

Thomas Lloyd's Reports of the First Federal Congress

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WHEN the First Federal Congress of the United States met in the spring of 1789, no official provision had been made for reporting its debates. Fortunately a number of alert newspaper reporters were waiting, quill in hand, when the doors of Federal Hall in New York were thrown open on April 8 to admit citizens to the galleries of the House of Representatives. Among them was a free-lance shorthand writer, Thomas Lloyd, who had made ambitious plans to publish the proceedings. Lloyd was considered the most competent stenographer in the country, and the record he made, the *Congressional Register*, contains the most complete reports of Congress from its opening until March 8, 1790, when publication ceased.¹

In that first year Congress filled out the framework for the federal government created by the Constitution. It established a system of revenue making the national government financially independent of the states and thereby made it possible to pay off the debt accumulated during the Revolution and the years of the financially incapable Continental Congress. It created a federal judiciary. It provided for diplomatic representation in foreign countries, made treaties and regulated trade with Indian tribes, and organized the Western territory. It submitted to the states for ratification the amendments to the Constitution which became the Bill of Rights. It set up executive departments—State, Treasury, and War. It wrestled with legislation to satisfy numerous petitions for protection of copyright and the patenting of useful inventions; gave assistance to war widows, orphans, and invalid soldiers; established lighthouses, beacons, buoys, and public piers; and arranged for the first census. Members

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¹ For publication details, see Bibliographical Notes, below.

debated the most suitable place for a permanent residence for the federal government, the establishment of a national bank, the organization of the militia and the merchant seamen, a system of post offices and post roads, and the touchy subject of slavery.

A reasonably full and accurate account of the debates on these matters is of incalculable value to an understanding of the American system of government. The fairest and most rational method to interpret the will of the legislator, said Sir William Blackstone, is to explore his intentions at the time when the law was made. These intentions were expressed in debates of the Senate and the House of Representatives. The Senate sat with closed doors; aside from letters, memoranda, and journals of members, we have no record of its debates in the first Congress. This gives the House debates a singular importance to jurists and legislators today. Their value to historians is obvious. Yet the reporters of those debates have been largely ignored: few have been honored with so much as a biographical footnote; and stranger still, many of their reports have never been republished.

Contrary to the assumptions of many scholars, Joseph Gales and W. W. Seaton did not include all previously published debates when, beginning in 1834, they compiled the *Annals of Congress*.² All other reports for the period of Lloyd's coverage were ignored and his *Congressional Register* was reprinted almost in its entirety. For the period after Lloyd's work, March 8, 1790, to the end of the third session of the first Congress on March 3, 1791, Gales and Seaton relied mainly on John Fenno, Federalist editor of the *Gazette of the United States* (New York and Philadelphia). Yet independent reports of proceedings and debates had appeared in Francis Childs's *Daily Advertiser* (New York) and in John Dunlap's *Pennsylvania Packet* (Philadelphia). By the third session *Dunlap's American Daily Advertiser*, Benjamin Franklin Bache's *General Advertiser*, and Andrew Brown's *Federal Gazette*, all of Philadelphia, were also reporting regularly, and occasional speeches appeared in other papers. Very few of these found their way into the *Annals*. Moreover, Gales and Seaton revised

² U. S., Congress, *The Debates and Proceedings in the Congress of the United States*, better known by its half title, *Annals of Congress*, published by Joseph Gales and W. W. Seaton, 42 vols. (Washington, 1834-56). Volumes I and II, containing the first Congress, were published in two editions, both with the 1834 imprint, but with differences in running heads and pagination. The citations herein are to the first edition (running heads, "Gales and Seaton's History/ of Debates in Congress").

copy freely, omitted debates (even some in Fenno's reports), and sometimes introduced errors, while rarely correcting any.

Even if the editors of the *Annals* had been able to bring together all the reports from the scattered newspaper files—perhaps half again as much as they printed—the record would still be far from satisfactory. According to contemporary critics, the reports were defective, full of error, seldom seen or revised by the speakers, and biased. Yet the *Annals*, published with Congressional approval, took the place of an official record of the debates of the first Congresses. As a sanctioned publication, it has been the historian's main source for early legislative opinion, quoted with as much assurance as though the Representatives themselves had written, or at least dictated, the speeches there printed. A new, complete compilation is clearly needed. But it is first desirable to take a look at the men who made the reports and the circumstances under which they were made, to check the reports against each other, and to weigh the possibilities of political bias on the part of the editors of the different versions.

I

Thomas Lloyd was the favored reporter. He was given the choice place, near the Speaker of the House, where he could often hear speeches that were inaudible to other reporters.³ Having no deadline and not being confined to the limited space of a newspaper, he could edit and prepare his copy carefully, and he could print full reports. The Representatives, in spite of their frequent criticisms of Lloyd, considered his *Congressional Register* quasi official, and when one of them wished to quote a speech made in a previous session, he referred to the *Register* by volume and page. Both the criticisms and the acceptance make it important today that his work be evaluated.

Lloyd was born in London, August 14, 1756, the son of William and Hannah Biddle Lloyd, of Wolverhampton. He came to America a few years before the Revolution, settling in St. Mary's County, Maryland. In later years he referred to his having studied at "St. Omer's," a well-known school for Catholic boys run by English Jesuits first at St. Omer, Flanders, then at Bruges, in Belgium. A number of boys from Maryland families

³ On the back of the cover of the first issue of Lloyd's *Congressional Register*, he acknowledges the indulgence of the House in admitting him to a convenient seat, which "enables him to assure the public of the greatest degree of accuracy in detailing the words, sentiments and opinions delivered by the members."

attended the school and they probably influenced Lloyd's decision to emigrate.⁴

At the outbreak of the American Revolution Lloyd became a volunteer in the Fifth Independent Company of the Maryland militia. With his company, he fought in the Long Island campaign in 1776. At the end of the year the independent companies were disbanded and Lloyd enlisted in the Fourth Company of the Fourth Maryland Regiment. At the Battle of Brandywine he was shot, bayoneted, and taken prisoner. An exchange of prisoners saved him from a "pestilential prison-ship, or a Sugar-house Lazaretto" and he was taken to a Quaker meetinghouse used as a hospital in Lancaster. Despite conditions of filth, cold, and hunger, Lloyd survived confinement in the hospital and returned to duty in the line, serving until February 1, 1779, when he was discharged at Baltimore.⁵

In that same year Lloyd was employed to superintend the printing of the *Journals* of the Continental Congress, and, sometime after the office of the Superintendent of Finance was established in 1780, he became clerk to Michael Hillegas, Treasurer of the United States. In 1783, he claimed, he was sent to France with dispatches for Franklin, Jay, Adams, and Laurens. Subsequently he settled in Philadelphia.⁶

By 1787 he was well known as a shorthand writer and teacher.⁷ In September of that year he began to take the debates of the Pennsylvania

⁴ See Bibliographical Notes, below.

⁵ Lloyd's Pension Papers, Revolutionary War Pension Files (R.G. 15A), W4672, National Archives, Washington, D. C.; Memorial of Thomas Lloyd, Oct. 14, 1793, accompanying letter of Thomas Pinckney, Nov. 11, 1793, General Records of the State Department (R.G. 59), Diplomatic Despatches, Great Britain, III, National Archives. Lloyd claimed to have been attached to the Quartermaster General's Department under General Nathanael Greene, with the rank of Captain, but the pension papers list him as a private. See also G. M. Brumbaugh, *Maryland Records* . . . , II (Lancaster, 1928), 366, for Lloyd's pension from the state of Maryland. Attached to the federal pension papers is a certificate from Dr. Benjamin Rush stating that he had attended Lloyd in the hospital in 1777. Lloyd gave evidence against Dr. William Shippen on charges, brought by Dr. Rush, of neglect of hospital duty. *Pennsylvania Packet* (Philadelphia), Oct. 21, 1780.

⁶ Worthington C. Ford, ed., *Journals of the Continental Congress, 1774-1789*, XV (Washington, 1909), 1239-1240; accounts of Superintendent of Finance, Dec. 5, 1782, Mar. 10, Apr. 4, May 30, 1783, Records of the Bureau of Accounts, Treasury (R.G. 39), I, 122, 148, 170, National Archives; Lloyd to Thomas Pinckney, n.d., with letter of June 20, 1793, Pinckney Family Papers, Box 4, Library of Congress, Washington, D. C.

