

HAMILTON AND THE CONSTITUTION.

[The following able and well written article embodies in a small space, a large amount of valuable and interesting history, of the origin, formation, and adoption of the Constitution of the United States. We find it in the *National Intelligencer*, where it appears as a review of the recently published history of the Constitution, in two volumes, by George Ticknor Curtis, of Boston. The numerous historical facts collected in this article are valuable for reference, will be instructive to the young, and refreshing to the memory of the old and well-read.]

THE Constitutional History of our country has not before been made the subject of a special treatise. We may congratulate ourselves that an author has been found so capable to do full justice to it; for that the present work will take its rank among the received text-books of our political literature will be questioned by no one who has given it a careful perusal.

The only objection which we have heard alleged against Mr. Curtis's performance of this difficult task is founded upon the prominence which he assigns to Alexander Hamilton among the framers of our civil polity. He has deemed it just to give to this great man a precedence over even Mr. Madison, commonly called the "Father of the Constitution," and has ventured to say that "as a statesman" Hamilton "towered above all his competitors, even in that assembly of great men" who gave to us the Magna Charta of American freedom. As it seems to us that those who make such objection have either failed to follow or have misapprehended the argumentation of Mr. Curtis, we have determined, in a general way, to reproduce a brief summary of the facts and considerations upon which, as we think, the justice of his appreciation of Hamilton's place in our constitutional history may be not only vindicated, but placed beyond all room for dispute.

Previous to our revolutionary era the American Colonies were bound together by no tie stronger than that of a common tongue, and, in the main, of a common lineage. As political communities they were each separate and distinct from the other, nor was there any recognition of a national organization as a thing either *in esse* or *in posse*. The only plan of union which antedates that realized by the exigencies of the Revolution was one digested by Dr. Franklin for the purpose of forming a general treaty with the Six Nations of Indians, and for the further purpose of concerting measures of mutual protection against the French settlements of the North and West. This plan, as is well known, proved abortive, having been rejected alike by the Colonies and by the English Board of Trade, though the different reasons for which it was severally rejected afford a most instructive evidence of that public sentiment which reached its maturity on the 4th of July, 1776. The plan of Franklin, proposed in 1754, failed in America, because it savored too much of *prerogative* to be acceptable to the colonies; the English Board did not even deign to recommend it to the notice of the King because it was considered too *democratic*.

But when, in addition to a common tongue and ancestry, the several colonies had common grievances which could be redressed only by their joint cooperation, the work of union became at once necessary and comparatively easy: necessary by reason of their actual separation as political communities, and easy by

reason of their substantial unity as men who "inherited the blood and spoke the language of the people of England." Hence it was left to the emergencies of the period immediately anterior to the Revolution to inaugurate a Colonial Confederation, which found its earliest embodiment in a general Congress of "Delegates appointed by the good people of these Colonies," and which assembled at Philadelphia on the 5th of September, 1774, to consider upon the invaded rights of the colonists and their franchises as British subjects. On the 10th of May, 1775, a new Continental Congress met at the same place, and as the march of events had meanwhile precipitated actual hostilities between the people and the royal forces, the Congress proceeded to recommend the several colonies to erect themselves into separate governments, independent of any allegiance to the crown, a fact, as Mr. Curtis justly observes, of great importance in the constitutional history of this country; "for it shows that no colony, acting separately for itself, dissolved its own allegiance to the British Crown, but that this allegiance was dissolved by the supreme authority of the people of all the colonies, acting through their general agent, the Congress, and not only declaring that the authority of Great Britain ought to be suppressed, but recommending that each colony should supplant that authority by a local government, to be framed by and for the people of the colony itself." We see in such a procedure the incipient germ of a national union in combination with the recognition of States rights.

On the fourth of July, 1776, the Congress took the final step in these advancing stages of our early constitutional history; for the Declaration of Independence not only dissolved our connection with Great Britain, but, as the enacting clause of that instrument purports, erected the late colonies into the "United States of America." This Declaration was the lion's skin upon which the infant Hercules of American nationality was born, and since that period we have occupied a distinct name and place among the powers of the earth.

On the same day on which a committee was appointed to prepare the Declaration of Independence another committee was directed to "digest the form of a confederation to be entered into between these colonies. A draught of the Articles of Confederation was submitted to Congress on the twelfth of July following, which, after debate, was recommitted, and it was not until the middle of December, in the year 1777, that the articles were printed for the use of Congress and the State Legislatures.

