

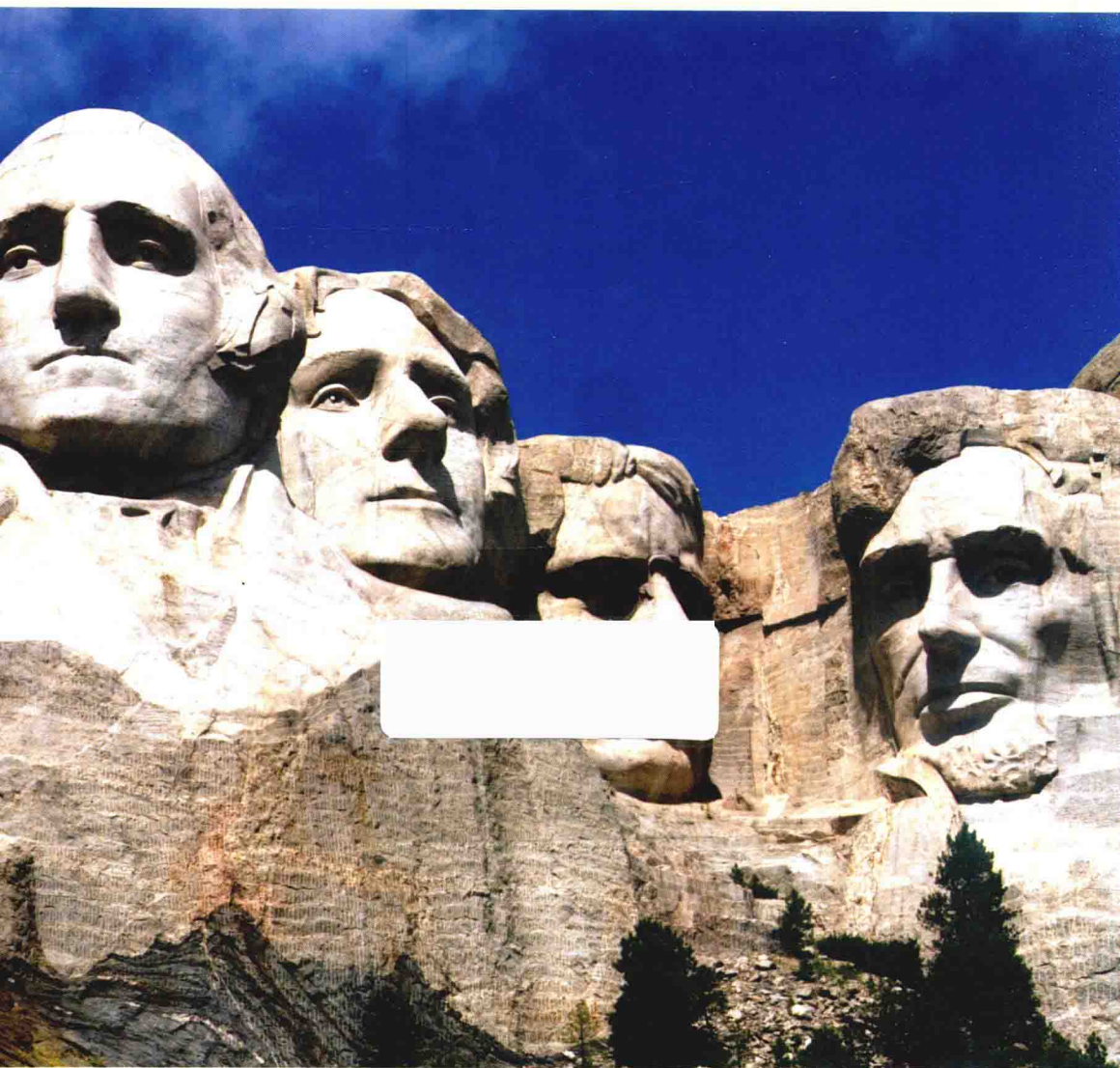
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# 美国历史<sub>下</sub>

(英汉双语)

[美] 爱德华·钱宁◎著 徐 枫◎译

❖❖❖ A SHORT HISTORY OF THE UNITED STATES ❖❖❖



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# C 目录 Contents

CHAPTER VII THE FEDERALIST SUPREMACY, 1789-1800 .....	1
第七章 1789 ~ 1800年间联邦党人掌权 .....	1
CHAPTER VIII THE JEFFERSON REPUBLICANS, 1801-1812 .....	37
第八章 1801 ~ 1812年间的杰斐逊派共和党人 .....	37
CHAPTER IX WAR AND PEACE, 1812-1829 .....	71
第九章 1812 ~ 1829年间的战争与和平 .....	71
CHAPTER X THE NATIONAL DEMOCRACY, 1829-1844 .....	109
第十章 1829 ~ 1844年间的国家民主 .....	109
CHAPTER XI SLAVERY IN THE TERRITORIES, 1844-1859 .....	152
第十一章 1844 ~ 1859年间准州中的奴隶制度 .....	152
CHAPTER XII SECESSION, 1860-1861 .....	188
第十二章 1860、1861年的脱离联邦运动 .....	188
CHAPTER XIII THE CIVIL WAR, 1861-1865 .....	212
第十三章 1861 ~ 1865年间的美国内战 .....	212
CHAPTER XIV NATIONAL DEVELOPMENT, 1865-1899 .....	264
第十四章 1865 ~ 1899年间国家的发展 .....	264