⁷ Lloyd advertised in the *Pennsylvania Packet*, June 16, 1787, that he would teach, at his house on Cherry Street, his method of shorthand, which would enable a writer, after a week's diligent study, to follow a "deliberate Speaker."

House of Assembly in shorthand, with the intention of publishing them. Mathew Carey, who had been taking longhand notes in the Assembly for his paper, the *Pennsylvania Herald* (Philadelphia), learned Lloyd's system of shorthand, but, he confessed, "did not succeed better with it, than I had done before." Carey said that Lloyd, who was an excellent stenographer "so far as taking down notes, was a miserable hand at putting them in an English dress."⁸

When the Pennsylvania Convention to ratify the United States Constitution met, November 21, 1787, Lloyd applied for the place of assistant clerk. When it was not given him, he decided to take notes and publish reports independently. On December 29, 1787 (fourteen days after the close of the Convention), Lloyd copyrighted *Debates of the Convention, of the State of Pennsylvania, on the Constitution, Proposed for the Government of the United States. In Two Volumes*. Volume I, printed by Joseph James, appeared in two editions, in 1787 and 1788.⁹ But Volume II never appeared. Moreover, Volume I contained only speeches of James Wilson and Thomas McKean, proponents of ratification. The *Pennsylvania Herald* published full reports of the speeches on both sides, from notes of Alexander James Dallas, through November 30, when they suddenly ceased (on January 5, 1788), and the paper itself was soon after suspended. According to the anti-Federalist "Centinel" (Samuel Bryan), the Federalists had either bribed or threatened the shorthand writers and editors to prevent the appearance of arguments against ratification; and modern scholars have accepted as proved that Lloyd deliberately suppressed the arguments because he was ardently in favor of the Constitution.¹⁰ There

⁸ *Mathew Carey Autobiography* (Brooklyn, 1942), 12. According to Carey, Lloyd had been hired about 1786 by John Dunlap to cover the debates for his *Pennsylvania Packet*. If so, Lloyd seems to have become a free-lance reporter by Sept. 1787, for the newspaper reports differ from those in Lloyd's publication: *Proceedings and Debates of the General Assembly of Pennsylvania. Taken in short-hand by Thomas Lloyd.*, 4 vols. (Philadelphia, 1787-88). Titles and imprints of the volumes vary somewhat. Vol. I was printed by Daniel Humphreys, Vol. II, by Joseph James, Vols. III and IV printed for the Editor.

⁹ It was also re-issued in London in 1792 under the title *Commentaries on the Constitution of the United States of America*.

¹⁰ Lloyd "was bought up by the Federalists, and, in order to satisfy the public, was suffered to publish one volume. . . . That the debates were thus suppressed may be considered as reasonably well-established." John Bach McMaster and Frederick D. Stone, eds., *Pennsylvania and the Federal Constitution* ([Philadelphia], 1888), 15. "Centinel's" Letter XII is reprinted, pp. 637-642, from the *Independent Gazetteer* (Philadelphia), Jan. 23, 1788. Charles Evans, *American Bibliography . . .*,

is no evidence that he ever admitted it, nor has any defense against the accusation come to light, though it was made numerous times in the newspapers and on the floor of Congress.¹¹ It might be said in Lloyd's behalf that his reporting of the debates was not a public service but a private enterprise; he depended on subscriptions to pay the cost of printing. If the anti-Federalists were not numerous enough to make it worth his while to publish arguments against the Constitution, he would have been quixotic indeed to publish them at the certain risk of losing money.

Lloyd was still advertising the publication of the first volume of the *Debates* of the Pennsylvania Convention when he went to Annapolis to cover the Maryland Convention, which met April 21, 1788.¹² Here, much to his distress, all of the speeches were in opposition to ratification, the Federal sympathizers avoiding a rebuttal and pushing for a vote. Within a week the state had voted to ratify.¹³ An "Anecdote" published in the Maryland papers stated that, "Mr. Lloyd, a warm and decided friend to the *new* constitution, frequently expressed his *concern* at the silence of the majority; and declared that it would never do to publish the objections and arguments against the constitution, without any answer.—After the convention was dissolved, the *majority* made a collection for Mr. Lloyd, to defray his expences; and he declared his intention *not to publish* what he had taken down.—It is observable, that Mr. Lloyd has *hitherto* only published the speeches of two gentlemen of the Pennsylvania convention in *favour* of the government. If Mr. Lloyd should publish the arguments

VII (Chicago, 1912), appends this note to entry 20625, Lloyd's *Debates of the Convention*: "No more was published. There exists no complete record of the Convention, the Federalists being successful in their efforts to suppress the carrying out of this work. . . ."

¹¹ For example, Aedanus Burke, on Jan. 15, 1790, said "only one volume had been published, and that all on one side." Lloyd, *Cong. Reg.*, I, 112. And Elbridge Gerry, on Feb. 7, 1791: "The debates of the state convention, as published by the short hand writers, were generally partial and mutilated; in this, if the publications are to be relied on, the arguments were all on one side of the question, for there is not in the record which is said to contain the Pennsylvania debates, a word against the ratification of the constitution; although we all know that arguments were warmly urged on both sides." *Federal Gazette* (Philadelphia), Mar. 10, 1791.

¹² *Maryland Gazette* (Annapolis), Apr. 24, 1788, and the *Maryland Gazette* (Baltimore), May 2 and later, carried the advertisement.

¹³ "It was agreed among the members of the majority not to waste time or protract the decision by arguments in favour of the system." Letter to the editor, in *Maryland Journal* (Baltimore), July 25, 1788. See Philip A. Crowl, "Anti-Federalism in Maryland, 1787-1788," *William and Mary Quarterly*, 3d Ser., IV (1947), 446-469.

of the opposition in that convention, it will probably be *after* the decision by all the conventions."¹⁴

During the next weeks, a series of letters concerning Lloyd appeared in the newspapers. One correspondent said the opposition labored under a heavy calamity: "It seems a certain Mr. Lloyd, is the only Person who remembers any of their Speeches in Convention, which he is afraid to publish, least they should not pay the Expence of Printing."¹⁵ In June, Lloyd began to advertise for subscribers to the debates, with an explanation that "indispensible engagements" had prevented him from attending to this publication earlier, and promising, when six hundred copies had been subscribed, to print the debates in the most impartial manner.¹⁶ A letter signed "Ism" asked how there could be any debate to publish, "as the federal members made no sort of reply whatever, to the arguments of their antifederal brethren?" However, he was glad the debates were to be published—"they will render most essential service to eloquence and politics, though they made no impression at the time of delivery." He hoped Lloyd would hurry the speeches into print, and even threatened him darkly if he should delay.¹⁷

Another correspondent, "Wessex," assured his readers it was "a mistake to suppose or say, the antifederal speeches made no impression, when they were delivered, seeing it is well known that their effect was very great and very uncommon, particularly in one member [William Paca], who spoke for rejecting the federal government, and yet voted for adopting of it, without hearing a word in it's favor, whereby he clearly became a convert to the retrograde influence of his own harangue." He assumed, since the advertisement was discontinued, that five hundred copies of the "immortal work" were engaged and it would be speedily published.¹⁸

Still another contributor, "Type," said the speeches were not lost, but were "in the possession of a certain short-hand writer, who took them down with all the accuracy, elegance and energy with which they were delivered." He hoped that, although they should be *printed*, they might not be *published* till after the next General Assembly election. "The once

¹⁴ *Md. Jour.*, May 20, 1788. Also published in *Md. Gaz.* (Baltimore), May 20, and *Md. Gaz.* (Annapolis), May 22.

¹⁵ *Md. Jour.*, May 23, 1788.

¹⁶ *Md. Gaz.* (Baltimore), June 6, 1788, and later; *Md. Gaz.* (Annapolis), June 19, 1788.

¹⁷ *Md. Gaz.* (Baltimore), June 27, 1788.

