

Introduction to the Ratification of the Constitution in Rhode Island

The land that became known as Rhode Island and Providence Plantations was first occupied by English colonists from Massachusetts who were banished because of their religious unorthodoxy. (Roger Williams, Anne Hutchinson, William Coddington, and Samuel Gorton were such prominent religious outcasts.) Beginning in 1636, the towns of Providence, Newport, Portsmouth, and Warwick were established. Leaders in Rhode Island drew up compacts or patents under which they governed themselves as “a DEMOCRACIE, or Popular Government; that is to say, It is in the Powre of the Body of Freemen orderly assembled, or the major part of them, to make or constitute Just Lawes, by which they will be regulated, and to depute from among themselves such Ministers as shall see them faithfully executed between Man and Man.”¹ In 1643 Parliament issued a patent for Rhode Island, and a constitution was created in 1647. In 1663, three years after the restoration of the English monarchy, Charles II issued a new charter for Rhode Island and Providence Plantations. During the years of the American Revolution, when the Continental Congress asked the colonies to disregard their royal charters and create constitutions amenable to the people, Rhode Island modified its colonial charter, which then served as the state’s constitution until the adoption of a new constitution in 1842.

The royal charter of 1663 provided that Rhode Island would have a corporate government in which each town could determine freemanship. Freemen would annually elect a governor, a deputy governor, and ten assistants. At least twice each year (in May and October, or sooner if necessary), the governor and assistants would meet in a unicameral General Assembly with deputies elected semi-annually from the towns. The governor would preside. Newport could elect six deputies, while the other three original towns each could elect four. Future towns would elect two deputies. Not until 1696 did the General Assembly sit as a bicameral body. The upper house, or the House of Magistrates, consisted of the governor, deputy governor, and assistants. The lower house was the House of Deputies. The deputies’ salaries were determined by their respective towns. The governor and deputy governor received modest salaries and the assistants had no regular salary.

Under the charter, the legislature could make laws that were not “repugnant” to the laws of England. It could set or alter the times of its meetings, and it could grant commissions. It had broad powers over the judiciary; it could prescribe punishments, grant pardons, regulate elections, and grant freemanship. Between 1703 and 1750, five counties were created. The legislature provided for a county house, which doubled as a court house, in each county and regularly rotated its meetings among the buildings. The state used the five counties as administrative units with the legislature electing justices of the Inferior Court, sheriffs, militia officers, revenue collectors, and other officials for each county.

Freemanship was obtained at both the town and colony level. A person would first secure the right of residency in a town after which he would achieve a “competent estate.” He could then apply directly for freemanship or be nominated by a person of substance in the town. When granted freemanship by the town, the town clerk would submit the person for colony freemanship, which was usually granted. In 1723 a statute provided that freemanship required land ownership of £100 or rental value of 40 shillings per annum. This act also provided that the

¹ Thorpe, VI, 3207–8.

eldest son of a qualifying freeholder could be a freeman.² The value of land for suffrage was raised to £200 in 1729 and to £400 in 1746, but by 1760 it was reduced to £40. It has been estimated that 75 percent of Rhode Island's white adult males met this franchise qualification, although only 50 percent of eligible men bothered to vote. Various observers described Rhode Island on the eve of the American Revolution as being "dangerously democratic" and "the nearest to a democracy of any of your colonies." In 1773 New York Chief Justice Daniel Horsmanden described Rhode Island as a "downright democracy" whose government officials were "entirely controlled by the populace."³

The governor, deputy governor, secretary, attorney general, treasurer, and ten assistants were chosen in town meetings across the colony in the annual April election. Deputies to the General Assembly were elected every six months in April and August by the towns. A system of balloting was adopted in which the existing political parties nominated candidates on a prox. (See "Glossary," RCS:R.I., 318–19.)

The fulcrum of political power was always in the town, not the General Assembly. Rhode Island was a federal government made up of towns—four in the beginning; thirty by the time of the American Revolution. At the colony and, later, the state level, the General Assembly was always more powerful than the governor. Freedom of religion was protected, and freemen enjoyed the rights of Englishmen. The Assembly elected all military and civil officers and served as an appeals court of last resort.

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On 29 May 1790, Rhode Island ratified the Constitution and rejoined the Union, following more than a year of separation. Controlled by the Country party since May 1786, Rhode Island opposed the Constitution until its large wartime debt had been redeemed with depreciated state paper currency. The Country party's radical fiscal policies divided the state and alienated Rhode Island from the other states, keeping the state aloof from federal affairs until it ratified the Constitution.

The Setting: Economic Anxieties

After the American Revolution, Rhode Island's economy was in serious straits. In addition to the extensive destruction on the islands of Narragansett Bay, the war had saddled Rhode Island with a large public debt. Before the Revolution, the colony's annual expenses slightly exceeded £2,000. After the war, the annual interest payments alone on the state debt exceeded £10,500. The taxes necessary to support state government and pay wartime debts fell mostly on ordinary citizens because, unlike other states, Rhode Island had no western lands and few confiscated Loyalist estates that could be sold to ease the tax burden. To make matters worse, much of the public debt had gravitated into the hands of wealthy speculators. An unfavorable balance of trade also contributed to the state's economic problems, as specie was shipped out of state to pay for imports. Although farmers were unable to obtain hard currency for their produce, the state government, shopkeepers, and private creditors, often merchants, insisted on payment in specie. Thus, at a time when the state was being forced to increase taxes, the circulating medium of

² An Act for Directing the Admitting Freemen in the several Towns of this Colony, *Acts and Laws of His Majesty's Colony of Rhode-Island and Providence-Plantations, in America* (Newport, 1730) (Evans 3346), 131.

³ Conley, *Democracy in Decline*, 53.

exchange contracted, making it difficult if not impossible for many Rhode Islanders to pay their state taxes and private debts.

