

ARTICLES

American Constitution-Making: The Neglected State Constitutional Sources

By MARSHA L. BAUM* AND CHRISTIAN G. FRITZ**

I. Introduction

During the first wave of American constitution-making and six years before the formation of the the Federal constitution, an unusual series of books made their appearance: comprehensive compilations of existing state constitutions.¹ These compilations not only provided models and constitutional text for American constitution makers, but initially served to announce the republican governments Americans had established after the Revolution. These compilations have considerable significance for American constitutional history and law, and have been largely overlooked legal sources.

Although the eighteenth-century genesis of these volumes can largely be traced to John Adams, their publication marked the advent of a constitutional literature that flourished throughout the nineteenth-century. Through their titles, content, and form, these compilations offer clues about how Americans thought about framing

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1. In his monumental six-volume BIBLIOGRAPHY OF EARLY AMERICAN LAW, Morris Cohen notes most, but not all, of the constitutional compilations and their various editions included in this article's Bibliographic App. Cohen does not indicate physical dimensions of the compilations. Morris L. Cohen, BIBLIOGRAPHY OF EARLY AMERICAN LAW (1998). Items in the Bibliographic Appendix refer to Cohen and include numbers that correspond with items listed in Cohen's BIBLIOGRAPHY. The absence of such a reference signifies that the item is not listed in Cohen's BIBLIOGRAPHY. It should be noted that the coverage of Cohen's BIBLIOGRAPHY extends only through 1860.

fundamental law. Moreover, compilations were widely available to the 170 different constitutional conventions that met between the Revolution and the end of the nineteenth-century.² Their presence and use, as well as perceived utility, is suggestive of how convention delegates approached the process of constitution-making. Constitution makers were aware of the work produced by their peers and utilized those sources to assist in framing constitutions. Ultimately, constitutional compilations contribute further evidence demonstrating the existence of a rich culture of nineteenth-century constitution-making.

Beyond the impact compilations had on the work of American constitution makers, their appearance suggest how Americans conceived of written constitutions. Although the compilations' impact on constitution-makers can be traced more directly than on the general public, it seems evident that compilations were not primarily read by drafters. The literature of constitutional compilations reveals that eighteenth and especially nineteenth-century Americans took a deeper interest in their written constitutions than previously suspected.

How American constitution-makers approached their task is a matter of both contemporary legal importance and historical interest. Many current state constitutions largely remain a product of nineteenth-century (and, in the case of Massachusetts, even eighteenth-century) constitution-making. With increased attention given to state constitutions as sources of constitutional guidance and rights "independent" of the Federal Constitution, the result is renewed interest in the text and context of state constitution-making.³ Unfortunately, the lack of examination of state constitution-making nationally and over sufficiently long periods of American history has contributed to an incomplete and somewhat distorted picture of state constitutions and constitutionalism.⁴ Frequently the subject of pejorative comparisons

2. For the number of conventions that met from the Revolutionary period through the 20th century, see Albert L. Sturm, *The Development of American State Constitutions*, 12 *PUBLIUS* 57, 82 (1982).

3. See generally Robert F. Williams, *STATE CONSTITUTIONAL LAW: CASES AND MATERIALS* (2d ed. 1993) and Jennifer Friesen, *STATE CONSTITUTIONAL LAW: LITIGATING INDIVIDUAL RIGHTS, CLAIMS, AND DEFENSES* (2d ed. 1996).

4. See Christian G. Fritz, *The American Constitutional Tradition Revisited: Preliminary Observations On State Constitution-Making In The Nineteenth-Century West*, 25 *RUTGERS L.J.* 945, 952-956 (1994). Moreover, Lawrence Friedman reminds us that despite the individuality of states, "close study of state constitutional history can be, and often is, a way to see the country as a whole." *State Constitutions and Criminal Justice in the Late Nineteenth Century*, 53 *ALB. L. REV.* 265, 281 (1989).

to the Federal Constitution and its widely admired and illustrious tradition of constitutionalism, state constitutions have largely suffered as lesser forms of constitutions, more akin to “constitutional legislation” than “true” constitutions.⁵ Scholars have neglected the history of specific state constitutions as well as state constitution making, generally impeding an appreciation and understanding of these documents. Particularly helpful would be a broader study of American constitution-making that explored how delegates understood their task of drafting state constitutions. Although such a study is underway, the present article examines the distinct sources relied upon by many, if not most, American constitution-makers, and which had a broad appeal to Americans generally.⁶

II. The Emergence and Use of Constitutional Compilations

A. A Political Purpose

Essentially, compilations were pocket-sized volumes that contained the full text of all the state constitutions existing at the time of its publication. The literature of compilations, expanded to include what might be called partial compilations, did not reproduce the full text of all existing state constitutions, but instead included selected state constitutions or compared selected constitutional topics.⁷ Eventually, some works provided full text, charts, and topically arranged information to facilitate a comparison of constitutional approaches.⁸ The overwhelming number of compilations found in the Bibliographic Appendix, however, are references to full text compilations.⁹ From the start, however, editors and publishers of compilations inserted additional information. An early compilation published in Philadelphia, for example, included not only the state constitutions “of the Several Independent States of America,” but also a copy of the Declaration of

5. Fritz, *supra* note 4, at 957-62.

6. One of the authors, Christian Fritz, is currently engaged in that broader study of American constitution-making from the Revolution until the end of the 19th century. That study analyzes the existing debates of all the state constitutional conventions of that period as well as accounts of such conventions. For some preliminary findings, see Fritz, *supra* note 4 and Christian G. Fritz, *Alternative Visions of Constitutionalism: Popular Sovereignty and the Early American Constitutional Debate*, 24 HASTINGS CONST. L.Q. 287 (1997).

7. For partial compilations in the Bibliographic App., see items Nos. 18, 20, 41, 45, 50, 55, 57, 58, 60, 62, 67, 71, 72, 75, 79, 81, 83, 85, 88, 89, 93, 95, 97, 99, and 102.

8. One such compilation was the work compiled by Franklin Benjamin Hough in 1871-1872. See Bibliographic App., item No. 105.

9. All the items listed in the Bibliographic App. except for those noted in note 7 are full text state compilations.

Independence, the Articles of Confederation and the treaty between Great Britain and United States.¹⁰

The earliest identified compilation was published in French in Philadelphia in 1778.¹¹ Between 1778 and the federal constitutional convention in the summer of 1787, three editions and one reprint of state constitutional compilations had been published in America.¹² In addition, one new edition and five different reprints of the earlier American published compilation appeared in England, Scotland, and Ireland all before 1787.¹³ European interest in the republican experiment in constitution-making was reflected not only by the early 1778 edition, but by a Dutch edition published in Dordrecht in 1781-1782, yet another French edition published in Paris in 1783, and a German edition of collected American state constitutions published in Dessau and Leipzig in 1785.¹⁴ Benjamin Franklin's hand can be detected in the French editions, particularly the 1783 edition which appeared while Franklin was America's ambassador to the French Court.¹⁵ John Adams, however, proved the major impetus for the earliest compilation in English. That compilation ultimately reflected John Adams' concern about America's political status in the wake of the Revolution and desired to make interesting and important documents more widely available.

Congress dispatched Adams to Europe in early 1780 as America's Minister to France and the Netherlands in order to negotiate Anglo-American peace and commercial treaties. He came armed with copies of the Report he had drafted the previous summer which became the basis of Massachusetts' 1780 constitution. French interest in American constitution-making created a demand for copies of the post-Revolutionary state constitutions. While Adams distributed his Report, he also wrote Congress in February 1780 asking for copies of other state constitutions. He noted the great "[c]uriosity throughout all Europe to see our new Constitutions" and the fact that "those already published in the Languages of Europe" have done America "much Honor."¹⁶ Seven months later, Adams reiterated his concern about

10. Bibliographic App., item No. 7.

11. See Cohen, *supra* note 1, at 605. See Bibliographic App., item no. 1. Much of the material in this compilation had evidently been originally printed in Edme Jacques Genet, *AFFAIRES DE L'ANGLETERRE ET DE L'AMERIQUE (1776-1783)*. See John Adams, in 10 *THE PAPERS OF JOHN ADAMS* 178 n. 1 (Robert J. Taylor, ed., 1977-1996).

12. Bibliographic App., item Nos. 2, 6, 12, and 14.

13. Bibliographic App., item Nos. 4, 5, 7, 8, 9, and 10.

14. Bibliographic Appendix, item Nos. 3, 11, and 13.

15. See Cohen, *supra* note 1, at 605, entry 3033.

16. *THE PAPERS OF JOHN ADAMS*, *supra* note 11, at 379 n. 1.

making the texts of American constitutions more widely available when he wrote from Amsterdam in September of 1780 to request that Congress publish an edition of those state constitutions. He lamented the high level of ignorance about “our Affairs” and the widespread tendency of Europeans to “consider the American Resistance, as a desultory Rage of a few Enthusiasts, without order, Discipline, Law or Government.”¹⁷ After scouring bookstores and finding only a few copies of the early French language edition published in Philadelphia in 1778, Adams insisted that, “Nothing would Serve our cause more than having a compleat Edition of the American Constitutions, correctly printed in English, by order of Congress, and sent to Europe, as well as Sold in America.”¹⁸ This time, Congress acted relatively promptly after receiving Adams’ suggestion, and in December of 1780, appointed a three-person committee “to collect and cause to be published 200 correct copies” of the Declaration of Independence, the Articles of Confederation, the “alliances” between the United States and Britain as well as “the constitutions or forms of governments” of the states.¹⁹ By January 1781, the committee had gathered most of the state constitutions and Congress’ authorized edition of them was published in Philadelphia by May of 1781.²⁰ Eventually, a second edition—based on Congress’ compilation—was published in Boston in 1785.²¹

Although both the 1781 and 1785 compilations contained information that early American constitution-makers would draw upon in their drafting process, they also clearly advanced Adams’ wider political purpose. By authorizing these publications, Congress announced to the world that the states of the United States and Americans constituted a new nation. The works not only provided content that people—particularly Europeans—might find interesting, but they underscored the legitimate place Americans sought to claim among

17. *Id.* at 176.

18. *Id.*

19. 18 JOURNALS OF THE CONTINENTAL CONGRESS, 1774-1789 1217 (Worthington Chauncey Ford ed., 1904-1937). The three members of the committee appointed on December 29, 1780 were Thomas Bee, delegate from South Carolina, John Witherspoon, delegate from New Jersey, and Oliver Wolcott, delegate from Connecticut.

20. Bibliographic App., item no. 2; Letter from Oliver Wolcott to Johnathan Trumbull (January 9, 1781), in 5 LETTERS OF MEMBERS OF THE CONTINENTAL CONGRESS, at 525 (Edmund C. Burnett, ed., 1921-1936); 20 JOURNALS OF THE CONTINENTAL CONGRESS, 1774-1789, *supra* note 19, at 475. It may be that more than the 200 copies originally ordered were published since Congress approved payment to the printer, Francis Bailey, in the amount of \$160, but ultimately paid him \$800 for the work. See *id.* at 535, 543.