## CHAPTER VII

### THE FEDERALIST SUPREMACY, 1789-1800

190. Washington elected President.—The Federal Convention made its report to Congress in September, 1787, and the ninth state, New Hampshire, voted to ratify the Constitution on June 21, 1788; but it was not until April 30, 1789, that George Washington took the oath of office as first President of the United States. The Congress of the Confederation had set an earlier date, March 4, for the inauguration; but the men of that day were habituated to procrastination. It was not until a month more had passed away that a quorum of both houses of the first Congress under the Constitution was in attendance to count the electoral ballots, and ascertain the choice of the electors for President and Vice-President.

No one had the slightest doubt as to the fittest man for the presidency; every elector voted for Washington. That great man was now in his fifty-eighth year. One of the richest men in America and the foremost leader of the Virginia aristocracy, he represented the best elements in American society of that time; for the framework of society was still aristocratic, although the tendency was distinctly toward democracy. In politics, Washington can scarcely be said to have belonged to any party at this time. He had entered most heartily into the plan for the formation of a national government; but he was not a man to think deeply on theories of government. He was rather a man of action and an administrator. The necessity of the hour was a stronger central government: to attain that paramount object, Washington was anxious to use every proper means at his command and to employ the services of leading men of all shades of political belief.

## 第七章

### 1789 ~ 1800年间联邦党人掌权

190. 华盛顿被选举为总统。—— 1787年9月联邦大会向联邦议会做了报告，而1788年6月21日，第九个州即新罕布什尔州票决批准了《宪法》；不过，直到1789年4月30日，华盛顿才宣誓就职，成为合众国第一任总统。联邦议会本已选定了一个较早的就职日期，即3月4日；但那时的人都喜欢拖拖拉拉。直到一个多月过后，根据《宪法》所成立的第一届国会参众两院才到齐法定人数，并开始计算选票，来确定选举人团成员们究竟选谁来出任总统和副总统。

对于谁最适合担任总统，大家都没有丝毫疑虑；所有选举人团成员都投了华盛顿的票。这位伟人此时已经58岁了。作为美国最富有的人之一和弗吉尼亚最重要的贵族领袖，他代表了当时美国社会的精英阶层；因为尽管明显在向民主发展，但当

时的社会结构仍然是贵族式的。在政治上，很难说此时的华盛顿属于哪一个党派。他一直极为热忱地参与了设立全国性政府这一计划的制订；但他并不是一个深刻地思考行政理论的人。他更多是一个实干家，一个管理者。当时所需要的，是一个比较强大的中央政府：为了实现这一最高目标，华盛顿非常希望能够利用自己所掌握的各种恰当手段，并且急于利用所有政治信仰不同的重要人物的聪明才智。

191. John Adams elected Vice-President.—For second place there was no such unanimity of opinion as in the case of Washington. The foremost candidate was John Adams of Massachusetts. He had been one of the leaders in the earlier days of the Revolution, and had later represented the United States abroad, especially in England. Unfortunately, he had written a book in which, among other things, he suggested that "the rich, and the able," should be set apart from other men in a Senate. The proposal to exalt "the rich" and "the

*John Adams*

约翰·亚当斯

able," did not arouse much opposition; but the use of the phrase "the well-born" greatly injured Adams's popularity. As the Constitution then stood, each elector voted for two persons without stating which of them he wished to be President.

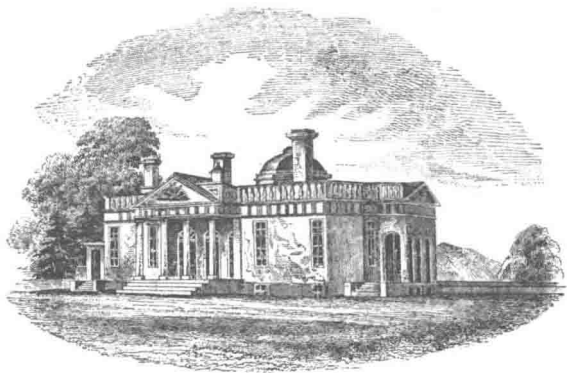
The one who received most votes should be President, provided he received a majority; the person receiving the next highest number should be Vice-President. Alexander Hamilton, to whom the elevation of "the well-born" would have been most welcome, conceived the idea that Adams might receive more votes than Washington, and intrigued to prevent it. The scheme became known to Adams, and proved to be the beginning of a long and unfortunate estrangement, which had most serious consequences for the party of which Adams and Hamilton soon became the chiefs.