Rhode Islanders hoped to solve their economic problems by reestablishing their lucrative prewar commerce. They felt threatened when in February 1781 Congress proposed an amendment to the Articles of Confederation giving it the power to levy an impost of five percent to raise revenue to pay the wartime debt. Some Rhode Islanders thought this impost would make Congress independent of the states; others did not want to see the federal debt (much of which, like Rhode Island's state debt, had been purchased by speculators at low rates) paid at face value. For these reasons, most Rhode Islanders opposed the Impost of 1781, and in November 1782 the state legislature refused to ratify it—the only state to withhold its assent. Because the Articles of Confederation required that amendments be unanimously approved by the state legislatures, the impost was defeated. Rhode Island's lone dissent made it the scapegoat of the Confederation, as America's economic ills were attributed to Rhode Island.

In April 1783 Congress again proposed a five percent impost and the following year it proposed that it be given the power to regulate commerce for fifteen years. Rhode Island merchants soon realized that Congress needed the power to regulate commerce. The Mercantile party, in control of the state government until the spring of 1786, granted Congress the power to regulate commerce in October 1785, but Congress asked Rhode Island to reconsider its grant and make it "agreeable" to the 1784 proposal. In March 1786 the legislature adopted a bill acceptable to Congress and approved the Impost of 1783. Three months later the legislature appointed Jabez Bowen and Samuel Ward as commissioners to the Annapolis Convention in September 1786 in order to consider granting Congress additional commercial powers. The Convention quickly prepared a report to the states and Congress and then adjourned while Bowen and Ward were traveling to Annapolis.

The short postwar period of prosperity in Rhode Island was followed by a deep economic depression. Farmers, who had been encouraged to produce more to feed the troops during the war, had borrowed money to purchase additional land to increase their production. The market for these crops disappeared as the armies left the state, but the debts did not. Farmers faced insolvency and foreclosure proceedings. The state soon became divided into two hostile political parties. A merchant-creditor party, dominant in the coastal towns, opposed debtor relief measures, preferring instead a strengthened central government that could encourage economic recovery through a coordinated federal commercial policy. The second party, centered in the interior towns, supported debtor relief from the state legislature.

Ideologically these two parties were generally in agreement; however, on the means to restore the economy their disagreement was profound. William Ellery of Newport, a signer of the Declaration of Independence, ominously wrote that "we have been for many years free from party strife. This paper frenzy is like to kindle a war which may last for years."⁴ The debtor relief party advocated state paper money that would be loaned with real estate as collateral. This fiscal measure had been used frequently and successfully during colonial times, but the disastrous experience with state and continental currencies during the American Revolution was fresh in the minds of merchant-creditors. Fear of uncontrollable inflation caused creditors, along with many Rhode Islanders in general, to oppose any new emission of paper money, no matter how serious the state's economic plight.

⁴ Ellery to Benjamin Huntington, 11 April 1786, Thomas C. Bright Autograph Collection, NRom.

The struggle over paper money began in early 1784 when the towns of Westerly and Hopkinton petitioned the legislature for a state currency. These requests were rejected by the Mercantile party in power. In February 1786 the Assembly rejected another appeal for paper money from ten of the state's thirty towns. The strong demand for relief, however, prompted the legislature to request the towns to consider the emission of paper money and to instruct their deputies. This action was critical; the town meeting was the seat of political power. If enough towns favored paper money, the legislature would be obliged to enact some sort of fiscal relief. Twenty-seven towns instructed their deputies to support paper money. Despite such an endorsement, the lower house defeated a paper-money proposal in March 1786 by a vote of 43 to 18.

Proponents and opponents of paper money realized that the state's fiscal policy depended on the upcoming elections in April 1786. Consequently, a concerted effort was made to convince the public of the virtues and vices of paper money.

The "Revolution" of 1786

The state election of 1786 constituted a revolution. The Country party, running on a pledge "To Relieve the Distressed," swept the elections for governor, deputy governor, and the legislature. "Paper money has carried all before it," stated William Ellery.⁵

The new Assembly met in early May and suspended the collection of the last tax. Before the end of the month, the legislature authorized the emission of £100,000 of paper money to be loaned for fourteen years to any Rhode Islander who owned real estate worth double the value of the amount borrowed. Four percent annual interest was to be collected during the first seven years; thereafter one-seventh part of the principal was to be repaid annually. The money was declared legal tender. Creditors who refused a tender in paper money were liable to forfeit the debt to the state, eliminating the debtor's obligation. Never before had such a radical legal-tender provision been established.

Almost immediately insults and ridicule were hurled at the state. A correspondent from Hartford styled the act as "the most extraordinary that ever disgraced the annals of democratical tyranny." He lamented "the depravity of human nature" that could "sanctify such palpable fraud and dishonesty, by a solemn act of legislation."⁶ "Rogue-Island" was charged with committing a crime against its people and the other states. A Boston writer maintained that "Fool-Island" had demonstrated that it was incapable of governing itself "*and therefore one of the Sister States must take them into her care and protection.*"⁷

By mid-June £40,000 of paper money had been loaned, but the opposition persisted. Consequently the Country party decided to take drastic action. At its June 1786 session, the legislature passed a penalty act. Anyone refusing to accept the currency at face value was subject to a £100 fine for the first offense, half going to the state and half to "the Person who shall inform." Conviction of a second offense carried the same fine and disenfranchisement. Despite the penalty act the opposition to paper money continued. Country party leaders admonished farmers to withhold their produce from Providence and Newport—centers of the opposition.

⁵ Ellery to Benjamin Huntington, 25 April 1786, Huntington Autograph Book, NRom.

⁶ Hartford *American Mercury*, 22 May 1786.

⁷ "Jonathan," *Boston Gazette*, 22 May 1786.

