

ТОМАС ДЖЕФФЕРСОН

**THE WRITINGS OF  
THOMAS JEFFERSON,  
VOL. 1 (OF 9)**

Томас Джефферсон

**The Writings of Thomas  
Jefferson, Vol. 1 (of 9)**

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**Thomas Jefferson**  
**The Writings of Thomas Jefferson, Vol. I (of 9) / Being His Autobiography, Correspondence, Reports, Messages, / Addresses, and Other Writings, Official and Private**

**PREFACE**

Mr. Jefferson having, by his last will and testament, bequeathed to his grandson, Thomas Jefferson Randolph, all his manuscript papers, Congress, by an act of the 12th of April, 1848, made an appropriation for the purpose of purchasing them for the Government; and, by the same act, an additional appropriation was made to print and publish them under the direction and supervision of the Joint Committee on the Library. It is under the authority of this act that the present publication is made. The immense mass of manuscript left by Mr. Jefferson having been deposited with the Editor, he has carefully gone through the whole, and selected from it, for the present publication, everything which possesses permanent public interest either on account of its intrinsic value, or as matter of history, or as illustrating the character of the distinguished Author, or as embodying his views upon the almost infinite variety of topics, philosophical, moral, religious, scientific, historical, and political, so ably discussed by him—thus making this work a complete depository of the writings of Thomas Jefferson. Under the view which the Editor has taken of his editorial duties, and the instructions of the Library Committee, he has not felt himself at liberty to encumber the publication with matter of his own farther than is necessary to illustrate the text. Such notes as have been appended will, therefore, be found to be purely explanatory and historical in their character. Under the impression that the value of such publications as the present depends much upon facility of reference, a particular Index has been appended to each volume as well as a general Index to the whole.

# **BOOK I. AUTOBIOGRAPHY, WITH APPENDIX**

## **INTRODUCTORY TO BOOK I**

In the arrangement which has been adopted, Book I. comprises the Autobiography and Appendix. The Autobiography extends to the 21st of March, 1790, when Mr. Jefferson arrived in New York to enter upon the duties of the Department of State, and embraces a variety of important subjects, such as the rise and progress of the difficulties between Great Britain and her North American Colonies—the circumstances connected with the Declaration of Independence—the debates in Congress upon the adoption thereof, as reduced to writing by Mr. Jefferson at the time—the history of the Articles of Confederation—early stages of the French Revolution—revision of the Penal Code of Virginia—abolition of her laws of Primogeniture—overthrow of her Church Establishment—Act of Religious Freedom, &c.—all matter interesting in itself, but rendered particularly so by the fact that it comes from one who was himself a chief actor in the scenes which he describes.

## BOOK I. AUTOBIOGRAPHY, WITH APPENDIX

January 6, 1821. At the age of 77, I begin to make some memoranda, and state some recollections of dates and facts concerning myself, for my own more ready reference, and for the information of my family.

The tradition in my father's family was, that their ancestor came to this country from Wales, and from near the mountain of Snowdon, the highest in Great Britain. I noted once a case from Wales, in the law reports, where a person of our name was either plaintiff or defendant; and one of the same name was secretary to the Virginia Company. These are the only instances in which I have met with the name in that country. I have found it in our early records; but the first particular information I have of any ancestor was of my grandfather, who lived at the place in Chesterfield called Osborne's, and owned the lands afterwards the glebe of the parish. He had three sons; Thomas who died young, Field who settled on the waters of Roanoke and left numerous descendants, and Peter, my father, who settled on the lands I still own, called Shadwell, adjoining my present residence. He was born February 29, 1707-8, and intermarried 1739, with Jane Randolph, of the age of 19, daughter of Isham Randolph, one of the seven sons of that name and family, settled at Dungeoness in Goochland. They trace their pedigree far back in England and Scotland, to which let every one ascribe the faith and merit he chooses.

My father's education had been quite neglected; but being of a strong mind, sound judgment, and eager after information, he read much and improved himself, insomuch that he was chosen, with Joshua Fry, Professor of Mathematics in William and Mary college, to continue the boundary line between Virginia and North Carolina, which had been begun by Colonel Byrd; and was afterwards employed with the same Mr. Fry, to make the first map of Virginia which had ever been made, that of Captain Smith being merely a conjectural sketch. They possessed excellent materials for so much of the country as is below the blue ridge; little being then known beyond that ridge. He was the third or fourth settler, about the year 1737, of the part of the country in which I live. He died, August 17th, 1757, leaving my mother a widow, who lived till 1776, with six daughters and two sons, myself the elder. To my younger brother he left his estate on James River, called Snowden, after the supposed birth-place of the family: to myself, the lands on which I was born and live.

He placed me at the English school at five years of age; and at the Latin at nine, where I continued until his death. My teacher, Mr. Douglas, a clergyman from Scotland, with the rudiments of the Latin and Greek languages, taught me the French; and on the death of my father, I went to the Reverend Mr. Maury, a correct classical scholar, with whom I continued two years; and then, to wit, in the spring of 1760, went to William and Mary college, where I continued two years. It was my great good fortune, and what probably fixed the destinies of my life, that Dr. William Small of Scotland, was then professor of Mathematics, a man profound in most of the useful branches of science, with a happy talent of communication, correct and gentlemanly manners, and an enlarged and liberal mind. He, most happily for me, became soon attached to me, and made me his daily companion when not engaged in the school; and from his conversation I got my first views of the expansion of science, and of the system of things in which we are placed. Fortunately, the philosophical chair became vacant soon after my arrival at college, and he was appointed to fill it *per interim*: and he was the first who ever gave, in that college, regular lectures in Ethics, Rhetoric and Belles lettres. He returned to Europe in 1762, having previously filled up the measure of his goodness to me, by procuring for me, from his most intimate friend, George Wythe, a reception as a student of law, under his direction, and introduced me to the acquaintance and familiar table of Governor Fauquier, the ablest man who had ever filled that office. With him, and at his table, Dr. Small and Mr. Wythe, his *amici omnium horarum*, and myself, formed a *partie quarree*, and to the habitual conversations on these occasions

I owed much instruction. Mr. Wythe continued to be my faithful and beloved mentor in youth, and my most affectionate friend through life. In 1767, he led me into the practice of the law at the bar of the General court, at which I continued until the Revolution shut up the courts of justice.<sup>1</sup>

In 1769, I became a member of the legislature by the choice of the county in which I live, and so continued until it was closed by the Revolution. I made one effort in that body for the permission of the emancipation of slaves, which was rejected: and indeed, during the regal government, nothing liberal could expect success. Our minds were circumscribed within narrow limits, by an habitual belief that it was our duty to be subordinate to the mother country in all matters of government, to direct all our labors in subservience to her interests, and even to observe a bigoted intolerance for all religions but hers. The difficulties with our representatives were of habit and despair, not of reflection and conviction. Experience soon proved that they could bring their minds to rights, on the first summons of their attention. But the King's Council, which acted as another house of legislature, held their places at will, and were in most humble obedience to that will: the Governor too, who had a negative on our laws, held by the same tenure, and with still greater devotedness to it: and, last of all, the Royal negative closed the last door to every hope of amelioration.

On the 1st of January, 1772, I was married to Martha Skelton, widow of Bathurst Skelton, and daughter of John Wayles, then twenty-three years old. Mr. Wayles was a lawyer of much practice, to which he was introduced more by his great industry, punctuality, and practical readiness, than by eminence in the science of his profession. He was a most agreeable companion, full of pleasantry and good humor, and welcomed in every society. He acquired a handsome fortune, and died in May, 1773, leaving three daughters: the portion which came on that event to Mrs. Jefferson, after the debts should be paid, which were very considerable, was about equal to my own patrimony, and consequently doubled the ease of our circumstances.

When the famous Resolutions of 1765, against the Stamp-act, were proposed, I was yet a student of law in Williamsburgh. I attended the debate, however, at the door of the lobby of the House of Burgesses, and heard the splendid display of Mr. Henry's talents as a popular orator. They were great indeed; such as I have never heard from any other man. He appeared to me to speak as Homer wrote. Mr. Johnson, a lawyer, and member from the Northern Neck, seconded the resolutions, and by him the learning and the logic of the case were chiefly maintained. My recollections of these transactions may be seen page 60 of the life of Patrick Henry, by Wirt, to whom I furnished them.

In May, 1769, a meeting of the General Assembly was called by the Governor, Lord Botetourt. I had then become a member; and to that meeting became known the joint resolutions and address of the Lords and Commons, of 1768-9, on the proceedings in Massachusetts. Counter-resolutions, and an address to the King by the House of Burgesses, were agreed to with little opposition, and a spirit manifestly displayed itself of considering the cause of Massachusetts as a common one. The Governor dissolved us: but we met the next day in the Apollo<sup>2</sup> of the Raleigh tavern, formed ourselves into a voluntary convention, drew up articles of association against the use of any merchandise imported from Great Britain, signed and recommended them to the people, repaired to our several counties, and were re-elected without any other exception than of the very few who had declined assent to our proceedings.

Nothing of particular excitement occurring for a considerable time, our countrymen seemed to fall into a state of insensibility to our situation; the duty on tea, not yet repealed, and the declaratory act of a right in the British Parliament to bind us by their laws in all cases whatsoever, still suspended over us. But a court of inquiry held in Rhode Island in 1762, with a power to send persons to England to be tried for offences committed here, was considered, at our session of the spring of 1773, as demanding attention. Not thinking our old and leading members up to the point of forwardness and

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<sup>1</sup> See [Appendix, note A.](#)

<sup>2</sup> The name of a public room in the Raleigh.

zeal which the times required, Mr. Henry, Richard Henry Lee, Francis L. Lee, Mr. Carr and myself agreed to meet in the evening, in a private room of the Raleigh, to consult on the state of things. There may have been a member or two more whom I do not recollect. We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies, to consider the British claims as a common cause to all, and to produce a unity of action: and, for this purpose, that a committee of correspondence in each colony would be the best instrument for inter-communication: and that their first measure would probably be, to propose a meeting of deputies from every colony, at some central place, who should be charged with the direction of the measures which should be taken by all. We, therefore, drew up the resolutions which may be seen in Wirt, page 87. The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr, my friend and brother-in-law, then a new member, to whom I wished an opportunity should be given of making known to the house his great worth and talents. It was so agreed; he moved them, they were agreed to *nem. con.*, and a committee of correspondence appointed, of whom Peyton Randolph, the speaker, was chairman. The Governor (then Lord Dunmore) dissolved us, but the committee met the next day, prepared a circular letter to the speakers of the other colonies, inclosing to each a copy of the resolutions, and left it in charge with their chairman to forward them by expresses.

The origination of these committees of correspondence between the colonies has been since claimed for Massachusetts, and Marshall<sup>3</sup> has given into this error, although the very note of his appendix to which he refers, shows that their establishment was confined to their own towns. This matter will be seen clearly stated in a letter of Samuel Adams Wells to me of April 2nd, 1819, and my answer of May 12th. I was corrected by the letter of Mr. Wells in the information I had given Mr. Wirt, as stated in his note, page 87, that the messengers of Massachusetts and Virginia crossed each other on the way, bearing similar propositions; for Mr. Wells shows that Massachusetts did not adopt the measure, but on the receipt of our proposition, delivered at their next session. Their message, therefore, which passed ours, must have related to something else, for I well remember Peyton Randolph's informing me of the crossing of our messengers.<sup>4</sup>

The next event which excited our sympathies for Massachusetts, was the Boston port bill, by which that port was to be shut up on the 1st of June, 1774. This arrived while we were in session in the spring of that year. The lead in the House, on these subjects, being no longer left to the old members, Mr. Henry, R. H. Lee, Fr. L. Lee, three or four other members, whom I do not recollect, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts, determined to meet and consult on the proper measures, in the council-chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen, as to passing events; and thought that the appointment of a day of general fasting and prayer would be most likely to call up and alarm their attention. No example of such a solemnity had existed since the days of our distresses in the war of '55, since which a new generation had grown up. With the help, therefore, of Rushworth, whom we rummaged over for the revolutionary precedents and forms of the Puritans of that day, preserved by him, we cooked up a resolution, somewhat modernizing their phrases, for appointing the 1st day of June, on which the port-bill was to commence, for a day of fasting, humiliation, and prayer, to implore Heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King and Parliament to moderation and justice. To give greater emphasis to our proposition, we agreed to wait the next morning on Mr. Nicholas, whose grave and religious character was more in unison with the tone of our resolution, and to solicit him to move it. We accordingly went to him in the morning. He moved it the same day; the 1st of June was proposed; and it passed without opposition. The Governor dissolved us, as usual. We retired to the Apollo, as before, agreed

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<sup>3</sup> Life of Washington, vol. ii, p. 151.