¹⁸ *Md. Gaz.* (Baltimore), July 11, 1788.

antifederal authors now are, and have been struck federal ever since the adoption by New-Hampshire and Virginia was made known. Seeing how matters went, they wheeled round in an instant, with the utmost ease and grace, from one extreme to another."¹⁹

Lloyd's notes of the debates were, in fact, never published, though his advertisement continued to appear as late as July 18. A letter defending him against the charge of bribery was published in July.²⁰ But there is support for the charge that his expenses were paid by Federalist sympathizers: a list of expenses of "An Expedition to Annapolis at the request of Tench Coxe Esq." in April 1788. Part of the expense had been paid by a Mr. Tilghman (both James and William Tilghman were delegates to the Maryland Convention). A note to Coxe from Lloyd asks "if there is any way to Get the expenses reimbursed me & a Compensation for my time, I'll thank you to pursue it on my account."²¹

Several reasons have now been suggested for Lloyd's failure to publish the Maryland Convention debates and the anti-Federal speeches in the Pennsylvania Convention: that he was bribed by the Federalists, who feared the arguments would damage their cause; or that he was bribed by the anti-Federalists, who feared their arguments would be held against them when they ran for election after ratification. Critics of Lloyd cannot have it both ways. Perhaps more probable explanations are that there were not enough subscribers to make publication practicable, and that by the time Lloyd could have had his notes ready for the press the requisite number of states had ratified and publication would have been politically useless. No one now can say what Lloyd's reason was. Its chief importance is the shadow it throws on his trustworthiness. If Lloyd felt no sense of duty as a reporter to give both sides, can he be considered impartial in his reporting of the first Congress?

¹⁹ *Md. Jour.*, Aug. 1, 1788. New Hampshire, the ninth state, ratified June 21, Virginia, June 25.

²⁰ "Some time ago it was indirectly asserted in your paper, by an enemy to the federal constitution, that Mr. Lloyd, the short-hand writer who attended our late convention, was bribed by the majority to suppress the speeches of the opposition. The charge, however vile, was too contemptible to be honoured by the notice of any member of the convention." Letter from "A Private Citizen," dated Frederick, July 21, in *Md. Jour.*, July 25, 1788.

²¹ Thomas Lloyd Papers, American Catholic Historical Society, St. Charles Seminary, Philadelphia. The expense account included travel, seven days' expenses at Annapolis, and twelve days' attention "to the business on which I was employ'd at 5 dollars per day." "When I have employed myself on any Occasion like the one I then engaged in I obtain'd near 4 times the Sum here charged."

II

There is no doubt that Lloyd was an ardent supporter of the Constitution and passionately interested in the new government. When Congress met in New York in 1789 he was present. As soon as the session opened (after several weeks of waiting for a quorum) and it became evident that reporters would be allowed to sit in the House, Lloyd advertised his plan to publish the debates.²²

Most of the members of the House and the Senate, the President, and many other influential men subscribed,²³ and publication began on May 6 with a weekly issue of fifty-six pages, containing the debates up to April 14, 1789. Lloyd continued publishing in weekly numbers, which were then bound in volumes. The last, Volume IV, breaks off in the middle of a sentence on March 8, 1790, the end of a page that completed the thirty-fifth weekly issue.²⁴

This abrupt ending of the project is curiously baffling. Were the rest of the debates ever reported by Lloyd? Were they perhaps set in type but never published? Were they published in weekly issues, none extant? Was Lloyd again discouraged, or had he been bought off by individuals who disapproved of his publication?

We know that Lloyd continued to record debates after March 8, 1790. An account of remarks made by John Page on March 18, "copied from my short hand notes taken at the time the speech was delivered" by "Thomas Lloyd, Editor of the Congressional Register," was printed in a Virginia paper in August 1790.²⁵ And on July 24, the *Gazette of the United States* (New York) published a debate of June 10 [misdated June 18], 1790, "from Lloyd's minutes." Possibly he supplied some of the lengthy speeches that appeared in various newspapers during the latter half of the second session and the first part of the third. Yet, from the very beginning he seems to have had difficulty either in attending regularly or in transcribing

²² "PROPOSALS For Publishing by Subscription, *The Congressional Register, Or History of the Proceedings and Debates of the House of Representatives of the United States of America. Containing an impartial Account of the most interesting Speeches and Motions; and accurate Copies of remarkable Papers laid before and offered to the House. Taken in short hand by THOMAS LLOYD.*" *New York Daily Gazette*, Apr. 14, 1789.

²³ The "Congressional Register Subscription List," with signatures of original subscribers, is collection 799, Historical Society of Pennsylvania, Philadelphia, Pa.

²⁴ See the Bibliographical Notes, below.

²⁵ *Virginia Independent Chronicle* (Richmond), Aug. 11; published at a time when Page was making a bid for re-election.

his notes so that weekly issues could be brought out promptly. There was a gap of six weeks between the appearance of the first and the second issues,²⁶ and before the end of the first session it was announced that Lloyd had an assistant, one G. Dickinson, to take down the debates in shorthand and transcribe them for the press.²⁷ In July 1790 a New Yorker wrote that "Loy'd the Person who takes down the Proceedings of Congress in short hand" had spent two days in prison.²⁸ In 1832 Madison said of Lloyd that he had become "a votary of the bottle and perhaps made too free use of it sometimes at the period of his printed debates."²⁹

Whatever his trouble, it seems quite certain that, even though he missed some sessions, Lloyd had continued his coverage of the debates with every intention of resuming publication. He was proud of his title, Editor of the *Congressional Register*. In 1793, while out of the country, he wrote that he had established the paper under the patronage of the President of the United States, "and continued the same until [November 1791]."³⁰ At the same time he advertised for sale the Debates of Congress in fifty-six numbers, twenty-one more than are now to be found in print.³¹ And later he listed some shorthand notes among goods stored in London,³² perhaps the same notes referred to by Madison in 1832 when he remembered that Lloyd had had in Washington "a great mass of Congressional debates in short hand, which he considered undecypherable by any other than himself."³³

²⁶ The second was announced in the *New York Daily Gazette*, June 23.

²⁷ On the cover of Vol. II, No. 9. No real clues to the identity of Dickinson have been found. Among the heads of families listed in the 1790 census is one Gileras Dickinson, living in the North Ward, New York City, where Lloyd is also listed. U. S., Bureau of the Census, *Heads of Families at the First Census of the United States Taken in the Year 1790, New York [State]* (Washington, 1908), 126, 127.

²⁸ James Abeel to [Sylvanus Bourne], July 10, 1790, Sylvanus Bourne Papers, Houghton Library, Harvard University, Cambridge, Mass.

²⁹ Madison to Edward Everett, Jan. 7, 1831 [i.e., 1832], Edward Everett Papers, Massachusetts Historical Society, Boston, Mass. I am indebted to the editors of *The Papers of James Madison* for a transcript of the letter and the correction of the date.

³⁰ Memorial of Thomas Lloyd, Oct. 14, 1793, accompanying letter of Thomas Pinckney, Nov. 11, 1793, General Records of the State Department (R.G. 59), Diplomatic Despatches, Great Britain, III.

³¹ *The Trial of P. W. Duffin, late a captain of the Fourth Company in the Volunteer Regiment of Irish Brigade, Dublin. And Thomas Lloyd, a Citizen of the United States of America, for a Supposed Libel*, 2d ed. (London, 1793), contained a list of books published and to be published by Lloyd in London.

³² MS notebook containing Lloyd's prison diary, Thomas Lloyd Papers.

³³ Madison to Edward Everett, Jan. 7, 1832, Edward Everett Papers.

Lloyd apparently continued in New York until the end of the second session, August 12, 1790, and then returned to Philadelphia in order to cover the third session, which met there in December. After the adjournment of the first Congress, March 1791, he advertised again "Proposals for Publishing the Debates of Congress." "This work will henceforward be printed from shorthand notes taken by T. Lloyd and J. Carey, whose joint exertions will (it is expected) render the Congressional Register the vehicle of the earliest information, and thus enable it to anticipate even newspaper intelligence."³⁴ However, neither this project nor his career in Congressional reporting was to continue. Thomas Lloyd's reputation as a reporter rests on the incomplete record of the first Congress.

