aid in making the best of measures in which he had been over ruled "(1). He scorned to stand in the way of progress because the convention had refused to follow the path he thought it should. As long as it was progress, Morris was satisfied.

Morris was undoubtedly one of the greatest men in the convention. Because of a lack of specific evidence for a man's influence, it is difficult to determine exactly what rank should be given any man in that assembly. Few men, however, could equal Morris's keen intellect and brilliant genius. No man there fought more aggressively for the propositions he favored. No man was franker in the objects he sought to attain. Morris's greatest fault was his cynicism and his deep rooted distrust of all mankind. He could not interpret any act as moving from generous or unselfish motives, but continually ascribed to his fellow men the basest vices. It was this fault which caused some of his ideas to be so disliked, and it was the same fault which kept him from being a greater man than he was.

Notwithstanding his faults, Gouverneur Morris was

(1) Sparks, Gouverneur Morris, I, 286.
one of the greatest Americans of his period, and there are but few of his contemporaries to whom we owe more for their efforts in establishing the American Commonwealth.

Finis.
BIBLIOGRAPHY

The following bibliography does not pretend to be exhaustive as regards books of a general character which cover the same subjects and period as the foregoing paper. Only such books of a general character have been included from which facts or ideas were actually taken and used. The bibliography does include all the records or notes taken at the Federal Convention, all biographies and articles on Gouverneur Morris, and all books which contain letters written either to or by Morris. No duplication of material which is found in several different forms has been attempted with the one exception of the records of the Federal Convention. Critical comment has been included only in the case of books which were used rather extensively.

Sources.


In three volumes Farrend has sought to include every scrap of useful information as to what was actually done at the Federal Convention. In the first two volumes he has included the official journal and a record of the ayes and noes on each question, drafts of the Constitution in the Committee of Style
and in the Committee of Detail, and all the notes or memoranda taken by the delegates, of which Madison's notes are the most important. This material has all been arranged chronologically so that the journal and all the notes taken on a particular day come together. The third volume includes all other material explanatory of the convention such as letters, diaries, speeches in ratifying conventions, speeches in Congress, and extracts from the Federalist. The various plans that were presented to the convention are also in the third volume.

For the material included, Farrand's work is the best and is the standard. Not only is it complete, but the material is so well arranged that it can be most easily used.


This book emphasizes the property interests in the Philadelphia convention, and especially the holdings in government securities between 1779 and 1799. That government holdings exerted any great influence on the Constitution is a fact that he fails to prove. Most of the holdings were in the hands of McClurg, Dayton, Gerry, Johnson, and Langdon, two of whom were inconspicuous and one was an opponent of the Constitution. The great leaders of the convention held practically no securities whatsoever.

The men who did hold public securities could not have obtained any great benefit from them from the Constitution, for Beard himself says that Hamilton pumped five-eights of the value into the public debt by his funding system (page 35). Then he assumes that the men held the paper when they went into the convention which he finds they held afterward (page 75). But this does not follow, for it is just as probable that they bought the paper after the convention as before. Most of the paper that he is able to show was held before the convention was in the hands of Gerry.

Beard is right when he says that the convention wanted to protect the rights of property. He opens up a field
that should prove fruitful to historical scholars in the future, but we can not be sure of our conclusions until a great deal more investigating has been done than is represented in Mr Beard's book. No doubt what he did represents a vast amount of labor, but even then the results are but fragmentary.


McKinley, Albert Edward. *The Suffrage Franchise in the Thirteen English Colonies in America.* In the University of Pennsylvania History Series, number 2.


Roosevelt has written an animated and intensely interesting biography of Gouverneur Morris. He gives us a view of the real Morris, and with it a good background of politics, war, government, and diplomacy of the period. The volume is written with dash and spirit and on the whole is commendable. At times Roosevelt goes to the extreme in his praise or blame in what seems an effort to get away from a monotonous, even style which he so much disliked.

Sparks, Jared. *A Life of Gouverneur Morris with Selections from his Correspondence and Miscellaneous Papers*. Three volumes. Boston, 1832.

This is the early standard life of Morris. The first volume in biographical, rather dull, but often enlivened by extracts from Morris's letters. The remaining two volumes contain Morris's correspondence, miscellaneous writings, and addresses. Sparks overlooked most of Morris's faults, and bestowed nothing but praise. These volumes are not nearly so readable as the Life by Roosevelt.