<sup>4</sup> See [Appendix, note B.](#)

to an association, and instructed the committee of correspondence to propose to the corresponding committees of the other colonies, to appoint deputies to meet in Congress at such place, *annually*, as should be convenient, to direct, from time to time, the measures required by the general interest: and we declared that an attack on any one colony, should be considered as an attack on the whole. This was in May. We further recommended to the several counties to elect deputies to meet at Williamsburgh, the 1st of August ensuing, to consider the state of the colony, and particularly to appoint delegates to a general Congress, should that measure be acceded to by the committees of correspondence generally. It was acceded to; Philadelphia was appointed for the place, and the 5th of September for the time of meeting. We returned home, and in our several counties invited the clergy to meet assemblies of the people on the 1st of June, to perform the ceremonies of the day, and to address to them discourses suited to the occasion. The people met generally, with anxiety and alarm in their countenances, and the effect of the day, through the whole colony, was like a shock of electricity, arousing every man, and placing him erect and solidly on his centre. They chose, universally, delegates for the convention. Being elected one for my own county, I prepared a draught of instructions to be given to the delegates whom we should send to the Congress, which I meant to propose at our meeting.<sup>5</sup> In this I took the ground that, from the beginning, I had thought the only one orthodox or tenable, which was, that the relation between Great Britain and these colonies was exactly the same as that of England and Scotland, after the accession of James, and until the union, and the same as her present relations with Hanover, having the same executive chief, but no other necessary political connection; and that our emigration from England to this country gave her no more rights over us, than the emigrations of the Danes and Saxons gave to the present authorities of the mother country, over England. In this doctrine, however, I had never been able to get any one to agree with me but Mr. Wythe. He concurred in it from the first dawn of the question, What was the political relation between us and England? Our other patriots, Randolph, the Lees, Nicholas, Pendleton, stopped at the half-way house of John Dickinson, who admitted that England had a right to regulate our commerce, and to lay duties on it for the purposes of regulation, but not of raising revenue. But for this ground there was no foundation in compact, in any acknowledged principles of colonization, nor in reason: expatriation being a natural right, and acted on as such, by all nations, in all ages. I set out for Williamsburg some days before that appointed for our meeting, but was taken ill of a dysentery on the road, and was unable to proceed. I sent on, therefore, to Williamsburgh, two copies of my draught, the one under cover to Peyton Randolph, who I knew would be in the chair of the convention, the other to Patrick Henry. Whether Mr. Henry disapproved the ground taken, or was too lazy to read it (for he was the laziest man in reading I ever knew) I never learned: but he communicated it to nobody. Peyton Randolph informed the convention he had received such a paper from a member, prevented by sickness from offering it in his place, and he laid it on the table for perusal. It was read generally by the members, approved by many, though thought too bold for the present state of things; but they printed it in pamphlet form, under the title of "A Summary View of the Rights of British America." It found its way to England, was taken up by the opposition, interpolated a little by Mr. Burke so as to make it answer opposition purposes, and in that form ran rapidly through several editions. This information I had from Parson Hurt, who happened at the time to be in London, whither he had gone to receive clerical orders; and I was informed afterwards by Peyton Randolph, that it had procured me the honor of having my name inserted in a long list of proscriptions, enrolled in a bill of attainder commenced in one of the Houses of Parliament, but suppressed in embryo by the hasty step of events, which warned them to be a little cautious. Montague, agent of the House of Burgesses in England, made extracts from the bill, copied the names, and sent them to Peyton Randolph. The names, I think, were about twenty, which he repeated to me, but I recollect those only of Hancock, the two Adamses, Peyton Randolph himself,

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<sup>5</sup> See [Appendix, note C.](#)

Patrick Henry, and myself.<sup>6</sup> The convention met on the 1st of August, renewed their association, appointed delegates to the Congress, gave them instructions very temperately and properly expressed, both as to style and matter;<sup>7</sup> and they repaired to Philadelphia at the time appointed. The splendid proceedings of that Congress, at their first session, belong to general history, are known to every one, and need not therefore be noted here. They terminated their session on the 26th of October, to meet again on the 10th of May ensuing. The convention, at their ensuing session of March, '75, approved of the proceedings of Congress, thanked their delegates, and reappointed the same persons to represent the colony at the meeting to be held in May: and foreseeing the probability that Peyton Randolph, their president, and speaker also of the House of Burgesses, might be called off, they added me, in that event, to the delegation.

Mr. Randolph was, according to expectation, obliged to leave the chair of Congress, to attend the General Assembly summoned by Lord Dunmore, to meet on the 1st day of June, 1775. Lord North's conciliatory propositions, as they were called, had been received by the Governor, and furnished the subject for which this assembly was convened. Mr. Randolph accordingly attended, and the tenor of these propositions being generally known, as having been addressed to all the governors, he was anxious that the answer of our Assembly, likely to be the first, should harmonize with what he knew to be the sentiments and wishes of the body he had recently left. He feared that Mr. Nicholas, whose mind was not yet up to the mark of the times, would undertake the answer, and therefore pressed me to prepare it. I did so, and, with his aid, carried it through the House, with long and doubtful scruples from Mr. Nicholas and James Mercer, and a dash of cold water on it here and there, enfeebling it somewhat, but finally with unanimity, or a vote approaching it. This being passed, I repaired immediately to Philadelphia, and conveyed to Congress the first notice they had of it. It was entirely approved there. I took my seat with them on the 21st of June. On the 24th, a committee which had been appointed to prepare a declaration of the causes of taking up arms, brought in their report (drawn I believe by J. Rutledge) which, not being liked, the House recommitted it, on the 26th, and added Mr. Dickinson and myself to the committee. On the rising of the House, the committee having not yet met, I happened to find myself near Governor W. Livingston, and proposed to him to draw the paper. He excused himself and proposed that I should draw it. On my pressing him with urgency, "we are as yet but new acquaintances, sir," said he, "why are you so earnest for my doing it?" "Because," said I, "I have been informed that you drew the Address to the people of Great Britain, a production, certainly, of the finest pen in America." "On that," says he, "perhaps, sir, you may not have been correctly informed." I had received the information in Virginia from Colonel Harrison on his return from that Congress. Lee, Livingston, and Jay had been the committee for that draught. The first, prepared by Lee, had been disapproved and recommitted. The second was drawn by Jay, but being presented by Governor Livingston, had led Colonel Harrison into the error. The next morning, walking in the hall of Congress, many members being assembled, but the House not yet formed, I observed Mr. Jay speaking to R. H. Lee, and leading him by the button of his coat to me. "I understand, sir," said he to me, "that this gentleman informed you, that Governor Livingston drew the Address to the people of Great Britain." I assured him, at once, that I had not received that information from Mr. Lee, and that not a word had ever passed on the subject between Mr. Lee and myself; and after some explanations the subject was dropped. These gentlemen had had some sparrings in debate before, and continued ever very hostile to each other.

I prepared a draught of the declaration committed to us. It was too strong for Mr. Dickinson. He still retained the hope of reconciliation with the mother country, and was unwilling it should be lessened by offensive statements. He was so honest a man, and so able a one, that he was greatly indulged even by those who could not feel his scruples. We therefore requested him to take the paper,

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<sup>6</sup> See Girardin's History of Virginia, Appendix No. 12. note.

<sup>7</sup> See [Appendix, note D.](#)

and put it into a form he could approve. He did so, preparing an entire new statement, and preserving of the former only the last four paragraphs and half of the preceding one. We approved and reported it to Congress, who accepted it. Congress gave a signal proof of their indulgence to Mr. Dickinson, and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the King according to his own ideas, and passing it with scarcely any amendment. The disgust against this humility was general; and Mr. Dickinson's delight at its passage was the only circumstance which reconciled them to it. The vote being passed, although further observation on it was out of order, he could not refrain from rising and expressing his satisfaction, and concluded by saying, "there is but one word, Mr. President, in the paper which I disapprove, and that is the word *Congress*;" on which Ben Harrison rose and said, "There is but one word in the paper, Mr. President, of which I approve, and that is the word *Congress*."

On the 22d of July, Dr. Franklin, Mr. Adams, R. H. Lee, and myself, were appointed a committee to consider and report on Lord North's conciliatory resolution. The answer of the Virginia Assembly on that subject having been approved, I was requested by the committee to prepare this report, which will account for the similarity of feature in the two instruments.

On the 15th of May, 1776, the convention of Virginia instructed their delegates in Congress, to propose to that body to declare the colonies independent of Great Britain, and appointed a committee to prepare a declaration of rights and plan of government.

<sup>8</sup>In Congress, Friday, June 7, 1776. The delegates from Virginia moved, in obedience to instructions from their constituents, that the Congress should declare that these United colonies are, and of right ought to be, free and independent states, that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; that measures should be immediately taken for procuring the assistance of foreign powers, and a Confederation be formed to bind the colonies more closely together.

The House being obliged to attend at that time to some other business, the proposition was referred to the next day, when the members were ordered to attend punctually at ten o'clock.

Saturday, June 8. They proceeded to take it into consideration, and referred it to a committee of the whole, into which they immediately resolved themselves, and passed that day and Monday, the 10th, in debating on the subject.

It was argued by Wilson, Robert R. Livingston, E. Rutledge, Dickinson, and others—

That, though they were friends to the measures themselves, and saw the impossibility that we should ever again be united with Great Britain, yet they were against adopting them at this time:

That the conduct we had formerly observed was wise and proper now, of deferring to take any capital step till the voice of the people drove us into it:

That they were our power, and without them our declarations could not be carried into effect:

That the people of the middle colonies (Maryland, Delaware, Pennsylvania, the Jerseys and New York) were not yet ripe for bidding adieu to British connection, but that they were fast ripening, and, in a short time, would join in the general voice of America:

That the resolution, entered into by this House on the 15th of May, for suppressing the exercise of all powers derived from the crown, had shown, by the ferment into which it had thrown these middle colonies, that they had not yet accommodated their minds to a separation from the mother country:

That some of them had expressly forbidden their delegates to consent to such a declaration, and others had given no instructions, and consequently no powers to give such consent:

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<sup>8</sup> Here, in the original manuscript, commence the "two preceding sheets" referred to by Mr. Jefferson, , as containing "notes" taken by him "whilst these things were going on." They are easily distinguished from the body of the MS. in which they were inserted by him, being of a paper very different in size, quality and color, from that in which the latter is written.

That if the delegates of any particular colony had no power to declare such colony independent, certain they were, the others could not declare it for them; the colonies being as yet perfectly independent of each other:

That the assembly of Pennsylvania was now sitting above stairs, their convention would sit within a few days, the convention of New York was now sitting, and those of the Jerseys and Delaware counties would meet on the Monday following, and it was probable these bodies would take up the question of Independence, and would declare to their delegates the voice of their state:

That if such a declaration should now be agreed to, these delegates must retire, and possibly their colonies might secede from the Union:

That such a secession would weaken us more than could be compensated by any foreign alliance:

That in the event of such a division, foreign powers would either refuse to join themselves to our fortunes, or, having us so much in their power as that desperate declaration would place us, they would insist on terms proportionably more hard and prejudicial:

That we had little reason to expect an alliance with those to whom alone, as yet, we had cast our eyes:

That France and Spain had reason to be jealous of that rising power, which would one day certainly strip them of all their American possessions:

That it was more likely they should form a connection with the British court, who, if they should find themselves unable otherwise to extricate themselves from their difficulties, would agree to a partition of our territories, restoring Canada to France, and the Floridas to Spain, to accomplish for themselves a recovery of these colonies:

That it would not be long before we should receive certain information of the disposition of the French court, from the agent whom we had sent to Paris for that purpose:

That if this disposition should be favorable, by waiting the event of the present campaign, which we all hoped would be successful, we should have reason to expect an alliance on better terms:

That this would in fact work no delay of any effectual aid from such ally, as, from the advance of the season and distance of our situation, it was impossible we could receive any assistance during this campaign:

That it was prudent to fix among ourselves the terms on which we should form alliance, before we declared we would form one at all events:

And that if these were agreed on, and our Declaration of Independence ready by the time our Ambassador should be prepared to sail, it would be as well as to go into that Declaration at this day.