New and valuable evidence as to the scope and content of Lloyd's Congressional reporting is contained in the transcript of some of his shorthand notes of the debates of the first Congress. The notes are in two manuscript volumes acquired in 1940 by the Library of Congress, one containing the debates from April 8 to May 15, 1789, the other, from January 19 to June 3, 1790.³⁵ The notes for the first part of 1790 were taken by "G. D."—evidently Dickinson, who used the same system of shorthand Lloyd used but was a much less competent stenographer. Both notebooks are filled from cover to cover, a fact which leads to the supposition that manuscript notes for the remainder of the first session (May 16 to September 29, 1789), the end of the second session (June 4 to August 12, 1790), and even for the third session (December 6, 1790, to March 3, 1791) once existed and may now lie, unrecognized, in some library, bookstore, or private collection. Lloyd's text of John Page's speech, March 18, 1790, mentioned above, is obviously not based on Dickinson's brief shorthand report for that date. And comparison of Dickinson's notes with the reports in the *Congressional Register* for January through March 8, 1790, suggests that Lloyd did not follow Dickinson but took his own notes for the same period.

A transcript of the two manuscript volumes, some 350,000 words, has been made for comparison with debates published by Lloyd and others.³⁶

³⁴ *General Advertiser* (Philadelphia), Mar. 8, 1791, and subsequent issues. Lloyd also wrote the Speaker of the Pennsylvania Senate, Mar. 14, 1791, soliciting subscriptions to the *Register*. McAllister Papers, Library Company of Philadelphia.

³⁵ See Bibliographical Notes, below.

³⁶ The transcript, made by the present writer, is in the custody of the National Historical Publications Commission, National Archives Building, Washington, D. C. Publication of a documentary history of the First Federal Congress, using material

In many respects what Lloyd published bears only slight resemblance to the literal transcript of his own notes. Sometimes a speech is printed for which no notes or only very brief notes exist; sometimes a long speech reported in the manuscript is printed very briefly or not at all. Lloyd reported discussions of procedural matters (on April 17, May 4, 7, 12, 13, 1789, for instance) that he did not think worth printing. The extant notes continue through June 3, 1790, approximately three months after the printed *Register* ceased, and during these months long and important discussions of slavery, revenue, public lands, and particularly the funding bill were noted. Many of these were not covered by the newspapers, or very briefly reported. In some cases speeches are printed in an order different from that found in the shorthand. Occasionally (on March 30, 31, and April 1, 1790, for instance) speeches are published as having been given on a different day from that reported in the notes. On the whole, the transcript adds much to our knowledge of what was said, who said it, and when.

Standing alone, however, the transcript is necessarily incomplete. Eighteenth-century shorthand was inadequate to the task of recording speeches verbatim. Transcription of shorthand diaries or other records not written in haste is much less difficult than transcription of notes of speeches, which had to be made hastily and much abbreviated. In general, verbatim notes could be transcribed only by the person who wrote them—and often not even by him. The reporter, having heard the words, used his notes to jog his memory, and his report was about as good as his understanding plus his memory. The system of shorthand Lloyd used, like most systems of his day, leaves much to the imagination of the transcriber. There is much similarity between symbols for different letters, and there are no vowels. Lloyd omitted most articles and connectives, and used many abbreviations peculiar to him alone. He used no punctuation except an occasional quotation mark and extra spacing between clauses. In short, though his notes are exceptionally neat and well formed and can be transcribed with reasonable accuracy, they give us skeleton speeches, a sort of longhand shorthand, which can be made intelligible only by judicious, imaginative, and knowledgeable editing.

Not only was the shorthand system inadequate for verbatim reporting, but the circumstances under which the notes were taken in the first Con-

from the shorthand, Lloyd's *Register*, contemporary newspapers and pamphlets, documents and private papers, is projected by the Commission.

gress were far from propitious. Many speeches were long and complex and were uttered by men not all of whom were clear and forceful speakers. Some of them hesitated, mumbled, spoke in half sentences; there were noises and interruptions; the ink ran dry and the quill grew dull. At the beginning of the session Lloyd knew but few of the Representatives by sight. He had to omit their names, to be filled in later; to help his memory he described them as "baldheaded gentleman" (later identified as George Thatcher), or the "man in blue coat and wig." During some of the dull moments he doodled, made sketches of members, and drew horses and landscapes in the margins. On two pages he scribbled from memory the words of a poem.³⁷ And after the long hours of attendance in the House, Lloyd had to compare his notes with what the clerk of the House would give him and write out his copy for the printer. A shorthand reporter today can count on spending from three to five hours transcribing the notes made in one hour's talk; Lloyd's day must have been long indeed. Considering the handicaps under which he worked, his *Register* is a remarkable achievement.

In preparing copy for publication, Lloyd chose only "the most interesting speeches." These he subjected to a good deal of embellishment; but how much of any speech was actually drawn from memory and how much was invention we cannot know. Nor have we any way of knowing whether he asked or allowed a speaker to revise copy before it was printed. The time element would seem to have made that impossible in most cases. Madison said in 1833 that he did not have a manuscript copy of a single speech, "having never written one before hand, nor corrected the Reporters' notes of one beyond making it faithful in substance."³⁸ Though Madison complained of inaccurate reporting, his colleague, Fisher Ames, said that Madison's "printed speeches are more faithful than any other person's, because he speaks very slow, and his discourse is strongly marked."³⁹ Ames himself, on at least one occasion, prepared for publication his version of a speech,⁴⁰ which was substituted for Fenno's version

³⁷ See the writer's "Alexander Pope in Congress," *Manuscripts*, XI, No. 3 (Summer 1959), 25-26.

³⁸ To Gales and Seaton, Aug. 5, 1833, draft in Papers of James Madison, LXXXVIII, No. 11, Lib. Cong.

³⁹ Seth Ames, ed., *The Works of Fisher Ames . . .*, I (Boston, 1854), 42.

⁴⁰ "Inclosed, you have my speech, taken after the debate [Apr. 28, 1789], while the ideas were so fresh as to make it a very just transcript of my argument. More was said, but what is said in the inclosed was actually delivered. A speech *made afterwards* would not amuse you. My friend, listen. Fenno published the speeches.

in a report, otherwise copied from Fenno, in the *Massachusetts Centinel* (Boston), May 9, 1789.⁴¹

We can suppose that, as the sessions progressed, it became more and more customary for a speaker to prepare notes or even to write out in fairly complete form what he intended to say; some of these notes and speeches could have been given to the shorthand reporters, and this may account for the fact that the same version of a speech can be found in several of the New York and Philadelphia papers, interspersed with other speeches that seem to be independently reported by the different newspapers. However, it is more likely that the publishers simply borrowed from each other, usually without acknowledgment. The editor of the *Daily Advertiser* (New York), on June 22, 1789, complained of this practice and requested that the printer who copied the debates of the House "would copy them literally and faithfully, and not attempt to disguise the transcript, by dishonest interpolations, and disingenuous alterations of phrases, to give it the air of originality." On September 10 the same newspaper printed a correction of its report of debates, appending the acid comment: "It is expected that those Printers who industriously copy the Debates from this paper, will also copy the above statement of Errors."

These barbs were probably not aimed at Lloyd, for during most of the first session his reports were full and independent; it was not until about the middle of February 1790, in the second session, that speeches were duplicated in Lloyd and one or more of the New York or Philadelphia papers. As the exact date of publication of Lloyd's weekly issues is unknown, it cannot be shown whether he copied the other reporters or they him. However, there is a strong possibility that he filled in his reports, where he failed to get a speech or wanted to save himself the trouble of transcribing one, by "lifting" it from someone else, usually varying it in small details and changing it from the first person to the third, or vice versa.

Lloyd's contemporaries were critical of his efforts from the very first. James Madison sent the first number of the *Congressional Register* to Thomas Jefferson on May 9, 1789, with the comment that it would give

Inter nos, I suppose Goodhue and Gerry wrote theirs, and gave to him. Mine is not flattered by the publication." *Ibid.*, I, 35.