The last clause in this State paper directed that it should be submitted to the Legislatures of the several States, and, if ratified by them, they were advised to instruct their delegates in Congress to sign the instrument on behalf of their respective States. On the ninth of July, 1778, the ratification took place on the part of eight States: New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Virginia, and South Carolina. North Carolina signed on the twenty-first of July; Georgia on the twenty-fourth; New Jersey on the twenty-sixth of November; Delaware on the fifth of May, 1779; Maryland on the first of March, 1781. So that it was not until the second of March, 1781, that Congress

met under the name and style of the "Confederation," for the first of March, by the final accession of Maryland, witnessed the full adoption of the articles.

The cause which produced this delay in the acceptance by the several States of this project of a national confederacy lie at the very roots of our subsequent constitutional history. New Jersey objected to it in what Mr. Curtis justly entitles "a very able memorial" laid before Congress in 1778. In this "representation" the Legislature of that State pointed out the necessity of entrusting to Congress "the sole and exclusive power of regulating the trade of the United States with foreign nations." By the Articles of Confederation this power was vested in the several States, the exercise of which, as New Jersey foresaw, would "involve many difficulties and embarrassments, and be attended with injustice to some States in the Union." This protest is important, not only as foreshadowing a great idea afterwards embodied in our Constitution, but the topic in question was also destined to be the point from which, under the lead of Hamilton, the initiatory steps were taken to the formation of our present system of government. As it was, this proposition of New Jersey proved to be in advance of the political knowledge of the country at that time, and was voted down by Congress.

But, as Mr. Curtis recites, "the great obstacle to the adoption of the Confederation, and which delayed the assent of several of the smaller States for so long a period, was the claim of some of the larger States to the vacant lands lying within what they considered their rightful boundaries." These boundaries, according to the charters of the larger States, ran westward "to the South Sea;" and, since each State became, after the Declaration of Independence, successor to the Crown, it was contended by the great States that they would be the sole proprietors of this territory in the event of establishing a national independence of Great Britain. This claim, however, "was strenuously resisted" by Rhode Island, Delaware, New Jersey, and Maryland, who insisted that these unoccupied lands ought to become the property of the whole Union, since, if America triumphed in her struggle, they would have been won "by the common blood and treasure of all the States."

Not willing, however, to obstruct a national league rendered indispensable to the successful prosecution of the war, New Jersey was the first of the protesting States which acceded to the Articles of Confederation—a step which she took in the "firm belief that the candor and justice of the several States would in due time remove the inequality of which she complained." Her example was not lost upon the other smaller States; nor was her "generous trust," as Mr. Curtis characterizes it, disappointed by the larger States. On the 19th of February, 1780, New York ceded her public lands to the use and benefit of the United States, and in less than a month after the final accession of Maryland to the Union, Virginia followed the lead of New York and surrendered her magnificent domain to the general Confederacy, though the cession was not finally completed and accepted until the month of March, 1784.

Do not these noble acts of confidence on the one part, and of generosity on the other, show that the men who ruled the councils of America at this time were the worthy condutors of Washington and his heroes in the field? If peace hath her victories as well as war, are not the civil events just mentioned as precious and glorious as the battles of Trenton and Yorktown? Without these peaceful victories over sectional jealousy and sectional aggrandisement, the sword of a Washington would have been wielded in vain, and Yorktown had never witnessed the fiery charge of the chivalrous Hamilton, nor ended our eight years' contest with the surrender of Cornwallis. American policy during this period was as patriotic as American arms. Let not the mild wisdom of the former be eclipsed by the glories even of the latter.

We cannot follow Mr. Curtis in his analysis of the provisions of the "Confederation," nor indeed is this essential to our present purpose. We cannot refrain, however, from quoting the following truthful observations.

"It will be seen, in the further development of the period which followed the establishment of this Confederation down to the calling of the Convention which framed the Constitution, that what I have called the great office of the Confederation, in our political system was indeed a function of vast importance to the happiness of the American people, but at the same time was one that was necessarily soon fulfilled, to be followed by a more perfect organization for the accomplishment of the objects and the satisfaction of the wants which it brought in its train. This office of the Confederation was to demonstrate to the people of the American States the practicability and necessity of a more perfect union. The Confederation showed to the people of these separate communities that there were certain great purposes of civil government which they could not discharge by their separate means; that independence of the Crown of Great Britain could not be achieved by any one of them, unassisted by all the rest; that no one of them, however respectable in population or resources, could be received and dealt with by the Governments of the world as a nation among nations; but that by union among themselves, by some political tie which should combine all their resources in the hands of one directing power, and make them, in some practical sense, one people, it was possible for them to achieve their independence and take a place among the nations. The Confederation made it manifest that these consequences could be secured. It did not, indeed, answer all the purposes or accomplish all the objects which had been designed or hoped for it; it was defective as a means; but it taught the existence of an end, and demonstrated the possibility of reaching that end, by showing that, in some form and for some purposes, a union of the States was both possible and necessary. It thus made the permanent idea of union familiar to the people of the different States. It did more than this; it created a larger field for statesmanship, by creating larger interests, to be managed by that higher order of men who could rise above local concerns and sectional objects, and embrace within the scope of their vision the happiness and welfare of a continent."