191. 约翰·亚当斯当选副总统。——对于副总统的人选，选举人团成员们可不像选举华盛顿那样意见一致了。最重要的一位候选人，便是马萨诸塞州的约翰·亚当斯。他曾是革命初期的领导人之一，后来又在国外，尤其是在英国，当了一回合众国的代表。可惜的是，他写了一本书，并在其中建议说，在参议院里，“富人、出身高贵的人和有才干的人”应当远离其他的人。尊重“富人”和“有才干的人”这一提议并没有多少人反对，但“出身高贵的人”这句话，却极大地损害了亚当斯在公众中的声望。由于当时《宪法》已经生效，因此每位选举人团成员都投票选出两个人，无须说明自己想选其中哪一位当总统。倘若得票最多的人获得了过半数的选票，那么他就该当选为总统；而获得票数位居第二的人，则当选为副总统。本来非常喜欢“出身高贵的人”那种高尚品格的亚历山大·汉密尔顿以为，亚当斯获得的票数可能会高于华盛顿，便想暗中阻止这种情况发生。这一阴谋被亚当斯得知了，而后来表明，这成了二人之间历久而令人惋惜的疏远关系的根源；亚当斯和汉密尔顿不久后都成了同一党派的领袖，而这种疏远关系则给该党带来了严重的影响。

192. Political Tendencies, 1789.—There were no political parties in the United States in 1789; but the political leaders, and the voters were divided in precisely the manner in which they had been during the contest over the ratification of the Constitution. No sooner was the task of reorganization begun than these divergent views manifested themselves. Two men were soon recognized as the leaders of these opposing camps, and may be considered as the embodiment of the tendencies which became the bases of the two political parties of the earlier portion of our history under the Constitution. The first of these tendencies expressed itself in the desire to promote the welfare of the individual, to give him greater political power, more comforts in life, greater intelligence, and in general to elevate the more ignorant and ruder portion of society. The second declared itself in the wish to subordinate the welfare of the individual to the growth of the nation and to rely for support on "the well-born," the intelligent, and the richer portion of the community. With the former of these tendencies was identified Thomas Jefferson, Washington's Secretary of State; with the latter, Alexander Hamilton, Washington's Secretary of the Treasury.

Thomas Jefferson, the author of the *Summary View* and the Declaration of Independence and representative of the United States in France, was now in the prime of life. In many ways he was one of the most extraordinary men America has produced. An aristocrat by birth and breeding, the owner of slaves, and the designer of and dweller in one of the most elegant mansions of that day, he was the leader of democracy, the champion of the rights of man, and the persistent, though powerless, advocate of slave emancipation. When President, he seemed to enjoy shocking the prejudices of ceremonious persons: Washington had established stately ceremonials, Jefferson conducted official gatherings on the principle of "pell-mell"—each guest doing pretty much as he pleased; Washington had driven in coach and four to and from the halls of Congress, Jefferson rode on horseback, unattended, from the White House to the Capitol and hitched his horse with his own hands in a neighboring shed. More curious still, Jefferson, a man of visionary ideas, was the most astute political leader of his day. Shy, averse to contact with his fellow-men, and destitute of magnetism, he led the masses and achieved the greatest popularity in one of the most difficult periods of our history. In person Jefferson was tall, six feet two inches in height, with sandy hair and a most sunny countenance. He was ungainly in figure and seemed always "to be jumping out of his clothes," and he sat or reclined on one hip in a manner which impressed at least one keen observer who has described him.

Unlike Jefferson in every respect, Alexander Hamilton was small in stature and was always well-dressed. A great administrator and capable of attracting men by his personal qualities, he led his party to a most crushing defeat. His success in organizing the machinery of the government entitles him to the gratitude of the nation, and the part he played in securing the ratification of the Constitution gives him a foremost place in the annals



Monticello, Jefferson's mansion  
蒙地塞洛, 杰斐逊的宅邸

of the United States. He deserves the more credit for this, perhaps, because he had no faith in the efficacy of the Constitution to provide a sufficient government for the country. In 1802 he wrote: "Perhaps no man . . . has sacrificed or done more for the present Constitution than myself; and, contrary to all my anticipations of its fate ... I am still laboring to prop the frail and worthless fabric. . . . Every day proves to me more and more this American world was not made for me." In these sentences may be found the reason for the political failure of Hamilton and his friends. He had no sympathy with the aspirations of the masses for self-improvement. He had no confidence in their ability to cope successfully with the problems of government. In one noted phrase he emphasized the cause of his failure as a political chief. It was at a dinner when, replying to some remark that had been made, Hamilton declared: "Sir, your people is a great beast." But it was the people that must govern under the Constitution, or republican government was a failure. Far otherwise was Jefferson's view of the people. In a letter written in 1787 he said: "I am persuaded that the good sense of the people will always be found the best army. They may be led astray for a moment, but will soon correct themselves." The Federalist party endeavored so to frame the governmental machinery that a minority of the people could govern the majority; the attempt ended in disaster.

192. 1789年的各种政治倾向。—— 1789年的合众国还没有任何政治派别；但政治领袖和选民们在关于批准《宪法》这一问题上产生争执的过程中，态度却是泾渭分明的。政府组建工作一开始，这些不同的观点便纷纷暴露出来了。不久，有两个人便被公认是这些对立阵营的领袖人物，并且人们可能还认为他们体现了两种倾向；这两种政治倾向，打下了《宪法》制定后美国历史早期出现的两个政治派别的基础。其中第一种倾向，表现为希望促进个人幸福、赋予个人更多的政治权力、让个人生活更加舒适、更大地发挥个人才智，并且全面提高较愚昧、较原始的社会阶层的文明程度。而第二种倾向则宣称，希望个人幸福服从国家发展的需要，并且倚赖社会中“出身高贵”、聪明和富有的阶层提供支持。这两种政治倾向中，前者的代表人物是华盛顿时期的国务卿托马斯·杰斐逊，后者的代表人物则是华盛顿政府的财政部部长亚历山大·汉密尔顿。