On the other side, it was urged by J. Adams, Lee, Wythe, and others, that no gentleman had argued against the policy or the right of separation from Britain, nor had supposed it possible we should ever renew our connection; that they had only opposed its being now declared:

That the question was not whether, by a Declaration of Independence, we should make ourselves what we are not; but whether we should declare a fact which already exists:

That, as to the people or parliament of England, we had always been independent of them, their restraints on our trade deriving efficacy from our acquiescence only, and not from any rights they possessed of imposing them, and that so far, our connection had been federal only, and was now dissolved by the commencement of hostilities:

That, as to the King, we had been bound to him by allegiance, but that this bond was now dissolved by his assent to the last act of Parliament, by which he declares us out of his protection, and by his levying war on us, a fact which had long ago proved us out of his protection; it being a certain position in law, that allegiance and protection are reciprocal, the one ceasing when the other is withdrawn:

That James the II. never declared the people of England out of his protection, yet his actions proved it, and the Parliament declared it:

No delegates then can be denied, or ever want, a power of declaring an existing truth:

That the delegates from the Delaware counties having declared their constituents ready to join, there are only two colonies, Pennsylvania and Maryland, whose delegates are absolutely tied up, and that these had, by their instructions, only reserved a right of confirming or rejecting the measure:

That the instructions from Pennsylvania might be accounted for from the times in which they were drawn, near a twelvemonth ago, since which the face of affairs has totally changed:

That within that time, it had become apparent that Britain was determined to accept nothing less than a *carte-blanche*, and that the King's answer to the Lord Mayor, Aldermen and Common Council of London, which had come to hand four days ago, must have satisfied every one of this point:

That the people wait for us to lead the way:

That *they* are in favor of the measure, though the instructions given by some of their *representatives* are not:

That the voice of the representatives is not always consonant with the voice of the people, and that this is remarkably the case in these middle colonies:

That the effect of the resolution of the 15th of May has proved this, which, raising the murmurs of some in the colonies of Pennsylvania and Maryland, called forth the opposing voice of the freer part of the people, and proved them to be the majority even in these colonies:

That the backwardness of these two colonies might be ascribed, partly to the influence of proprietary power and connections, and partly, to their having not yet been attacked by the enemy:

That these causes were not likely to be soon removed, as there seemed no probability that the enemy would make either of these the seat of this summer's war:

That it would be vain to wait either weeks or months for perfect unanimity, since it was impossible that all men should ever become of one sentiment on any question:

That the conduct of some colonies, from the beginning of this contest, had given reason to suspect it was their settled policy to keep in the rear of the confederacy, that their particular prospect might be better, even in the worst event:

That, therefore, it was necessary for those colonies who had thrown themselves forward and hazarded all from the beginning, to come forward now also, and put all again to their own hazard:

That the history of the Dutch Revolution, of whom three states only confederated at first, proved that a secession of some colonies would not be so dangerous as some apprehended:

That a declaration of Independence alone could render it consistent with European delicacy, for European powers to treat with us, or even to receive an Ambassador from us:

That till this, they would not receive our vessels into their ports, nor acknowledge the adjudications of our courts of admiralty to be legitimate, in cases of capture of British vessels:

That though France and Spain may be jealous of our rising power, they must think it will be much more formidable with the addition of Great Britain; and will therefore see it their interest to prevent a coalition; but should they refuse, we shall be but where we are; whereas without trying, we shall never know whether they will aid us or not:

That the present campaign may be unsuccessful, and therefore we had better propose an alliance while our affairs wear a hopeful aspect:

That to wait the event of this campaign will certainly work delay, because, during the summer, France may assist us effectually, by cutting off those supplies of provisions from England and Ireland, on which the enemy's armies here are to depend; or by setting in motion the great power they have collected in the West Indies, and calling our enemy to the defence of the possessions they have there:

That it would be idle to lose time in settling the terms of alliance, till we had first determined we would enter into alliance:

That it is necessary to lose no time in opening a trade for our people, who will want clothes, and will want money too, for the payment of taxes:

And that the only misfortune is, that we did not enter into alliance with France six months sooner, as, besides opening her ports for the vent of our last year's produce, she might have marched

an army into Germany, and prevented the petty princes there, from selling their unhappy subjects to subdue us.

It appearing in the course of these debates, that the colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1st; but, that this might occasion as little delay as possible, a committee was appointed to prepare a Declaration of Independence. The committee were John Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston, and myself. Committees were also appointed, at the same time, to prepare a plan of confederation for the colonies, and to state the terms proper to be proposed for foreign alliance. The committee for drawing the Declaration of Independence, desired me to do it. It was accordingly done, and being approved by them, I reported it to the House on Friday, the 28th of June, when it was read, and ordered to lie on the table. On Monday, the 1st of July, the House resolved itself into a committee of the whole, and resumed the consideration of the original motion made by the delegates of Virginia, which, being again debated through the day, was carried in the affirmative by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina and Georgia. South Carolina and Pennsylvania voted against it. Delaware had but two members present, and they were divided. The delegates from New York declared they were for it themselves, and were assured their constituents were for it; but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them to do nothing which should impede that object. They, therefore, thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question; which was given them. The committee rose and reported their resolution to the House. Mr. Edward Rutledge, of South Carolina, then requested the determination might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate question, whether the House would agree to the resolution of the committee, was accordingly postponed to the next day, when it was again moved, and South Carolina concurred in voting for it. In the meantime, a third member had come post from the Delaware counties, and turned the vote of that colony in favor of the resolution. Members of a different sentiment attending that morning from Pennsylvania also, her vote was changed, so that the whole twelve colonies who were authorized to vote at all, gave their voices for it; and, within a few days,<sup>9</sup> the convention of New York approved of it, and thus supplied the void occasioned by the withdrawing of her delegates from the vote.

Congress proceeded the same day to consider the Declaration of Independence, which had been reported and lain on the table the Friday preceding, and on Monday referred to a committee of the whole. The pusillanimous idea that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason, those passages which conveyed censures on the people of England were struck out, lest they should give them offence. The clause too, reprobating the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who, on the contrary, still wished to continue it. Our northern brethren also, I believe, felt a little tender under those censures; for though their people had very few slaves themselves, yet they had been pretty considerable carriers of them to others. The debates, having taken up the greater parts of the 2d, 3d, and 4th days of July, were, on the evening of the last, closed; the Declaration was reported by the committee, agreed to by the House, and signed by every member present, except Mr. Dickinson. As the sentiments of men are known not only by what they receive, but what they reject also, I will state the form of the Declaration as originally

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<sup>9</sup> July 9.

reported. The parts struck out by Congress shall be distinguished by a black line drawn under them<sup>10</sup> and those inserted by them shall be placed in the margin, or in a concurrent column.

### **A Declaration by the Representatives of the United States of America, in *General Congress assembled***

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

**I certain!** We hold these truths to be self evident: that all men are created equal; that they are endowed by their creator with [*inherent and*] inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, [*begun at a distinguished period and*] pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to [*expunge*] their former systems of government. **I alter!**

**I repeated!** The history of the present king of Great Britain is a history of [*unremitting*] injuries and usurpations, [*among which appears no solitary fact to contradict the uniform tenor of the rest, I all having!* but all have] in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world [*for the truth of which we pledge a faith yet unsullied by falsehood.*]

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and, when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

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<sup>10</sup> In this publication, the parts struck out are printed in *Italics* and inclosed in brackets.

He has dissolved representative houses repeatedly [*and continually*] for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners, refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

**| obstructed by|** He has [*suffered*] the administration of justice [*totally to cease in some of these states*] refusing his assent to laws for establishing judiciary powers.

He has made [*our*] judges dependent on his will alone for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, [*by a self-assumed power*] and sent hither swarms of new officers to harass our people and eat out their substance.

He has kept among us in times of peace standing armies [*and ships of war*] without the consent of our legislatures.

He has affected to render the military independent of, and superior to, the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitutions and unacknowledged by our laws, giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for protecting them by a mock trial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us [ ] of the benefits of trial by jury; **| in many cases|** for transporting us beyond seas to be tried for pretended offences; for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these [*states*]; **| colonies|** for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

**| by declaring us out of his protection, and waging war against us.|** He has abdicated government here [*withdrawing his governors, and declaring us out of his allegiance and protection.*]

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny already begun with circumstances of cruelty and perfidy [ ] unworthy the head of a civilized nation.

**| scarcely paralleled in the most barbarous ages, and totally|** He has constrained our fellow citizens taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

**| excited domestic insurrection among us, and has|** He has [ ] endeavored to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known

rule of warfare is an undistinguished destruction of all ages, sexes and conditions [of existence.]

*[He has incited treasonable insurrections of our fellow citizens, with the allurements of forfeiture and confiscation of our property.*

*He has waged cruel war against human nature itself violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the LIBERTIES of one people, with crimes which he urges them to commit against the LIVES of another.]*

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries.

**lfreel** A prince whose character is thus marked by every act which may define a tyrant is unfit to be the ruler of a [ ] people [*who mean to be free. Future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad and so undisguised for tyranny over a people fostered and fixed in principles of freedom.*]

**l an unwarrantable** Nor have we been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend [a] jurisdiction over [*these our states*]. **l us!** We have reminded them of the circumstances of our emigration and settlement here, [*no one of which could warrant so strange a pretension: that these were effected at the expense of our own blood and treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed, our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league and amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and,*] **l havel** we [ ] appealed to their native justice and **l and we have conjured them by!** magnanimity [*as well as to*] the ties of our common kindred to disavow these usurpations which [*were likely to*] interrupt our connection and correspondence. **l would inevitably!** They too have been deaf to the voice of justice and of consanguinity, [*and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power. At this very time too, they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch and foreign mercenaries to invade and destroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of grandeur and of freedom, it seems, is below their dignity. Be it so, since they will have it. The road to happiness and to glory is open to us too. l We must therefore! We will tread it apart from them, and] acquiesce in the necessity which denounces*

our | and hold them as we hold the rest of mankind, enemies in war, in peace  
friends. | [eternal] separation [ ]!

We therefore the representatives of the United States of America in General Congress assembled, do in the name, and by the authority of the good people of these [*states reject and renounce all allegiance and subjection to the kings of Great Britain and all others who may hereafter claim by, through or under them; we utterly dissolve all political connection which may heretofore have subsisted between us and the people or parliament of Great Britain: and finally we do assert and declare these colonies to be free and independent states.*] and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

We, therefore, the representatives of the United States of America in General Congress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved, and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of divine providence, we mutually pledge to each other our lives, our fortunes, and our sacred honor.

The Declaration thus signed on the 4th, on paper, was engrossed on parchment, and signed again on the 2d of August.

[Some erroneous statements of the proceedings on the Declaration of Independence having got before the public in latter times, Mr. Samuel A. Wells asked explanations of me, which are given in my letter to him of May 12, '19, before and now again referred to.<sup>11</sup> I took notes in my place while these things were going on, and at their close wrote them out in form and with correctness, and from 1 to 7 of the two preceding sheets, are the originals then written; as the two following are of the earlier debates on the Confederation, which I took in like manner.<sup>12</sup>]

On Friday, July 12, the committee appointed to draw the articles of Confederation reported them, and, on the 22d, the House resolved themselves into a committee to take them into consideration. On the 30th and 31st of that month, and 1st of the ensuing, those articles were debated which determined the proportion, or quota, of money which each state should furnish to the common treasury, and the manner of voting in Congress. The first of these articles was expressed in the original draught in these words. "Art. XI. All charges of war and all other expenses that shall be incurred for the common defence, or general welfare, and allowed by the United States assembled, shall be defrayed out of a common treasury, which shall be supplied by the several colonies in proportion to the number of inhabitants of every age, sex, and quality, except Indians not paying taxes, in each colony, a true account of which, distinguishing the white inhabitants, shall be triennially taken and transmitted to the Assembly of the United States."

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<sup>11</sup> See [Appendix, note B](#).

<sup>12</sup> The above note of the author is on a slip of paper, pasted in at the end of the Declaration. Here is also sewed into the MS. a slip of newspaper containing, under the head "Declaration of Independence," a letter from Thomas M'Kean, to Messrs. William M'Corkle & Son, dated "Philadelphia, June 16, 1817." This letter is to be found in the Port Folio, Sept. 1817, p. 249.