Among the "higher order of men," Alexander Hamilton was the first to show himself head and shoulders above his contemporaries. The Articles of Confederation were found, after peace had been won, inadequate to maintain the dignity or sustain the credit of the nation. Its radical vice had been early indicated by New Jersey, in a paper before mentioned, which was read before Congress, June 25th, 1778. The articles, in giving to the Confederation the power of contracting debts, and at the same time withholding from it the power of paying them either by a well appointed system of imposts or direct taxation, had inflicted an incurable weakness on the body politic. This Hamilton perceived even before the Confederation was completed. In a letter written in the year 1780, and addressed to James Duane, a member of Congress from New York, this soldier-statesman declared himself in favor of calling a convention of the States, and suggested an outline of such a Constitution as he deemed alone adequate to the emergencies of our political situation at that period. An abstract of this letter, as given by Mr. Curtis, will establish the preeminent sagacity and constructive genius of Hamilton beyond all invidious comparison, if among compeers so illustrious any comparison should be deemed invidious where there is so much to admire in all. We quote from Mr. Curtis, —

"He suggested," in this letter to Duane, "that a complete sovereignty should be vested in Congress, except as to that part of internal police which relates to the rights of property and life among individuals, and to raising money by internal taxes, which he admitted should be regulated by the State Legislatures. But in all that relates to war, peace, trade, and finance, he maintained that the sovereignty of Congress should be complete; that it should have the entire management of foreign affairs and of raising and officering armies and navies; that it should have the entire regulation of trade, determining with what countries it should be carried on, laying prohibitions and duties, and granting bounties and premiums; that it should have certain perpetual revenues, of an internal character, in specific taxes; that it should be authorized to institute admiralty courts, coin money, establish banks, appropriate funds, and make alliances offensive and defensive, and treaties of commerce. He recommended also that Congress should immediately organize Executive departments of foreign affairs, war, marine, finance, and trade, with great officers of State at the head of each of them."

Is not all this the very "form and pressure" of our present Constitution in its most expressive features? And remember, this outline of political doctrine was digested in the year 1780, and by a soldier then actively serving on the "tented field," and by a youth of twenty-three years. The history of the world may be challenged to produce another such example of early maturity and profound sagacity in this most difficult department of thought. Nor was this the first evidence he had given of such ripe statesmanship. Before eighteen summers had yet bearded his cheek he had signalized himself as a revolutionary writer and orator. While a student at college, in his seventeenth year, he had published a series of essays in answer to

certain pamphlets on the Tory side of the controversy between Great Britain and her Colonies. There are displayed in these papers, says Mr. Curtis, "a power of reasoning and sarcasm, a knowledge of the principles of Government, and of the English constitution, and a grasp of the merits of the whole controversy that would have done honor to any man at any age, and in a youth of seventeen are wonderful." But let us resume the thread of our narrative by tracing the further agency of Hamilton in our constitutional history.

In 1782, he entered Congress, and seized the first opportunity to present before the country his views of public policy. In a paper addressed to the Legislature of Rhode Island, in answer to the objections of that State to the provisional revenue system recommended by Congress, in 1781, he took occasion to exhibit the necessity of a national sovereignty in harmony with—yet, in its sphere independent of—the State sovereignties, and made the earliest suggestion of the principle that, "in exercising its powers, the Federal Government ought to act directly, through agents of its own appointing, and thus be independent of State negligence or control."

After vainly attempting to educe from, or introduce into, the Articles of Confederation those elements of order and stability which he saw were necessary to form a Government worthy of the name, Hamilton proposed to himself the undertaking "of inducing Congress freely and frankly to inform the country of its imperfections, which made it impossible to conduct the public affairs with honor to themselves and advantage to the Union, and to recommend to the several States to appoint a convention, with full powers to revise the Confederation, and to propose and adopt such alterations as might appear to be necessary, which should be finally approved or rejected by the States." This was in 1783. His counsels were unheeded at the time. He was too far in advance of his contemporaries. But he showed his preeminent practical statesmanship no less by patiently waiting and biding his time, than by outstripping all others in his apprehension of the political crisis which had overtaken the country on the close of the war.