21. Bibliographic App., item No. 12.

other nations. Including treaty material in the early compilations reminded readers of the consequences of the American Revolution: the emergence of a government that desperately sought to be taken seriously by Europe. The struggle for national respect and credibility that had begun with the Revolution continued long after the cessation of hostilities with Britain.²² The dignity of the American nation and that of the diplomats sent to various European courts would suffer considerable slights in the years to come, but constitutional compilations served as one of the early ways of showing America's credentials for membership in the international arena.²³

In this context, the efforts of Benjamin Franklin to encourage the very first compilation in French, and especially the second edition published in Paris in 1783, have wider significance. Likewise, the widespread reprinting of the 1781 compilation in London in 1782 and 1783, in Glasgow in 1783, and in Dublin in 1783, contributed to advance the political status of America. The first London publication, as opposed to a mere re-printing, of an American constitutional compilation tellingly included a number of additional documents beyond the expected constitutional text. The compilation, printed by J. Stockdale in 1783 with a preface and dedication by the Reverend William Jackson, included "the Non-Importation Agreement; and the Petition of Congress to the King Delivered by Mr. Penn. With an appendix, containing the Treaties Between His Most Christian Majesty and the United States of America; the Provisional Treaty with America; and (never before published) an authentic copy of the treaty concluded between their High Mightiness the States-General, and the United States of America."²⁴

As evidence of explicit recognition of America's status as new nation, it is not surprising that inclusion of treaty material invariably formed part of the compilations published in the 1780s and 1790s. By the 1800s, however, such references to the Treaty with Britain largely dropped out of the titles, reflecting the distance America had traveled in its quest to be recognized as a nation state. Instead, the material, in

22. For the diplomatic trials and tribulations of the new American nation, see James H. Hutson, *JOHN ADAMS AND THE DIPLOMACY OF THE AMERICAN REVOLUTION* (1980) and Samuel Flagg Bemis, *A DIPLOMATIC HISTORY OF THE UNITED STATES* 65-110 (rev. ed, 1942).

23. One of the more dramatic and humiliating instances of dismissive treatment by European powers was the infamous XYZ affair, in which the French Foreign Minister refused to deal with American diplomats in the late 1790s without first receiving bribes. See generally William Stinchcombe, *THE XYZ AFFAIR* (1980) and Stanley Elkins & Eric McKittrick, *THE AGE OF FEDERALISM: THE EARLY AMERICAN REPUBLIC* 549-79 (1993).

24. Bibliographic App., item No. 10.

addition to texts of the state constitutions, tended to include a broader range of national legal sources such as the Articles of Confederation, the Federal Constitution, the Declaration of Independence, and occasionally, George Washington's Farewell address.

B. Broader American Appeal

Compilations eventually developed into works that Americans demanded. Some evidence for this conclusion comes from the frequency with which multiple versions of a given compilation were published in different places in the same year. Moreover, the same compilation title was often published year after year, even without the impetus of including newly-created constitutions. The patten of publication and sheer numbers of compilations reveal that the market for them extended well beyond constitutional convention delegates.²⁵ Publishers would hardly have maintained their non-stop pace of publication had there not been an on-going interest in compilations that generated some degree of profit.

There is additional evidence that compilations were widely marketed to the American public and not merely specialized publications intended primarily for convention delegates. There is little correlation between when constitutional conventions met and the appearance of new editions of compilations. Indeed, the ratio of compilations published to conventions held was much higher in the Revolutionary period to the early national period than it would be later in the nineteenth-century when more conventions met.²⁶ For example, in the first quarter of the nineteenth-century, some fourteen conventions met, during which period thirty compilations were published; while from 1826 to 1850, when the number of constitutional conventions more than doubled (up to thirty-eight), only twenty-eight compilations appeared. In the period of greatest activity of constitution-mak-

25. Bibliographic App. . Between the American Revolution and the end of the nineteenth-century more than ninety different editions and versions of constitutional compilations were published.

26. Occurrence of constitutional conventions and appearances of compilations.

Period	Number of Conventions	Number of Compilations
Before 1801	26	18
1801 to 1825	14	30
1826 to 1850	38	28
1851 to 1875	67	15
1876 to 1900	25	4

Source: For number and distribution of conventions, see Sturm, *supra* note 2, at 83; for dates of compilations, see Bibliographic App.

ing, from 1851 to 1875, when sixty-seven conventions met, only fifteen compilations made their appearance. If compilations had been primarily marketed to delegates framing state constitutions, then many more editions would have appeared during the most active periods of constitution-making.

Moreover, with only two exceptions, the printers of compilations did not print the convention debates. This lack of a connection also suggests a wider intended market for compilations because printers for debates frequently enjoyed the lucrative privilege of publishing official state materials. Indeed, published debates were invariably published by the official state printer or a printer chosen by the convention. In only two cases, New York's 1867 and 1894 constitutional conventions, did the printers of the convention debates also publish compilation material. In both cases, the convention or the legislature ordered certain material to be prepared for the convention's use.²⁷ In 1867, Benjamin Hough published under "the Direction of a Committee" of the New York convention of that year a copy of the state's constitution and "a Comparative Arrangement of the Constitutional Provisions of Other States Classified by their Subjects."²⁸ Likewise, prior to New York's 1894 convention, George Glynn published a compilation of state constitutional texts under the direction of the New York legislature.²⁹ In both cases, the publishers of the compilation materials were also awarded the contract for publishing the debates.³⁰ The overwhelming number of conventions drew upon compilations already in print, making such direction by conventions or the legislature prior to a convention relatively rare. Thus, for example, New York's 1821 convention had available two different compilations published in 1820, Pennsylvania's 1837 convention had access to a compilation published in 1835, and New York's 1846 convention had access to a compilation published in 1845.³¹

The pattern of publication and the place of publication further supports the existence of a general market for compilations. Al-

27. Bibliographic App., item Nos. 104 and 109.

28. Bibliographic App., item No.104.

29. Bibliographic App., item No.109.

30. New York's 1867-1868 convention debates were published by Weed, Parson & Company of Albany while the state's 1894 convention debates were published by The Argus Company, also of Albany.

31. Bibliographic App., item Nos. 39, 40, 58, and 70. In addition, as part of a manual prepared at the order of New York's 1846 convention, delegates had access to the constitutions of New Jersey, Louisiana, Florida, Texas, Missouri and Iowa. See *MANUAL FOR THE USE OF THE CONVENTION TO REVISE THE CONSTITUTION OF THE STATE OF NEW YORK, CONVENEED AT ALBANY, JUNE 1, 1846* (1846).

though it might be expected that the largest number of compilations would be published in the major population centers or political capitols, such as Philadelphia, New York City, Albany, and Washington, D.C., it is worth noting that several dozen different printers were involved in publishing compilations in those cities. More significantly, however, compilations were also commonly printed far and wide in other towns. While the publication of compilations in Boston, Newark, Baltimore, and Richmond might not be unexpected, more unlikely places of publication included: Warsaw, New York; Winchester, Virginia; Exeter, New Hampshire; and Gettysburg, Pennsylvania.³²

Indicative of the widespread publication of compilations outside metropolitan or government centers was Thomas T. Skillman's publication in Lexington, Kentucky. Between 1813 and 1826, Skillman published five separate editions of a constitutional compilation and reprinted one of those editions twice.³³ Lexington was hardly a center of the publishing world in America at the time and the appearance of Skillman's compilations were unrelated to constitutional revision in Kentucky. Kentucky's last constitutional convention, before Skillman began publishing his compilations, convened in 1799, and the next convention did not meet until 1848. Clearly, Skillman's decision to publish was not to serve a convention's need, but to meet public demand. A plausible reason for this demand was that Americans since the Revolution heralded the fact that republican governments rested on the foundation of the sovereign "people" and thus inevitably placed demands upon their conduct and behavior. Americans were keenly aware that the Declaration of Independence and the initial efforts to establish republican forms of governments marked an important departure from the experience of earlier generations and the Old World. In embracing the challenge of crafting republican governments, the potential constitutional implications for the role of "the people" was never far from the surface.³⁴

C. Early Pattern of Borrowing

Compilations facilitated the first wave of constitution-making after the Revolution and produced an enduring trait of American constitution-making: a clear instinct for comparison, modeling, and

32. For the compilations published in: Warsaw, New York; Winchester, Virginia; Exeter, New Hampshire; and, Gettysburg, Pennsylvania, see respectively Bibliographic App., item Nos. 60, 30, 27, and 29.

33. Bibliographic App., item Nos. 32, 37, 44, 46, 47, and 48.

34. See Fritz, *ALTERNATIVE VISIONS OF CONSTITUTIONALISM*, *supra* note 6, at 290-304.

borrowing. Newspapers regularly published the texts of state constitutions, which were subjected to close analysis and scrutiny by revolutionary constitution-makers.³⁵ The committee drafting North Carolina's 1776 constitution studied copies of the recently adopted constitutions of Virginia, Maryland, and Pennsylvania that had been sent to it by North Carolina's delegate to the Continental Congress, William Hooper.³⁶ The speed with which Delaware's 1776 constitution and declaration of rights emerged rested largely on access to a published version of Pennsylvania's declaration of rights and an unpublished first draft of Maryland's declaration.³⁷ Pennsylvania's drafters, in turn, had earlier relied heavily upon Virginia's declaration.³⁸ Settlers in Vermont in 1777, taking the initiative to draft a state constitution, were influenced by the Pennsylvania 1776 constitution sent to them by a Philadelphia physician who recommended it as a model.³⁹ When John Adams assumed the principal role of drafting Massachusetts's constitution in 1779, he benefited from existing state constitutions. Indeed, after being elected a delegate to the constitutional convention, Adams reflected that their work would inevitably draw from earlier state constitutions. Although happy "of having a share in this great Work," he wrote Benjamin Rush that it was "impossible for Us to acquire any Honour, as so many fine Examples have been recently set Us."⁴⁰ Indeed, his final draft, particularly in the declaration of rights, shows the signs of his borrowing.⁴¹

As Kentuckians began thinking about drafting a constitution in the 1780s, they sent letters asking for advice from many sources, including Thomas Jefferson and James Madison. Although dispensing

35. See Marc W. Kruman, *BETWEEN AUTHORITY AND LIBERTY: STATE CONSTITUTION MAKING IN REVOLUTIONARY AMERICA* 18 (1997).

36. See John V. Orth, *Fundamental Principles in North Carolina Constitutional History*, 69 N.C. L. REV. 1357, 1358 (1991) and John V. Orth, *North Carolina Constitutional History*, 70 N.C. L. REV. 1759, 1761 and 1765 (1992).

37. See Willi Paul Adams, *THE FIRST AMERICAN CONSTITUTIONS: REPUBLICAN IDEOLOGY AND THE MAKING OF THE STATE CONSTITUTIONS IN THE REVOLUTIONARY ERA 75-76* (Rita Kimber & Robert Kimber trans., 1980).

38. See *id.* at 79.

39. The physician was Thomas Young and his letter to "the Inhabitants of Vermont" with advice about their prospective constitution-making was printed as a handbill and widely distributed. See Paul Gillies, *Not Quite a State of Nature: Derivations of Early Vermont Law*, 23 VT. L. REV. 99, 106-07 (1998). See also Adams, *supra* note 37, at 93-94; William C. Hill, *THE VERMONT STATE CONSTITUTION: A REFERENCE GUIDE* 4 (1992).

40. Letter from John Adams to Benjamin Rush (Sept. 10, 1779), in 8 *THE PAPERS OF JOHN ADAMS*, *supra* note 11, at 140.

41. See Robert J. Taylor, *Construction of the Massachusetts Constitution*, 90 *PROC. AM. ANTIQUARIAN SOC'Y* 317, 330-31 (1980) and 8 *THE PAPERS OF JOHN ADAMS*, *supra* note 11, at 228-271.

some general advice, the 'Father of the Federal Constitution' basically recommended that Kentucky constitution makers do what he assumed they already knew to do: read the "small Volume" of constitutional compilations, a work he expected they had in their possession.⁴² Madison's description was not pejorative; the compilation he recommended was small—the original in 1781 had been published at sixteen centimeters and a second edition in 1783 at nineteenth centimeters—he simply described their size.⁴³ In the end, Pennsylvania's 1790 constitution became the principal model that guided Kentucky constitution-makers in framing the fundamental law in 1792.⁴⁴ Madison's suggestion established the standard approach that Americans continued to employ as they engaged in constitution-making.⁴⁵ The framers of the Federal constitution meeting in Philadelphia had access to constitutional compilations, and scholars have noted the manner in which the Federal convention drew upon the decade of American constitution-making that preceded it.⁴⁶

Constitution-making in the early national period continued to see much constitutional borrowing, facilitated by the use of constitutional compilations. Tennessee's 1796 constitution displayed the influence of many different state constitutions,⁴⁷ while Louisiana's 1812 constitu-

42. Letter from James Madison to Caleb Wallace (Aug. 23, 1785), in 8 *THE PAPERS OF JAMES MADISON* 356 (Univ. Press of Virginia and Univ. of Chicago Press, 1963-date). Madison referred Kentucky's potential drafters to the constitutional compilation originally published in 1781. See Bibliographic App., item Nos. 2 and 7.