Mr. Chase moved that the quotas should be fixed, not by the number of inhabitants of every condition, but by that of the "white inhabitants." He admitted that taxation should be always in proportion to property, that this was, in theory, the true rule; but that, from a variety of difficulties, it was a rule which could never be adopted in practice. The value of the property in every State, could never be estimated justly and equally. Some other measure for the wealth of the State must therefore be devised, some standard referred to, which would be more simple. He considered the number of inhabitants as a tolerably good criterion of property, and that this might always be obtained. He therefore thought it the best mode which we could adopt, with one exception only: he observed that negroes are property, and as such, cannot be distinguished from the lands or personalities held in those States where there are few slaves; that the surplus of profit which a Northern farmer is able to lay by, he invests in cattle, horses, &c., whereas a Southern farmer lays out the same surplus in slaves. There is no more reason, therefore, for taxing the Southern States on the farmer's head, and on his slave's head, than the Northern ones on their farmer's heads and the heads of their cattle; that the method proposed would, therefore, tax the Southern States according to their numbers and their wealth conjunctly, while the Northern would be taxed on numbers only: that negroes, in fact, should not be considered as members of the State, more than cattle, and that they have no more interest in it.

Mr. John Adams observed, that the numbers of people were taken by this article, as an index of the wealth of the State, and not as subjects of taxation; that, as to this matter, it was of no consequence by what name you called your people, whether by that of freemen or of slaves; that in some countries the laboring poor were called freemen, in others they were called slaves; but that the difference as to the state was imaginary only. What matters it whether a landlord, employing ten laborers on his farm, gives them annually as much money as will buy them the necessaries of life, or gives them those necessaries at short hand? The ten laborers add as much wealth annually to the State, increase its exports as much in the one case as the other. Certainly five hundred freemen produce no more profits, no greater surplus for the payment of taxes, than five hundred slaves. Therefore, the State in which are the laborers called freemen, should be taxed no more than that in which are those called slaves. Suppose, by an extraordinary operation of nature or of law, one half the laborers of a State could in the course of one night be transformed into slaves; would the State be made the poorer or the less able to pay taxes? That the condition of the laboring poor in most countries, that of the fishermen particularly of the Northern States, is as abject as that of slaves. It is the number of laborers which produces the surplus for taxation, and numbers, therefore, indiscriminately, are the fair index of wealth; that it is the use of the word "property" here, and its application to some of the people of the State, which produces the fallacy. How does the Southern farmer procure slaves? Either by importation or by purchase from his neighbor. If he imports a slave, he adds one to the number of laborers in his country, and proportionably to its profits and abilities to pay taxes; if he buys from his neighbor, it is only a transfer of a laborer from one farm to another, which does not change the annual produce of the State, and therefore, should not change its tax: that if a Northern farmer works ten laborers on his farm, he can, it is true, invest the surplus of ten men's labor in cattle; but so may the Southern farmer, working ten slaves; that a State of one hundred thousand freemen can maintain no more cattle, than one of one hundred thousand slaves. Therefore, they have no more of that kind of property; that a slave may indeed, from the custom of speech, be more properly called the wealth of his master, than the free laborer might be called the wealth of his employer; but as to the State, both were equally its wealth, and should, therefore, equally add to the quota of its tax.

Mr. Harrison proposed, as a compromise, that two slaves should be counted as one freeman. He affirmed that slaves did not do as much work as freemen, and doubted if two effected more than one; that this was proved by the price of labor; the hire of a laborer in the Southern colonies being from 8 to £12, while in the Northern it was generally £24.

Mr. Wilson said, that if this amendment should take place, the Southern colonies would have all the benefit of slaves, whilst the Northern ones would bear the burthen: that slaves increase the

profits of a State, which the Southern States mean to take to themselves; that they also increase the burthen of defence, which would of course fall so much the heavier on the Northern: that slaves occupy the places of freemen, and eat their food. Dismiss your slaves, and freemen will take their places. It is our duty to lay every discouragement on the importation of slaves; but this amendment would give the *jus trium liberorum* to him who would import slaves: that other kinds of property were pretty equally distributed through all the colonies: there were as many cattle, horses and sheep, in the North as the South, and South as the North; but not so as to slaves: that experience has shown that those colonies have been always able to pay most, which have the most inhabitants, whether they be black or white; and the practice of the Southern colonies has always been to make every farmer pay poll taxes upon all his laborers, whether they be black or white. He acknowledges, indeed, that freemen work the most; but they consume the most also. They do not produce a greater surplus for taxation. The slave is neither fed nor clothed so expensively as a freeman. Again, white women are exempted from labor generally, but negro women are not. In this, then, the Southern States have an advantage as the article now stands. It has sometimes been said, that slavery is necessary, because the commodities they raise would be too dear for market if cultivated by freemen; but now it is said that the labor of the slave is the dearest.

Mr. Payne urged the original resolution of Congress, to proportion the quotas of the States to the number of souls.

Dr. Witherspoon was of opinion, that the value of lands and houses was the best estimate of the wealth of a nation, and that it was practicable to obtain such a valuation. This is the true barometer of wealth. The one now proposed is imperfect in itself, and unequal between the States. It has been objected that negroes eat the food of freemen, and, therefore, should be taxed; horses also eat the food of freemen; therefore they also should be taxed. It has been said too, that in carrying slaves into the estimate of the taxes the State is to pay, we do no more than those States themselves do, who always take slaves into the estimate of the taxes the individual is to pay. But the cases are not parallel. In the Southern colonies slaves pervade the whole colony; but they do not pervade the whole continent. That as to the original resolution of Congress, to proportion the quotas according to the souls, it was temporary only, and related to the moneys heretofore emitted: whereas we are now entering into a new compact, and therefore stand on original ground.

August 1. The question being put, the amendment proposed was rejected by the votes of New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania, against those of Delaware, Maryland, Virginia, North and South Carolina. Georgia was divided.

The other article was in these words. "Art. XVII. In determining questions, each colony shall have one vote."

July 30, 31, August 1. Present forty-one members. Mr. Chase observed this article was the most likely to divide us, of any one proposed in the draught then under consideration: that the larger colonies had threatened they would not confederate at all, if their weight in Congress should not be equal to the numbers of people they added to the confederacy; while the smaller ones declared against a union, if they did not retain an equal vote for the protection of their rights. That it was of the utmost consequence to bring the parties together, as, should we sever from each other, either no foreign power will ally with us at all, or the different States will form different alliances, and thus increase the horrors of those scenes of civil war and bloodshed, which in such a state of separation and independence, would render us a miserable people. That our importance, our interests, our peace required that we should confederate, and that mutual sacrifices should be made to effect a compromise of this difficult question. He was of opinion, the smaller colonies would lose their rights, if they were not in some instances allowed an equal vote; and, therefore, that a discrimination should take place among the questions which would come before Congress. That the smaller States should be secured in all questions concerning life or liberty, and the greater ones, in all respecting property. He, therefore,

proposed, that in votes relating to money, the voice of each colony should be proportioned to the number of its inhabitants.

Dr. Franklin thought, that the votes should be so proportioned in all cases. He took notice that the Delaware counties had bound up their delegates to disagree to this article. He thought it a very extraordinary language to be held by any State, that they would not confederate with us, unless we would let them dispose of our money. Certainly, if we vote equally, we ought to pay equally; but the smaller States will hardly purchase the privilege at this price. That had he lived in a State where the representation, originally equal, had become unequal by time and accident, he might have submitted rather than disturb government; but that we should be very wrong to set out in this practice, when it is in our power to establish what is right. That at the time of the Union between England and Scotland, the latter had made the objection which the smaller States now do; but experience had proved that no unfairness had ever been shown them: that their advocates had prognosticated that it would again happen, as in times of old, that the whale would swallow Jonas, but he thought the prediction reversed in event, and that Jonas had swallowed the whale; for the Scotch had in fact got possession of the government, and gave laws to the English. He reprobated the original agreement of Congress to vote by colonies, and, therefore, was for their voting, in all cases, according to the number of taxables.

Dr. Witherspoon opposed every alteration of the article. All men admit that a confederacy is necessary. Should the idea get abroad that there is likely to be no union among us, it will damp the minds of the people, diminish the glory of our struggle, and lessen its importance; because it will open to our view future prospects of war and dissension among ourselves. If an equal vote be refused, the smaller States will become vassals to the larger; and all experience has shown that the vassals and subjects of free States are the most enslaved. He instanced the Helots of Sparta, and the provinces of Rome. He observed that foreign powers, discovering this blemish, would make it a handle for disengaging the smaller States from so unequal a confederacy. That the colonies should in fact be considered as individuals; and that, as such, in all disputes, they should have an equal vote; that they are now collected as individuals making a bargain with each other, and, of course, had a right to vote as individuals. That in the East India Company they voted by persons, and not by their proportion of stock. That the Belgic confederacy voted by provinces. That in questions of war the smaller States were as much interested as the larger, and therefore, should vote equally; and indeed, that the larger States were more likely to bring war on the confederacy, in proportion as their frontier was more extensive. He admitted that equality of representation was an excellent principle, but then it must be of things which are co-ordinate; that is, of things similar, and of the same nature: that nothing relating to individuals could ever come before Congress; nothing but what would respect colonies. He distinguished between an incorporating and a federal union. The union of England was an incorporating one; yet Scotland had suffered by that union; for that its inhabitants were drawn from it by the hopes of places and employments: nor was it an instance of equality of representation; because, while Scotland was allowed nearly a thirteenth of representation, they were to pay only one fortieth of the land tax. He expressed his hopes, that in the present enlightened state of men's minds, we might expect a lasting confederacy, if it was founded on fair principles.

John Adams advocated the voting in proportion to numbers. He said that we stand here as the representatives of the people: that in some States the people are many, in others they are few; that therefore, their vote here should be proportioned to the numbers from whom it comes. Reason, justice and equity never had weight enough on the face of the earth, to govern the councils of men. It is interest alone which does it, and it is interest alone which can be trusted: that therefore the interests within doors, should be the mathematical representatives of the interests without doors: that the individuality of the colonies is a mere sound. Does the individuality of a colony increase its wealth or numbers? If it does, pay equally. If it does not add weight in the scale of the confederacy, it cannot add to their rights, nor weigh in argument. A. has £50, B. £500, C. £1000 in partnership. Is it just they should equally dispose of the moneys of the partnership? It has been said, we are independent individuals making

a bargain together. The question is not what we are now, but what we ought to be when our bargain shall be made. The confederacy is to make us one individual only; it is to form us like separate parcels of metal, into one common mass. We shall no longer retain our separate individuality, but become a single individual as to all questions submitted to the confederacy. Therefore, all those reasons, which prove the justice and expediency of equal representation in other assemblies, hold good here. It has been objected that a proportional vote will endanger the smaller States. We answer that an equal vote will endanger the larger. Virginia, Pennsylvania, and Massachusetts, are the three greater colonies. Consider their distance, their difference of produce, of interests, and of manners, and it is apparent they can never have an interest or inclination to combine for the oppression of the smaller: that the smaller will naturally divide on all questions with the larger. Rhode Island, from its relation, similarity and intercourse, will generally pursue the same objects with Massachusetts; Jersey, Delaware, and Maryland, with Pennsylvania.

Dr. Rush took notice, that the decay of the liberties of the Dutch republic proceeded from three causes. 1. The perfect unanimity requisite on all occasions. 2. Their obligation to consult their constituents. 3. Their voting by provinces. This last destroyed the equality of representation, and the liberties of Great Britain also are sinking from the same defect. That a part of our rights is deposited in the hands of our legislatures. There, it was admitted, there should be an equality of representation. Another part of our rights is deposited in the hands of Congress: why is it not equally necessary there should be an equal representation there? Were it possible to collect the whole body of the people together, they would determine the questions submitted to them by their majority. Why should not the same majority decide when voting here, by their representatives? The larger colonies are so providentially divided in situation, as to render every fear of their combining visionary. Their interests are different, and their circumstances dissimilar. It is more probable they will become rivals, and leave it in the power of the smaller States to give preponderance to any scale they please. The voting by the number of free inhabitants, will have one excellent effect, that of inducing the colonies to discourage slavery, and to encourage the increase of their free inhabitants.

Mr. Hopkins observed, there were four larger, four smaller, and four middle-sized colonies. That the four largest would contain more than half the inhabitants of the confederated States, and therefore, would govern the others as they should please. That history affords no instance of such a thing as equal representation. The Germanic body votes by States. The Helvetic body does the same; and so does the Belgic confederacy. That too little is known of the ancient confederations, to say what was their practice.