⁴¹ One may thus compare Lloyd's report (*Cong. Reg.*, I, 160-165 [reprinted in the *Annals of Congress*, 1st Cong., 1st sess., 230-235]) with Fenno's (*Gazette of the United States* [New York], May 2) and Ames's. There are also shorthand notes of the speech.

Number
of the
DEBATES.
of the
House of Representatives
of the
UNITED STATES,
of
A M E R I C A,
taken by
Thomas Lloyd

Commencing April 8th & ending May 15

Annoque Domini

1789

Cover of one volume of Thomas Lloyd's shorthand notes of debates in the First Federal Congress. Courtesy, Library of Congress.

Handwritten notes in shorthand, likely from a debate or meeting. The text is dense and difficult to decipher due to the shorthand used.

Page 20. Handwritten notes in shorthand, continuing from the previous section. Includes some numbers and symbols.

Handwritten notes in shorthand, continuing from the previous section. Includes some numbers and symbols.

Monday, May 24th 1790

Handwritten notes in shorthand, including a circular illustration of a landscape with a house and trees. The notes are dense and cover the majority of the page.

A page of Thomas Lloyd's shorthand notes of debates in the First Federal Congress, Second Session. Courtesy, Library of Congress.

"some idea of the discussions in the new Legislative. You will see at once the strongest evidences of mutilation & perversion, and of the illiteracy of the Editor."⁴² In August, General Thomas Sumter of South Carolina sent the legislative journals, the public papers, and the *Register* to a friend, remarking that here "you see the public mind pretty fully developed, but not with that candour or fairness as it ought to be." He added that the presses were under "a partial combined influence."⁴³

The criticisms were not, of course, confined to Lloyd, but applied to all reporters. The question of the accuracy of the newspaper reports and the advisability of closing the doors to reporters were of perennial interest in the House. The discussions were reported by Lloyd more fully than by anyone else, either to show his objectivity or in sheer bravado. Near the close of the first session, Aedanus Burke, South Carolina anti-Federalist, laid on the table a resolution that the publishers of the debates in the *Congressional Register* and the New York newspapers had misrepresented them so flagrantly that the House should no longer give sanction to such reporting.⁴⁴ The resolution was brought up for discussion on September 26, 1789, when Burke pointed out blunders and misconceptions which had been printed, and other members made observations on the subject—"none of which, however, the editor had an opportunity of taking down," says Lloyd.

Michael Jenifer Stone of Maryland defended the printers, though he admitted that some inaccuracies were published. He thought the *Congressional Register* "free from misrepresentations, other than sometimes changing the mode of expression, or emphasis of language, which, he presumed, was unavoidable, or necessary, when gentlemen delivered their sentiments on the floor without system, or grammatical precision." Elbridge Gerry of Massachusetts thought it odd that the speeches on one side were given at great length and those on the other were only partially stated and were condensed to a few solitary lines. If the newspapers were conducted on party lines, he felt, they might have a very malignant and mischievous tendency.

John Page objected "to driving the gentlemen, who were at the foot of the speaker's chair, into the gallery; he looked upon such a measure

⁴² Papers of James Madison, XI, No. 58, Lib. Cong.

⁴³ Quoted in *United States Chronicle* (Providence), Jan. 14, 1790.

⁴⁴ Lloyd, *Cong. Reg.*, II, 442-443. The debate is given in detail, pp. 442-447. (See *Annals of Congress*, 1st Cong., 1st sess., 952-955.)

as the first step toward driving them, and all their hearers, out of the house." He thought the publication of debates valuable and useful to his constituents.

Burke was willing to withdraw his motion; but he disagreed with Stone and said the misrepresentation he complained of was principally occasioned by the partiality of one printer. Though he did not name the reporter, he undoubtedly meant Lloyd, who sat near the Speaker. Burke said he "did not see him there now; but if he saw him there again, and he continued to print falsely," he would renew the motion. Madison agreed that there were inaccuracies, but he did not think they were of malice aforethought. He thought the printers should be free to publish the debates but without official sanction. If publication were authorized, "he presumed the members must be, individually, at the trouble of correcting and revising their speeches: This was an inconvenience he did not wish to encounter."

The *New York Journal*, one of the few anti-Federalist papers, said in its report of the debate that the members were "very severe on all cringing, servile Printers, who, not having independence of spirit sufficient to preserve a free press, were disposed to prostitute it to the mean and corrupt purposes of faction, and of deceiving the public."⁴⁵ Fenno reported that some Southern members thought the reputation of the House had been promoted by the debates' being published in newspapers, and the dignity and importance of the government enhanced by the publications.⁴⁶ Francis Childs, Federalist, undertook a full defense against the charge of willful misrepresentation in his *Daily Advertiser*:

It is extremely difficult to conceive how any person possessing common sense, could so far mistake the plain, full and positive meaning of the debates in the hon. house Representatives, as to "mis-present them in the most glaring deviations from the truth;" but to "distort the arguments from their true meaning," requires some degree of ingenuity—it is extremely difficult however to suggest any plausible reason, which should induce the editors of the debates to do this—The whole world would resent the insult, so far as it was known; and the publishers would risk the countenance and patronage of the public. . . .

It would so completely establish the reputation of a public register of the debates, to have them *perfectly accurate*, that it is more difficult than

⁴⁵ Oct. 1, 1789. The editor, Thomas Greenleaf, was notorious for his opposition to the Constitution.

⁴⁶ *Gaz. of U. S.*, Sept. 30, 1789.

all the preceding difficulties, to account for a Printer's *wilfully* making them imperfect, when it is in his power to do otherwise—it is a sort of *felo de se* against his own interest. To attempt to “throw a thick veil of misrepresentation and error over the whole proceedings” of the house of representatives, would be an undertaking so complicate in its nature, and so impracticable in its execution, that the person who should conceive the idea of making the effort in this land of freedom, and where the public proceedings are open as the day, would be a fit subject for a *strait waistcoat*; and this to be done too “at the very foot of the speaker's chair,” is so ridiculous and absurd, that it carries its own refutation with it.

. . . The original publishers of the debates in the newspapers, never proposed to give these debates so as to comprise the whole of the speeches at full length—Sketches only of the proceedings were their object, they have aimed to be impartial; their labors have met a favorable reception; their own sentiments have never influenced them in stating a single question; and it is not in the power of *any person whatever*, to point out an instance of their being *controuled* or *influenced*, either directly or indirectly, by any man, or body of men, to alter, curtail, mutilate, or suppress an individual speech, that has ever been heard by them, or published in their papers.⁴⁷

In the end Burke's resolution was allowed to die, but the matter of inaccuracy was not disposed of. When the second session opened, in January 1790, the shorthand writers had withdrawn from the floor of the house to the gallery. Page moved that they be allowed to return to their seats and said that publication of the debates had given great satisfaction to the citizens. It had even been commented upon favorably in British publications.⁴⁸ The discussion of the motion centered on the fear that formal action would in effect sanction the newspaper reports and make each member responsible for the remarks attributed to him. Page said he did not wish to favor one reporter over another. He thought Fenno had as much right to a choice place on the floor as Lloyd. William

⁴⁷ Oct. 7, 1789. The phrases quoted by the editor were from Burke's resolution.

⁴⁸ A review of the *Cong. Reg.* had appeared in the London *Analytical Review*: “The free and republican spirit of America appears in nothing more than in the toleration of taking down the public debates in short hand. . . . The publication of the debates of Congress, have proved an unbounded source of information, instruction and amusement to the citizens of the United States. And altho' from the circumstance of the novelty of the business, the various speeches have not been so fully detailed, as some persons have wished, yet upon the whole, more perfect sketches have perhaps never appeared in any country, . . . The transactions of Congress have been 'open and above board.'” Quoted from *Virginia Herald* (Fredericksburg), Jan. 28, 1790.

Smith, of South Carolina, quipped that he was sorry to lose the writers off the floor, "although they are promoted to a higher station." He went on to cite several errors that had been made in reporting the last session but concluded: "Upon the whole, I believe, inaccurate as this work [i.e., the *Congressional Register*] is, it has given to our constituents a great satisfaction."