托马斯·杰斐逊是《概观》和《独立宣言》的作者以及合众国的驻法代表，此时他正年富力强。在许多方面，他都可称得上是美国最非凡的伟人之一。他生长在一个贵族家庭，是一个奴隶主，还设计建造了那时最为雅致的宅邸之一，并居住其中；他是民主之领袖、人权之斗士，还是一位坚持不懈却无能为力、倡导解放奴隶的人。他继任总统之后，似乎很喜欢抨击那些拘泥于礼仪之人的种种成见：华盛顿确立了种种庄严隆重的仪式，而杰斐逊举行正式会议时却“杂乱无章”——每位与会者都可以想干什么就干什么；华盛顿往来于国会各个礼堂时，坐的是四驾马车；而杰斐逊却是骑马，不带随从，从白宫骑到国会大厦，并且亲自将马拴到附近的一个马棚里。更加奇怪的是，杰斐逊这个有着理想主义思想的人，却成了那个时代最



为敏锐的政治领袖。他生性腼腆，不喜欢与同事交流，并且没有什么魅力，但他却引领着人民大众，在美国历史上最艰难的一个时期，获得了最大的威望。在外貌上，杰斐逊高大魁梧，身高6英尺2英寸，头发沙色，面容非常开朗。他的形体有点儿笨拙，似乎总是会“大吃一惊”，而他用一边屁股坐着或倚着的姿势，至少给一个曾经描绘过他的、观察敏锐的人留下了深刻的印象。

亚历山大·汉密尔顿则跟杰斐逊完全不同，他身材矮小，总是衣冠楚楚。他是个了不起的管理者，能够凭其个人品格吸引他人；他带领自己的政党，取得了一次极具决定性的大捷。他成功地组建了政府机构，从而赢得了全国人民的感谢；而他在确保各州批准《宪法》中所起的作用，让他在合众国的史册上占据了重要的地位。也许，在这一点上他应获得更多的赞誉，因为他本来是不相信《宪法》会起作用，不相信凭借《宪法》美国就能建立起一个合格的政府的。他在1802年写道：

“也许没有人……比我本人为现行《宪法》所做出的牺牲或贡献更多；并且，尽管跟我对《宪法》命运的预期完全相反……我仍在努力支持着这一脆弱而无益的体制……对我来说，每天都日益表明，这样一个美国并非我之所愿。”从这些话语中，可以看出汉密尔顿及其同志在政治上不得志的原因。他并没有跟民众相同的那种渴望自我改善之心。他不相信他们有能力成功解决政体上的问题。在一句名言中，他强调了自己作为一名政治领袖的失败原因。那是在一次晚宴上，汉密尔顿在回答某人的话时，他这样说：“阁下，您的人民可是一头巨兽。”不过，正是这种“人民”必须遵照《宪法》来统治美国，否则共和政体就不会成功。与此极为不同的，便是杰斐逊的人民观点。在1787年所写的一封信中，他说：“我相信，最佳的团队总会给予人民群众正确的判断力。他们有可能暂时被领入歧途，但很快就会纠正过来。”联邦党致力于建立起一种能让少数人统治多数人的行政体系，但这种尝试最终却以惨败而告终。

193. Washington's Inauguration, 1789.—Washington "bade adieu," to use his own words, "to Mount Vernon, to private life, and to domestic felicity; and with a mind oppressed with more anxious and painful sensations than I have words to express," set out for New York to take the oath of office as the first President of the United States. The acclamations which greeted him on his journey did not lessen his sense of the deep responsibilities which surrounded him. His inaugural was especially solemn: he addressed "fervent supplications to that Almighty Being who rules over the universe . . . that his benediction may consecrate to the liberties and happiness of the people of the United States, a government instituted by themselves, . . . and may enable every instrument employed in its administration to execute with success the functions allotted to his charge."

Colonial customs and traditions derived from English precedents were still the rule. Washington, inclined to be stiff and formal, instituted a rigid ceremoniousness in official



George Washington,  
after a mask made from the living face,  
1785

乔治·华盛顿，  
复制自1785年的一张真人面具

intercourse which savored little of republicanism. During the recesses of Congress, he traveled around the country in an almost regal fashion. Everywhere he was enthusiastically received: at one place he was greeted with "God bless your reign"; at another he was hailed as "Columbia's Savior." At Boston, however, John Hancock, governor of Massachusetts, endeavored to uphold the dogma of state sovereignty by refusing to make the first call; but usually the stiffest Anti-Federalists forgot their constitutional scruples and heartily joined to do honor to "The President." All these things, however, when coupled with Hamilton's well-known predilection for a government modeled on that of Great Britain in the days of the unreformed Parliament, convinced many men that the restoration of the monarchical form was the aim of the Federalists. Probably the charge was not true in any case.