Mr. Wilson thought, that taxation should be in proportion to wealth, but that representation should accord with the number of freemen. That government is a collection or result of the wills of all: that if any government could speak the will of all, it would be perfect; and that, so far as it departs from this, it becomes imperfect. It has been said that Congress is a representation of States, not of individuals. I say, that the objects of its care are all the individuals of the States. It is strange that annexing the name of "State" to ten thousand men, should give them an equal right with forty thousand. This must be the effect of magic, not of reason. As to those matters which are referred to Congress, we are not so many States; we are one large State. We lay aside our individuality, whenever we come here. The Germanic body is a burlesque on government; and their practice, on any point, is a sufficient authority and proof that it is wrong. The greatest imperfection in the constitution of the Belgic confederacy is their voting by provinces. The interest of the whole is constantly sacrificed to that of the small States. The history of the war in the reign of Queen Anne sufficiently proves this. It is asked, shall nine colonies put it into the power of four to govern them as they please? I invert the question, and ask, shall two millions of people put it in the power of one million to govern them as they please? It is pretended, too, that the smaller colonies will be in danger from the greater. Speak in honest language and say, the minority will be in danger from the majority. And is there an assembly on earth, where this danger may not be equally pretended? The truth is, that our proceedings will

then be consentaneous with the interests of the majority, and so they ought to be. The probability is much greater, that the larger States will disagree, than that they will combine. I defy the wit of man to invent a possible case, or to suggest any one thing on earth, which shall be for the interests of Virginia, Pennsylvania and Massachusetts, and which will not also be for the interest of the other States.<sup>13</sup>

These articles, reported July 12, '76, were debated from day to day, and time to time, for two years, were ratified July 9, '78, by ten States, by New Jersey on the 26th of November of the same year, and by Delaware on the 23d of February following. Maryland alone held off two years more, acceding to them March 1, '81, and thus closing the obligation.

Our delegation had been renewed for the ensuing year, commencing August 11; but the new government was now organized, a meeting of the legislature was to be held in October, and I had been elected a member by my county. I knew that our legislation, under the regal government, had many very vicious points which urgently required reformation, and I thought I could be of more use in forwarding that work. I therefore retired from my seat in Congress on the 2d of September, resigned it, and took my place in the legislature of my State, on the 7th of October.

On the 11th, I moved for leave to bring in a bill for the establishment of courts of justice, the organization of which was of importance. I drew the bill; it was approved by the committee, reported and passed, after going through its due course.

On the 12th, I obtained leave to bring in a bill declaring tenants in tail to hold their lands in fee simple. In the earlier times of the colony, when lands were to be obtained for little or nothing, some provident individuals procured large grants; and, desirous of founding great families for themselves, settled them on their descendants in fee tail. The transmission of this property from generation to generation, in the same name, raised up a distinct set of families, who, being privileged by law in the perpetuation of their wealth, were thus formed into a Patrician order, distinguished by the splendor and luxury of their establishments. From this order, too, the king habitually selected his counsellors of State; the hope of which distinction devoted the whole corps to the interests and will of the crown. To annul this privilege, and instead of an aristocracy of wealth, of more harm and danger, than benefit, to society, to make an opening for the aristocracy of virtue and talent, which nature has wisely provided for the direction of the interests of society, and scattered with equal hand through all its conditions, was deemed essential to a well-ordered republic.—To effect it, no violence was necessary, no deprivation of natural right, but rather an enlargement of it by a repeal of the law. For this would authorize the present holder to divide the property among his children equally, as his affections were divided; and would place them, by natural generation, on the level of their fellow citizens. But this repeal was strongly opposed by Mr. Pendleton, who was zealously attached to ancient establishments; and who, taken all in all, was the ablest man in debate I have ever met with. He had not indeed the poetical fancy of Mr. Henry, his sublime imagination, his lofty and overwhelming diction; but he was cool, smooth and persuasive; his language flowing, chaste and embellished; his conceptions quick, acute and full of resource; never vanquished: for if he lost the main battle, he returned upon you, and regained so much of it as to make it a drawn one, by dexterous manœuvres, skirmishes in detail, and the recovery of small advantages which, little singly, were important all together. You never knew when you were clear of him, but were harassed by his perseverance, until the patience was worn down of all who had less of it than himself. Add to this, that he was one of the most virtuous and benevolent of men, the kindest friend, the most amiable and pleasant of companions, which ensured a favorable reception to whatever came from him. Finding that the general principle of entails could not be maintained, he took his stand on an amendment which he proposed, instead of an absolute abolition, to permit the tenant in tail to convey in fee simple, if he chose it; and he was within a few votes of saving so much of the old law. But the bill passed finally for entire abolition.

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<sup>13</sup> Here terminate the author's notes of the "earlier debates on the confederation," and recommences the MS. begun by him in 1821.

In that one of the bills for organizing our judiciary system, which proposed a court of Chancery, I had provided for a trial by jury of all matters of fact, in that as well as in the courts of law. He defeated it by the introduction of four words only, "*if either party choose.*" The consequence has been, that as no suitor will say to his judge, "Sir, I distrust you, give me a jury," juries are rarely, I might say, perhaps, never, seen in that court, but when called for by the Chancellor of his own accord.

The first establishment in Virginia which became permanent, was made in 1607. I have found no mention of negroes in the colony until about 1650. The first brought here as slaves were by a Dutch ship; after which the English commenced the trade, and continued it until the revolutionary war. That suspended, *ipso facto*, their further importation for the present, and the business of the war pressing constantly on the legislature, this subject was not acted on finally until the year '78, when I brought in a bill to prevent their further importation. This passed without opposition, and stopped the increase of the evil by importation, leaving to future efforts its final eradication.

The first settlers of this colony were Englishmen, loyal subjects to their king and church, and the grant to Sir Walter Raleigh contained an express proviso that their laws "should not be against the true Christian faith, now professed in the church of England." As soon as the state of the colony admitted, it was divided into parishes, in each of which was established a minister of the Anglican church, endowed with a fixed salary, in tobacco, a glebe house and land with the other necessary appendages. To meet these expenses, all the inhabitants of the parishes were assessed, whether they were or not, members of the established church. Towards Quakers who came here, they were most cruelly intolerant, driving them from the colony by the severest penalties. In process of time, however, other sectarisms were introduced, chiefly of the Presbyterian family; and the established clergy, secure for life in their glebes and salaries, adding to these, generally, the emoluments of a classical school, found employment enough, in their farms and school-rooms, for the rest of the week, and devoted Sunday only to the edification of their flock, by service, and a sermon at their parish church. Their other pastoral functions were little attended to. Against this inactivity, the zeal and industry of sectarian preachers had an open and undisputed field; and by the time of the revolution, a majority of the inhabitants had become dissenters from the established church, but were still obliged to pay contributions to support the pastors of the minority. This unrighteous compulsion, to maintain teachers of what they deemed religious errors, was grievously felt during the regal government, and without a hope of relief. But the first republican legislature, which met in '76, was crowded with petitions to abolish this spiritual tyranny. These brought on the severest contests in which I have ever been engaged. Our great opponents were Mr. Pendleton and Robert Carter Nicholas; honest men, but zealous churchmen. The petitions were referred to the committee of the whole house on the state of the country and, after desperate contests in that committee, almost daily from the 11th of October to the 5th of December, we prevailed so far only, as to repeal the laws which rendered criminal the maintenance of any religious opinions, the forbearance of repairing to church, or the exercise of any mode of worship; and further, to exempt dissenters from contributions to the support of the established church; and to suspend, only until the next session, levies on the members of that church for the salaries of their own incumbents. For although the majority of our citizens were dissenters, as has been observed, a majority of the legislature were churchmen. Among these, however, were some reasonable and liberal men, who enabled us, on some points, to obtain feeble majorities. But our opponents carried, in the general resolutions of the committee of November 19, a declaration that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct. And, in the bill now passed, was inserted an express reservation of the question, Whether a general assessment should not be established by law, on every one, to the support of the pastor of his choice; or whether all should be left to voluntary contributions; and on this question, debated at every session, from '76 to '79, (some of our dissenting allies, having now secured their particular object, going over to the advocates of a general assessment,) we could only obtain a suspension from session to session until '79, when the question against a general

assessment was finally carried, and the establishment of the Anglican church entirely put down. In justice to the two honest but zealous opponents who have been named, I must add, that although, from their natural temperaments, they were more disposed generally to acquiesce in things as they are, than to risk innovations, yet whenever the public will had once decided, none were more faithful or exact in their obedience to it.

The seat of our government had originally been fixed in the peninsula of Jamestown, the first settlement of the colonists; and had been afterwards removed a few miles inland to Williamsburg. But this was at a time when our settlements had not extended beyond the tide waters. Now they had crossed the Alleghany; and the centre of population was very far removed from what it had been. Yet Williamsburg was still the depository of our archives, the habitual residence of the Governor and many other of the public functionaries, the established place for the sessions of the legislature, and the magazine of our military stores; and its situation was so exposed that it might be taken at any time in war, and, at this time particularly, an enemy might in the night run up either of the rivers, between which it lies, land a force above, and take possession of the place, without the possibility of saving either persons or things. I had proposed its removal so early as October, '76; but it did not prevail until the session of May, '79.

Early in the session of May, '79, I prepared, and obtained leave to bring in a bill, declaring who should be deemed citizens, asserting the natural right of expatriation, and prescribing the mode of exercising it. This, when I withdrew from the house, on the 1st of June following, I left in the hands of George Mason, and it was passed on the 26th of that month.

In giving this account of the laws of which I was myself the mover and draughtsman, I, by no means, mean to claim to myself the merit of obtaining their passage. I had many occasional and strenuous coadjutors in debate, and one, most steadfast, able and zealous; who was himself a host. This was George Mason, a man of the first order of wisdom among those who acted on the theatre of the revolution, of expansive mind, profound judgment, cogent in argument, learned in the lore of our former constitution, and earnest for the republican change on democratic principles. His elocution was neither flowing nor smooth; but his language was strong, his manner most impressive, and strengthened by a dash of biting cynicism, when provocation made it seasonable.

Mr. Wythe, while speaker in the two sessions of 1777, between his return from Congress and his appointment to the Chancery, was an able and constant associate in whatever was before a committee of the whole. His pure integrity, judgment and reasoning powers, gave him great weight. Of him, see more in some notes inclosed in my letter of August 31, 1821, to Mr. John Saunderson.<sup>14</sup>

Mr. Madison came into the House in 1776, a new member and young; which circumstances, concurring with his extreme modesty, prevented his venturing himself in debate before his removal to the Council of State, in November, '77. From thence he went to Congress, then consisting of few members. Trained in these successive schools, he acquired a habit of self-possession, which placed at ready command the rich resources of his luminous and discriminating mind, and of his extensive information, and rendered him the first of every assembly afterwards, of which he became a member. Never wandering from his subject into vain declamation, but pursuing it closely, in language pure, classical and copious, soothing always the feelings of his adversaries by civilities and softness of expression, he rose to the eminent station which he held in the great National Convention of 1787; and in that of Virginia which followed, he sustained the new constitution in all its parts, bearing off the palm against the logic of George Mason, and the fervid declamation of Mr. Henry. With these consummate powers, were united a pure and spotless virtue which no calumny has ever attempted to sully. Of the powers and polish of his pen, and of the wisdom of his administration in the highest office of the nation, I need say nothing. They have spoken, and will forever speak for themselves.