Alexander White, Virginia Federalist, believed the reporters' errors had not been serious, and he supposed them to arise rather from haste or inadvertence than from design. He said that the publishers willingly corrected any errors that were pointed out, and took pains "to ask gentlemen what were their particular expressions, when they either did not hear distinctly, or did not comprehend the speaker's meaning." But Burke disagreed, and again singled out Lloyd for criticism. He said he did not have much confidence in the editor's impartiality; "if it was necessary to give any ground for this opinion, he could refer them to the debates of the convention of Pennsylvania by the same person, and they would find that only one volume had been published, and that all on one side; but with respect to the congressional register, he had no particular complaint."⁴⁹

No vote was taken, but the shorthand writers seem to have plucked up courage and moved to the floor. Lloyd had managed to report in some detail debates that took place during the days preceding this discussion. It is significant, however, that G. Dickinson's notes begin January 19, just four days after the dissatisfaction with Lloyd's reports was aired in the House.⁵⁰

During subsequent sessions of Congress the question of either shutting out reporters or making them responsible officers of the House was discussed, and on such occasions objections were made to the way in which the debates had been published. In 1792, after moving that official stenographers should be employed to take and publish the debates, Elbridge Gerry remarked that great uneasiness had been felt while the House sat at New York with the mode in which debates were published. "Sometimes members were introduced as uttering arguments directly the reverse of what they had advanced." He had at one time asked one of the reporters how he could think of publishing the debates so inaccurately, and the answer was that the reporter was under the necessity of obliging his

⁴⁹ *Annals of Congress*, 1st Cong., 2d sess., 1095-1098 (Jan. 15, 1790).

⁵⁰ See Bibliographical Notes, below.

employers. "Hence, he concluded that there must have been a corrupt faction who influenced that short-hand writer."⁵¹

Can these charges be substantiated? In Lloyd's case, it is not difficult to agree that he was partisan. He had, indeed, failed to report speeches against the ratification of the Constitution in both the Pennsylvania and the Maryland conventions. But as to partisan reporting of the debates in Congress, that is a different matter. For one thing, Lloyd was not the only reporter present. Any newspaper man, regardless of his political allegiance, could sit in the House and listen to the debates—as, indeed, could any citizen. As Childs had pointed out, deliberate misrepresentation would have been not only difficult but bad business. Of course, it might have been easy to omit speeches on one side while giving full space to those on the other. A brief comparison between the shorthand and the *Congressional Register*, however, does not show that this was the case, although a thorough study of the way the main issues were reported by different men has yet to be made.

If the reports were not willfully corrupt, were they, as suggested, inaccurate? This charge was repeated several times by Madison. When Gales and Seaton wrote to him in 1833 asking whether he had any manuscript copies of speeches or knew of any printed reports for the first Congress other than Lloyd's *Register* or Fenno's *Gazette of the United States*, he replied: "I know of no 'debates' during the period of Lloyds, but his, which are very defective, and abound in errors; some of them very gross when the speeches were not revised by the authors."⁵² A year later he wrote to Isaac S. Lyon: "It may not be amiss to remark, that the Stenographic Reports of my speeches as doubtless of others, those of Lloyd particularly, are where they were not revised by the speaker, very defective & often erroneous; and that where revised, I limited myself to the substance, with as much adherence to the language, as my memory could effect."⁵³ He sent a similar warning to Edward Everett in regard to Lloyd's reports:

The accuracy of them is not to be relied on [Madison wrote], though the ideas of the speakers, may for the most part be collected from them.

⁵¹ *Annals of Congress*, 2d Cong., 1st sess., 563-566 (Apr. 20, 1792). Samuel Oppenheim, *The Early Congressional Debates and Reporters* [New York, 1889], gives a history of relations between Congress and the reporters.

⁵² Madison to Gales and Seaton, Aug. 5, 1833, Draft in Papers of James Madison, LXXXVIII, No. 11, Lib. Cong.

⁵³ Madison to Lyon, Sept. 20, 1834, Draft in *ibid.*, LXXXVIII, No. 160, Lib. Cong.

The face of the debates shews that they are defective, and desultory, where not revised, or written out by the Speakers. In some instances, he makes them inconsistent with themselves, by erroneous reports of their speeches at different times on the same subject. He was indolent and sometimes filled up blanks in his notes from memory or *imagination*. I recollect that he put into my mouth, a speech, drawn much from the latter and in its style suited rather to a youthful declaimer than to me in my situation. He finally, became a votary of the bottle and perhaps made too free use of it sometimes at the period of his printed debates. I ought in justice to add, to this notice of his weaknesses, that his intentions were good, and his dispositions amiable. As a Stenographer he had the reputation, and I believe, justly of being skilful.⁵⁴

Some of this dissatisfaction with the reports may be discounted. Every stenographer knows that a verbatim record of an unprepared, extemporaneous speech, no matter who the speaker, is likely to sound "defective and desultory." In the case of Fisher Ames's speech of April 28, 1789, we are able to compare the bare shorthand notes with Lloyd's embellished report, with the report of another shorthand writer, and with Ames's version. According to the shorthand transcript, the speech was a rather rambling discourse; Lloyd presented it very well; Fenno abbreviated it a good deal; Ames reorganized it completely. Yet Ames would have said the newspaper records were inaccurate, and he fully believed his transcript was "very just."

There is enough evidence of inaccurate reporting to warn us to take what we read with a grain of discretion and to use all the available reports rather than any single one, but not enough to condemn them as biased, imaginary, or worthless. We may agree with later critics that Lloyd's failure to publish all speeches verbatim was simply due to an inadequate system of shorthand and to circumstances not conducive to perfect reporting.⁵⁵ As to his reliability, he was, as we have seen, partisan; he may have been paid to suppress arguments on ratification. But he was probably not clever enough, even if he had been so inclined, to produce dangerously

⁵⁴ Madison to Edward Everett, Jan. 7, 1832, Edward Everett Papers.

⁵⁵ George Thatcher, in 1800, said "if any man would appeal to the debates [of the first four or five sessions] . . . he would find them as correctly taken as they have been at any time since." In his opinion, "the incorrectness of the published debates did not arise so much from an inability to hear as from an inability to take down a rapid speech." He thought "the debates as taken down by Mr. Lloyd, were as accurately taken as any taken before or since." *Annals of Congress*, 6th Cong., 2d sess., 812 (Dec. 9, 1800).

slanted reports. The conclusion must be a caveat to the historian to gather and use all the evidence.

III

Lloyd's publication of the *Congressional Register* did not continue beyond 1790 because he left the country in late 1791 and did not return until 1796. He had tried to get in touch with his family in England from time to time, and had even visited London (probably in 1783), but in vain. They, on their part, had heard that Lloyd was Secretary to Congress.⁵⁶ Finally, a letter addressed to his mother in Wolverhampton was claimed by Lloyd's uncle and taken to his parents in London, resulting in an invitation for Lloyd to visit his father and help him in his business, building houses in St. Pancras. There was a hint that Lloyd might inherit the family property there. With this persuasion, Lloyd sailed for England in November 1791, taking his wife and four little girls.⁵⁷

But Lloyd's hopes for improving his fortune in England turned out badly. In less than a year he found himself a bankrupt and confined in the Fleet Prison for debt. Subsequently accused, found guilty, and sentenced for publishing a libel—"This house [Fleet Prison] to be let, peaceable possession will be given by the present tenants on or before the 1st January next being the Year of the commencement of Liberty in Great Britain. The example and success of the french republic having taught us to believe that such infamous Bastiles will be no longer necessary in Europe"—he was transferred to Newgate Prison where he languished until early 1796. While in prison he advertised for sale works he had originally recorded and printed in America as well as a record of his own trial for libel in England. Following his release, he sailed for America on February 16, 1796, to rejoin the family he had sent home before his incarceration. It must have seemed to Lloyd ironic that the very government he had allegedly helped come into being by suppressing anti-Federal arguments in Pennsylvania and Maryland, and the very administration he had

⁵⁶ Rev. John Carroll to Lloyd, Jan. 12, 1789, Thomas Lloyd Papers. Carroll says he has had an enquiry about Lloyd from England, wishing to know "what Mr. Lloyd really is."