The shortage of foodstuffs caused uneasiness in the coastal towns, and open violence occurred in Newport. A correspondent charged that “the country people, influenced by a few designing worthless characters, are determined, by starving us out, as they style it, to compel us to swallow the paper money.”⁸ Only the timely intervention of Governor John Collins, the assistants, and a few influential citizens prevented a major conflict.⁹ The governor, because of “the great Uneasiness now prevailing,” called a special session of the legislature to consider the matter.¹⁰

The governor set the tone for the special session that convened on 22 August 1786, when he condemned the machinations of “a Combination of influential Men” who were attempting to defeat the intent of state laws. “The public Good must be the Pole Star,—the Legislative must be wise—and the Executive decisive.”¹¹ The legislature responded with an amendment to the penalty act aimed at producing swift and final judgment. The act provided that all paper-money cases were to be tried in special courts without juries and without the right to appeal. The legislature also resolved that Rhode Islanders could pay continental taxes in state paper money.¹²

On 13 September 1786, delegates from Providence County towns met in convention at Smithfield to consider the merchants’ continued opposition. The delegates attacked the subversive tendencies “of the mercantile Interest” and proposed that the legislature consider several plans, one of which called for a state-trade system that would have effectively eliminated the merchant class. As envisioned by a writer in the *Providence Gazette*, the state would own all stores, ships, wharves, shipyards, and the like. A state commission would send ships on fishing and mercantile ventures while severely limiting the importation of luxuries. The legislature would “take the lead in this business, and will order it carried on in such manner, and under such regulations, as they in their wisdom shall think most convenient for the welfare, advantage, and well-being of the State.”¹³ The governor called a special session of the legislature to meet on 2 October to consider the proposal. On 28 September, Noah Mathewson reported that the governor had acted at the request of the Smithfield Convention and that “A State trade is now proposed & should it be adopted, would complete the mad system.”¹⁴

Shortly after the Smithfield Convention adjourned, the state Superior Court considered a case under the provisions of the second penalty act. In the case of *Trevett v. Weeden*, the defendant had allegedly refused paper money at par in his butcher shop. The defense attorney, James Mitchell Varnum, argued that, according to the second penalty act, a special court (not the Superior Court) should hear the case and that the penalty act itself was unconstitutional because

⁸ “Extract of a letter from a gentleman in Providence, Rhode-Island, to his friend at the southward, dated July 1, 1786,” *New Jersey Gazette*, 28 August 1786 (reprinted from Baltimore, 15 August).

⁹ John Brown, *Providence Gazette*, 8 July 1786; *New Haven Gazette*, 27 July 1786; and *Newport Mercury*, 7 August 1786.

¹⁰ *United States Chronicle*, 17 August 1786.

¹¹ *Ibid.*, 7 September 1786.

¹² General Assembly Schedule, August 1786 Session (Providence, [1787]) (Evans 19954), 4, 5–7.

¹³ *Providence Gazette*, 30 September 1786; and “W. B.,” *United States Chronicle*, 21 September 1786.

¹⁴ Mathewson to Noah Webster, 28 September 1786, Webster Papers, New York Public Library. Mathewson represented the town of Johnston in the state Convention where he voted not to ratify the Constitution in May 1790.

it had no provision for a jury trial. Four of the five justices ruled that their court had no jurisdiction in the case. Despite the court's disclaimer of authority, several judges stated that the penalty act was unconstitutional.¹⁵ At about the same time, the Country party suffered another rebuff. On 18 September 1786, Congress resolved that Rhode Island could not use state-issued paper money to pay its continental requisition.¹⁶

In this atmosphere of discontent a special session of the legislature met on 2 October 1786. By removing "party Spirit and Prejudice" and promoting "a Union of Sentiment . . . among the various Classes of Citizens," the House of Deputies hoped to establish paper currency "on a firm and proper Basis." It therefore appointed a bipartisan committee. The committee recommended a modification of the tender provision of the paper-money act that was slightly more favorable to creditors, that the payment of the state excise and state impost duties in paper money should be allowed, and that the state debt should be paid in paper money as soon as practicable. The lower house voted that the report "be not received." Rejecting further compromise, Country party leaders introduced a bill that would require everyone in Rhode Island to take an oath supporting paper money. Any freeman who refused would be disenfranchised; any lawyer who refused would be disbarred; any merchant who refused could not send or receive vessels; and any government official who refused would be turned out of office. This "test act" was so controversial that the legislature sent it to the towns for their consideration.¹⁷ When the legislature reconvened on 30 October, it found that only three towns (Foster, North Kingstown, and Scituate) favored the bill. The House of Deputies decisively defeated the measure. Instructions from four towns (Little Compton, Portsmouth, Warren, and Westerly) asking for the repeal of the tender provision of the paper-money act were read, but the lower house refused to debate the issue. The deputies appointed a committee to report on paying off the state debt. When the committee could not agree on what to do, the lower house appointed a committee to report to the next session. At the request of the House of Deputies, three of the five judges of the Superior Court appeared to explain their actions in *Trevett v. Weeden*. The deputies were not satisfied with their explanations but decided not to bring criminal charges against the judges for their decision.¹⁸

When the legislature reconvened in December 1786, the Country party acted decisively to buttress its paper-money program. The legislature repealed the two penalty acts. However, it strengthened the tender provision by making it easier for debtors to lodge the money tendered with a court. The legislature also put severe limitations on mercantile lending practices and private promissory notes, considered the repeal of Newport's city charter, and passed an excise tax, which fell heavily on the larger towns and the wealthy. Finally, the legislature voted to redeem one-quarter of a portion of the state debt with paper money. The committee appointed at the last session to study the repayment of the entire state debt was continued and instructed to report to the next session.¹⁹ To some, these measures were still too limited.

¹⁵ James M. Varnum, *The Case, Trevett against Weeden* . . . (Providence, 1787) (Evans 20825); *United States Chronicle*, 5 October 1786.

¹⁶ JCC, XXXI, 662–64; and *United States Chronicle*, 12 October 1786.

¹⁷ *United States Chronicle*, 12 October 1786. See also Evans 44937 and 44959, broadside versions of the act.

¹⁸ *United States Chronicle*, 2, 9 November 1786.

¹⁹ General Assembly Schedule, December 1786 Session (Newport, [1787]) (Evans 20679), 6, 10–19, 19–20, 21–22, 22–23, 23. See also *United States Chronicle*, 11 January 1787.