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<sup>14</sup> See [Appendix, note A.](#)

So far we were proceeding in the details of reformation only; selecting points of legislation, prominent in character and principle, urgent, and indicative of the strength of the general pulse of reformation. When I left Congress, in '76, it was in the persuasion that our whole code must be reviewed, adapted to our republican form of government; and, now that we had no negatives of Councils, Governors, and Kings to restrain us from doing right, that it should be corrected, in all its parts, with a single eye to reason, and the good of those for whose government it was framed. Early, therefore, in the session of '76, to which I returned, I moved and presented a bill for the revision of the laws, which was passed on the 24th of October; and on the 5th of November, Mr. Pendleton, Mr. Wythe, George Mason, Thomas L. Lee, and myself, were appointed a committee to execute the work. We agreed to meet at Fredericksburg to settle the plan of operation, and to distribute the work. We met there accordingly, on the 13th of January, 1777. The first question was, whether we should propose to abolish the whole existing system of laws, and prepare a new and complete Institute, or preserve the general system, and only modify it to the present state of things. Mr. Pendleton, contrary to his usual disposition in favor of ancient things, was for the former proposition, in which he was joined by Mr. Lee. To this it was objected, that to abrogate our whole system would be a bold measure, and probably far beyond the views of the legislature; that they had been in the practice of revising, from time to time, the laws of the colony, omitting the expired, the repealed, and the obsolete, amending only those retained, and probably meant we should now do the same, only including the British statutes as well as our own: that to compose a new Institute, like those of Justinian and Bracton, or that of Blackstone, which was the model proposed by Mr. Pendleton, would be an arduous undertaking, of vast research, of great consideration and judgment; and when reduced to a text, every word of that text, from the imperfection of human language, and its incompetence to express distinctly every shade of idea, would become a subject of question and chicanery, until settled by repeated adjudications; and this would involve us for ages in litigation and render property uncertain, until, like the statutes of old, every word had been tried and settled by numerous decisions, and by new volumes of reports and commentaries; and that no one of us, probably, would undertake such a work, which to be systematical, must be the work of one hand. This last was the opinion of Mr. Wythe, Mr. Mason, and myself. When we proceeded to the distribution of the work, Mr. Mason excused himself, as, being no lawyer, he felt himself unqualified for the work, and he resigned soon after. Mr. Lee excused himself on the same ground, and died, indeed, in a short time. The other two gentlemen, therefore, and myself divided the work among us. The common law and statutes to the 4 James I. (when our separate legislature was established) were assigned to me; the British statutes, from that period to the present day, to Mr. Wythe; and the Virginia laws to Mr. Pendleton. As the law of Descents, and the criminal law fell of course within my portion, I wished the committee to settle the leading principles of these, as a guide for me in framing them; and, with respect to the first, I proposed to abolish the law of primogeniture, and to make real estate descendible in parcenary to the next of kin, as personal property is, by the statute of distribution. Mr. Pendleton wished to preserve the right of primogeniture, but seeing at once that that could not prevail, he proposed we should adopt the Hebrew principle, and give a double portion to the elder son. I observed, that if the eldest son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers and wants, with his brothers and sisters, he should be on a par also in the partition of the patrimony; and such was the decision of the other members.

On the subject of the Criminal law, all were agreed, that the punishment of death should be abolished, except for treason and murder; and that, for other felonies, should be substituted hard labor in the public works, and in some cases, the *Lex talionis*. How this last revolting principle came to obtain our approbation I do not remember. There remained, indeed, in our laws, a vestige of it in a single case of a slave; it was the English law, in the time of the Anglo-Saxons, copied probably from the Hebrew law of "an eye for an eye, a tooth for a tooth," and it was the law of several ancient

people; but the modern mind had left it far in the rear of its advances. These points, however, being settled, we repaired to our respective homes for the preparation of the work.

In the execution of my part, I thought it material not to vary the diction of the ancient statutes by modernizing it, nor to give rise to new questions by new expressions. The text of these statutes had been so fully explained and defined, by numerous adjudications, as scarcely ever now to produce a question in our courts. I thought it would be useful, also, in all new draughts, to reform the style of the later British statutes, and of our own acts of Assembly; which, from their verbosity, their endless tautologies, their involutions of case within case, and parenthesis within parenthesis, and their multiplied efforts at certainty, by *said*s and *aforsaid*s, by *ors* and by *ands*, to make them more plain, are really rendered more perplexed and incomprehensible, not only to common readers, but to the lawyers themselves. We were employed in this work from that time to February, 1779, when we met at Williamsburg, that is to say, Mr. Pendleton, Mr. Wythe and myself; and meeting day by day, we examined critically our several parts, sentence by sentence, scrutinizing and amending, until we had agreed on the whole. We then returned home, had fair copies made of our several parts, which were reported to the General Assembly, June 18, 1779, by Mr. Wythe and myself, Mr. Pendleton's residence being distant, and he having authorized us by letter to declare his approbation. We had, in this work, brought so much of the Common law as it was thought necessary to alter, all the British statutes from *Magna Charta* to the present day, and all the laws of Virginia, from the establishment of our legislature, in the 4th Jac. 1. to the present time, which we thought should be retained, within the compass of one hundred and twenty-six bills, making a printed folio of ninety pages only. Some bills were taken out, occasionally, from time to time, and passed; but the main body of the work was not entered on by the legislature until after the general peace, in 1785, when, by the unwearied exertions of Mr. Madison, in opposition to the endless quibbles, chicaneries, perversions, vexations and delays of lawyers and demi-lawyers, most of the bills were passed by the legislature, with little alteration.

The bill for establishing religious freedom, the principles of which had, to a certain degree, been enacted before, I had drawn in all the latitude of reason and right. It still met with opposition; but, with some mutilations in the preamble, it was finally passed; and a singular proposition proved that its protection of opinion was meant to be universal. Where the preamble declares, that coercion is a departure from the plan of the holy author of our religion, an amendment was proposed, by inserting the word "Jesus Christ," so that it should read, "a departure from the plan of Jesus Christ, the holy author of our religion;" the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and Infidel of every denomination.

Beccaria, and other writers on crimes and punishments, had satisfied the reasonable world of the unrightfulness and inefficacy of the punishment of crimes by death; and hard labor on roads, canals and other public works, had been suggested as a proper substitute. The Revisors had adopted these opinions; but the general idea of our country had not yet advanced to that point. The bill, therefore, for proportioning crimes and punishments, was lost in the House of Delegates by a majority of a single vote. I learned afterwards, that the substitute of hard labor in public, was tried (I believe it was in Pennsylvania) without success. Exhibited as a public spectacle, with shaved heads and mean clothing, working on the high roads, produced in the criminals such a prostration of character, such an abandonment of self-respect, as, instead of reforming, plunged them into the most desperate and hardened depravity of morals and character. To pursue the subject of this law.—I was written to in 1785 (being then in Paris) by directors appointed to superintend the building of a Capitol in Richmond, to advise them as to a plan, and to add to it one of a Prison. Thinking it a favorable opportunity of introducing into the State an example of architecture, in the classic style of antiquity, and the *Maison quarrée* of Nismes, an ancient Roman temple, being considered as the most perfect model existing of what may be called Cubic architecture, I applied to M. Clerissault, who had published drawings of the Antiquities of Nismes, to have me a model of the building made in stucco,

only changing the order from Corinthian to Ionic, on account of the difficulty of the Corinthian capitals. I yielded, with reluctance, to the taste of Clerissault, in his preference of the modern capital of Scamozzi to the more noble capital of antiquity. This was executed by the artist whom Choiseul Gouffier had carried with him to Constantinople, and employed, while Ambassador there, in making those beautiful models of the remains of Grecian architecture which are to be seen at Paris. To adapt the exterior to our use, I drew a plan for the interior, with the apartments necessary for legislative, executive, and judiciary purposes; and accommodated in their size and distribution to the form and dimensions of the building. These were forwarded to the Directors, in 1786, and were carried into execution, with some variations, not for the better, the most important of which, however, admit of future correction. With respect to the plan of a Prison, requested at the same time, I had heard of a benevolent society, in England, which had been indulged by the government, in an experiment of the effect of labor, in *solitary confinement*, on some of their criminals; which experiment had succeeded beyond expectation. The same idea had been suggested in France, and an Architect of Lyons had proposed a plan of a well-contrived edifice, on the principle of solitary confinement. I procured a copy, and as it was too large for our purposes, I drew one on a scale less extensive, but susceptible of additions as they should be wanting. This I sent to the Directors, instead of a plan of a common prison, in the hope that it would suggest the idea of labor in solitary confinement, instead of that on the public works, which we had adopted in our Revised Code. Its principle, accordingly, but not its exact form, was adopted by Latrobe in carrying the plan into execution, by the erection of what is now called the Penitentiary, built under his direction. In the meanwhile, the public opinion was ripening, by time, by reflection, and by the example of Pennsylvania, where labor on the highways had been tried, without approbation, from 1786 to '89, and had been followed by their Penitentiary system on the principle of confinement and labor, which was proceeding auspiciously. In 1796, our legislature resumed the subject, and passed the law for amending the Penal laws of the commonwealth. They adopted solitary, instead of public, labor, established a gradation in the duration of the confinement, approximated the style of the law more to the modern usage, and, instead of the settled distinctions of murder and manslaughter, preserved in my bill, they introduced the new terms of murder in the first and second degree. Whether these have produced more or fewer questions of definition, I am not sufficiently informed of our judiciary transactions to say. I will here, however, insert the text of my bill, with the notes I made in the course of my researches into the subject.<sup>15</sup>

The acts of Assembly concerning the College of William and Mary, were properly within Mr. Pendleton's portion of our work; but these related chiefly to its revenue, while its constitution, organization and scope of science, were derived from its charter. We thought that on this subject, a systematical plan of general education should be proposed, and I was requested to undertake it. I accordingly prepared three bills for the Revisal, proposing three distinct grades of education, reaching all classes. 1st. Elementary schools, for all children generally, rich and poor. 2d. Colleges, for a middle degree of instruction, calculated for the common purposes of life, and such as would be desirable for all who were in easy circumstances. And, 3d, an ultimate grade for teaching the sciences generally, and in their highest degree. The first bill proposed to lay off every county into Hundreds, or Wards, of a proper size and population for a school, in which reading, writing, and common arithmetic should be taught; and that the whole State should be divided into twenty-four districts, in each of which should be a school for classical learning, grammar, geography, and the higher branches of numerical arithmetic. The second bill proposed to amend the constitution of William and Mary college, to enlarge its sphere of science, and to make it in fact a University. The third was for the establishment of a library. These bills were not acted on until the same year, '96, and then only so much of the first as provided for elementary schools. The College of William and Mary was an establishment purely of the Church of England; the Visitors were required to be all of that Church; the Professors to subscribe

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<sup>15</sup> See [Appendix, note E.](#)

its thirty-nine Articles; its Students to learn its Catechism; and one of its fundamental objects was declared to be, to raise up Ministers for that church. The religious jealousies, therefore, of all the dissenters, took alarm lest this might give an ascendancy to the Anglican sect, and refused acting on that bill. Its local eccentricity, too, and unhealthy autumnal climate, lessened the general inclination towards it. And in the Elementary bill, they inserted a provision which completely defeated it; for they left it to the court of each county to determine for itself, when this act should be carried into execution, within their county. One provision of the bill was, that the expenses of these schools should be borne by the inhabitants of the county, every one in proportion to his general tax rate. This would throw on wealth the education of the poor; and the justices, being generally of the more wealthy class, were unwilling to incur that burden, and I believe it was not suffered to commence in a single county. I shall recur again to this subject, towards the close of my story, if I should have life and resolution enough to reach that term; for I am already tired of talking about myself.

The bill on the subject of slaves, was a mere digest of the existing laws respecting them, without any intimation of a plan for a future and general emancipation. It was thought better that this should be kept back, and attempted only by way of amendment, whenever the bill should be brought on. The principles of the amendment, however, were agreed on, that is to say, the freedom of all born after a certain day, and deportation at a proper age. But it was found that the public mind would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not distant when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Nature, habit, opinion have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, peaceably, and in such slow degree, as that the evil will wear off insensibly, and their place be, *pari passu*, filled up by free white laborers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case.

I considered four of these bills, passed or reported, as forming a system by which every fibre would be eradicated of ancient or future aristocracy; and a foundation laid for a government truly republican. The repeal of the laws of entail would prevent the accumulation and perpetuation of wealth, in select families, and preserve the soil of the country from being daily more and more absorbed in mortmain. The abolition of primogeniture, and equal partition of inheritances, removed the feudal and unnatural distinctions which made one member of every family rich, and all the rest poor, substituting equal partition, the best of all Agrarian laws. The restoration of the rights of conscience relieved the people from taxation for the support of a religion not theirs; for the establishment was truly of the religion of the rich, the dissenting sects being entirely composed of the less wealthy people; and these, by the bill for a general education, would be qualified to understand their rights, to maintain them, and to exercise with intelligence their parts in self-government; and all this would be effected, without the violation of a single natural right of any one individual citizen. To these, too, might be added, as a further security, the introduction of the trial by jury into the Chancery courts, which have already engulfed, and continue to engulf, so great a proportion of the jurisdiction over our property.

On the 1st of June, 1779, I was appointed Governor of the Commonwealth, and retired from the legislature. Being elected, also, one of the Visitors of William and Mary college, a self-electing body, I effected, during my residence in Williamsburg that year, a change in the organization of that institution, by abolishing the Grammar school, and the two professorships of Divinity and Oriental languages, and substituting a professorship of Law and Police, one of Anatomy, Medicine and Chemistry, and one of Modern languages; and the charter confining us to six professorships, we added the Law of Nature and Nations, and the Fine Arts to the duties of the Moral professor, and Natural History to those of the professor of Mathematics and Natural Philosophy.