### 193. 1789年华盛顿就职。——用华盛

顿自己的话来说，他“告别了弗农山庄，告别了私家生活，告别了家庭的幸福；并且心中充满无以言表的焦虑和苦痛之情”，动身前往纽约，去宣誓就任美国第一任总统。途中受到的欢呼喝彩并未减轻萦绕在其心头的深刻责任感。他的就职典礼异常庄严：他“向统治宇宙的万能之主祈祷……希望他的祝福能够献给合众国人民的自由和幸福，献给这个由人民自己所创立合众国的政府，……并且能够让所有的行政法令成功履行人民所赋予他的那些职能”。

当时，沿用英国惯例而形成的殖民风俗和传统仍然占据着优势。性情拘谨而正统的华盛顿给正式交往定下了一套严格的繁文缛节，一点儿也没有共和主义之风。在国会休会期间，他以一种几近帝王的排场，巡游了全国。所到之处，他都受到了热烈的欢迎：在这个地方，人们向他致意，说“上帝保佑您君临天下”，而到了另一个地方，人们又向他山呼万岁，称他是“哥伦比亚的救星”。然而，在波士顿，马萨诸塞州州长约翰·汉考克却竭力维护各州独立自主的信仰，不愿率先拜会华盛顿；不过，即便是那些最顽固地反对联邦主义的人，也常常忘记了他们在宪法问题上的顾虑，开始衷心地加入向“总统”致敬的行列中。然而，所有这一切，加上汉密尔顿对英国在改革国会之前那种行政模式的偏爱人所共知，使得许多的人都确信，联邦党人的目的就是复辟君主制度。或许，无论在何种情形下，这种指责都并非事实。

194. Organization of the Government.—On April 8, weeks before Washington took the oath of office, Madison introduced a resolution in the House of Representatives which led to the first debate upon protection, and ultimately to the formation of the first tariff act. This law, which Washington signed shortly after the inauguration, proved insufficient to provide the necessary funds, and the rates were increased in 1790 and again in 1792. A Tonnage Act, which was passed at about the same time, provided for a discrimination in favor of goods imported in American vessels and excluded foreign vessels from the coastwise trade. It was further suggested that vessels flying the flags of nations not having commercial treaties with the United States should be taxed more heavily than vessels belonging to more friendly countries. This bill was aimed especially at the foreign shipping interest; but the influence of merchants engaged in commerce with Great Britain was exerted to defeat the proposal, and the attempt was abandoned.



A room at Mount Vernon  
弗农山庄宅邸中的一室

Congress then turned its attention to the organization of the new government. Five executive departments were created: the state department, which at first had to do with both home and foreign affairs; the treasury; the war department, which also managed the trifling naval affairs for the next few years; the department of justice, at the head of which was the Attorney-General; and the post office. The heads of these departments were appointed by the President with the consent of the Senate, but they were removable by him without action by the Senate (see p. 269); it had been proposed to make the Secretary of the Treasury responsible to Congress, but this proposal had been abandoned. The first four of these departmental heads acted as the President's advisers; the Postmaster-General remaining for the present outside of what was termed the cabinet. In thinking of this organization and using the words "advisers" and "cabinet," the student should always carefully bear in mind that the President is not obliged in the smallest degree to follow their advice or even to ask it. Congress further made provision for the appointment of collectors of the customs, district attorneys, and other officials to carry on the business of the government.

Congress also provided for the organization of the Judiciary. The Supreme Court comprised a Chief Justice and five Associate Justices, and thirteen district courts were established. Between the district courts and the Supreme Court were the circuit courts, three in number; they were held by justices of the Supreme Court and the judges of the district courts. Provision was made for the appointment of the necessary officials, as marshals, who held office for four years; in this latter enactment, some students see the germ of the spoils system which was later developed by the extension of this limited tenure of office to all the less important positions in the executive branch (p.413).

**194. 政府的组建。**——就在华盛顿宣誓就职数周之前的4月8日，麦迪逊在众议院里提出了一项议案，从而引发了关于贸易保护的首次辩论，并且最终促成制定了第一部关税法案。华盛顿就职后不久就签署了这一法案，可最终该法案却并不足以筹集所需资金，因此税率在1790年上调了，且在1792年又再一次上调了。差不多同时通过的《吨税法案》制定了一项歧视性政策，支持由美国船只运输的进口货物，并在沿海贸易中排挤外国船只。有人进一步提议，对那些未与合众国签订贸易条约的各州船只，应当征收比友邦船只更重的税额。这一法案是专门针对国际海运利益而制定的；不过，那些与英国进行贸易的商人纷纷运用自己的影响力来挫败这一提案，因此美国政府不得不终止了这一法案。

当时，国会的注意力转向了新政府的组建。5个行政部门得以创建：国务院，起初它不得不既负责内政，又负责外交事务；财政部；陆军部，在接下来的几年中，它还得负责一些无关紧要的海军事务；司法部，其头子是司法部部长；还有邮政部。这些部门的负责人，均由总统在征得参议院同意的情况下任命，但总统无须参议院同意即可将他们免职（参见第269页）；本来曾经有人提出，让财政部部长对国会负责，但这一提议未被采纳。前4个部门的负责人充当的是总统的顾问；邮政部部长呢，直到目前都仍然未进入所谓的内阁班子。在考虑这种组织结构并运用“顾问”和“内阁”两个词时，学习者始终应当牢记，总统根本无须听从他们的建议，甚至不用去征询他们的意见。此外，国会还规定了海关征税官、地方检察官及其他政府官员的任命办法。