The *Providence Gazette* of 6 January 1787 (Mfm:R.I.) reported that a bill introduced in the December session would abolish all debts and distribute all property equally among heads of families and repeat the process every thirteen years. Whether or not such a leveling bill was introduced in the legislature is uncertain. The newspaper report of the bill contributed to the mounting fear of Rhode Island's radical fiscal policies—fear not only within the state, but nationwide. Within two and a half months of the report's publication, the alleged bill was reprinted in at least fourteen newspapers from Vermont to Georgia.

Much was made about the supposed widespread abandonment of private debts under the legal-tender provisions of the paper-money act. In reality, relatively few debtors took advantage of the provision allowing them to lodge paper money with a judge, which forced creditors to accept it or forfeit the money. More often the fear of forfeiting entire debts compelled Rhode Islanders to accept the currency and thus absorb a sort of hidden tax as the money continued to depreciate.

Rhode Island's fiscal policies, including the depreciation of paper currency, had a much greater impact on holders of the state's debt as the Country party moved quickly to redeem it. In March 1787 a legislative committee estimated that the state debt amounted to slightly over £153,000, or about \$521,000. This public debt was composed primarily of two types of securities—£50,665 in six percent notes and £46,071 in four percent notes. Both kinds of securities had become concentrated in the hands of speculators. The legislature passed an act implementing the December 1786 resolution to redeem one-fourth of the state debt (excluding the four percent notes) with paper money.²⁰

With fiscal policy as the overriding issue, both parties prepared for the April 1787 state elections. The Country party “carried all before them.”²¹ The Country party took the landslide victory as an endorsement of the proposed redemption of the state debt with depreciated paper money—money that had fallen to only one-sixth of its face value. Additional acts were passed redeeming the balance of the six percent notes in quarterly installments in June 1787, February 1788, and May 1788. Public creditors who failed to submit their certificates to the treasurer within six weeks for payment of a quarter part of the face value in paper money would forfeit future claims on that quarter part of the securities and interest would stop. The legislature conveniently financed this redemption plan by levying taxes easily payable in paper money immediately after each quarter of the debt was paid. Thus a ready supply of paper money was available for the next quarter's payment of the debt. The result was that the six percent notes were redeemed with no excessive tax burden.

In October 1788 the legislature provided that the first quarter of the four percent notes should be redeemed. Opponents attacked the “procrastinated” payment of the debt as a way “at the next election to induce the people to reappoint them to complete so glorious a work.”²² Country party leaders moved to deflect this criticism by providing in December 1788 that all of the four percent notes should be redeemed in full by 1 March 1789. When March arrived, the

²⁰ General Assembly Schedule, March 1787 Session (Providence, [1787]) (Evans 20680) 11–12, 15–17.

²¹ William Ellery to Benjamin Huntington, 10 May 1787, Huntington Autograph Book, NRom; and “Extract of a Letter from a Gentleman in Newport, Rhode-Island, to his friend in this city,” *Philadelphia Independent Gazetteer*, 18 May 1787.

²² “Newspaper Report of General Assembly Proceedings,” 29 October–1 November 1788; and *Newport Herald*, 27 November 1788 (both III, below).

legislature extended the payment period to 8 May for all notes except the six percent notes that had been forfeited.²³ After 8 May all of the state debt would be paid or forfeited.

The funding of the state debt with depreciated currency had drastically changed Rhode Island's fiscal situation. Once the entire state debt was either redeemed or forfeited, state expenses were reduced to less than £10,000 annually, forty percent of which was paid by the interest on paper-money loans. With the state in healthy fiscal condition, the Country party was willing to compromise. In September 1789 the legislature temporarily suspended the tender and lodgement provisions of the paper-money act of May 1786 until the next session. During its first session in October, the legislature admitted that paper money had depreciated "from various and unforeseen Causes" and that continuing paper money as "a Tender will be productive of the highest Injustice." It therefore repealed the tender and lodgement provisions and made real estate and certain personal property at an appraised value payable for debts. During the second October session a committee was appointed "to ascertain the gradual Depreciation" of the state's paper money. The committee reported at the January 1790 session that as of October 1789 the depreciation rate was fifteen to one (i.e., fifteen paper dollars to one dollar of gold or silver coin). But "after a lengthy Debate in the Lower House, [the scale of depreciation that the committee reported] was negatived by a Majority of four Voices."²⁴ Rhode Island had completed the most extensive fiscal program in the United States. By paying the public debt in depreciated currency, the Country party had redistributed the state's wealth. Had the redemption of the state debt not occurred, the gulf between the most wealthy speculators and the state's farmers would have widened significantly. Rhode Island's fiscal policy prevented this polarization and alleviated some of the farmers' hostilities that elsewhere erupted in violence. At the same time, however, Rhode Island had alienated its public creditors, the Confederation Congress, and the other states.

Rhode Island and the Constitutional Convention

By 1787 the conflict over paper money in Rhode Island had become enmeshed in national issues. On 21 February 1787, Congress called a general convention to revise and amend the Articles of Confederation. One reason for calling a convention was to give Congress power to restrict the radical fiscal policies of state legislatures, especially those of Rhode Island. Rhode Islanders recognized that the proposed convention would consider measures antagonistic to the state's paper money policy and the impending redemption of its state debt with depreciated currency. Congress had already rebuked Rhode Island in 1786 when it refused to accept the state's currency in payment of the congressional requisition. Consequently, Country party leaders were suspicious of any attempt to broaden federal power at the expense of the states.

Soon after it convened in mid-March 1787, the legislature read the congressional resolution calling a general convention. A motion to appoint delegates to the convention was rejected by a two-to-one majority. When the new legislature met for the first time after the April elections, the deputies resumed consideration of the motion to appoint delegates to a convention. The deputies agreed to the appointment by a majority of two. The measure was killed when the upper house,

²³ General Assembly Schedule, December 1788 Session ([Providence, 1790?]) (Evans 21428), 9; March 1789 Session (Providence, [1790]) (Evans 22101), 14.