Being now, as it were, identified with the Commonwealth itself, to write my own history, during the two years of my administration, would be to write the public history of that portion of the revolution within this State. This has been done by others, and particularly by Mr. Girardin, who wrote his Continuation of Burke's History of Virginia, while at Milton, in this neighborhood, had free access to all my papers while composing it, and has given as faithful an account as I could myself. For this portion, therefore, of my own life, I refer altogether to his history. From a belief that, under the pressure of the invasion under which we were then laboring, the public would have more confidence in a Military chief, and that the Military commander, being invested with the Civil power also, both might be wielded with more energy, promptitude and effect for the defence of the State, I resigned the administration at the end of my second year, and General Nelson was appointed to succeed me.

Soon after my leaving Congress, in September, '76, to wit, on the last day of that month, I had been appointed, with Dr. Franklin, to go to France, as a Commissioner, to negotiate treaties of alliance and commerce with that government. Silas Deane, then in France, acting as<sup>16</sup> agent for procuring military stores, was joined with us in commission. But such was the state of my family that I could not leave it, nor could I expose it to the dangers of the sea, and of capture by the British ships, then covering the ocean. I saw, too, that the laboring oar was really at home, where much was to be done, of the most permanent interest, in new modelling our governments, and much to defend our fanes and fire-sides from the desolations of an invading enemy, pressing on our country in every point. I declined, therefore, and Dr. Lee was appointed in my place. On the 15th of June, 1781, I had been appointed, with Mr. Adams, Dr. Franklin, Mr. Jay, and Mr. Laurens, a Minister Plenipotentiary for negotiating peace, then expected to be effected through the mediation of the Empress of Russia. The same reasons obliged me still to decline; and the negotiation was in fact never entered on. But, in the autumn of the next year, 1782, Congress receiving assurances that a general peace would be concluded in the winter and spring, they renewed my appointment on the 13th of November of that year. I had, two months before that, lost the cherished companion of my life, in whose affections, unabated on both sides, I had lived the last ten years in unchequered happiness. With the public interests, the state of my mind concurred in recommending the change of scene proposed; and I accepted the appointment, and left Monticello on the 19th of December, 1782, for Philadelphia, where I arrived on the 27th. The Minister of France, Luzerne, offered me a passage in the Romulus frigate, which I accepting; but she was then lying a few miles below Baltimore, blocked up in the ice. I remained, therefore, a month in Philadelphia, looking over the papers in the office of State, in order to possess myself of the general state of our foreign relations, and then went to Baltimore, to await the liberation of the frigate from the ice. After waiting there nearly a month, we received information that a Provisional treaty of peace had been signed by our Commissioners on the 3d of September, 1782, to become absolute, on the conclusion of peace between France and Great Britain. Considering my proceeding to Europe as now of no utility to the public, I returned immediately to Philadelphia, to take the orders of Congress, and was excused by them from further proceeding. I, therefore, returned home, where I arrived on the 15th of May, 1783.

On the 6th of the following month, I was appointed by the legislature a delegate to Congress, the appointment to take place on the 1st of November ensuing, when that of the existing delegation would expire. I, accordingly, left home on the 16th of October, arrived at Trenton, where Congress was sitting, on the 3d of November, and took my seat on the 4th, on which day Congress adjourned, to meet at Annapolis on the 26th.

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<sup>16</sup> His ostensible character was to be that of a merchant, his real one that of agent for military supplies, and also for sounding the dispositions of the government of France, and seeing how far they would favor us, either secretly or openly. His appointment had been by the Committee of foreign correspondence, March, 1776.

Congress had now become a very small body, and the members very remiss in their attendance on its duties, insomuch, that a majority of the States, necessary by the Confederation to constitute a House even for minor business, did not assemble until the 13th of December.

They, as early as January 7, 1782, had turned their attention to the moneys current in the several States, and had directed the Financier, Robert Morris, to report to them a table of rates, at which the foreign coins should be received at the treasury. That officer, or rather his assistant, Gouverneur Morris, answered them on the 15th, in an able and elaborate statement of the denominations of money current in the several States, and of the comparative value of the foreign coins chiefly in circulation with us. He went into the consideration of the necessity of establishing a standard of value with us, and of the adoption of a money Unit. He proposed for that Unit, such a fraction of pure silver as would be a common measure of the penny of every State, without leaving a fraction. This common divisor he found to be 1-1440 of a dollar, or 1-1600 of the crown sterling. The value of a dollar was, therefore, to be expressed by 1,440 units, and of a crown by 1,600; each Unit containing a quarter of a grain of fine silver. Congress turning again their attention to this subject the following year, the Financier, by a letter of April 30, 1783, further explained and urged the Unit he had proposed; but nothing more was done on it until the ensuing year, when it was again taken up, and referred to a committee, of which I was a member. The general views of the Financier were sound, and the principle was ingenious on which he proposed to found his Unit; but it was too minute for ordinary use, too laborious for computation, either by the head or in figures. The price of a loaf of bread, 1-20 of a dollar, would be 72 units.

A pound of butter, 1-5 of a dollar, 288 units.

A horse or bullock, of eighty dollars value, would require a notation of six figures, to wit, 115,200, and the public debt, suppose of eighty millions, would require twelve figures, to wit, 115,200,000,000 units. Such a system of money-arithmetic would be entirely unmanageable for the common purposes of society. I proposed, therefore, instead of this, to adopt the Dollar as our Unit of account and payment, and that its divisions and sub-divisions should be in the decimal ratio. I wrote some Notes on the subject, which I submitted to the consideration of the Financier. I received his answer and adherence to his general system, only agreeing to take for his Unit one hundred of those he first proposed, so that a Dollar should be 1/40-100, and a crown 16 units. I replied to this, and printed my notes and reply on a flying sheet, which I put into the hands of the members of Congress for consideration, and the Committee agreed to report on my principle. This was adopted the ensuing year, and is the system which now prevails. I insert, here, the Notes and Reply, as showing the different views on which the adoption of our money system hung.<sup>17</sup> The divisions into dimes, cents, and mills is now so well understood, that it would be easy of introduction into the kindred branches of weights and measures. I use, when I travel, an Odometer of Clarke's invention, which divides the mile into cents, and I find every one comprehends a distance readily, when stated to him in miles and cents; so he would in feet and cents, pounds and cents, &c.

The remissness of Congress, and their permanent session, began to be a subject of uneasiness; and even some of the legislatures had recommended to them intermissions, and periodical sessions. As the Confederation had made no provision for a visible head of the government, during vacations of Congress, and such a one was necessary to superintend the executive business, to receive and communicate with foreign ministers and nations, and to assemble Congress on sudden and extraordinary emergencies, I proposed, early in April, the appointment of a committee, to be called the "Committee of the States," to consist of a member from each State, who should remain in session during the recess of Congress: that the functions of Congress should be divided into executive and legislative, the latter to be reserved, and the former, by a general resolution, to be delegated to that Committee. This proposition was afterwards agreed to; a Committee appointed, who entered on duty

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<sup>17</sup> See [Appendix, note F.](#)

on the subsequent adjournment of Congress, quarrelled very soon, split into two parties, abandoned their post, and left the government without any visible head, until the next meeting in Congress. We have since seen the same thing take place in the Directory of France; and I believe it will forever take place in any Executive consisting of a plurality. Our plan, best, I believe, combines wisdom and practicability, by providing a plurality of Counsellors, but a single Arbiter for ultimate decision. I was in France when we heard of this schism, and separation of our Committee, and, speaking with Dr. Franklin of this singular disposition of men to quarrel, and divide into parties, he gave his sentiments, as usual, by way of Apologue. He mentioned the Eddystone lighthouse, in the British channel, as being built on a rock, in the mid-channel, totally inaccessible in winter, from the boisterous character of that sea, in that season; that, therefore, for the two keepers employed to keep up the lights, all provisions for the winter were necessarily carried to them in autumn, as they could never be visited again till the return of the milder season; that, on the first practicable day in the spring, a boat put off to them with fresh supplies. The boatmen met at the door one of the keepers, and accosted him with a "How goes it, friend? Very well. How is your companion? I do not know. Don't know? Is not he here? I can't tell. Have not you seen him to-day? No. When did you see him? Not since last fall. You have killed him? Not I, indeed." They were about to lay hold of him, as having certainly murdered his companion; but he desired them to go up stairs and examine for themselves. They went up, and there found the other keeper. They had quarrelled, it seems, soon after being left there, had divided into two parties, assigned the cares below to one, and those above to the other, and had never spoken to, or seen, one another since.

But to return to our Congress at Annapolis. The definitive treaty of peace which had been signed at Paris on the 3d of September, 1783, and received here, could not be ratified without a House of nine States. On the 23d of December, therefore, we addressed letters to the several Governors, stating the receipt of the definitive treaty; that seven States only were in attendance, while nine were necessary to its ratification; and urging them to press on their delegates the necessity of their immediate attendance. And on the 26th, to save time, I moved that the Agent of Marine (Robert Morris) should be instructed to have ready a vessel at this place, at New York, and at some Eastern port, to carry over the ratification of the treaty when agreed to. It met the general sense of the House, but was opposed by Dr. Lee, on the ground of expense, which it would authorize the Agent to incur for us; and, he said, it would be better to ratify at once, and send on the ratification. Some members had before suggested, that seven States were competent to the ratification. My motion was therefore postponed, and another brought forward by Mr. Read, of South Carolina, for an immediate ratification. This was debated the 26th and 27th. Reed, Lee, Williamson and Jeremiah Chase, urged that ratification was a mere matter of form, that the treaty was conclusive from the moment it was signed by the ministers; that, although the Confederation requires the assent of *nine States to enter into* a treaty, yet, that its conclusion could not be called *entrance into it*; that supposing nine States requisite, it would be in the power of five States to keep us always at war; that nine States had virtually authorized the ratification, having ratified the provisional treaty, and instructed their ministers to agree to a definitive one in the same terms, and the present one was, in fact, substantially, and almost verbatim, the same; that there now remain but sixty-seven days for the ratification, for its passage across the Atlantic, and its exchange; that there was no hope of our soon having nine States present; in fact, that this was the ultimate point of time to which we could venture to wait; that if the ratification was not in Paris by the time stipulated, the treaty would become void; that if ratified by seven States, it would go under our seal, without its being known to Great Britain that only seven had concurred; that it was a question of which they had no right to take cognizance, and we were only answerable for it to our constituents; that it was like the ratification which Great Britain had received from the Dutch, by the negotiations of Sir William Temple.

On the contrary, it was argued by Monroe, Gerry, Howell, Ellery and myself, that by the modern usage of Europe, the ratification was considered as the act which gave validity to a treaty, until which,

it was not obligatory.<sup>18</sup> That the commission to the ministers reserved the ratification to Congress; that the treaty itself stipulated that it should be ratified; that it became a second question, who were competent to the ratification? That the Confederation expressly required nine States to enter into any treaty; that, by this, that instrument must have intended, that the assent of nine States should be necessary, as well to the *completion* as to the *commencement* of the treaty, its object having been to guard the rights of the Union in all those important cases where nine States are called for; that by the contrary construction, seven States, containing less than one-third of our whole citizens, might rivet on us a treaty, commenced indeed under commission and instructions from nine States, but formed by the minister in express contradiction to such instructions, and in direct sacrifice of the interests of so great a majority; that the definitive treaty was admitted not to be a verbal copy of the provisional one, and whether the departures from it were of substance, or not, was a question on which nine States alone were competent to decide; that the circumstances of the ratification of the provisional articles by nine States, the instructions to our ministers to form a definitive one by them, and their actual agreement in substance, do not render us competent to ratify in the present instance; if these circumstances are in themselves a ratification, nothing further is requisite than to give attested copies of them, in exchange for the British ratification; if they are not, we remain where we were, without a ratification by nine States, and incompetent ourselves to ratify; that it was but four days since the seven States, now present, unanimously concurred in a resolution, to be forwarded to the Governors of the absent States, in which they stated, as a cause for urging on their delegates, that nine States were necessary to ratify the treaty; that in the case of the Dutch ratification, Great Britain had courted it, and therefore was glad to accept it as it was; that they knew our Constitution, and would object to a ratification by seven; that, if that circumstance was kept back, it would be known hereafter, and would give them ground to deny the validity of a ratification, into which they should have been surprised and cheated, and it would be a dishonorable prostitution of our seal; that there is a hope of nine States; that if the treaty would become null, if not ratified in time, it would not be saved by an imperfect ratification; but that, in fact, it would not be null, and would be placed on better ground, going in unexceptionable form, though a few days too late, and rested on the small importance of this circumstance, and the physical impossibilities which had prevented a punctual compliance in point of time; that this would be approved by all nations, and by Great Britain herself, if not determined to renew the war, and if so determined, she would never want excuses, were this out of the way. Mr. Read gave notice, he should call for the yeas and nays; whereon those in opposition, prepared a resolution, expressing pointedly the reasons of their dissent from his motion. It appearing, however, that his proposition could not be carried, it was thought better to make no entry at all. Massachusetts alone would have been for it; Rhode Island, Pennsylvania and Virginia against it, Delaware, Maryland and North Carolina, would have been divided.