国会还规定了司法部门的组织结构。最高法院包括1位首席法官和5名副法官，还设立了13个地方法院。地方法院和最高法院之间，是3个巡回法庭；巡回法庭由最高法院的法官和地方法院的法官共同主理。对其他所需官员的任命，也做出了规定，比如说市司法官的任期是4年；有些学者从这后一规定中，看到了日后因这种有限任期扩展到了行政部门中所有的非重要职位而逐渐形成的分赃制度的萌芽（参见第413页）。

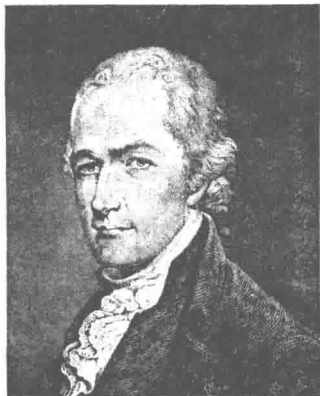
**195. Hamilton's Financial Measures.**—In January, 1790, Hamilton, the new Secretary of the Treasury, presented to Congress an elaborate report on the public credit, which should be carefully studied by all who desire to comprehend Hamilton's clear insight into financial matters, and to appreciate, at their full value, the great services he rendered to his adopted country. It appeared that the United States, as the successor of the Confederation, owed about fifty-four million dollars in principal and accrued but unpaid interest. Eleven millions of this was owed abroad. As to this portion, which was generally termed the "foreign debt," all agreed with the secretary that it should be paid in full according to the terms of the original contracts. As to the larger portion, which was owed to citizens of the United States,—the "domestic debt," as it was called,—there was no such unanimity of opinion. There had been

hardly any market at all for these obligations; holders had been fortunate to sell their holdings at one fifth of the face value. Hamilton proposed to fund this part of the debt at par; but to this proposal there was much opposition. It was argued that this arrangement would be unjust to the original holders of these certificates who had received them in payment for supplies furnished to the Revolutionary armies, or for services rendered to the country at the time of its greatest need. Madison suggested that the present holders should be paid the highest market price for their obligations, and that the difference between that amount and the face value of the bonds should be paid to the original holders. Hamilton insisted, however, that to secure the credit of the new government it was essential that the full face value of the certificates should be paid to those who possessed the legal title. This was sound practical

sense, and Hamilton's plan was adopted. A further part of the secretary's scheme provided that the United States should assume and fund, as a part of its own debt, certain portions of the debts of the several states. On this question, however, the interests of the North and of the South were different, as, for one reason or another, the Northern states were burdened with much larger debts than were the Southern states. The measure commended itself to Hamilton and to those who thought with him, because its consummation would interest a large number of persons in the stability of the new government, and would compel the United States to exercise extensive powers of taxation; but this centralization of power was disliked by those who viewed with jealousy the subordination of the states to the federal government. North Carolina ratified the Constitution in November, 1789, her representatives took their seats in Congress in time to vote against the project, and it was defeated by a small majority (April, 1790). The issue now became bound up with the decision of another question,—the permanent seat of the national capital.



Mrs. Alexander Hamilton  
亚历山大·汉密尔顿夫人



Alexander Hamilton  
亚历山大·汉密尔顿

195. 汉密尔顿的财政措施。—— 1790年1月，新任财政部部长汉密尔顿向国会呈交了一份关于政府信用的详细报告；凡是想要理解汉密尔顿对财政问题敏锐而深刻的洞察力、想要全面领悟他为入籍的美国所做出的伟大贡献的人，都应当仔仔细细地研究一下这份报告。继联邦之后而成立的合众国，除了未付利息，所欠债务似乎约为5400万美元及其增殖部分。其中，1100万为国外债务。对于该部分时称

“外债”的债务，其他人都跟这位财长意见一致，认为应当按照原先的合同条款全额偿付。而对于数目更大的、所欠合众国公民的那一部分债务，即“内债”，他们的意见就不那么一致了。这些债务几乎根本就没有什么市场；债券持有者能够将债券按照票面价值的1/5卖出去，就算是运气好的了。汉密尔顿建议，按照票面价值，拨款偿付这一部分债务；但很多人都反对这一提案。人们认为，这样做对这些债券的原始持有者不公平，那些人都是因为给革命军队提供装备，或者在国家最需要的时候做出了贡献，才以债券支付给他们的。麦迪逊提出，应当按照市场最高价来偿付现有债券持有者的债务，而市场最高价与票面价值之间的差额，则应支付给债券的原始持有者。然而，汉密尔顿坚持认为，为了确保新政府的信用，就必须根据债券的票面价值全额偿付给那些合法拥有债券的人。这听上去实事求是，所以国会通过了汉密尔顿的方案。这位财长的方案还有一个附加部分，规定合众国应当将各州债务的一定比例当作国家债务来承担并拨款偿付。然而，在这个问题上，北方各州和南方各州的利益并不相同；因为这样或那样的原因，北方各州所欠债务要比南方各州多得多。这一措施之所以受到汉密尔顿以及与之意见相同者的青睐，是因为这样做会吸引许多的人来一起保持政府的稳定，还会迫使合众国去行使众多的征税权力；不过，一些对各州服从联邦政府感到警惕的人却很不喜欢这种权力的集中。1789年11月，北卡罗来纳州批准了《宪法》，而其议员就任也很及时，他们对这一方案投了反对票，不过1790年4月国会以微弱多数挫败了他们的反对。如今，这个问题同另一个问题的结果结合起来了；这就是国家首都的永久位置问题。