²⁴ General Assembly Schedule, September 1789 Session (Providence, [1789]) (Evans 22104), 27; October 1789 First Session (Providence, [1789]) (Evans 22105), 9–16; October 1789 Second Session (Providence, [1790]) (Evans 22106), 8; and *Providence Gazette*, 16 January 1790 (Mfm:R.I.).

seemingly in a well-orchestrated Country party maneuver, defeated the appointment by a majority of four.²⁵

In response to their state's isolationist policy, a committee of thirteen, on behalf of the merchants and tradesmen of Providence, wrote to the Constitutional Convention scheduled to meet on 14 May in Philadelphia. "Deeply affected with the evils of the present unhappy times," the committee expressed the hope "of the well inform'd throughout this State" that Congress might be given additional powers over commerce and taxation. The committee wanted General James Mitchell Varnum, a delegate to Congress, who had carried the letter to Philadelphia, to "Communicate (with your permission) in person more particularly Our Sentiments on the subject." In a separate letter to Varnum the committee hoped that he would be permitted to take a seat in the Convention "when the Commercial Affairs of the Nation are discuss'd."²⁶ The Convention read the letter on 28 May but tabled it.

When the state legislature reconvened in mid-June, the upper house reversed its previous action and agreed to send a delegation to Philadelphia. On 16 June the lower house rejected the measure by a majority of seventeen.²⁷ Two days later, Varnum wrote to George Washington, the president of the Convention:

. . . the measures of our present legislature do not exhibit the real character of the State. They are equally reprobated & abhorred by Gentlemen of the learned professions, by the whole mercantile body, and by most of the respectable farmers and mechanics. The Majority of the administration is composed of a licentious number of men, destitute of education, and many of them, void of principle. From anarchy and confusion they derive their temporary consequence, and this they endeavour to prolong by debauching the minds of the common people, whose attention is wholly directed to the abolition of debts public & private.²⁸

The response to Rhode Island's boycott of the Convention was heated. A southern correspondent in the *Newport Herald* of 12 April (CC:13) hoped "when the convention meets in Philadelphia, that measures will be taken to reduce you to order and good government, or strike your State out of the union, and annex you to others; for as your Legislature now conducts, they are dangerous to the community at large." The *Pennsylvania Herald* of 9 June (CC:35-A) reported that the Convention had resolved that "Rhode-Island should be considered as having virtually withdrawn herself from the union, and . . . upon no account shall she be restored to her station." By contrast, the 19 May *Massachusetts Centinel* (Mfm:R.I.) maintained that Rhode Island's failure to appoint delegates was "a circumstance far *more joyous than grievous* ; for her delinquency will not be permitted to defeat the salutary object of this body." In Virginia, William Nelson, Jr., a lawyer and member of a prominent family, hoped that Rhode Island "may not again attempt to shew, how the machine may be retarded, by one of it's most trifling wheels

²⁵ *Newport Herald*, 22 March and 10 May 1787, and *Philadelphia Independent Gazetteer*, 18 May (Mfm:R.I.).

²⁶ File copies of the letters dated 11 and 14 May are in the Brown Papers, RPJCB (Mfm:R.I.). See also Farrand, III, 18–20.

²⁷ *Newport Herald*, 21 June 1787 (Mfm:R.I.).

²⁸ Abbot, *Washington, Confederation Series*, V, 231–33.

refusing to perform it's office."²⁹ William Grayson, a Virginia delegate to Congress, charged that the "cry" in Rhode Island "is for a good government, after they have paid their debts in depreciated paper: first demolish the Philistines (i.e. their Creditors) & then for *propriety*."³⁰ On 2 September Francis Dana, a Massachusetts delegate to the Convention who was unable to attend because of illness, wrote his fellow Massachusetts delegate Elbridge Gerry that Rhode Island's "neglect will give grounds to strike it out of the Union & divide their Territory between their Neighbours" (Mfm:R.I.).

Because of this universal condemnation, the failure of the August session of the legislature to achieve a quorum, and continual pleas from Congress to send delegates to that body, Governor John Collins called a special session of the legislature to meet in mid-September to appoint Convention delegates and delegates to Congress. Instead, the legislature approved letters to Congress explaining why the state had refused to send delegates to both bodies. One of the letters, adopted on 15 September, acknowledged that "many severe and unjust sarcasmes [had been] propagated against us" for refusing to send a delegation to Philadelphia. The legislature maintained that it could not constitutionally appoint such a delegation because a state law provided that only the people could elect delegates to a convention intended to amend the Articles of Confederation. Nevertheless, the legislature intended to join "with our Sister States in being instrumental in what ever may be advantageous to the Union, and to add strength and permanance thereto, upon Constitutional principles" (RCS:R.I., 19–20). An official protest from the Newport and Providence deputies stated that "the Legislature have at various times agreed to Conventions with the Sister States" without violating "the Rights and Liberties of the Citizens of this State" (RCS:R.I., 21–23). The letter and the protest were sent to Congress on 17 September, the day that the Constitutional Convention adjourned. Congress read the Rhode Island communications on 24 September, four days after it read the newly proposed Constitution.

The Struggle to Call a State Convention

On 28 September 1787 Congress adopted a resolution sending the Constitution to the states with a recommendation that the state legislatures call special conventions of delegates chosen by the people to consider the new form of government (CC:95). The previous day the Constitution was printed by the *United States Chronicle*. On 3 November the state legislature ordered over one thousand copies of the Constitution to be printed and distributed to the towns. The House of Deputies, however, rejected a motion calling a convention to ratify the Constitution, the first of many rejections during the next two years.

The Constitution fared poorly in Rhode Island for several reasons, foremost among which was the states' rights philosophy of most of the inhabitants. Because of its religious and economic unorthodoxy, Rhode Island for years had been maligned. Occasionally proposals were made to obliterate it as a political entity. The state's opposition to the new Constitution increased such suggestions. These proposals only strengthened the Country party's resolve to maintain its opposition to the Constitution.

Many Rhode Islanders opposed the Constitution because it threatened their fiscal system. The Country party favored paper money and opposed the Constitution, while the Mercantile party opposed state currency and supported the Constitution. Since the Constitution banned state

²⁹ William Nelson, Jr., to James Madison, 7 May 1787, Rutland, *Madison*, IX, 410.