In the summer of 1785, the Legislature of Massachusetts passed a resolution declaring the Articles of Confederation inadequate to the great purposes of a Federal Government. The seed sown by Hamilton was taking root. Virginia followed, before the close of the same year, in the recommendation of a national and uniform revenue law for the provisional period of thirteen years. This was at least one step, if a short one, towards the great object of Hamilton. But a few days after the passage of this resolution, the Old Dominion took another stride in the cause of constitutional reform. She requested her sister States to meet by delegates in council at Annapolis, to consider the whole subject of the commerce of the United States. Congress, meanwhile, had made a final appeal to all the States in behalf of a national and uniform system of imposts for the support of the Federal Government. All the States acceded to the measure except the commercial State of New York, who seemed loth to resign to Congress the revenues she derived from her imports.

At this juncture, Hamilton again appeared, to urge forward the great cause of constitutional reform. He determined again to present before the Legislature of New York the revenue measure recommended by Congress, and, failing to secure its adoption, to procure, at least, the appointment of commissioners to represent the State in the Council at Annapolis. He succeeded in this latter alternative, and was himself sent as one of the delegates from New York to confer with the other States on the whole subject of commerce. Five States only—New York, New Jersey, Pennsylvania, Delaware, and Virginia—took part in this conference, and New Jersey alone empowered her commissioners to treat of other important matters of national concern.

Hamilton had purposed to lay before this meeting a "full exposition of the defects of the Confederation." The paucity of delegates in attendance, from a minority, too, of the States, induced him to "waive his original purpose," and, instead of this, to present for adoption by his colleagues a report formally recommending to all the States the assembling of a general convention to take into consideration the situation of the United States. The report was adopted by the commissioners.

The recommendation was variously received. The Congress looked upon it at first with suspicion, but was induced to give it the sanction of its authority by events due to the address of Hamilton. As before stated, New York had refused to accede to the revenue system proposed by Congress, and, by so doing, prevented its adoption. After the Annapolis meeting, in the year 1787, the subject came up again before the Legislature of that State, and the proposition of Congress, so essential to the very existence of any Federal Government, was again defeated. But, through the influence of Hamilton, a resolution was carried in the Legislature of this same State instructing her delegates in Congress to move for an act recommending the States to send delegates to a general convention for the purpose of revising the Articles of Confederation. And such an act was passed by Congress recommending a Convention. That Convention gave us our present Constitution, and owed its existence to Alexander Hamilton's foresight and policy more than to any other single man. He that runs may read this in our national annals. As Mr. Curtis says, "Washington, Madison, Jay, Knox, Edmund Randolph, have all left upon record the evidence of their doubts and their fears, as well as of their convictions of the necessity for this last effort in favor of the preservation of a republican form of government. Hamilton advanced to meet the crisis with perhaps less hesitation than any of the Revolutionary statesmen."

And if, then, as M. Guizot has said, there is "not an element of order, strength and duration in the American Constitution, to the introduction and adoption of which Hamilton did not powerfully contribute," shall we not give the highest palm of American statesmanship to him who was most instrumental in its origination, who was among the most constructive of its framers, and who was the most efficient advocate in securing its final adoption? That he was chiefly instrumental in its origination appears from the constitutional history

of the country, prior to the assembling of the great Convention. The Constitution itself bears witness to the honorable agency he had in its formation. The *Essays of the Federalist* prove him to have been in his day the most active of its defenders, the most able of its expounders, and so the most efficient in procuring its final acceptance by the people.

Let not the party rancor which pursued to his tragical and untimely grave the friend and confidant of Washington, the chivalrous soldier and incorruptible patriot, deny to the peerless American statesman his proper niche in the Pantheon of our history. The glories which cluster around the names of Madison and Jefferson will not be dimmed by restoring to Hamilton the "original brightness" of his fame.

NOTE BY THE EDITORS OF THE NATIONAL INTELLIGENCER.

• While the Editors of this journal entertain the profoundest respect for the great abilities of General Hamilton and his unsurpassed services, after those of Washington, it might subject their sentiments to possible misconception if they permitted the above brilliant and able critique of the accomplished reviewer to pass without suggesting some dissent on their own parts to the entire justice of his collocation of character in these (*) passages, and to the superlative position which he assigns to his illustrious favorite.

For the United States Magazine.

I LIVE TO LEARN.

BY ANN AMATRICE.