**196. The National Capital and Assumption.**—Toward the close of the Revolutionary War three hundred Pennsylvania soldiers had surrounded the building in which Congress held its sessions, and demanded the immediate redress of their grievances. The executive council of Pennsylvania was appealed to, and declined to interfere to protect Congress from annoyance. It was largely owing to this that the framers of the Constitution inserted a provision in that instrument which gave the federal government complete control over a district ten miles square, within which a national capitol and other buildings might be erected. The question of the precise location of this small district does not appear to be a matter of much importance in these days of rapid transit. In 1790, however, the Potomac was, to all intents and purposes, as far from Boston as San Francisco is nowadays and Philadelphia was much more inaccessible to the South Carolinian than Denver is at the present time. The Southern members of Congress were anxious to have the permanent seat of government on the Potomac, and the Pennsylvanians were equally desirous that Philadelphia should be the temporary seat of government while the necessary buildings were in the process of construction on the Potomac. Many Northern members, who had slight interest in this matter, were deeply concerned in the success of the project of assumption of the state debts; they believed that the Pennsylvanians, who had voted against the latter measure, had made a

bargain of some kind with the Southerners. The friends of assumption, therefore, procured the insertion of Baltimore instead of Philadelphia as the site of the temporary capital, and this bill came to a sudden stop.

It was at this time that Jefferson lent his aid to the successful prosecution of a scheme, the recollection of which annoyed him ever after: he yielded to a suggestion of Hamilton's that they should bring about a compromise, and induced enough Southern members to vote for assumption to carry that measure, while Hamilton, on his part, procured enough Northern votes to pass the Potomac-Philadelphia bill. The Assumption Act, in its final form, was a much less satisfactory measure than Hamilton's original plan. The latter had contemplated the assumption of balances of the debt of each state after the sum due by the states to the United States had been ascertained; the law, as passed, provided, however, for the assumption of a certain part of state debts mentioned in the act; in some cases it turned out that the amount thus assumed was much too large.

196. 国家首都和《代偿法案》。——在革命战争即将结束的时候，300名宾夕法尼亚士兵包围了联邦议会大厦，要求立即补偿他们所受的不公待遇。联邦议会向宾夕法尼亚行政委员会求助，但后者拒绝干预此事，拒绝替联邦议会解决麻烦。在很大程度上，这是因为立法者们在《宪法》中加入了一项条款，让联邦政府能够完全管辖一处面积为10平方英里的地区，并在其中建立国家首都和其他建筑。这个小地区的准确选址，在交通便捷迅速的今天来看，似乎并不是个什么重要问题。然而，在1790年时，波托马克河距波士顿之远，实际上跟如今的旧金山距波士顿一样，而南卡罗来纳人想要去费城，比他们如今去丹佛还要困难。国会中南方各州的议员们都希望把政府的永久所在地设在波托马克河边，而宾夕法尼亚人则同样渴望，在波托马克河边建设所需建筑的过程中，将临时的政府所在地设在费城。北方各州的许多议员对这个问题都不太感兴趣，而是极为关注各州债务代偿计划的成功；他们认为，对这一计划投了反对票的宾夕法尼亚人，肯定与南方各州的人达成了某种交易。因此，支持债务代偿计划的人力主用巴尔的摩的附属地做临时首都所在地，而不是费城，于是这一议案便突如其来地结束了。

正是在这样的時候，杰斐逊帮助实施了一个方案，后来每每回忆起此事，都让他大为恼火：汉密尔顿建议说，他们应当达成一个折中方案，说服足够多的南方议员投票支持采取那一政策，而汉密尔顿的作用，则是力劝足够的北方议员投支持票，以通过波托马克河-费城议案；杰斐逊在这一提议面前让了步。最终形成的《代偿法案》，远不如汉密尔顿最初的方案那样令人满意。汉密尔顿的最初方案计划代偿的是各州债务中除去各州应付合众国的款项之后的结余部分；然而，所制定的《代偿法案》却规定的是该法案中提到的各州债务的一部分；最终表明，在有些情形下，该法案所规定的代偿数额太大了。



**197. The First Slavery Debates, 1789, 1790.**—The years between the close of the Revolutionary War and the formation of the government under the Constitution saw the abolition of slavery in several Northern states and the formation of plans for gradual emancipation in others (p.250); it may truthfully be said that the Northerners were opposed to the perpetuation of slavery, although it should also be stated that the intensity of this feeling varied greatly in different parts of the North. Many of the leaders of Virginia—as Washington, Jefferson, and Mason—shared in this opinion. South of the Old Dominion, the case was widely different. The South Carolinians had threatened to stay out of the Union unless their demands as to slavery and the slave trade were complied with (p.262), and the North Carolinians, in ceding their claims to western lands to the United States (1790), stipulated that Congress should make no laws affecting slavery in the territory thus ceded.