³⁰ William Grayson to James Monroe, 29 May 1787, Smith, *Letters*, XXIV, 292–93.

paper money and protected the sanctity of contracts, there was some doubt about the effect ratification would have on the money in circulation and the public-debt redemption program. Would all money have to be recalled immediately? Could the state debt still be paid in depreciated currency? What measures could the legislature enact to protect the currency? These were critical questions that no one could answer with complete assurance.³¹

The new year started well for the Mercantile party. On 1 January 1788 Little Compton instructed its deputies to “use your utmost endeavors” to obtain a state ratifying convention.³² Sixteen days later news arrived in Rhode Island that Georgia and Connecticut had ratified the Constitution, followed less than a month later by news of Massachusetts’ accession.

When the legislature convened on 25 February, the minority demanded a state convention. Four days later such a measure was defeated 43 to 15. Country party leaders proposed that the Constitution, like any other controversial issue, be submitted to the towns where the freemen could express their opinions. Such a referendum was approved on 1 March by a vote of 42 to 12. The legislature defeated a minority amendment to the referendum asking that the freemen instruct their deputies to call a state convention (II–A, below).

The Rhode Island referendum was held on 24 March 1788, when the Constitution was rejected by a vote of 2,714 to 238. Only two of the thirty towns supported the Constitution—Bristol and Little Compton. Federalists in Newport and Providence boycotted the referendum. Providence, with about five hundred freemen, voted 1 to 0 against the Constitution, while Newport, with three to four hundred freemen, voted 10 to 1 against it. Newport instructed its deputies to try to get a state convention called to consider the Constitution, and Providence and Bristol petitioned the legislature asking that a state convention be called (II–B, below).

The legislature met in late March. The House of Deputies rejected a motion calling a state convention by a majority of twenty-seven. The referendum results were tabulated and a letter was prepared to inform Congress that the referendum process was based “upon pure Republican Principles.” Although the Constitution had been overwhelmingly defeated, the General Assembly believed that it contained some necessary provisions that “could well be added and adapted to the present Confederation.” Rhode Island, the letter indicated, would be willing to grant Congress “sufficient Authority” to regulate commerce so that the public debt could be discharged (II–C, below).

As the annual April statewide elections approached, Rhode Islanders faced a clear choice. They could support either the Mercantile party and the new Constitution or the Country party and its fiscal policies. The election was another landslide victory for the Country party. William Ellery lamented: “We are like to have much the same administration this as we had the last year.—Indeed there is no proba[bil]ity that any material alteration will take place until our State debt is paid.”³³ When a proposal was made for a state convention during the June legislative session, the lower house brushed it aside without taking a vote.³⁴

³¹ See William Ellery to Benjamin Huntington, 30 September 1788 (III, below).

³² See *Newport Herald*, 10 January 1788 (RCS:R.I., 83–84).

³³ Ellery to Benjamin Huntington, 22 April 1788 (RCS:R.I., 255–56).

³⁴ See “The Rhode Island General Assembly,” 9–14 June 1788 (RCS:R.I., 269).

On 24 June 1788, news arrived in Rhode Island that New Hampshire had ratified the Constitution. Since it was the ninth state to do so, the Constitution could be implemented among the ratifying states. Soon a new general government would be organized, excluding Rhode Island. On 5 July, news of Virginia's ratification was received. A few weeks later, William Ellery expressed the opinions of many Rhode Islanders that their state would "stand out as long [as] it can;—but if Newyork accedes,—it will, it must soon come in.—If it should continue to be obstinate to the last;—it is not invincible. It may be annihilated, and divided." Coincidentally, the next day news arrived that New York had ratified the Constitution.³⁵ Rhode Island's debt had not been completely redeemed, though, which encouraged the Country party to continue the fight.

The legislature met again in late October 1788. Federalists hoped that a convention would be called. Peleg Arnold, one of the state's delegates to Congress, wrote Governor John Collins that a convention could consider the Constitution "and make their objections to the particular parts that are Incompatible to a good System of Government, and make Known to the States in the Union on what terms the State would Join them."³⁶ On the last day of the session, the House of Deputies again defeated a motion for a convention, this time by a vote of 40 to 14, and also rejected a motion to repeal the tender provision of the paper-money act of May 1786. The legislature then resolved to send to the towns copies of the New York Convention's proposed amendments to the Constitution and its circular letter that called for a second general convention to consider such amendments. The towns were asked to instruct their deputies whether Rhode Island should comply with the circular letter and appoint delegates to a proposed general convention.³⁷

Eight towns voted to send a delegation to a second convention and five voted to call a state convention. After considering these instructions, the House of Deputies, on 1 January 1789, rejected another motion for a state convention by a vote of 34 to 12.³⁸

By March 1789 Rhode Island Federalists were more alarmed than ever. The new federal Congress was scheduled to convene on 4 March, and the state still had not called a ratifying convention. On 10 March a Providence town meeting instructed its deputies to seek a convention, asserting that "a new æra in the political affairs of this country has taken place"—an era that saw Rhode Island "stand perfectly alone, unconnected with any State or sovereignty on earth." Unless the legislature called a convention, the state would be ruined economically (IV, below). On 13 March the lower house again rejected a motion for a convention.³⁹ The Country party had not yet "completely extinguished the State debt."⁴⁰

³⁵ See "Newport and Providence Celebrate New Hampshire's Ratification of the Constitution," 24 June–3 July 1788; "Providence Celebrates Virginia's Ratification of the Constitution," 5–17 July; Ellery to Benjamin Huntington, 28–29 July; and "Providence and Newport Celebrate New York's Ratification of the Constitution," 29–31 July (III, below).

³⁶ 20 October (III, below).

³⁷ See "The Rhode Island General Assembly," 29 October–1 November 1788 (III, below).

³⁸ See "The Rhode Island General Assembly," 1 January 1789 (IV, below).

³⁹ See "The Rhode Island General Assembly," 11–13 March 1789 (IV, below).