43. See Bibliographic App., item Nos. 2 and 7.

44. Don E. Fehrenbacher, *CONSTITUTIONS AND CONSTITUTIONALISM IN THE SLAVE-HOLDING SOUTH* 29 (1989) and Joan Wells Coward, *KENTUCKY IN THE NEW REPUBLIC: THE PROCESS OF CONSTITUTION MAKING* 12-47 (1979).

45. In drafting a proposed constitution prior to California's 1878-1879 constitutional convention, Thomas Laine explained that he had created his draft after reading "all the American constitutions" and then had "freely copied from the constitutions of other states, such provisions as my judgment approved." Thomas H. Laine, *A SUGGESTED CONSTITUTION FOR THE STATE OF CALIFORNIA* 3 (1878). Delegates to Missouri's 1865 and Washington's 1889 constitutional conventions utilized a similar approach. See David D. March, *Charles D. Drake and the Constitutional Convention of 1865*, 47 *MO. HIST. REV.* 110, 112 (1953); James L. Fitts, *The Washington Constitutional Convention of 1889* 22 (unpublished M.A. thesis, University of Washington, 1951)(on file with the author).

46. See *THE FEDERALIST* NO. 24, at 159 (A. Hamilton) (C. Rossiter ed., 1961) (A. Hamilton); see also *id.*, No. 47, at 304-07 (J. Madison) (comparing constitutions of all 13 states); Willi Paul Adams, *The State Constitutions as Analogy and Precedent: The American Experience with Constituent Power before 1787*, 34 *AMERIKASTUDIEN* 7 (1989); Donald S. Lutz, *A PREFACE TO AMERICAN POLITICAL THEORY* 49-88 (1992); Robert F. Williams, *The State Constitutions of the Founding Decade: Pennsylvania's Radical 1776 Constitution and its Influences on American Constitutionalism*, 62 *TEMP. L. REV.* 541 (1989).

47. See John D. Barnhart, *The Tennessee Constitution of 1796: A Product of the Old West*, 9 *J. S. HIST.* 532, 548 (1943).

tion largely drew from Kentucky's 1797 constitution.⁴⁸ Delegates who framed Indiana's first constitution in 1816, had the use of compilations.⁴⁹ Mississippi's 1817 constitution also evidenced reliance on a compilation, given the extent and nature of its borrowing.⁵⁰ And while Maine's constitution makers in 1819 drafted a document deeply indebted to Massachusetts' 1780 constitution, they also "eclectically" borrowed "from a range of constitutions" to produce "a synthesis unique to Maine."⁵¹ As Maine had been part of Massachusetts, the influence of the 1780 constitution was more expected than the borrowing from other state constitutions.

D. The Functional Purpose of Compilations

If the earliest compilations received their impetus from Congress with an eye toward an international audience, their utility for drafters of American constitutions soon became apparent. Moreover, the subsequent publication pattern suggests that some printers also sensed a general market for compilations. As such, the publication of compilations gradually shifted from being under the aegis of the government to private printers responding to a perceived market. The first compilation published not under the order of Congress appeared in Philadelphia in 1791, and was quickly followed by two other editions in 1796.⁵² One of those publications was the first partial compilation. It provided a tabular format that offered "the prominent features of each constitution, and classing together their most important provisions under the several heads of administration."⁵³ One year later, in 1797, another edition appeared in Boston, and another partial compilation appeared in Newark the next year.⁵⁴ From the late eighteenth-century until the late 1870s, compilations followed a pattern of private publication. In 1877, the Government Printing Office published, under the order of the U.S. Senate, a massive collection compiled by Benjamin Perley Poore. Poore compiled not only the federal and state constitutions, but also colonial charters, and "Other Organic

48. See Fehrenbacher, *supra* note 44, at 29.

49. John D. Barnhart, *Sources of Indiana's First Constitution*, 39 IND. MAG. HIST. 55 (1943).

50. Winbourne M. Drake, *The Framing of Mississippi's First Constitution*, 29 J. MISS. HIST. 301, 325 (1956).

51. Marshall J. Tinkle, *THE MAINE STATE CONSTITUTION: A REFERENCE GUIDE* 4 (1992).

52. Bibliographic App., item Nos. 15, 17, and 18.

53. *Id.* at item No. 18.

54. *Id.* at item Nos. 19 and 20.

Laws” in two volumes.⁵⁵ The large size and bulk of Poore’s work marked a distinct departure, as will be seen, from a tradition of pocket-sized compilations prior to the Civil War.

One of the consequences (and possibly an intended function) of the genre of widely available pocket-sized compilations was the democratization of constitution-making. If John Adams had prepared himself for the task of drafting a constitution for Massachusetts by delving deeply into his private library (in addition to having access to the existing state constitutions), then later constitution-makers came to believe themselves sufficiently equipped to draft a state constitution by virtue of only having access to the text of earlier constitutions.⁵⁶ Compilations, in that sense, created an equivalence in source material from which constitution makers—no matter in what humble or remote circumstance their convention might meet—could draw.

Changes in the titles of compilations between the eighteenth-century and early national periods reflected the increasing relevance compilations had to constitution-makers and ordinary Americans. The earliest compilation titles were descriptive, often beginning with as “The Constitutions of. . .” or “The constitutions of the sixteen states. . .”⁵⁷ During the early national period, however, compilations assumed titles more suggestive of their intended audience and their function. Changes in the titles also suggested a sense of the importance of compilations to the initial process of framing republican governments. In 1810, the first edition of what became one of the most popular compilations was revealingly entitled: *The American’s Guide*.⁵⁸ Frequently published by multiple publishers and in different cities in the same year, *The American’s Guide* went through at least twenty-five editions between 1810 and 1864.⁵⁹ Equally suggestive of how written constitutions were perceived was a compilation entitled

55. *Id.* at item No. 106.

56. For John Adams’ drafting of the report that became the basis of the Massachusetts 1780 constitution, see 8 *THE PAPERS OF JOHN ADAMS*, *supra* note 11, at 235. For Adams’ extensive library and his engagement with his books, see Zoltan Haraszti, *JOHN ADAMS AND THE PROPHETS OF PROGRESS* (1952).

57. See, e.g., Bibliographic App., item Nos. 2 and 19.

58. The full title was: *THE AMERICAN’S GUIDE. THE CONSTITUTIONS OF THE UNITED STATES OF AMERICA; WITH THE LATEST AMENDMENTS; ALSO THE DECLARATION OF INDEPENDENCE, ARTICLES OF CONFEDERATION, AND THE FEDERAL CONSTITUTION, ACTS FOR THE GOVERNMENT OF THE TERRITORIES, WASHINGTON’S FAREWELL ADDRESS, AND THE INAUGURAL SPEECHES OF THE SEVERAL PRESIDENTS* (1810). See Bibliographic App., item No. 28.

59. The work was published in 1810, 1813 [published in three different editions], 1828, 1830 [published in two different editions], 1832 [published in two different editions], 1833, 1835, 1838, 1839, 1840, 1841, 1843, 1844, 1845, 1849, 1850, 1854, 1855, 1859, and 1864 [pub-

The Freeman's Guide, which first appeared in 1812.⁶⁰ In 1841, a partial compilation—containing addresses of the Presidents up to that date and the constitutions of “many of the most important states in the Union”—appeared as *The True Republican*.⁶¹ And from 1847 to 1849, John Reynolds Bigelow published a compilation entitled, *The American's Own Book; Or, The Constitutions of the Several States in the Union*.⁶²

All nineteenth-century constitutional convention delegates had access to the state constitutional documents that served as models in drafting fundamental law. Constitution-making was hardly an activity confined to experts or requiring specialized information. Rather, with compilations such as the American's “Book” and “Guide,” virtually all Americans were able to participate in crafting a written constitution. James Madison essentially made that point in his response to the Kentuckians in 1785. Kentuckians had no need for the person who became America's best known constitutional drafter, Madison implied, because they could do the job by themselves after consulting a compilation.

From their inception, state constitutional compilations were published as pocket-sized books, clearly intended to be easily transportable. The first edition of *The American's Guide* was fifteen centimeters in length (or approximately six inches). Most compilations averaged between seventeen to nineteen centimeters (or approximately six and three-quarters to seven and one-half inches), the smallest edition published in 1823 being little more than five inches in length.⁶³ A partial compilation published in 1835 was little less than four inches in length.⁶⁴ In comparison, the standard height of current scholarly monographs is approximately twenty-three centimeters (approximately nine inches), and most law casebooks and hornbooks av-

lished by two different printers]. See Bibliographic Appendix, item Nos. 28, 32, 33, 34, 35, 49, 51, 52, 53, 54, 56, 58, 61, 62, 64, 65, 68, 69, 70, 77, 80, 90, 96, and 100.

60. *Id.* at item No. 31.

61. The full title was: THE TRUE REPUBLICAN: CONTAINING THE INAUGURAL ADDRESSES, TOGETHER WITH THE FIRST ANNUAL ADDRESSES AND MESSAGES OF ALL THE PRESIDENTS OF THE UNITED STATES, FROM 1789 TO 1841; WITH THEIR FAREWELL ADDRESSES, AND ILLUSTRATED WITH THE PORTRAITS OF EACH OF THE PRESIDENTS. TO WHICH IS ANNEXED THE DECLARATION OF INDEPENDENCE AND CONSTITUTION OF THE UNITED STATES. ALSO, THE CONSTITUTIONS OF MANY OF THE MOST IMPORTANT STATES IN THE UNION (1841). See Bibliographic App., item No. 66. For the other editions of French's compilation, see Bibliographic App., item Nos. 67, 71, 72, 75, 79, 81, 83, 85, 88, 89, 93, 95, 97, 99, and 102.

62. See Bibliographic Appendix, item Nos. 73, 74, 76, and 78.

63. For the smallest full text compilation, see Bibliographic App., item No. 43 [13 cm].

64. See *id.* at item No. 59.

erage twenty-five and one-half centimeters (approximately ten inches). The compilations' size provides a vital clue to their use and expected use that goes beyond their content.⁶⁵ Their pocket-size anticipated that they would travel easily with American citizens interested in the experiment of creating republican governments and in the on-going process of making and remaking written constitutions. Indeed, the size of the compilations and some of their titles suggested that nineteenth and even eighteenth century Americans would become a constitution-toting people.

Besides their portability, the conciseness of compilations made them the primary resource for constitution-making. While other materials could be drawn upon and sometimes were injected into the constitution-making process (especially later in the nineteenth-century), the common denominator for American constitution-makers remained the compilations. If some delegates complained that fellow delegates relied too much on such volumes, the compilations implicitly limited a broad spectrum of sources that constitution makers might have felt compelled to consult. Over time, the nineteenth-century trend towards larger sizes suggests that the portability of compilations become less important. Still, compilations retained their capacity to focus the delegates' attention on a discrete body of relevant source material.

Significantly, compilations brought together, in a readily accessible form, the authoritative sources for convention delegates. The existing constitutions were relevant to the task of drafting new constitutions and represented the highest authority in terms of constitutional law— all the written fundamental law then in existence in America. In that sense, compilations had something of a Bible-like quality to them: an authoritative source to be consulted and quoted when disputes arose. In the context of compilations, of course, the questions were not biblical, but rather about the nature of constitutions. Compilations thus assumed a purpose separate and apart from their content. As books, they would ultimately make their way into the library, but they also possessed an immediate usefulness in the practical dynamics of political debate and the drafting of constitutions.