"I live to learn," cried a laughing boy,
As he bounded away in his frolic joy,
"To spin my top and my kite to fly
Away to the beautiful bright blue sky—
To catch in its speed the bounding ball—
To spring away at a playmate's call—
To sail my boat in the wayside brook,
And hate the name of a lettered book,—
*O, these are studies enough for me,
With my pulsing life-blood leaping free."*

"I live to learn," and the student's eye
Flashed out the soul-fire brilliantly;
"For me, yon track of heavenly light—
The imperial stars, in their regal might—
The laws that govern the land and sea—
The solving of every dark mystery,
Earth, air, and water, and starry sky,
And—the light that beams from a maiden's eye."

"I live to learn what all life is worth,"
From ashens lips came murmuring forth,
"I have climbed to each mountain's snowy crest,
And lain for years on old ocean's breast;
Have drank from the cup of Knowledge, rare,
And couched my lance at the fiend called Care.
Oh, what is life, with its wealth of years,
Garnered in sorrow, and pain, and tears?
Each jetty curl of my manhood's prime
Has faded to white in the mists of Time;
Mine eyes are dim, and my form is bent
With the weight of years in toiling spent;
But ever in darkest gloom, afar,
Shone forth a radiant guiding star.
I lived to learn, and I now believe
I have lived to learn, and have learned to live."

BERRY HILL, N. J.

A LEVIATHAN OF THE DEEP.

THE largest specimen of naval architecture the world has yet seen is now in progress of construction in England. It is an iron steamer, whose tonnage is computed at twenty-two thousand tons, and whose length is to be nearly seven hundred feet. The Philadelphia *Inquirer* gives the following brief general description of this mammoth enterprise:—

"The great iron steamer is now one of the lions of the European world. The tonnage of this extraordinary vessel amounts to 22,000, and her length is nearly seven hundred feet. Her construction is now in progress in the yard

of Messrs. Scott, Russell & Co., on the Thames. At a recent meeting of the Eastern Steam Navigation Company, Mr. Brunel, the engineer, described the peculiar difficulties which occurred in erecting so large a vessel, and those which might have been anticipated in launching her when in readiness. If she were built in a dock, as the *Great Britain* was, to be floated afterwards by admitting the water, it would have been requisite to excavate a dock of such size and depth as would have increased greatly the expense and labor of the enterprise. If she were built on an inclined plane, like ordinary vessels, the head of the ship, raised at the top of the incline to an elevation of some fifty feet higher than the stern, would have been so much the more difficult of access from the ground during construction, since the workmen and the materials must have been hoisted about one hundred feet from the ground; besides, the length of the 'ways' to be placed for the ship to run upon, down along the incline, would have been seriously objectionable in the river Thames. It was therefore determined to launch the ship sideways, with which view such arrangements have been made as would, in Mr. Brunel's opinion, ensure the success of the operation.

"He also gave some account of her internal structure. The ship is divided transversely into ten separate and perfectly water-tight compartments. The fracture and even the entire filling of one or two of these compartments would not endanger the buoyancy of the ship, or damage the cargo which the rest contained. There are no openings in the bulkheads between these compartments below the deep water line, except one pipe for steam water, which can be easily closed in a moment; and it is important that there are no openings whatever, even by pipes and cocks, below the load water line. As for the construction of the bottom, the whole of the vessel is formed of a double 'skin' of iron, with an intervening space of three feet; the material is disposed of longitudinally, by which the fabric is rendered stronger; and the outer 'skin' might be rent or torn against a rock without causing the ship to leak if the inner one remained unbroken. Not only is the ship divided transversely into ten compartments, but two longitudinal bulkheads of iron run fore and aft about forty feet wide apart. By these iron party walls the whole ship is partitioned out into so many fire-proof apartments that, the current of air being easily cut off, any danger from fire seems to be prevented; and Mr. Brunel moreover expresses a hope that the process of Lieutenant Jackson may be successfully applied to render wood unflammable, so that it may be impossible for any fire to spread even from the cargo or the furniture. Several alterations have been made to economise the weight of the ship, enlarging thereby her capacity of carrying coals and freight. Mr. Brunel stated also that he was devoting his best attention to the engines, the largest that have ever yet been made, as well as the best form of the screw propeller and the paddles, and the position of the mast and sail. The ship was designed equally to attain either a good average speed with a variable draught of water, or a very high speed at a light draught of water, according to the ports to which she might be bound. In comparatively short voyages, such as that to New York, her full capacity of carrying a very large store of coals would not so much be tested; but in the longest ocean voyages it would give her a superiority which might practically confer upon the owners of such a vessel a monopoly of that traffic.