⁴⁰ William Ellery to Benjamin Huntington, 10 March 1789 (IV, below).

Two weeks after this defeat, prominent Providence Federalists wrote to President George Washington asking him and Congress to make a public appeal to Rhode Islanders. Only in this way could enough upright men be elected to the legislature in April 1789 to pass an act calling a convention.⁴¹ Washington, however, was not inaugurated until 30 April, after the state elections. Jeremiah Wadsworth, a Connecticut member of the U.S. House of Representatives, advised Rhode Island Federalists to make public, “Manly” overtures to Congress requesting that body to use force, if necessary, to command obedience from the recalcitrant state. If public overtures were considered too dangerous, Federalists should make them in private. Wadsworth added that “a number of friends” in Connecticut were ready to assist Rhode Island Federalists in their struggle.⁴²

The Country party again easily won control of the legislature at the April 1789 elections. In May the House of Deputies postponed consideration of the convention question until June. The legislature provided that Rhode Island would collect the same impost duties as those in Congress’ expected tariff act. Federalists attacked this “sham acquiescence” that was obviously an effort to appease Congress and avoid economic sanctions.⁴³ When the legislature reconvened in June, the lower house again defeated both a motion calling a convention and the repeal of the tender provision of the paper-money act of May 1786.⁴⁴

By September 1789 the entire state debt had been paid or forfeited. Country party leaders realized that Rhode Island would have to ratify the Constitution soon if they wanted to maintain political power within Rhode Island. A prolonged delay might result in military or economic intervention by the central government. In either case, Federalists would blame the Country party. The Country party had to find a way to ratify the Constitution without appearing inconsistent, while at the same time not giving credit to its opponents. Since the Country party controlled both houses of the legislature and the executive offices, it would be difficult to ratify the Constitution without appearing to repudiate its position of the previous two years.

On 15 September 1789, a special session of the legislature convened. Three days later, at the request of Country party leaders, the legislature passed an act requiring the towns to hold meetings on 19 October at which the freemen would be asked to vote on whether or not the legislature should call a convention. On 19 September the legislature approved a letter to President George Washington and Congress explaining why the state had not yet ratified the Constitution and affirming its loyalty to the Union.⁴⁵ A week later Congress recommended that twelve amendments to the Constitution be sent to the state legislatures for their consideration. At its next session in mid-October, the Rhode Island legislature ordered that 150 copies of the amendments—the basis for the U.S. Bill of Rights—be printed and one copy sent to each town for consideration on 19 October.⁴⁶ When the legislature convened on 26 October it was thought

⁴¹ Gentlemen of Providence to George Washington, 27 March 1789 (IV, below).

⁴² Wadsworth to Welcome Arnold and Brown & Francis, 19 April 1789 (IV, below).

⁴³ See “The Rhode Island General Assembly,” 8–9 May 1789; *Newport Mercury*, 11 May; and William Ellery to Benjamin Huntington, 14 May and 15 June (IV, below).

⁴⁴ See “The Rhode Island General Assembly,” 10–11 June 1789; and William Ellery to Benjamin Huntington, 15 June (IV, below).

⁴⁵ See “The Rhode Island General Assembly,” 16–19 September 1789 (IV, below).

⁴⁶ See “The Rhode Island General Assembly,” 15–17 October 1789 (IV, below).

that a majority of the deputies favored calling a state convention, but enough towns had instructed their deputies against the measure that it was again defeated.⁴⁷

The year 1790 looked ominous for Rhode Island. North Carolina had ratified the Constitution in November 1789, leaving Rhode Island as the last state out of the Union. Congress had previously set 15 January 1790 as the date when economic sanctions against Rhode Island would commence if the state had not called a ratifying convention. No one knew what else Congress might do, but Federalist James Manning of Providence believed that the federal government would “address our feelings, as they cannot operate on our reason.”⁴⁸ Federalists in the mercantile towns asked President Washington if he and Congress would protect any seceding towns that joined the Union.⁴⁹

When the legislature convened on 11 January, the outlook for calling a convention was uncertain. Benjamin Bourne thought “the House are about equally divided in sentiment on this subject and what will be the result requires more prescience, than I possess, to predict.”⁵⁰ On Friday, 15 January, the lower house narrowly passed a convention bill by a vote of 34 to 29. The following day the upper house defeated the measure 5 to 4. The magistrates wanted to resubmit the question to the freemen in their towns, but the deputies rejected this idea. The lower house passed another convention bill which the upper house rejected around 10:00 P.M. on Saturday. In an extraordinary Sunday session on 17 January, the House of Deputies passed its third convention bill by a vote of 32 to 11. When the House of Magistrates considered this bill, it was split 4 to 4—one of the opponents being absent. Governor Collins, a Country party member but a friend of the Constitution, cast the deciding vote in favor of calling a convention. On Monday Collins sent the act to President Washington along with a resolution asking Congress to suspend its imminent discriminatory measures against Rhode Island.⁵¹

Convention Politics

The election of seventy Convention delegates occurred on 8 February. An optimistic Federalist reported that opponents of the Constitution had a majority of six delegates. More pessimistic Federalists feared the majority was as high as twelve.⁵²

The Convention assembled on 1 March at Little Rest in South Kingstown, the county seat and a Country party stronghold. The Convention read the Constitution and considered it “Generally” and then by paragraphs. A committee drafted and reported a bill of rights and amendments to the Constitution. Federalists wanted to vote on the Constitution, but Country party leaders wanted to delay the vote. On 6 March the Convention voted 41 to 28 to adjourn

⁴⁷ See “The Rhode Island General Assembly,” 29 October 1789; and *United States Chronicle*, 29 October (IV, below).

⁴⁸ Manning to Timothy Green, 9 December 1789 (IV, below).

⁴⁹ Jabez Bowen to George Washington, 15 December 1789 (IV, below).

⁵⁰ William Ellery to Nathaniel Appleton, 2 January 1790; and Bourne to Silas Talbot, 9 January (IV, below).

⁵¹ See V–A, below.