65. The historian Thomas G. Barnes has long admonished his graduate students to pay special attention to the form of documents, suggesting that sometimes only the form of a document can give certain historical insights. Indeed, one of the authors (a former student of Professor Barnes) developed an insight into the nature and function of constitutional compilations by idly requesting an interesting title from the Bancroft Library at U.C. Berkeley while waiting for manuscript materials.

The extent to which publishers' hopes of widespread use is not quantifiable, but ample evidence reveals their compilations' ubiquitous presence in nineteenth-century constitutional conventions. Moreover, there is some indication that Americans were more familiar with compilations than what the publication data suggests. The preface to a *Manual* for New York's 1821 constitutional convention hoped that the volume would prove useful "not only for those who may be more immediately called to act on this important occasion, but as a general summary of the constitutional provisions of the different states, interesting alike to the statesman and to the citizens at large."⁶⁶ Moreover, in 1824, a newspaper reporting on Rhode Island's constitutional convention expected something "that the citizens of the state may be proud to see bound up in the volume containing the constitutions of the other states."⁶⁷ The casual reference to constitutional compilations suggests a degree of awareness of such compilations by the newspaper's readership that did not require explanation. In the course of Pennsylvania's 1837 constitutional convention, one delegate favored inserting an anti-dueling provision in the constitution rather than leaving it a statutory offense. He rested his position on the belief that average citizens tended to carry pocket-sized constitutional compilations. He suggested that a person challenged to a duel was more likely able to point to its prohibition under the constitution (with text more readily at hand in a compilation) than in having access to bulky volumes of statutes.⁶⁸ In fact, there is every reason to believe the delegate was correct: two statutory digests for Pennsylvania in 1837 were substantially larger than the standard constitutional compilation.⁶⁹

66. The *Manual*, however, was not officially published by the state government, but evidently by a private entrepreneur who hoped the convention would use the *Manual*. See RECORDS OF THE STATES OF THE UNITED STATES OF AMERICA: A MICROFORM COMPILATION (William Sumner Jenkins, ed., 1949)(Constitutional Series, New York, Reel 1, Unit 7).

67. MANUFACTURERS' AND FARMERS' JOURNAL AND PROVIDENCE AND PAWTUCKET ADVERTISER (Providence, RI), July 1, 1824, at 3.

68. 4 PROCEEDINGS AND DEBATES OF THE CONVENTION OF THE COMMONWEALTH OF PENNSYLVANIA, TO PROPOSE AMENDMENTS TO THE CONSTITUTION, COMMENCED AND HELD AT HARRISBURG, ON THE SECOND DAY OF MAY, 1837 245 (statement of Smyth) (1837-1839).

69. See A DIGEST OF THE LAWS OF PENNSYLVANIA. FROM THE YEAR ONE THOUSAND SEVEN HUNDRED TO THE SIXTEENTH DAY OF JUNE, ONE THOUSAND EIGHT HUNDRED AND THIRTY-SIX (5th ed. Philadelphia: M'Carty & Davis, 1837) [1070p., 25 cm.]; Benjamin Parke, DIGEST OF THE REVISED CODE AND ACTS PASSED BY THE LEGISLATURE BETWEEN THE 7TH DAY OF APRIL, 1830, AND THE 16TH DAY OF JUNE, 1836, FORMING WITH PURDON'S DIGEST OF 1830, A COMPLETE DIGEST OF THE LAWS OF PENNSYLVANIA TO THE PRESENT TIME. . . (Philadelphia: Kay, 1837) [2v. in 1, 24 cm]. In contrast, all the state

E. The Perceived Utility of Compilations by Conventions

The *Manual* written for New York's 1821 convention formalized an early belief that existing constitutions facilitated constitution-making. Although the New York *Manual* only contained "an abstract or digest of the material points and features" of the twenty-four state constitutions then in existence, later conventions sometimes took the step of providing every delegate with comprehensive constitutional compilations.⁷⁰ Pennsylvania's 1837 constitutional convention was the first to purchase compilations for each delegate, a practice followed by New York in 1846, evidently by Maryland in 1850, Massachusetts in 1853, Iowa in 1857, Maryland in 1864, New York in 1867, Pennsylvania in 1872, New York in 1894 and Delaware in 1896.⁷¹ Those conventions eventually agreed with New York's 1846 convention that the expense of providing each delegate with a compilation was justi-

constitutions could be found in the *American's Guide* published in 1835 in Philadelphia in a volume slightly larger than seven inches in length. See Bibliographic App., item No. 58.

70. CONVENTION MANUAL. A CONSTITUTIONAL GUIDE TO THE OBJECTS OF THE NEW-YORK STATE CONVENTION; CONSISTING OF THE CONSTITUTION OF THE STATE, WITH AN ABSTRACT OR DIGEST OF THE MATERIAL POINTS AND FEATURES OF THE CONSTITUTIONS OF THE UNITED STATES AND THE TWENTY-FOUR SEVERAL STATES OF THE UNION,—AND THE EXISTING PROVISIONS OF THE ACT FOR CALLING A CONVENTION (New York: Printed by Joseph Kingsland & Co., 1821). See Bibliographic App., item No. 41.

71. 1 Pennsylvania, DEBATES, *supra* note 68, at 82 and 2 Pennsylvania, DEBATES, *supra* note 68, at 3; REPORT OF THE DEBATES AND PROCEEDINGS OF THE CONVENTION FOR THE REVISION OF THE CONSTITUTION OF THE STATE OF NEW YORK, 1846 (Reported by William G. Bishop and William H. Attree) 50 (1846); 1 OFFICIAL REPORT OF THE DEBATES AND PROCEEDINGS IN THE STATE CONVENTION, ASSEMBLED MAY 4, 1853, TO REVISE AND AMEND THE CONSTITUTION OF THE COMMONWEALTH OF MASSACHUSETTS 87 (1853); 1 THE DEBATES OF THE CONSTITUTIONAL CONVENTION; OF THE STATE OF IOWA, ASSEMBLED AT IOWA CITY, MONDAY, JANUARY 19, 1857 (BEING A FULL . . . REPORT OF THE DEBATES AND PROCEEDINGS, BY AUTHORITY OF THE CONVENTION, ACCOMPANIED. . . BY A COPIOUS INDEX OF SUBJECTS, AND REMARKS OF MEMBERS THEREON) 20 (1857); 1 THE DEBATES OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF MARYLAND, ASSEMBLED AT THE CITY OF ANNAPOLIS, WEDNESDAY, APRIL 27, 1864: BEING A FULL AND COMPLETE REPORT OF THE DEBATES AND PROCEEDINGS OF THE CONVENTION, TOGETHER WITH THE OLD CONSTITUTION, THE LAW UNDER WHICH THE CONVENTION ASSEMBLED, AND THE NEW CONSTITUTION 37 (1864) (In debating whether or not to purchase copies of constitutional compilations for each delegate in this convention, the assertion was made that such had been the practice in Maryland's 1850 convention.); 1 PROCEEDINGS AND DEBATES OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF NEW YORK, HELD IN 1867 AND 1868, IN THE CITY OF ALBANY 23, 40 (1868); 1 DEBATES OF THE CONVENTION TO AMEND THE CONSTITUTION OF PENNSYLVANIA: CONVENEED AT HARRISBURG, NOVEMBER 12, 1872; ADJOURNED, NOVEMBER 27, TO MEET AT PHILADELPHIA, JANUARY 7, 1873 41, 120 (1873); 1 REVISED RECORD OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF NEW YORK, MAY 8, 1894 TO SEPTEMBER 29, 1894 (REV. & INDEXED BY HON. WILLIAM H. STEELE) 300 (1900); 1 DEBATES AND PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF DELAWARE (Commencing December 1, 1896, Dover, Delaware) (1896-1897) 89, 263 (1958); 2 *id.* at 872.

fied because “the aggregate wisdom” of preceding conventions embodied in America’s written constitutions offered “a vast amount of information” for use by constitution-makers.⁷² Given the sizeable number of delegates often involved, other conventions sought to reduce costs by buying a limited number of compilations to be shared by delegates.⁷³ For example, Michigan’s 1835 constitutional convention of eighty-nine delegates bought twenty compilations—one for each of its standing committees, Indiana’s 1850 convention bought three copies (to be shared by more than 125 delegates), Maryland’s 1867 convention bought one copy for each county delegation (meaning 119 delegates shared twenty-two copies), while the 100 delegates to Kentucky’s 1890 convention shared twelve copies of Benjamin Poore’s two-volume compilation.⁷⁴ Some delegates expressed the view that delegates, rather than the convention, should buy compilations.⁷⁵ A few delegates complained that they could not afford the books they felt should be in their “hands” as constitution-makers.⁷⁶ A delegate to Illinois’ 1869 constitutional convention argued in vain to provide every delegate a constitutional compilation. In order “to act intelligently” in drafting a constitution “it is of immense advantage to have the wisdom of other states—to have the experience of other constitutional conventions.”⁷⁷ There was no better “way of getting that wisdom or experience in so condensed a form” as with compilations.⁷⁸ Nonetheless, in the interest of economy, Illinois’ convention in 1869—as well as Michigan’s (1850) and Ohio’s (1850 and 1873)—voted

72. New York, DEBATES (1846), *supra* note 71, at 24 (statement of Kirkland).

73. Some conventions, like Iowa in 1857, helped justify the expense of buying individual copies by having delegates deposit materials, including constitutional compilations, to the State Library at the end of the convention. See 2 Iowa, DEBATES (1857), *supra* note 71, at 990-91.

74. THE MICHIGAN CONSTITUTIONAL CONVENTIONS OF 1835-36, DEBATES AND PROCEEDINGS 14, 147 (Harold M. Dorr, ed., 1940); 1 REPORT OF THE DEBATES AND PROCEEDINGS OF THE CONVENTION FOR THE REVISION OF THE CONSTITUTION OF THE STATE OF INDIANA 41 (1850-1851); DEBATES OF THE MARYLAND CONSTITUTIONAL CONVENTION OF 1867 (AS REPRINTED FROM ARTICLES REPORTED IN THE BALTIMORE SUN) 52 (1923); 1 OFFICIAL REPORT OF THE PROCEEDINGS AND DEBATES IN THE CONVENTION ASSEMBLED AT FRANKFORT, ON THE 8TH DAY OF SEPTEMBER, 1890, TO ADOPT, AMEND OR CHANGE THE CONSTITUTION OF THE STATE OF KENTUCKY 39 (1890).

75. 1 Iowa, DEBATES (1857), *supra* note 71, at 20; 1 DEBATES AND PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF ILLINOIS, CONVENEED AT THE CITY OF SPRINGFIELD, TUESDAY, DECEMBER 13, 1869 136-37 (1870).

76. 1 REPORT OF THE DEBATES AND PROCEEDINGS OF THE CONVENTION FOR THE REVISION OF THE CONSTITUTION OF THE STATE OF OHIO, 1850-1851 27 (statement of Sawyer) (1851).

77. 1 Illinois, DEBATES (1869-1870), *supra* note 75, at 145.

78. *Id.*

against supplying individual copies.⁷⁹ In each of those cases, however, direct evidence exists that delegates purchased or brought in their own copies of compilations.⁸⁰ Delegates believed that compilations were “almost indispensable,”⁸¹ “of infinite service”⁸² and were “an extremely useful book to most of us.”⁸³ They preferred to embark on the task of framing or re-framing their state constitutions guided by the ‘codified’ wisdom of the American constitutional tradition in their pocket.