⁵⁷ On Oct. 2, 1780, Lloyd married Mary, daughter of Robert Carson. They had four daughters: Elizabeth, born July 14, 1781; Mary, born June 25, 1784; Hannah, born Dec. 26, 1787; and Jane, born in New York, Mar. 25, 1790. The only son, William Henry, was born Oct. 13, 1786, and died the following Apr. 16. Thomas Lloyd Papers, and Lloyd's Pension Papers, Revolutionary War Pension Files (R. G. 15A), W4672.

allegedly supported by misrepresenting the debates in Congress, had raised not a finger to help him. His repeated appeals from prison, one of which was passed through the American Minister, Thomas Pinckney, to the State Department and eventually to the President, had been in vain.⁵⁸

Lloyd had lost none of his patriotism, however, and he hoped to resume his work as a Congressional reporter. Just before Congress adjourned in March, it had requested the Secretary of State to receive proposals from stenographers and to gauge their qualifications "as officers of the House, for the valuable purpose" of reporting the debates accurately. In January 1796 the Stenographical Committee had reported in favor of David Robertson of Petersburg, Virginia, who was ready to make the reports for \$4000 a session; Andrew Brown, publisher of the *Federal Gazette* (Philadelphia), was willing to pay \$1100 of this sum. However, nothing came of the proposal, and when the December 1796 session began, Lloyd offered to record and publish the debates at \$1000 per session, five hundred copies to be printed and furnished to the House. When this was discussed in the House it was reported that Lloyd "could not undertake it, except the House would subscribe for five copies for each member." The members seemed not ready to commit themselves to even so paltry a sum, and nothing came of this proposal either.⁵⁹

For the last thirty years of his life, Lloyd moved from job to job, falling on what must have been increasingly hard times. For something over a year, January 16, 1797, to June 30, 1798, he was in partnership with Thomas Bradford publishing the *Merchant's Advertiser* in Philadelphia.⁶⁰ From 1798 on he seems to have drifted from one reportorial job to another—

⁵⁸ At a later time, and in a separate article, I hope to explore in full Lloyd's activities in England. Lloyd's account of his trial, *The Trial of P. W. Duffin. . . . And Thomas Lloyd . . .*, includes the Memorial of Oct. 14, 1793, the MS of which is in the General Records of the State Department (R. G. 59), Diplomatic Despatches, Great Britain, III. The trial is reprinted in T. B. Howell, ed., *A Complete Collection of State Trials*, XXII (London, 1817), 318-358. A manuscript diary Lloyd kept in Newgate is in the Thomas Lloyd Papers. There are 26 letters from Lloyd to Thomas Pinckney, as American Minister, or to his aides, from Nov. 7, 1792, to Feb. 15, 1796, in the Pinckney Family Papers.

⁵⁹ *Annals of Congress*, 3d Cong., 2d sess., 1281 (Mar. 2, 1795); 4th Cong., 1st sess., 271, 274-282 (Jan. 28, 29, 1796); 4th Cong., 2d sess., 1590, 1603, 1607-1611 (Dec. 5, 13, 14, 1796). As a matter of fact, it was not until the 43d Congress (1873) that reporters were made officers of the House and the Government Printing Office began to print the debates.

⁶⁰ Thomas Lloyd Papers, including a record of an "amiable action" between Lloyd and Bradford, in the Pennsylvania Supreme Court, Mar. 1798.

clerking in Wilkes-Barre, reporting court cases in Washington, Philadelphia, Boston, and New York—apparently maintaining his home, the while, in Philadelphia.⁶¹

Lloyd also tried to make a living teaching shorthand. The first publication of his system was in 1793 (while Lloyd was in Newgate) when *The System of Short-hand Practised by Mr. Thomas Lloyd, in Taking Down the Debates of Congress; and Now (with his permission) Published for General Use, by J. C.* appeared in Philadelphia. J. C. was John Carey, who was to have helped Lloyd with the debates of the third session of Congress in 1791.⁶² Carey says the inventors were “the English Jesuits of Saint-Omer, if I rightly recollect the information given me by Mr. Lloyd.” But a recent investigator has shown that it is almost identical with a shorthand published in York, England, in 1775 by Robert Graves and Samuel Ashton, *The Whole Art of Tachygraphy, or, Short-hand Writing Made Plain and Easy*.⁶³ Whether or not Lloyd learned his shorthand at St. Omer’s, some years before Graves and Ashton published their book, or after he reached America, he certainly came to consider himself the proprietor of the system. He planned his own publication of the shorthand as early as 1811.⁶⁴ In 1813 he wrote James Madison that “My System of Short-hand is nearly completed, and the finish Mrs. Lloyd

⁶¹ William Henry Egle, ed., *Documents Relating to the Connecticut Settlement in the Wyoming Valley in Pennsylvania Archives*, 2d Ser., XVIII (Harrisburg, 1893), 435, 506. Published reports of cases taken in shorthand by Lloyd include *The Trial of Alexander Addison* (Lancaster, 1803), *Trial of Samuel Chase* (Washington City, 1805), *The Trial of the Boot & Shoemakers* (Philadelphia, 1806), *Trial of Thomas O. Selfridge* (Boston [1807]), *The Trials of William S. Smith & Samuel G. Ogden* (New York, 1807), *Robbery of the Bank of Pennsylvania in 1798* (Philadelphia, 1808), *A Report of the Whole Trial of Gen. Michael Bright* (Philadelphia, 1809), *Trial of Frederick Wolbert* (Philadelphia, 1810), *Report of the Case of Trespass & Assault and Battery* (Philadelphia, 1810), and *Proceedings of the Presbytery of Philadelphia* (Philadelphia, 1820).

⁶² John Carey did continue reporting, as he indicates in *The System of Short-hand*. In a letter to Madison, Feb. 8 [1792], Papers of James Madison, XCI, No. 70, Lib. Cong., Carey discusses his attempts to report proceedings in Congress.

⁶³ Arthur Head, “Thomas Lloyd and His Shorthand System,” Pennsylvania Shorthand Reporters’ Association, *Proceedings*, IV (1903), 28-48.

⁶⁴ In that year one John Brannar signed a note relinquishing one-third of his publication rights to the system. Thomas Lloyd Papers. Apparently Lloyd put his students under bond not to publish the system; Carey specifically declares that he had Lloyd’s permission for the 1793 edition. Meanwhile a reprint of Carey’s edition, almost certainly unauthorized and unknown to Lloyd, had appeared in New Haven in 1810: *The System of Shorthand, Used by Mr. Thomas Lloyd, in Taking Down the Debates of Congress*.

writes me cannot be effected without my being" in Philadelphia. He asked Madison for money to return there from Alexandria, Virginia, where he had been for six weeks, teaching shorthand "at the solicitation of Mr. Snowden the printer of a daily paper here."⁶⁵

But it was not until 1819 that he had enough subscribers⁶⁶ to publish the work, "the right whereof he claims as author": *Lloyd's Stenography, Publicly practised by him for nearly half a century, With His Latest Improvements Patented. Published now for the first time, by himself; for the Instruction of those of both sexes who are desirous of acquiring an easy, simple and harmonious system, whereby to minute down their own thoughts, or the sentiments of others, in as little time and room as possible.*⁶⁷

There is little record of Lloyd's activities during the last eight years of his life. In 1820 and 1822 he was trying to sell pig lead to the Federal Ordnance Department, without success. In 1820 he was appointed an assistant to take the census in the middle and south wards of Philadelphia. In 1821 he was summoned to jury duty. On July 7, 1820, when he applied to the War Department for a continuance of the pension granted him the year before, he made a statement of his circumstances, indicating that he was almost blind and dependent on his wife and four daughters, who supported themselves by sewing.⁶⁸

⁶⁵ Lloyd to Madison, Apr. 29, 1813, Papers of James Madison, LII, No. 8, Lib. Cong.

⁶⁶ The foreword states that a list of subscribers was to have been included but was mislaid. "The subscription has been accumulating for a series of years, and contained the names of General Washington, Mr. Jefferson, Mr. Madison, Mr. Monroe, also of most of the Vice Presidents, many heads of the executive departments, and a long roll of the members of all the congresses which have been elected since the adoption of the present constitution . . . And many of the most distinguished characters, from various parts of the Union; especially since last November, when I advertised that the work was putting to press." A manuscript list of subscribers is in the Thomas Lloyd Papers.

