

The Papers of James Madison, Volume 13, January 20, 1790—March 31, 1791. Edited by CHARLES F. HOBSON and ROBERT A. RUTLAND. (Charlottesville: University Press of Virginia, 1981. xxviii, 423 p. Chronology, index. \$20.00.)

In the second and third sessions of the first Federal Congress (the structural elements in this collection of correspondence, speeches, notes, and memoranda), James Madison found himself the leader not of a majority but of minorities in the House, forced by the tendency of Secretary Hamilton's fiscal measures to defend the interests of his district, state, and section. In debate on the bill to incorporate a national bank, passed shortly before Congress adjourned, he placed his opposition on broader ground, arguing that such legislation was unconstitutional, although in the Federal Convention he had attempted unsuccessfully to provide Congress with the power to grant charters of incorporation. In his stand against the bank and the doctrine of "implied powers," Madison the nationalist became a strict constructionist.

The harmony that prevailed in the first session of the Congress gave way by the close of the third, in Robert R. Livingston's words, to "a territorial division" on "almost every important question" (p. 393). Particularly ominous was the violent language employed by deep South members in opposing the introduction of petitions against the slave trade, the most significant of which were submitted in February 1790 by the Philadelphia Yearly Meeting of 1789 and the Pennsylvania Abolition Society (signed by Franklin as its president). By what seemed to Madison a surprising turn of events, "a fortuitous coincidence of circumstances" as he described it to James Monroe (p. 262), the national capital was relocated, temporarily to Philadelphia for ten years commencing with the third session of the Congress, thereafter to a permanent seat on the Potomac. The narrowness of the margin that determined the Residence Act kept the second provision in considerable doubt; there is no sound evidence in Madison's papers to support Jefferson's account of a "Compromise of 1790."

The most notable document in this volume is Madison's reply, in a letter of February 4, 1790, to Jefferson's famous proposition "the earth belongs to the living, & not to the dead." Taking exception to the idea "both in Theory and practice" he struck an equally memorable counterpoint: "The *improvements* made by the dead form a charge against the living who take the benefit of them." And yet, if the disposition of his mind and his experience in deliberative assemblies impelled him to delineate its limitations, Madison, characteristically, could still recognize the "general importance" of the principle "in the eye of the philosophical Legislator" (pp. 19, 21).

It has become fashionable to question the value of the comprehensive documentary edition, to express impatience with the methodical pace of publication and make suggestions about the virtues of microforms. Volume 13 of this series effectively demonstrates the short-sightedness of such views. The editors have prepared accurate printed texts from the faded ink and frequently dam-

aged pages of manuscripts, and have revised the dates attributed to several documents in the Madison collection of the Library of Congress (pp. 14, 195, 203, 210, 240, 250, 252, 310, 352, 364, 369, 401). They have provided a useful editorial note on the printed sources for Madison's speeches (emphasizing the deficiencies of the *Annals of Congress* (1834-1856). Their practice, seemingly begun in Volume 12 (pp. 56-64), of introducing the documents for each session with a similar note has been unfortunately discounted; and their introductions to Madison's speeches do not as a rule identify the states which his adversaries represented, which is particularly censurable when the subject of his remarks is the proposed assumption of state debts. But these exceptions do not diminish the value of the volume, and the series, as a reference work. Of the 273 documents (and 35 abstracts) printed here, only 29 appeared in Gaillard Hunt's edition of Madison's *Writings* (9 vols., 1900-1910), the alternative period source, which does not print letters received by Madison. The volume is dedicated to Julian P. Boyd.

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