Such sentiments were widely shared by American constitution-makers. A Minnesota constitution-maker in 1857 frankly asserted his “need” for “the assistance of books to discharge” his duties as a delegate.⁸⁴ He felt incompetent “to originate a constitution in all its parts without consulting books, containing the proceedings of other conventions of other states.”⁸⁵ A delegate to West Virginia’s constitutional convention meeting during the Civil War echoed “the great difficulty” inherent in constitution-making, about which he suspected the delegates’ constituents were not advised.⁸⁶ “To take to pieces the frame of government and put it together, each one in its proper place, and each provision to operate properly, is a work of immense difficulty.”⁸⁷ A delegate to South Carolina’s 1868 convention spoke for many other members of nineteenth-century constitutional conventions when he asserted that, “[o]riginality in constitution making is almost out of the question.”⁸⁸ It thus became a matter of examining existing constitu-

79. See *id.* at 146; REPORT OF THE PROCEEDINGS AND DEBATES IN THE CONVENTION TO REVISE THE CONSTITUTION OF THE STATE OF MICHIGAN 7 (1850); 1 OHIO, DEBATES (1850-1851), *supra* note 76, at 37; 1 OFFICIAL REPORT OF THE PROCEEDINGS AND DEBATES OF THE THIRD CONSTITUTIONAL CONVENTION OF OHIO, ASSEMBLED IN THE CITY OF COLUMBUS [AND CINCINNATI], ON TUESDAY, MAY 13, 1873 [AND 1874] 74 (1873-74).

80. Michigan, DEBATES (1850), *supra* note 79, at 579 (statement of Kingsley); 1 OHIO, DEBATES (1850-1851), *supra* note 76, at 27 (statement of Sawyer); 1 ILLINOIS, DEBATES (1869-1870), *supra* note 75, at 136-37, 145; 1 OHIO, DEBATES (1873-1874), *supra* note 79, at 73-4.

81. 1 ILLINOIS, DEBATES (1869-1870), *supra* note 75, at 145 (statement of Wells).

82. 1 OHIO, DEBATES (1873-1874), *supra* note 79, at 31 (statement of Pease).

83. 2 Delaware, DEBATES (1896-1897), *supra* note 71, at 872 (statement of Saulsbury).

84. DEBATES AND PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION FOR THE TERRITORY OF MINNESOTA, TO FORM A STATE CONSTITUTION PREPARATORY TO ITS ADMISSION INTO THE UNION AS A STATE 40 (statement of Cogswell) (1858). This is the Republican delegates’ convention of 1857.

85. *Id.* (statement of Cogswell)

86. 1 DEBATES AND PROCEEDINGS OF THE FIRST CONSTITUTIONAL CONVENTION OF WEST VIRGINIA (1861-1863) 686 (statement of Lamb) (Charles Henry Ambler, Frances Haney Atwood and William Burdette Mathews, eds., 1939).

87. *Id.* (statement of Lamb).

88. 1 PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF SOUTH CAROLINA, HELD AT CHARLESTON, SOUTH CAROLINA, BEGINNING JANUARY 14TH AND ENDING

tional provisions and to “gather from the best.”⁸⁹ The delegate to California’s 1877-78 convention, frustrated with the amount of comparative analysis of constitutional text, and wanting “the law library. . .locked up and all these books that the members bring here thrown out of sight” was virtually alone in thinking that delegates could “go to work and build a constitution out of our heads, out of our own inner consciences.”⁹⁰ Rather, from the start of American constitution-making, constitutional assembling had been an integral part of the process of framing fundamental law.

The importance placed on examining existing state constitutions as part of the essential process of constitution-making explains why some conventions went to the extent of buying compilations for their delegates. Intensive “borrowing” and comparative analysis was naturally expected from conventions that purchased compilations or even debated such purchases. Even when a convention did not consider buying compilations, the debates make it abundantly clear that compilations were floating around in the vast majority of nineteenth century conventions. Such evidence was often explicit when delegates quoted from compilations⁹¹ or offered extensive comparisons of constitu-

MARCH 17TH, 1868. INCLUDING THE DEBATES AND PROCEEDINGS 316 (statement of N.G. Parker) (1868).

89. *Id.* at 317 (statement of N.G. Parker). When California held its first constitutional convention in 1849 a delegate had put the matter similarly, their task was to draw upon “the cream of the whole—the best material of the Constitutions of the thirty States.” REPORT OF THE DEBATES IN THE CONVENTION OF CALIFORNIA, ON THE FORMATION OF THE STATE CONSTITUTION, IN SEPTEMBER AND OCTOBER, 1849 25 (statement of Sherwood) (1850).

90. 1 DEBATES AND PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF CALIFORNIA, CONVENEED AT THE CITY OF SACRAMENTO, SATURDAY, SEPTEMBER 28, 1878 256 (statement of Barnes) (1880-1881).

91. OFFICIAL REPORT OF DEBATES IN THE LOUISIANA CONVENTION, AUGUST 5-24, 1844 (FROM FIRST SESSION AT JACKSON, AUGUST 1844) AND PROCEEDINGS AND DEBATES OF THE CONVENTION OF LOUISIANA WHICH ASSEMBLED AT THE CITY OF NEW ORLEANS, JANUARY 14, 1844 [*sic*] 51-56 (statement of Read), 111 (statement of Brent) (1845) (from second session at New Orleans, Jan.-May 1845); DEBATES OF THE TEXAS CONVENTION 316 (statement of Lewis) (1846); Milo Milton Quaife, THE [WISCONSIN] CONVENTION OF 1846 84 (statement of Ryan) (1919); REPORT OF THE DEBATES AND PROCEEDINGS OF THE CONVENTION FOR THE REVISION OF THE CONSTITUTION OF THE STATE OF KENTUCKY 1076 (statement of Stevenson) (1849); California, DEBATES (1849), *supra* note 89, at 28 (statement of Gwin), 34 (statement of Shannon), 88 (statement of Semple); 2 DEBATES AND PROCEEDINGS OF THE MARYLAND REFORM CONVENTION TO REVISE THE STATE CONSTITUTION. TO WHICH ARE PREFIXED THE BILL OF RIGHTS AND CONSTITUTION AS ADOPTED 371 (statement of Spencer) (1851); REGISTER OF THE DEBATES AND PROCEEDINGS OF THE VIRGINIA REFORM CONVENTION 158 (statement of Tredway) (1851); Minnesota (Republican), DEBATES (1857), *supra* note 84, at 92 (statement of Balcombe), 94 (statement of Wilson), 352 (statement of North); 1 West Virginia, DEBATES (1861-1863), *supra* note 86, at 113 (statement of Lamb); Andrew J. Marsh, OFFICIAL REPORT OF THE DEBATES AND PRO-

tional provisions that made it highly likely that compilations were available⁹² As a result, it seems unlikely that many conventions could

CEEDINGS IN THE CONSTITUTIONAL CONVENTION OF THE STATE OF NEVADA, ASSEMBLED AT CARSON CITY, JULY 4, 1864, TO FORM A CONSTITUTION AND STATE GOVERNMENT 100 (statement of Kennedy) (1866); 1 THE DEBATES AND PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF MICHIGAN, CONVENEED AT THE CITY OF LANSING, WEDNESDAY, MAY 15, 1867 107 (statement of Norris), 111 (statement of Howard)(1867); 1 THE DEBATES AND PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF VIRGINIA, ASSEMBLED AT THE CITY OF RICHMOND, TUESDAY, DECEMBER 3, 1867; BEING A FULL AND COMPLETE REPORT OF THE DEBATES AND PROCEEDINGS OF THE CONVENTION, TOGETHER WITH THE RECONSTRUCTION ACTS OF CONGRESS AND THOSE SUPPLEMENTARY THERETO, THE ORDER OF THE COMMANDER OF THE FIRST MILITARY DISTRICT ASSEMBLING THE CONVENTION, AND THE NEW CONVENTION 23 (statement of J.C. Gibson) (1868); JOURNAL OF THE PROCEEDINGS IN THE CONSTITUTIONAL CONVENTION OF THE STATE OF MISSISSIPPI 28-29 (1871); 1 South Carolina, DEBATES (1868), *supra* note 88, at 316 (statement of N.G. Parker); Addison E. Sheldon, 2 OFFICIAL REPORT OF THE DEBATES AND PROCEEDINGS IN THE NEBRASKA CONSTITUTIONAL CONVENTION ASSEMBLED IN LINCOLN, JUNE THIRTEENTH, 1871; FROM THE ORIGINAL SHORTHAND NOTES OF JOHN T. BELL, JOHN HALL, DAN BROWN, AND JOHN GRAY 497 (statement of Towle) (1871); 1 California, DEBATES (1878-1879), *supra* note 90, at 238 (statement of Van Dyke) and 3 *id.* at 1452 (statement of McCallum); 3 DEBATES OF THE MISSOURI CONSTITUTIONAL CONVENTION OF 1875 193 (statement of Halliburton) (1930-1944); 4 *id.* at 463 (statement of Shields); 5 *id.* at 348 (statement of Gantt); A STENOGRAPHIC REPORT OF THE PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION HELD IN ATLANTA, GEORGIA, 1877. GIVING DEBATES IN FULL ON ALL QUESTIONS BEFORE THE CONVENTION 47 (statement of Seward) (1877); 1 DAKOTA CONSTITUTIONAL CONVENTION, HELD AT SIOUX FALLS, SEPTEMBER, 1885 1 (1907); PROCEEDINGS AND DEBATES OF THE CONSTITUTIONAL CONVENTION HELD IN THE CITY OF HELENA, MONTANA, JULY 4, 1889 TO AUGUST 17, 1889 430 (statement of Burleigh) (1921); JOURNAL OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF NEW HAMPSHIRE, JANUARY, 1889 28 (statement of Knapp), 93 (statement of Barton) (1889); 1 OFFICIAL REPORT OF THE PROCEEDINGS AND DEBATES OF THE CONVENTION ASSEMBLED AT SALT LAKE CITY ON THE FOURTH DAY OF MARCH, 1895, TO ADOPT A CONSTITUTION FOR THE STATE OF UTAH 220 (statement of Squires) (1898).

For Washington state's 1889 constitutional convention, see John R. Kinnear, *Notes on the Constitutional Convention*, 4 WASH. HIST. Q. 276, 278 (1913). For Wyoming's 1889 constitutional convention, see Michael J. Horan, *The Wyoming Constitution: A Centennial Assessment*, 26 LAND & WATER L. REV. 13, 19 (1991); Robert B. Keiter & Tim Newcomb, *THE WYOMING STATE CONSTITUTION: A REFERENCE GUIDE* 4 (1993).