⁶⁷ (Philadelphia: Printed for Thomas Lloyd, No. 148 North Eighth Street, 1819.) Robert Graves and Samuel Ashton (*The Whole Art of Tachygraphy . . .* [York, England, 1775]) describe shorthand as a system "to minute down our own thoughts, or the sentiments of others in as little room as possible." A comparison between their volume and Lloyd's publication reveals not only a close resemblance in the shorthand alphabets and the methods of forming words but so many similarities in expression that it is clear Lloyd wrote with a copy of Graves and Ashton before him.

⁶⁸ Lloyd's Pension Papers, Revolutionary War Pension Files (R. G. 15A), W4672. Mary Lloyd applied for the widow's pension, for which she had been eligible since 1838, in 1846, when she also applied for a pension from the state of Maryland. Brumbaugh, *Maryland Records*, II, 366.

Lloyd died January 19, 1827, and was buried in the churchyard of St. Augustine's, on Fourth Street near Vine, in Philadelphia.⁶⁹ Since only one daughter married, and she had no children, no descendants carry on his name. His fame must rest on his accomplishments, chief among them his reports of the Congressional debates in 1789 and 1790.

Bibliographical Notes

The Congressional Register. Volume I of the *Congressional Register* was printed for the Editor by Harrisson and Purdy, in New York, 1789 (614 pages). It carried the debates through June 19, 1789. Two editions of Volume II appeared, both printed by Hodge, Allen, and Campbell, and for T. Lloyd, the Proprietors, New York, 1789 and (Second Edition) 1790 (471 pages—page numbers misprinted so that the last is numbered 449). Debates in this volume ran from June 22 to September 29, 1789, that is, through the first session.

Another publication, entitled *Acts Passed at a Congress of the United States*, separately paged, was set up concurrently with Volume II of the *Register*; and attached to each of the eleven weekly numbers of this volume were two or three signatures of the laws. In most sets of the *Register* located, Volume I of the *Acts*, including its separate title page and index, is bound with Volume II of the *Register*.

Volume III was printed by Hodge, Allen, and Campbell, and for T. Lloyd, the Proprietors, New York, 1790 (502 pages). This volume covered the beginning of the second session, January 4 to February 23, 1790.

Volume IV, with the same imprint as Volumes II and III, breaks off abruptly at page 152 (in midsentence) with the debates of March 8, 1790—only halfway through the second session. Volume II of the *Acts*, with separate title page, pagination, and index, is generally bound with this volume of the *Register*.

The separate weekly numbers of the *Register* were made up by taking several signatures, generally six or seven, of the pages set in type for the volume, and enclosing them in a printed, blue-paper wrapper. Thus the debates included were for an odd number of days and each issue broke off at the end of a page, some in the middle of a sentence. Number 1 of Volume I was published on May 6 (advertised in the *New York Daily Gazette*, May 11). It has 56 pages and contains the proceedings for April 1 part way through April 14, ending "that it should have no" (in a speech by Madison). The second number was not published until June 23 (advertised on that day in

⁶⁹ In 1903 the National Shorthand Reporters' Association marked Lloyd's grave with a memorial tablet dedicated to "The Father of American Shorthand Reporting."

the *New York Daily Gazette* with an apology for the delay "from an unforeseen accident"). The New York Public Library has Numbers 1, 2, 3, 5, and parts of 9 and 11 of Volume I and there is a copy of Volume I, Number 1 in the Huntington Library.

Each of the eleven weekly numbers of Volume II contains several signatures of text and two or three signatures of the laws. At the end of the volume, there were some pages of the latter left over, which appeared as a separate supplement, with the title page, *Laws of the United States, Being a Supplement to the Congressional Register* (pp. 145-185). The New York Public Library has Numbers 4-11 and the supplement; the Huntington Library has Number 9 and the supplement, both inscribed "T. Sedgewick."

There were nine weekly issues of Volume III, containing debates alone. The New York Public Library has Numbers 1-8; the Huntington Library, Numbers 4-6, 8-9. Number 9 is numbered "Total Number XXXII."

Three separate numbers of Volume IV are known, each having several signatures of debates and several of the *Acts*. All are in the New York Public Library; Number 1 is in the Burton Collection, Detroit Public Library, and is numbered "Total Number XXXIII."

There were in all thirty-five weekly numbers (eleven each of Volumes I and II, plus the supplementary *Laws*; nine of Volume III; and three of Volume IV). I have not attempted to locate all separate issues; I assume that there once existed those not found—Volume I, Numbers 4, 6-8, 10; Volume II, Numbers 1-3. Charles Evans, in his *American Bibliography*, entry 22204, says of the *Register*, "In its serial form it ended somewhat abruptly with Number III of Vol. IV. Total No. XXV, in 1790." But in another entry (22975) he says, "The numbers end somewhat abruptly with Number V, of Volume IV. Total No. XXXVII, for May 14, 1790." He gives the pagination for Volume IV as 190. The Director of the American Antiquarian Society has been unable to locate a 190-page issue of Volume IV or any separate number later than Number 3 of Volume IV.

The two manuscript volumes containing Lloyd's shorthand notes were acquired by the Library of Congress in 1940 from a Philadelphia dealer. The cover of the first notebook is inscribed "Number 1st of the DEBATES, of the House of Representatives of the UNITED STATES, of AMERICA, taken by Thomas Lloyd Commencing April 8th & ending May 15th Annoque Domini 1789." The notes cover almost every day between those dates that Congress was in session. The flyleaf of the second volume is inscribed "Friday 15th January 1790, G. D." and is followed by shorthand notes of debates from January 19 to February 24, and March 15 to 25, 1790, by G. D[ickinson]. These notes go halfway through the notebook, and it appears that Lloyd took the same book, turned it upside down, and started at the other end, writing on the cover, "No. [illegible] Debates of the Second Session of the house of

Representatives of the United States of AMERICA Commencing Wednesday March [31] 1790 & ending [blank]." His notes continue for almost every day from March 31 to May [4], and May [13] to June 3, 1790, ending where they meet Dickinson's in the middle of the book.

Thomas Lloyd. Lloyd is not included in the *Dictionary of American Biography* or any of the older biographical directories. The only published articles giving details of his career were written by historians of shorthand: Martin I. J. Griffin, "Thomas Lloyd, Reporter of the First House of Representatives of the United States," *American Catholic Historical Society, Records*, III (1891), 221-252; a speech delivered April 30, 1889, it had appeared in an earlier version in the *Am. Cath. Hist. Soc., Researches*, VII (1890), 17-32. Arthur Head, "Thomas Lloyd and His Shorthand System," *Pennsylvania Shorthand Reporters' Association, Proceedings*, IV (1903), 28-48. Charles Currier Beale, "Congressional Reporters and Reporting," *National Shorthand Reporters' Association, Proceedings*, X (1908), 32-85. All are based on scanty evidence and contain inaccurate information.

Martin I. J. Griffin collected many papers of Lloyd and his family for the American Catholic Historical Society of Philadelphia. This collection is now housed in the St. Charles Seminary, Overbrook, Philadelphia; I am indebted to the librarian, Father Bartholomew Fair, and his assistants for permission to use the collection.

In addition to sources cited above, I have consulted a manuscript report made to the Librarian of Congress by Vincent Eaton in 1940, when the two shorthand manuscripts of Lloyd's debates were offered to the Library. I used an unpublished doctoral dissertation by Miss Elizabeth McPherson, of the Library of Congress, *The History of Reporting the Debates and Proceedings of Congress* (University of North Carolina, 1940), and her article, "Reports of the Debates of the House of Representatives during the First Congress, 1789-1791," *Quarterly Journal of Speech*, XXX (1944), 64-71. John H. Powell's *The Debates of the First Federal Congress, 1789-1791* (unpublished report submitted to the Rockefeller Foundation, 1946) compared the various sources of material available. I have also consulted an unpublished manuscript, *Historical Sketch of Reporting and Printing the Proceedings of Congress, 1789-1931*, by W. L. Post, former Superintendent of Documents, deposited in the library of the Superintendent of Documents, Government Printing Office, Washington, D. C.