⁵² Jeremiah Olney to Alexander Hamilton, 12 February 1790; John Francis to John McClellan, 5 March; Henry Marchant to John Adams, 7 March (VI, below).

without taking a vote on the Constitution. The delegates agreed to reconvene eleven weeks later in Newport. Deputy Governor Daniel Owen, the Convention president, admitted privately that adjournment was necessary to ensure a Country party victory in the annual April elections. In the interim, the proposed bill of rights and amendments adopted by the Convention were distributed to the towns to be considered by the freemen on 21 April, the annual election day.⁵³

During the week that the Convention met, Country party leaders held secret “nocturnal conventions” or caucuses. On 6 March, after the Convention adjourned, a final caucus occurred at which a slate of candidates for state offices was adopted. Governor John Collins was dropped and replaced by Deputy Governor Daniel Owen. This publicly unexpected switch was carefully planned. Even though the Country party controlled both houses of the legislature, they had maneuvered the voting so that all the attention and opprobrium was focused on Governor Collins’ casting of the deciding vote that had enabled a convention to be called. Although an ardent paper-money man, Collins was a friend of the Constitution and was considered expendable by the Country party. In this way the Country party tried to escape responsibility for calling the Convention. Even though the Country party-dominated legislature had called a convention, the Country party could still run in the April elections as opponents of the Constitution. Two weeks later, Owen withdrew himself from consideration for office and was replaced on the slate by Arthur Fenner of Providence, described as “a violent Anti.”⁵⁴ The Country party again won control of the upper and lower houses, although only with a majority of five in the latter.⁵⁵

Some Antifederalists spoke of circumventing the Convention by having the legislature at its May session resubmit the Constitution directly to the people. Enough Country party members sided with Federalists to thwart such action. William Ellery reported “that the Antis, in private conversations with the Feds, have talked more favorably respecting an accession” to the Constitution. A resubmission to the people was tantamount to rejection. Most legislators believed that ratification was inevitable, and they wished to do nothing to jeopardize the chances of adoption.⁵⁶

For months Rhode Island Federalists had advocated for Congress to pass restrictive legislation that would affect Rhode Island’s commerce. Finally, on 18 May 1790, the U.S. Senate took decisive action, passing a bill stating that no American ships could enter Rhode Island and no Rhode Island ships could enter other states. The same restrictions applied to commerce by land. Violators would be punished with forfeiture of goods, a fine of \$500, and imprisonment not exceeding six months. To place more pressure on Rhode Island, the Senate bill demanded that the state pay \$25,000 to the United States by 1 December 1790 to discharge Rhode Island’s share of the expenses under the Confederation.⁵⁷ When newly elected Governor Fenner heard about

⁵³ See V–B (below) and Henry Marchant to John Adams, 7 March 1790 (VI, below).

⁵⁴ Henry Marchant to John Adams, 7 March 1790; Daniel Owen’s Circular Letter, 19 March; William Ellery to Benjamin Huntington, 28 March and 5 April; and John Collins to George Washington, 24 May (VI, below). See also John P. Kaminski, “Political Sacrifice and Demise—John Collins and Jonathan J. Hazard, 1786–1790,” *Rhode Island History*, 35 (1976), 91–98.

⁵⁵ William Ellery to John Adams, 13 May 1790 (VI, below).

⁵⁶ Ellery to Benjamin Huntington, 11 May 1790 (VI, below).

⁵⁷ See “United States Senate: Proceedings on Bill to Prohibit Commerce with Rhode Island,” 28 April–18 May 1790 (VI, below).

the bill, he immediately wrote President George Washington saying that there was no reason for Congress to pursue such harsh actions. “Many persons of influence who have heretofore opposed the Adoption of the New Constitution here, have withdrawn their opposition.” The state would very likely ratify the Constitution at the next session of the Convention.⁵⁸ Rhode Island Federalists were not so confident. A Providence town meeting instructed its Convention delegates to meet with delegates from Newport and other towns if the Convention failed to ratify the Constitution. The delegates were empowered to apply to Congress for protection.⁵⁹

Rhode Island in the Union

The second session of the Convention met in Newport on 24 May. For several days little of real importance occurred. A few amendments to the Constitution were proposed and accepted. Newport delegate Henry Marchant wrote that “We had, an anxious, arduous & distressing Week—nor were we much encouraged in Success till within a few Hours of the Question’s being taken—For when we met at the begining of the Week They were twelve majority against us.”⁶⁰ Finally, on 29 May, the important question was called. A roll call was taken and the Constitution was ratified 34 to 32, after which a proposed bill of rights and amendments were also accepted.⁶¹

Federalists needed support from their opponents to ratify the Constitution. Five Antifederalists voted to ratify, while four Antifederalists did not vote.

On 29 May, prior to the vote, Middletown instructed its two delegates to vote to ratify the Constitution. One of Middletown’s delegates, William Peckham, Jr., resigned and was replaced with Federalist Elisha Barker, who with his Antifederalist colleague Joshua Barker voted to ratify. Portsmouth’s delegates were instructed to vote to ratify on 26 April and again on 29 May. Two of the town’s four Antifederalist delegates voted to ratify, one did not vote, and one (despite the town’s instructions) voted against ratification. The two Antifederalist delegates from New Shoreham left the Convention without voting, and the two Antifederalist delegates from Hopkinton voted to ratify. President of the Convention Daniel Owen of Glocester, an Antifederalist, as presiding officer did not vote.

Immediately after the Convention adjourned, Convention President Daniel Owen sent word to President Washington that Rhode Island had ratified. Two weeks later, Congress acted to put several federal laws into effect in the state. President Washington congratulated Rhode Island “upon this event which unites under one general government all the branches of the great American family.”⁶²

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⁵⁸ 20 May 1790 (VI, below).

⁵⁹ “Providence: Instructions to Town Delegates to the State Convention,” 24 May 1790 (VI, below).

⁶⁰ Marchant to Sarah Marchant, 9 June 1790 (VII–B, below).

⁶¹ See VII–B (below).

⁶² 29 May 1790 (VII–B, below); and Washington to Owen, 19 June (VIII–D, below).