92. THE DEBATES, RESOLUTIONS, AND OTHER PROCEEDINGS, OF THE CONVENTION OF DELEGATES, ASSEMBLED AT PORTLAND ON THE 11TH, AND CONTINUED UNTIL THE 29TH DAY OF OCTOBER, 1819, FOR THE PURPOSE OF FORMING A CONSTITUTION FOR THE STATE OF MAINE 215 (statement of Thacher) (1820); JOURNAL OF THE PROCEEDINGS OF THE CONVENTION [MET] TO FORM A CONSTITUTION AND SYSTEM OF STATE GOVERNMENT FOR THE PEOPLE OF ARKANSAS - AT THE SESSION OF THE SAID CONVENTION HELD AT LITTLE ROCK, IN THE TERRITORY OF ARKANSAS, WHICH COMMENCED ON THE FOURTH DAY OF JANUARY, AND ENDED ON THE THIRTIETH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND THIRTY SIX 5 (1836); DEBATES AND PROCEEDINGS OF THE CONSTITUTIONAL CONVENTION OF THE STATE OF DELAWARE, REPORTED BY RICHARD SUTTON, ESQ., STENOGRAPHER TO THE U.S. SENATE, TOGETHER WITH THE AMENDED CONSTITUTION AND SCHEDULE, AND A TABULAR STATEMENT SHOWING THE NAMES, AGES, OCCUPATION, ETC., OF THE MEMBERS OF THE CONVENTION 202, 206, 210 (1853); THE DEBATES AND PROCEEDINGS OF THE MINNESOTA CONSTITUTIONAL CONVENTION INCLUDING THE

rightly say that they were “without books” and “the models of constitutional legislation.”⁹³ Even when delegates complained, as did a delegate to Texas’s 1846 convention, that they struggled to frame a constitution in a “wilderness, where there are no books,” it often turned out that constitutional compilations were present.⁹⁴ In fact, “frontier” constitution-making was largely a myth. In the course of westward expansion, most constitution-makers usually had the benefit of existing state constitutions as models.⁹⁵

Constitutional conventions, including those in remote regions, sometimes drew from additional sources. From New York’s 1821 convention and its accompanying *Manual* to the enormous amount of material prepared for delegates to New York’s 1894 convention, the trend in constitution-making saw ever-increasing amounts of information placed at the disposal of constitution-makers. Beyond relevant works available from libraries and reprinted in newspapers, delegates and conventions made efforts to gather additional constitutional material.⁹⁶ For example, Indiana’s 1850 constitution makers procured the debates and journals of earlier constitutional conventions in New York, Kentucky, and Wisconsin, while the debates of Massachusetts’s 1853 constitutional convention in three volumes was in the hands of one delegate when constitution-makers met to draft Oregon’s constitution in 1857.⁹⁷ Occasionally, when several constitutional conventions were meeting simultaneously they profited from that fact, as

ORGANIC ACT OF THE TERRITORY [WITH THE ENABLING ACT OF CONGRESS, THE ACT OF THE TERRITORIAL LEGISLATURE RELATIVE TO THE CONVENTION, AND THE VOTE OF THE PEOPLE ON THE CONSTITUTION] 207 (1857) (Democratic delegates’ convention of 1857); DEBATES IN THE TEXAS CONSTITUTIONAL CONVENTION OF 1846 391 (statement of Flanagan), 424 (statement of Ballinger) (Seth Shepard McKay, ed., 1930).

93. Journal of the Proceedings of a Convention of Delegates to Form a Constitution for the People of Florida, Held at St. Joseph, December, 1838 119 (1839).

94. Texas, DEBATES (1846), *supra* note 91, at 578 (statement of Lipscomb), 316.

95. Christian G. Fritz, *Constitution Making in the Nineteenth Century American West*, in LAW FOR THE BEAVER, LAW FOR THE ELEPHANT: ESSAYS IN THE LEGAL HISTORY OF THE NORTH AMERICAN WEST 292-320 (John McLaren, Hamar Foster & Chet Orloff, eds., 1992).

96. 2 Iowa, DEBATES (1857), *supra* note 71, at 990; 1 California, DEBATES (1878-1879), *supra* note 90, at 256; Minnesota (Republican), DEBATES (1857), *supra* note 84, at 40; 1 Ohio, DEBATES (1873-1874), *supra* note 79, at 74; 5 Missouri, DEBATES (1875), *supra* note 91, at 348; Georgia, DEBATES (1877), *supra* note 91, at 47; 1 Kentucky, DEBATES (1890-1891), *supra* note 74, at 39; 1 Utah, DEBATES (1895), *supra* note 91, at 64.

97. 1 Indiana, DEBATES (1850-1851), *supra* note 74, at 41 and THE OREGON CONSTITUTION AND PROCEEDINGS AND DEBATES OF THE CONSTITUTIONAL CONVENTION OF 1857 97 (Charles H. Carey, ed., 1926). For the heavy use that delegates to Wisconsin’s 1846 constitutional convention made of the debates of the earlier Iowa, Missouri, and New York conventions, see Frederic L. Paxson, *A Constitution of Democracy—Wisconsin, 1847*, 2 MISS. VALLEY HIST. REV. 3-24 (1915).

when the Maryland and New York conventions in 1867 agreed to an on-going exchange of each other's journals, debates, and proceedings.⁹⁸ At times the amount of information became overwhelming. In New York's 1894 convention, a delegate joked that the prepared material of some 6,000 pages provided something for everyone. There were "picture books for the feeble minded" and "tables of statistics for the philosophers," not to mention "South American constitutions" and some from "as far north as Norway."⁹⁹ In the end, the single most useful and cited source for American constitution-makers in the nineteenth-century remained the constitutional compilations.

III. Conclusion

Scholars have long been aware of the "borrowing" process in the formation of state constitutions, but the nature of that borrowing has not been as well understood.¹⁰⁰ It seems evident that a full range of constitutional texts were frequently available to most conventions. Moreover, the presence and use of compilations suggests a broader basis of comparison for constitutional provisions than the end product might suggest. Even if the sources of a given constitution can be traced to one or even several earlier constitutions, the use of compilations suggests delegates were aware of and routinely debated the merits of a wide spectrum of constitutional possibilities. Rather than the accidental presence of a given constitution or the fact that delegates

98. Maryland, *DEBATES* (1867), *supra* note 74, at 264.

99. 1 New York, *DEBATES* (1894), *supra* note 71, at 310 (statement of Hamlin).

100. As Joan Wells Coward has put it, "the history of American constitutionalism is a story of massive plagiarism." *Supra* note 44, at 166. Other scholars have noted that American constitution-making from the start was an "imitative art" and frequently guided by "a spirit of constitutional mimesis." John Walker Mauer, *State Constitutions in a Time of Crisis: The Case of the Texas Constitution of 1876*, 68 *TEX. L. REV.* 1615, 1617 (1990); Kermit L. Hall, *The Judiciary on Trial: State Constitutional Reform and the Rise of an Elected Judiciary, 1846-1860*, 45 *THE HISTORIAN* 337, 339 (1983).

There is an interesting difference in how statutes versus constitutions are treated with respect to originality. Statutes that have been copied over time do not subject them to less respect; in fact, their similarity (or lack of originality) can help confer validity as reflecting consensus within a tradition of common law. On the other hand, constitutional borrowing somehow demeans a constitution and makes it "less" than it should be. The obvious response that constitutions are supposed to be different than statutes begs the question of the nature of constitutions and in particular how they were perceived by the Americans who made and re-made them throughout the nineteenth-century.

It is also interesting that historically there seemed to be no inevitable correlation between the jurisdictional sources drawn upon in the process of drafting a state's constitution and in adopting its statutory law. For just one example, Vermont's 1777 constitution was largely modeled on Pennsylvania 1776 constitution, while the first statutes of Vermont drew heavily from Connecticut. See Gillies, *supra* note 39, at 99-131.

had familiarity with a particular state's constitution, it appears that most delegates—even under the most “frontier-like” conditions—had access to what one delegate had called “the aggregate wisdom” of preceding conventions.¹⁰¹ Moreover, the wider appeal of compilations beyond those engaged in drafting constitutions raises intriguing questions about the level of American awareness, understanding, and interest in written constitutions. Measuring that interest is difficult, but not impossible. More accessible, and the subject of an on-going study, is the fuller significance of the widespread presence and use of compilations. While that issue remains beyond the scope of this Article, it seems clear that the borrowing process in the course of constitution-making was ultimately more complex and involved than we have thought. The implication of that complexity for constitutional law and history remains to be explored.

101. New York, *DEBATES* (1846), *supra* note 71, at 24 (statement of Kirkland).

**Bibliographic Appendix of Eighteenth and Nineteenth
Century Compilations of American
State Constitutions**

1. [1778]

Recueil des Loix Constitutives des Colonies Angloises, Confederées sous la Denomination d'Etats-Unis de l'Amérique-Septentrionale. Auquel on a joint les actes d'indépendance, de confédération & autres actes du Congrès général, traduit de l'anglois. Dédié à m. le Docteur Franklin (A Philadelphie, et se Vend à Paris: Chez Cellot & Jombert, 1778) [370p., 17cm].

Cohen 2895 & 3031.

2. [1781]

The Constitutions of the Several Independent States of America; the Declaration of Independence; the Articles of Confederation Between the said States; the Treaties between His Most Christian Majesty and the United States of America (Published by order of Congress. Philadelphia: Printed by Francis Bailey, 1781) [226p., 16cm].

Cohen 3017.

3. [1781-1782]

Verzameling van de constitutien der Vereenigde onafhankelijke Staaten van Amerika, benevens de Acte van onafhankelijkheid, de Artikelen van confederatie en de tractaaten tusschen Zijne allerkristilijkste majesteit en de Vereenigde Amerikaansche Staaten. Deels volgens de oorspronkelijke uitgaave van het Congres uit het Engelsch, deels uit het Fransch vertaald. . . (Dordrecht: F. Wanner, 1781-1782) [2 v., 23 cm].

Cohen 3337.

4. [1782]

The Constitutions of the Several Independent States of America; the Declaration of Independence; the Articles of Confederation Between the Said States; the Treaties Between His Most Christian Majesty and the United States of America (Published by order of Congress. Philadelphia printed; London, Reprinted, with an advertisement by the editor, for J. Stockdale, and sold by J. Walker, 1782) [168p., 21cm].

Cohen 3018.

5. [1783]

A Collection of the Constitutions of the Thirteen United States of North-America. . . (Published by order of Congress. Philadelphia printed; Glasgow: reprinted by John Bryce, 1783) [257p., 18cm].

Cohen 3023.

6. [1783]

The Constitutions of the Several Independent States of America; the Declaration of Independence; the Articles of Confederation Between the Said States; and the Treaties Between His Most Christian Majesty and the United States of America (Published by order of Congress. London printed, from the original Philadelphia ed., with an advertisement by the London editor. And Dublin, Reprinted, for Gilbert, Price, Walker, White, Beatty, Byrne, and Cash, 1783) [264p., 21cm].

Cohen 3022.

7. [1783]

The Constitutions of the Several Independent States of America; the Declaration of Independence; the Articles of Confederation Between the Said States; the Treaties Between His Most Christian Majesty and the United States of America (Published by order of Congress. Philadelphia: Printed by Francis Bailey, 1783) [226p., 19 cm].

8. [1783]

The Constitutions of the Several Independent States of America; the Declaration of Independence; the Articles of Confederation Between the Said States; the Treaties Between His Most Christian Majesty and the United States of America (London: Reprinted for J. Stockdale, 1783) [168p., 21 cm].

9. [1783]

The Constitutions of the Several Independent States of America; the Declaration of Independence; the Articles of Confederation Between the Said States; the Treaties Between His Most Christian Majesty and the United States of America. With an appendix, containing an authentic copy of the treaty concluded between Their High Mightinesses the States-General and the United States of America, and the Provisional Treaty (Published by order of Congress. Philadelphia printed: London reprinted, with an advertisement by J. L. de Lolme, for J. Walker and J. Debrett, 1783) [189p., 21cm].

Cohen 3021.

10. [1783]

The Constitutions of the Several Independent States of America; the Declaration of Independence; and the Articles of Confederation Between the Said States. To Which Are Now Added, the Declaration of Rights; the Non-Importation Agreement; and the Petition of Congress to the King Delivered by Mr. Penn. With an appendix, containing the Treaties Between His Most Christian [sic] Majesty and the United States of America; the Provisional Treaty with America; and (never before published) an authentic copy of the treaty concluded between their High Mightiness the States-General, and the United States of America (The

whole arranged, with a preface and dedication, by the Rev. William Jackson. London: Printed for J. Stockdale, 1783) [472p., 22cm].

Cohen 3019.

11. [1783]

Constitutions des treize Etats-Unis de l' Amerique (A Philadelphie et se trouve a Paris: Ph.-D. Pierres, Pissot, 1783) [540 p., 20 cm].

Cohen 3033.

12. [1785]

The Constitutions of the Several Independent States of America; the Declaration of Independence; the Articles of Confederation Between the Said States; the Treaties Between His Most Christian Majesty and the United States of America. And the Treaties Between their High Mightinesses the States-General of the United Netherlands and the United States of America (Published originally by order of Congress. The 2d. ed. Boston: Printed by Norman and Bowen, 1785) [181 p., 17cm].

Cohen 3024.