The first slavery debate in Congress arose on the motion of a representative from Virginia that the constitutional tax of ten dollars per head should be levied on all slaves imported into the country. The representatives of the states farther south defended slavery in the abstract, and accused the Virginians of selfishness in advocating the proposed tax, the effect of which would be to raise the price of Virginia slaves, as they would be in demand in the South and would be purchased of the Virginians by the Carolinian and Georgian planters. The proposal was dropped at that time in consideration of Southern votes for the protective tariff, and, as a matter of fact, no tax was ever levied on slaves imported.

The next year the question again came before Congress, this time in a form much more objectionable to the slave owners. In February, 1790, memorials were presented from the Yearly Meeting of the Society of Friends and from the Abolition Society of Pennsylvania, whose president was Benjamin Franklin. These petitioners prayed Congress to use its constitutional powers to "promote mercy and justice" toward the negro, and to "remove every obstruction to public righteousness," especially in respect to slavery. The Southerners assailed the memorialists with tremendous fervor; they scented danger from afar, and the matter came up when their passions were thoroughly aroused by the debates on assumption and on the site of the new capital. The most virulent of the Southern spokesmen was William Jackson of Georgia, an immigrant from England, whose vehemence in harangue has probably never been exceeded in American deliberative assemblies. The House referred the memorials to a committee, and upon their report another debate occurred. Ultimately a few very mild statements were entered on the journal of the House; among them was a declaration to the effect that Congress had no authority to interfere with slavery within the states. The subject was then dropped.

Three years later (1793) the slaveholders secured the passage of an act to carry out the provision of the Constitution (Art. iv) that persons "held to service or labor in one state . . . escaping into another . . . shall be delivered up on claim of the party to whom such service or labor may be due." Fugitive slaves had already been restored to their masters; but this act aroused the resentment of many persons in the North, and the first case which arose under it showed how difficult it was to carry out national laws when they were contrary to the sentiment of the people of a state. In this instance, Massachusetts, where the fugitives were found, did not nullify an act of Congress in solemn conclave; but it proved to be practically impossible to execute an incontestably constitutional law within her borders.

In 1792 Kentucky was admitted to the Union as a slave state; Vermont had been admitted as a free state the year before. The northern boundary of Virginia and Kentucky, from the



Pennsylvania line to the Mississippi, was the Ohio River, which in this way served as a boundary between the free states and territories of the North and the slaveholding states and territories of the South. The Ohio forms practically a continuation of Mason and Dixon's line; indeed, the latter term was frequently used to designate simply the line between the free and the slave states.

197. 1789、1790年关于奴隶制度的第一轮论争。——从革命战争结束到根据《宪法》成立政府的那几年间，北方几个州废除了奴隶制度，而其他各州也都制订了逐步解放奴隶的计划（参见第250页）；老实说，北方人是反对维持奴隶制度的，尽管也应当说，在北方不同地区，这种情绪的强烈程度各有不同。许多的弗吉尼亚领导人，如华盛顿、杰斐逊和麦迪逊，都持有这一观点。而在这个老自治领以南，情况则大不一样。南卡罗来纳人曾经威胁说不加入联邦，除非满足他们关于奴隶制度和奴隶贸易的要求（参见第262页）；北卡罗来纳人呢，则在1790年将其西部领土所有权让与合众国的过程中，规定联邦议会不得制定影响到被让与领土中奴隶制度的法律。

国会中关于奴隶制度的第一次论争，源自弗吉尼亚一位议员提出的一项动议；这项动议提出，对所有输入美国的奴隶，都应当征收每人10美元的宪法税。南方各州的议员们纷纷从理论上为奴隶制度进行辩护，并指责弗吉尼亚人鼓吹征收这种税是出于私心，因为征税的结果是使得弗吉尼亚的奴隶价格上涨，而南方地区则需要这些奴隶，卡罗来纳和佐治亚的种植园主都需要从弗吉尼亚人手中购买奴隶。其时，由于南方各州投票支持了保护性关税，因此这一提案被终止讨论了；事实上，后来对于输入的奴隶也从未征过税。

第二年，这个问题再次提交给了国会，但这次的方式，却让奴隶主们要反感得多了。1790年2月，基督教公谊会年会以及由本杰明·富兰克林担任主席的宾夕法尼亚废奴协会，都向国会呈交了请愿书。这些请愿者恳请国会运用《宪法》所赋予的权力，在对待黑人方面“促进仁慈之心和公正”，并且“扫除公众正义的一切障碍”，尤其是在废除奴隶制度方面的障碍。南方各州的人对这些请愿者发动了狂热的抨击；他们嗅出了远方的危险，而当他们的狂热因为债务代偿和新首都选址问题而被彻底激发出来之后，麻烦就出现了。南方各州最怀敌意的代言人是佐治亚州的威廉·杰克逊，他是英国移民，其指责之激烈，很可能在美国的历次审议会议上都无人出其右。国会将这些请愿书委托给一个委员会进行审议，但委员们的报告又引发了另一场论争。最终，国会的议事记录里采用了一些语气非常温和的说法；其中有一个声明，大意是国会无权干预各州内部的奴隶制度。接下来，便不再讨论这一议题了。

3年后的1793年，奴隶主们成功通过了一项法案，来贯彻执行《宪法》第四条之