13. [1785]

Staatsgesetze der dreyzehn vereinigten amerikanischen Staaten. Aus dem Franzosischen ubersetzt (Dessau und Leipzig, Auf Kosten der Verlagskasse fur Gelehrte und Kunstler, und zu finden in der Buchhandlung der Gelehrten, 1785). [575 p.].

Cohen 3032.

14. [1786]

The Constitutions of the Several Independent States of America; the Declaration of Independence; the Articles of Confederation Between the Said States; and the definitive Treaty Between Great Britain and the United States of America (Published by order of Congress. New York: Re-printed by E. Oswald, 1786) [266p., 16cm].

Cohen 3025.

15. [1791]

The Constitutions of the United States, according to the latest amendments: to which are annexed, the Declaration of Independence; and the Federal Constitution; with the amendments thereto. This edition contains the constitution of Vermont, not in any former one (Philadelphia: Press of Carey, Stewart & Co., 1791) [176p., 18cm].

Cohen 3036.

16. [1792]

Constitutions des treize Etats-Unis de l' Amerique. . . Nouvelle ed. (A Paris: Ph.-D. Pierres, 1792) [2 v., 20 cm.].

Cohen 3033n.

17. [1796]

The Constitutions of the United States according to the Latest amendments: To which are annexed, the Declaration of Independence and the Federal Constitution. . .with amendments thereto. This edition contains late constitutions of New Hampshire, Kentucky, and Tennessee, not in any former one (Philadelphia: Printed by E. Oswald for W. Woodhouse, 1796) [250p., 18cm].

Cohen 3037.

18. [1796]

William Loughton Smith, *A comparative view of the constitutions of the several states with each other, and with that of the United States: exhibiting in tables the prominent features of each constitution, and classing together their most important provisions under the several heads of administration; with notes and observations* (Philadelphia: Printed by John Thompson, 1796) [34p., 6 fold. tab., 20 cm].

Cohen 3300.

19. [1797]

The constitutions of the sixteen states which compose the confederated Republic of America, according to the latest amendments. To which are prefixed, the Declaration of Independence; Articles of Confederation; the definitive Treaty of peace with Great Britain; and the Constitution of the United States, with all the amendments (Boston: Printed by Manning & Loring for S. Hall, W. Spotswood, J. White, Thomas & Andrews, D. West, E. Larkin, W.P. & L. Blake, and J. West, 1797) [300p., 18cm].

Cohen 3034.

20. [1798]

Constitution of the United States of America, and of the state of New Jersey. To which is annexed, the Declaration of Independence, as agreed upon by the representatives of the United States of America, in Congress assembled, July 4, 1776. And a compendium of the declaration of rights, selected from some of the state constitutions (Newark, [N.J.]: Printed by Pennington and Dodge, 1798) [40p., 20cm].

Cohen 3196.

21. [1800]

The constitutions of the sixteen states which compose the Confederated republic of America, according to the latest amendments. To which are prefixed the Declaration of Independence; Articles of Confederation; and the Constitution of the United States, with all the

amendments (Newburgh: Printed by D. Denniston for self & H. Craig, 1800) [288p., 18cm].

Cohen 3035.

22. [1800]

The Constitutions of the United States, according to the latest amendments: to which are prefixed, the Declaration of Independence, and the Federal Constitution, with the amendments. . . (Philadelphia: Printed for R. Campbell, 1800) [272p., 18cm].

Cohen 3038.

23. [1801]

The Constitutions, of the United States; according to the latest amendments. To which are prefixed, the Declaration of Independence. And the Federal Constitution (Philadelphia: Printed by Wm. Duane, 1801) [266p.].

Cohen 3039.

24. [1802]

The Constitutions of the United States, according to the latest amendments: to which are prefixed, the Declaration of Independence; and the Federal Constitution, with the amendments. . . (Philadelphia: Printed by William Duane, 1802) [266p., 22cm].

Cohen 3040.

25. [1804]

The Constitutions of the United States. According to the latest amendments. To which are prefixed, the Declaration of Independence and the Federal Constitution. . . (Philadelphia: Published by John Conrad & Co., 1804) [391p., 17cm].

Cohen 3041.

26. [1806]

The Constitutions of the United States; according to the latest amendments, to which are prefixed, the Declaration of Independence; and the Federal Constitution. (Philadelphia: Printed by Wm. Duane, 1806) [307p., 22 cm].

Cohen 3042.

27. [1809]

The Constitutions of the United States; according to the latest amendments. To which are prefixed, the Declaration of Independence, and the Federal Constitution (Exeter, NH: Printed by Charles Norris & Co., for E. Little & Co. [of]. . . Newburyport, MA, 1809) [366 p., 18cm].

Cohen 3043.

28. [1810]

The American's guide. The constitutions of the United States of America; with the latest amendments; also the Declaration of Independence, Articles of Confederation, and the federal Constitution, acts for the government of the territories, Washington's farewell address, and the inaugural speeches of the several presidents (Philadelphia: Published by Joshua Fletcher; Smith & M'Kenzie, 1810) [463p., 15cm].

Cohen 2989.

29. [1811]

The Constitutions of the United States; according to the latest amendments; to which are prefixed, the Declaration of Independence and the Federal Constitution, with the amendments. Also the Farewell address of George Washington, Esq. to the people of the United States on his resigning the presidency (Gettysburg: Printed by Robert Harper, 1811) [516 p., 17cm].

Cohen 3044.

30. [1811]

The Constitutions of the United States; according to the latest amendments. To which are prefixed the Declaration of independence, the Federal Constitution and the Bill of Rights of the State of Virginia (Winchester, VA: From the press of Jonathan Foster, 1811) [334 p., 21cm].

Cohen 3045.

31. [1812]

The Freeman's guide: containing The Federal Constitution, and the constitutions of the different states of the United States of America: with the latest amendments. To which are prefixed, the Declaration of Independence, and Washington's Farewell address to the citizens of the United States (Charlestown (Ms): Printed and published by Solomon B. Brega, 1812) [294 p., 19cm].

Cohen 3067.

32. [1813]

The American's guide. The constitutions of the United States of America; with the latest amendments: also the Declaration of Independence, Articles of Confederation, with the federal Constitution, and acts for the government of the territories (New York: Published by Evert Duyckinck, G. Long, printer, 1813) [392p., 15cm].

Cohen 2990.

33. [1813]

The American's guide. The constitutions of the United States of America, with the latest amendments; also the Declaration of Independence, Articles of Confederation, with the federal Constitution, and acts for the government of the territories (Philadelphia: Published by William M'Carty, Printed by William & David Robinson, Trenton, 1813) [380p., 18cm].

Cohen 2991.

34. [1813]

The American's guide. The constitutions of the United States of America; with the latest amendments; also the Declaration of Independence, Articles of Confederation, with the federal Constitution, and acts for the government of the territories. (Trenton: Moore and Lake, Printed by William and David Robinson, 1813) [380p., 19cm].

Cohen 2992.

35. [1813]

The Constitutions of the United States; according to the latest amendments. To which are prefixed, the Declaration of Independence, and the Federal Constitution (Lexington, KY: Printed and sold by Thomas T. Skillman, 1813) [381p., 18cm].

Cohen 3046.

36. [1815]

The Constitutions of the United States of America, with their latest amendments. Carefully corrected. (Baltimore: From the Franklin Press, by H. Niles, 1815) [225 p., 14cm].

Cohen 3047.

37. [1817]

The Constitutions of all the United States, according to the latest amendments. To which are prefixed, the Declaration of Independence; and the Federal Constitution (Lexington, KY: Printed and sold by Thomas T. Skillman, 1817) [424 p., 19cm].

Cohen 3048.

38. [1819]

Constitutional law: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States; and the constitutions of the several states. . . (Washington City: Printed and Published by Gales and Seaton, 1819) [360 p., 18cm].

Cohen 3013.

39. [1820]

Constitutional law: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States; and

the constitutions of the several states composing the Union. . . (Washington: Printed and Published by Gales & Seaton, 1820) [409p., 18cm].

Cohen 3014.

40. [1820]

The Constitutions of the United States of America; with the latest amendments; also the Declaration of Independence, Articles of confederation, with the Federal constitution. (New York: Published by Evert Duyckinck; G. Lang, printer, 1820) [464p., 15cm].

Cohen 3049.

41. [1821]

Convention manual. A Constitutional guide to the objects of the New-York State convention; consisting of the constitution of the state, with an abstract or digest of the material points and features of the constitutions of the United States and the twenty-four several states of the Union,—and the existing provisions of the Act for calling a convention (New York: Printed by Joseph Kingsland & Co., 1821) [39p.].

Cohen 3212.

42. [1822]

Constitutional law: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States; and the constitutions of the several states composing the Union. . .(Philadelphia: Bennett & Walton, 1822) [133p., 23 cm].

Cohen 3015.

43. [1823]

Constitutional law: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States; and the constitutions of the several states composing the Union. . .(Philadelphia: Bennett & Walton, 1823) [503 p., 13 cm].

Cohen 3016.

44. [1823]

The Constitutions of the United States of America: with the latest amendments. Also the Declaration of Independence and the Articles of Confederation, with the Federal Constitution (Lexington, KY: T.T. Skillman, 1823) [495p., 19cm].

Cohen 3050.

45. [1823]

Pardon Davis, *The principles of the government of the United States. Adapted to the use of schools* (Philadelphia: H. C. Carey and I. Lea and J. Crissy, 1823) [A compilation of the federal and nine state constitutions] [240p., 18cm].

Cohen 3054 and 5761.

46. [1824]

The Constitutions of the United States of America; with the latest amendments: also the Declaration of Independence, Articles of Confederation, with the Federal Constitution (Lexington, KY: Printed and published by Thomas T. Skillman, 1824) [495p., 19cm].

Cohen 3051.

47. [1825]

The Constitutions of the United States of America; with the latest amendments: also the Declaration of Independence, Articles of Confederation, and the Federal Constitution (Lexington, KY: Printed and published by Thomas T. Skillman, 1825) [495p., 19cm].

Cohen 3052.

48. [1826]

The Constitutions of the United States of America; with the latest amendments: also the Declaration of Independence, Articles of Confederation, and the Federal Constitution (Lexington, KY: Printed and published by Thomas T. Skillman, 1826) [463 p., 18cm].

Cohen 3053.

49. [1828]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States; and the constitutions of the several states composing the Union, viz. Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Ohio, Indiana, Louisiana, Mississippi, Illinois, Alabama, Missouri (Philadelphia: Towar & Hogan, 1828) [478p., 15cm].

Cohen 2972.

50. [1829]

James Mercer Garnett, *Constitutional charts; or, Comparative views of the legislative, executive and judiciary departments, in the constitutions of all the states in the Union, including that of the United States. With an appendix. . .* (Richmond: Thomas W. White, 1829) [64p., 6 folding charts, 28cm].

Cohen 3068.

51. [1830]

The American's guide: comprising the Declaration of Independence, the Articles of Confederation, the Constitution of the United

States, and the constitutions of the several states composing the Union . . . (Philadelphia: Hogan and Thompson, 1830) [380p.].

52. [1830].

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Towar, J. & D. M. Hogan; Pittsburg, Hogan & Co., 1830) [428p., 18cm].

Cohen 2973.

53. [1832]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Towar & Hogan; Pittsburgh: D.M. Hogan, 1832) [430p.,18cm].

Cohen 2974.

54. [1832?]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson; Pittsburgh: D.M. Hogan. [1832?]) [380 p., 18cm].

Cohen 2975.

55. [1832]

William Loughton Smith, *A comparative view of the constitutions of the several states with each other, and with that of the United States: presenting the most prominent features of each constitution. . . Revised and extended by E.S. Davis* (City of Washington: Thompson and Homans, 1832) [135 p., 22cm].

Cohen 3301.

56. [1833]

The American's guide; comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan and Thompson; Pittsburgh, D.M. Hogan, 1833) [402p., 18cm].

Cohen 2976.

57. [1833]

Edwin Williams, compiler. *The Book of the Constitution. Containing the Constitution of the United States; a synopsis of the several*

state constitutions; with various other important documents and useful information (New York: P. Hill, 1833) [144p., 19cm].

Cohen 2781.

58. [1835]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson; Pittsburgh, D. M. Hogan, 1835) [376p., 18cm].

Cohen 2977.

59. [1835]

State Constitutions. A synopsis of the principal features of the constitutions of each of the United States (New York: Mahlon Day, [1835]) [46 p., 10cm].

Cohen 3309.

60. [1836]

Andrew W. Young, *Introduction to the science of government and compend of constitutional and civil jurisprudence: comprehending a general view of the Government of the United States and of the government of the State of New York. Together with the most important provisions in the constitutions of the several states. 2d edition.* (Warsaw, NY: Young, 1836) [304p., 23cm].

Cohen 5847.

61. [1838]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson, 1838) [412p., 19cm].

Cohen 2978.

62. [1839]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson, 1839) [412 p., 20cm].

Cohen 2979.

63. [1839]

Robert Mayo, *Political Sketches of Eight Years in Washington; in four parts, with annotations to each. Also a general appendix; an alphabetical index; and a series of charts, giving a comparative synopsis of the constitutions of the several states, and the United States* (Balti-

more: F. Lucas; New York: G. & C. Carvill & Co., 1839) [216 p., fold. tab., 23cm] [Only one part published].

64. [1840]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson, 1840) [419p., 19cm].

Cohen 2980.

65. [1841]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson; C. Sherman, printer, 1841) [419p., 19cm].

Cohen 2981.

66. [1841]

Jonathan French, comp., *The true republican: containing the inaugural addresses, together with the first annual addresses and messages of all the presidents of the United States, from 1789 to 1841; with their farewell addresses, and illustrated with the portraits of each of the presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also, the constitutions of many of the most important states in the Union* (Philadelphia: Daniel Richardson, 1841) [426p., 20cm].

Cohen 6872.

67. [1842]

Jonathan French, comp., *The true republican: containing the inaugural addresses, together with the first annual addresses and messages of all the presidents of the United States, from 1789 to 1841; with their farewell addresses, and illustrated with the portraits of each of the presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also, the constitutions of many of the most important states in the Union (Fifth edition)* (Philadelphia: Daniel Richardson, 1842) [468p., 20cm].

Cohen 6872n.

68. [1843]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson, 1843) [419 p., 19cm].

Cohen 2982.

69. [1844]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson, 1844) [419 p., 19cm].

Cohen 2983.

70. [1845]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson, 1845) [419 p., 18cm].

Cohen 2984.

71. [1845]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1845; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States, with the amendments and signers' names. Also the constitutions of many of the most important states in the union* (Philadelphia: G. B. Zieber, 1845) [503 p., 19cm].

Cohen 6872n.

72. [1846]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1845; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States, with the amendments and signers' names. Also the constitutions of many of the most important states in the union* (Philadelphia: W.A. Leary, 1846) [276, 182 p., 21cm].

Cohen 6872n.

73. [1847]

John Reynolds Bigelow, *The American's own book; or, The constitutions of the several states in the Union: embracing the Declaration of Independence, Constitution of the United States, and the constitution of each state, with the amendments, and much other matter of general interest: from authentic documents: embellished with the seals of the different states* (New York: J.R. Bigelow, 1847) [515p., 22cm].

Cohen 2995.

74. [1847]

John Reynolds Bigelow, *The American's own book; or, The constitutions of the several states in the Union. . . Embellished with the seals of the different states* (New York: Gates, Stedman, & Co., 1847) [536 p.].

75. [1847]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1845; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States, with the amendments and signers' names. Also the constitutions of many of the most important states in the union* (Philadelphia: W.A. Leary, 1847) [276, 198 p., 20cm].

Cohen 6872n.

76. [1848]

John Reynolds Bigelow, *The American's own book; or, The constitutions of the several states in the Union. . . Embellished with the Seals of the Different states* (2d. ed. New York: J.R. Bigelow, 1848) [515p., 22cm].

Cohen 2996.

77. [1849]

The American's guide: comprising the Declaration of Independence; The Articles of Confederation; the Constitution of the United States, and the constitutions of the several states Composing the Union; viz., Maine, Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Kentucky, Tennessee, Ohio, Indiana, Louisiana, Mississippi, Illinois, Alabama, Missouri, Michigan, Arkansas, Florida, Texas, Iowa, Wisconsin (Philadelphia: Hogan and Thompson, 1849) [491p., 18cm].

Cohen 2985

78. [1849]

John Reynolds Bigelow, *The American's Own Book; Or, The Constitutions of the Several States in the Union. . . Embellished with the Seals of the Different states* (3d. ed. New York: Gates, Stedman, & Co., 1849) [536p., 23cm].

79. [1849]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1845; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* (Philadelphia: W.A. Leary, 1849) [276, 198 p., 20cm].

Cohen 6872n.

80. [1850]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: Hogan & Thompson, 1850) [491 p., 18cm].

Cohen 2986.

81. [1850]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1845; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* (Philadelphia: W.A. Leary, 1850) [280, 198 p., 20cm].

Cohen 6872n.

82. [1852]

The Constitutions of the several states of the Union and United States: including the Declaration of Independence and Articles of Confederation. Taken From authentic documents. (New York: A.S. Barnes & Co.; Cincinnati : H. W. Derby & Co., 1852) [555p., 24cm].

Cohen 3026.

83. [1852]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1845; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* (Philadelphia: W.A. Leary, 1852) [280, 198p., 19cm].

Cohen 6872n.

84. [1853]

The Constitutions of the several states of the Union and United States, including the Declaration of Independence and Articles of Confederation. Taken from authentic documents (New York: A. S. Barnes & Co.; Cincinnati: H.W. Derby & Co, 1853) [555p., 24cm].

Cohen 3026n.

85. [1853]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1845; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* (Philadelphia: J. & J.L. Gihon, 1853) [290, 198p., 20cm].

Cohen 6872n.

86. [1854]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States; and the constitutions of the several states composing the Union. . . (Philadelphia: M. Pollock, 1854) [561 p., 18cm].

Cohen 2987.

87. [1854]

The constitutions of the several states of the Union and United States, including the Declaration of Independence and Articles of Confederation. Taken from authentic documents (New York: A. S. Barnes & Co.; Cincinnati: H.W. Derby & Co, 1854) [555p., 23cm].

Cohen 3027.

88. [1854]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1845; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* ([Philadelphia]: Leary & Getz, 1854) [290, 198p., 19cm].

Cohen 6872n.

89. [1854]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1845; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* (Philadelphia: J.L. Gibon, 1854) [290, 198p., 20cm].

Cohen 6872n.

90. [1855]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States; and the constitutions of the several states composing the Union. . . (Philadelphia: M. Pollock, 1855) [561 p., 18cm].

Cohen 2988.

91. [1856]

The constitutions of the several states of the Union and United States, including the Declaration of Independence and Articles of Confederation, Taken From Authentic Documents (New York: A. S. Barnes & Co.; Cincinnati: H. W. Derby & Co., 1856) [555p., 23cm].

Cohen 3027.

92. [1857]

The constitutions of the several states of the Union and United States, including the Declaration of Independence and Articles of Confederation, Taken From Authentic Documents (New York: A. S. Barnes & Co.; Cincinnati: H. W. Derby & Co., 1857) [555p., 24cm].

Cohen 3028.

93. [1857]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1857; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* (Philadelphia: J.B. Smith & Co., 1857) [290, 255p., 20cm].

Cohen 6872n.

94. [1858]

The constitutions of the several states of the Union and United States, including the Declaration of Independence and Articles of Con-

federation. Taken from authentic documents (New York: A.S. Barnes & Co.; Cincinnati, H. W. Derby & Co., 1858) [602p., 23cm].

Cohen 3029.

95. [1858]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1857; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* (Philadelphia: J.B. Smith & Co., 1858) [290, 255p., 20cm].

Cohen 6872n.

96. [1859]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: J.B. Lippincott & Co., 1859) [616p., 19cm].

97. [1859]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1857; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* (Philadelphia: G.B. Evans, 1859) [298, 255p., 20cm].

Cohen 6872n.

98. [1860]

The constitutions of the several states of the Union and United States, including the Declaration of Independence and the Articles of Confederation. Taken from Authentic Documents (New York: A. S. Barnes & Burr, 1860) [602p., 24cm].

Cohen 3030.

99. [1860]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1857; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence*

and Constitution of the United States. Also the constitutions of many of the most important states in the union (Philadelphia: J.B. Smith & Co., 1860) [298, 255p., 20cm].

Cohen 6872n.

100. [1864]

The American's Guide: comprising the Declaration of independence; the Articles of confederation; the Constitution of the United States, and the Constitutions of the Several States Composing the Union. . . (Philadelphia: M. Pollock, 1864) [657p., 20cm].

101. [1864]

The American's guide: comprising the Declaration of Independence; the Articles of Confederation; the Constitution of the United States, and the constitutions of the several states composing the Union. . . (Philadelphia: J.B. Lippincott & Co., 1864) [657p., 21cm].

102. [1864]

Jonathan French, comp., *The true republican; containing the inaugural addresses, together with the first annual addresses and messages of all the Presidents of the United States, from 1789 to 1857; together with their farewell addresses, and illustrated with the portrait of each of the Presidents. To which is annexed the Declaration of Independence and Constitution of the United States. Also the constitutions of many of the most important states in the union* (Philadelphia: Frederick Scofield, 1864) [309, 255p., 18cm].

Cohen 6872n.

103. [1866]

The constitutions of the several states of the Union and United States, including the Declaration of Independence and Articles of Confederation (New York: A.S. Barnes & Co., 1866) [555p., 24cm].

104. [1867]

Franklin B. Hough, ed., *Constitution of the State of New York Adopted in 1846; With a Comparative Arrangement of the Constitutional Provisions of Other States Classified by their Subjects (Prepared Under the Direction of a Committee of the New York Constitutional Convention of 1867)* (Albany: Weed, Parsons, & Co, 1867) [239p., 30cm].

105. [1871-72]

Franklin Benjamin Hough, *American Constitutions; Comprising the Constitution of Each State in the Union, and of the United States, with the Declaration of Independence and Articles of Confederation; Each Accompanied by a Historical Introduction and Noted, Together*

With a Classified Analysis of the Constitutions, According to Their Subjects, Showing By Comparative Arrangement, Every Constitutional Provision Now in Force in the Several States; With References to Judicial Decisions, and an Analytical Index. Illustrated by Carefully Engraved Facsimiles of the Great Seals of the United States, and of Each State and Territory (2 volumes, Albany: Weed, Parsons & Co., 1871-72) [2 v., 24cm].

106. [1877]

Benjamin Perley Poore, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States. . . Compiled under an order of the United States Senate* (Washington: Government Printing Office, 1877) [2 v., 29½cm].

107. [1878]

Benjamin Perley Poore, *The Federal and State Constitutions, Colonial Charters, and Other Organic Laws of the United States. . . Compiled under an order of the United States Senate* (Washington: Government Printing Office, 1878) [2 v., 29½cm].

108. [1879]

Wilmot L. Warren, *The Constitutions of the Several States of the Union and United States in the year 1859. Including the Declaration of Independence and Articles of Confederation. And With an Essay on Changes Prior to the Year 1879* (New York, Chicago: A. S. Barnes & Co., 1879) [602p., 24cm].

109. [1894]

George A. Glynn, *American Constitutions: comprising the Declaration of Independence, the Articles of Confederation, the Constitution of the United States, and the state constitutions. Prepared in pursuance of chapter 8, of Laws of 1893, and chapter 228 of Laws of 1894 . . .* (Albany: Argus Co., 1894) [2v., 24cm].