Our body was little numerous, but very contentious. Day after day was wasted on the most unimportant questions. A member, one of those afflicted with the morbid rage of debate, of an ardent mind, prompt imagination, and copious flow of words, who heard with impatience any logic which was not his own, sitting near me on some occasion of a trifling but wordy debate, asked me how I could sit in silence, hearing so much false reasoning, which a word should refute? I observed to him, that to refute indeed was easy, but to silence was impossible; that in measures brought forward by myself, I took the laboring oar, as was incumbent on me; but that in general, I was willing to listen; that if every sound argument or objection was used by some one or other of the numerous debaters, it was enough; if not, I thought it sufficient to suggest the omission, without going into a repetition of what had been already said by others: that this was a waste and abuse of the time and patience of the House, which could not be justified. And I believe, that if the members of deliberate bodies were to observe this course generally, they would do in a day, what takes them a week; and it is really

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<sup>18</sup> Vattel L. 2, § 156. L. 4, § 77. 1. Mably Droit D'Europe, 86.

more questionable, than may at first be thought, whether Bonaparte's dumb legislature, which said nothing, and did much, may not be preferable to one which talks much, and does nothing. I served with General Washington in the legislature of Virginia, before the revolution, and, during it, with Dr. Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point, which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves. If the present Congress errs in too much talking, how can it be otherwise, in a body to which the people send one hundred and fifty lawyers, whose trade it is to question everything, yield nothing, and talk by the hour? That one hundred and fifty lawyers should do business together, ought not to be expected. But to return again to our subject.

Those who thought seven States competent to the ratification, being very restless under the loss of their motion, I proposed, on the third of January, to meet them on middle ground, and therefore moved a resolution, which premised, that there were but seven States present, who were unanimous for the ratification, but that they differed in opinion on the question of competency; that those however in the negative were unwilling that any powers which it might be supposed they possessed, should remain unexercised for the restoration of peace, provided it could be done, saving their good faith, and without importing any opinion of Congress, that seven States were competent, and resolving that the treaty be ratified so far as they had power; that it should be transmitted to our ministers, with instructions to keep it uncommunicated; to endeavor to obtain three months longer for exchange of ratifications; that they should be informed, that so soon as nine States shall be present, a ratification by nine shall be sent them: if this should get to them before the ultimate point of time for exchange, they were to use it, and not the other; if not, they were to offer the act of the seven States in exchange, informing them the treaty had come to hand while Congress was not in session; that but seven States were as yet assembled, and these had unanimously concurred in the ratification. This was debated on the third and fourth; and on the fifth, a vessel being to sail for England, from this port (Annapolis), the House directed the President to write to our ministers accordingly.

January 14. Delegates from Connecticut having attended yesterday, and another from South Carolina coming in this day, the treaty was ratified without a dissenting voice; and three instruments of ratification were ordered to be made out, one of which was sent by Colonel Harmer, another by Colonel Franks, and the third transmitted to the Agent of Marine, to be forwarded by any good opportunity.

Congress soon took up the consideration of their foreign relations. They deemed it necessary to get their commerce placed with every nation, on a footing as favorable as that of other nations; and for this purpose, to propose to each a distinct treaty of commerce. This act too would amount to an acknowledgment, by each, of our independence, and of our reception into the fraternity of nations; which, although as possessing our station of right, and in fact we would not condescend to ask, we were not unwilling to furnish opportunities for receiving their friendly salutations and welcome. With France, the United Netherlands, and Sweden, we had already treaties of commerce; but commissions were given for those countries also, should any amendments be thought necessary. The other States to which treaties were to be proposed, were England, Hamburg, Saxony, Prussia, Denmark, Russia, Austria, Venice, Rome, Naples, Tuscany, Sardinia, Genoa, Spain, Portugal, the Porte, Algiers, Tripoli, Tunis, and Morocco.

On the 7th of May Congress resolved that a Minister Plenipotentiary should be appointed, in addition to Mr. Adams and Dr. Franklin, for negotiating treaties of commerce with foreign nations, and I was elected to that duty. I accordingly left Annapolis on the 11th, took with me my eldest daughter, then at Philadelphia (the two others being too young for the voyage), and proceeded to Boston, in quest of a passage. While passing through the different States, I made a point of informing myself of the state of the commerce of each; went on to New Hampshire with the same view, and returned to Boston. Thence I sailed on the 5th of July, in the *Ceres*, a merchant ship of Mr. Nathaniel Tracey, bound to Cowes. He was himself a passenger, and, after a pleasant voyage of nineteen days,

from land to land, we arrived at Cowes on the 26th. I was detained there a few days by the indisposition of my daughter. On the 30th, we embarked for Havre, arrived there on the 31st, left it on the 3d of August, and arrived at Paris on the 6th. I called immediately on Dr. Franklin, at Passy, communicated to him our charge, and we wrote to Mr. Adams, then at the Hague, to join us at Paris.

Before I had left America, that is to say, in the year 1781, I had received a letter from M. de Marbois, of the French legation in Philadelphia, informing me, he had been instructed by his government to obtain such statistical accounts of the different States of our Union, as might be useful for their information; and addressing to me a number of queries relative to the State of Virginia. I had always made it a practice, whenever an opportunity occurred of obtaining any information of our country, which might be of use to me in any station, public or private, to commit it to writing. These memoranda were on loose papers, bundled up without order, and difficult of recurrence, when I had occasion for a particular one. I thought this a good occasion to embody their substance, which I did in the order of Mr. Marbois' queries, so as to answer his wish, and to arrange them for my own use. Some friends, to whom they were occasionally communicated, wished for copies; but their volume rendering this too laborious by hand, I proposed to get a few printed, for their gratification. I was asked such a price, however, as exceeded the importance of the object. On my arrival at Paris, I found it could be done for a fourth of what I had been asked here. I therefore corrected and enlarged them, and had two hundred copies printed, under the title of "Notes on Virginia." I gave a very few copies to some particular friends in Europe, and sent the rest to my friends in America. An European copy, by the death of the owner, got into the hands of a bookseller, who engaged its translation, and when ready for the press, communicated his intentions and manuscript to me, suggesting that I should correct it, without asking any other permission for the publication. I never had seen so wretched an attempt at translation. Intverted, abridged, mutilated, and often reversing the sense of the original, I found it a blotch of errors, from beginning to end. I corrected some of the most material, and, in that form, it was printed in French. A London bookseller, on seeing the translation, requested me to permit him to print the English original. I thought it best to do so, to let the world see that it was not really so bad as the French translation had made it appear. And this is the true history of that publication.

Mr. Adams soon joined us at Paris, and our first employment was to prepare a general form, to be proposed to such nations as were disposed to treat with us. During the negotiations for peace with the British Commissioner, David Hartley, our Commissioners had proposed, on the suggestion of Dr. Franklin, to insert an article, exempting from capture by the public or private armed ships, of either belligerent, when at war, all merchant vessels and their cargoes, employed merely in carrying on the commerce between nations. It was refused by England, and unwisely, in my opinion. For, in the case of a war with us, their superior commerce places infinitely more at hazard on the ocean, than ours; and, as hawks abound in proportion to game, so our privateers would swarm, in proportion to the wealth exposed to their prize, while theirs would be few, for want of subjects of capture. We inserted this article in our form, with a provision against the molestation of fishermen, husbandmen, citizens unarmed, and following their occupations in unfortified places, for the humane treatment of prisoners of war, the abolition of contraband of war, which exposes merchant vessels to such vexatious and ruinous detentions and abuses; and for the principle of free bottoms, free goods.

In a conference with the Count de Vergennes, it was thought better to leave to legislative regulation, on both sides, such modifications of our commercial intercourse, as would voluntarily flow from amicable dispositions. Without urging, we sounded the ministers of the several European nations, at the court of Versailles, on their dispositions towards mutual commerce, and the expediency of encouraging it by the protection of a treaty. Old Frederic, of Prussia, met us cordially, and without hesitation, and appointing the Baron de Thulemeyer, his minister at the Hague, to negotiate with us, we communicated to him our Projét, which, with little alteration by the King, was soon concluded. Denmark and Tuscany, entered also into negotiations with us. Other powers appearing indifferent; we did not think it proper to press them. They seemed, in fact, to know little about us, but as rebels,

who had been successful in throwing off the yoke of the mother country. They were ignorant of our commerce, which had been always monopolized by England, and of the exchange of articles it might offer advantageously to both parties. They were inclined, therefore, to stand aloof, until they could see better what relations might be usefully instituted with us. The negotiations, therefore, begun with Denmark and Tuscany, we protracted designedly, until our powers had expired; and abstained from making new propositions to others having no colonies; because our commerce being an exchange of raw for wrought materials, is a competent price for admission into the colonies of those possessing them; but were we to give it, without price, to others, all would claim it, without price, on the ordinary ground of *gentis amicissimæ*.

Mr. Adams being appointed Minister Plenipotentiary of the United States, to London, left us in June, and in July, 1785, Dr. Franklin returned to America, and I was appointed his successor at Paris. In February, 1786, Mr. Adams wrote to me, pressingly, to join him in London immediately, as he thought he discovered there some symptoms of better disposition towards us. Colonel Smith, his secretary of legation, was the bearer of his urgencies for my immediate attendance. I, accordingly, left Paris on the 1st of March, and, on my arrival in London, we agreed on a very summary form of treaty, proposing an exchange of citizenship for our citizens, our ships, and our productions generally, except as to office. On my presentation, as usual, to the King and Queen, at their levées, it was impossible for anything to be more ungracious, than their notice of Mr. Adams and myself. I saw, at once, that the ulcerations of mind in that quarter, left nothing to be expected on the subject of my attendance; and, on the first conference with the Marquis of Caermarthen, the Minister for foreign affairs, the distance and disinclination which he betrayed in his conversation, the vagueness and evasions of his answers to us, confirmed me in the belief of their aversion to have anything to do with us. We delivered him, however, our Projét, Mr. Adams not despairing as much as I did, of its effect. We afterwards, by one or more notes, requested his appointment of an interview and conference, which, without directly declining, he evaded, by pretences of other pressing occupations for the moment. After staying there seven weeks, till within a few days of the expiration of our commission, I informed the minister, by note, that my duties at Paris required my return to that place, and that I should, with pleasure, be the bearer of any commands to his Ambassador there. He answered, that he had none, and, wishing me a pleasant journey, I left London the 26th, and arrived at Paris the 30th of April.

While in London, we entered into negotiations with the Chevalier Pinto, Ambassador of Portugal, at that place. The only article of difficulty between us was, a stipulation that our bread stuff should be received in Portugal, in the form of flour as well as of grain. He approved of it himself, but observed that several Nobles, of great influence at their court, were the owners of wind-mills in the neighborhood of Lisbon, which depended much for their profits on manufacturing our wheat, and that this stipulation would endanger the whole treaty. He signed it, however, and its fate was what he had candidly portended.

My duties, at Paris, were confined to a few objects; the receipt of our whale-oils, salted fish, and salted meats, on favorable terms; the admission of our rice on equal terms with that of Piedmont, Egypt and the Levant; a mitigation of the monopolies of our tobacco by the Farmers-general, and a free admission of our productions into their islands, were the principal commercial objects which required attention; and, on these occasions, I was powerfully aided by all the influence and the energies of the Marquis de La Fayette, who proved himself equally zealous for the friendship and welfare of both nations; and, in justice, I must also say, that I found the government entirely disposed to befriend us on all occasions, and to yield us every indulgence, not absolutely injurious to themselves. The Count de Vergennes had the reputation, with the diplomatic corps, of being wary and slippery in his diplomatic intercourse; and so he might be with those whom he knew to be slippery, and double-faced themselves. As he saw that I had no indirect views, practised no subtleties, meddled in no intrigues, pursued no concealed object, I found him as frank, as honorable, as easy of access to reason, as any

man with whom I had ever done business; and I must say the same for his successor, Montmorin, one of the most honest and worthy of human beings.

Our commerce, in the Mediterranean, was placed under early alarm, by the capture of two of our vessels and crews by the Barbary cruisers. I was very unwilling that we should acquiesce in the European humiliation, of paying a tribute to those lawless pirates, and endeavored to form an association of the powers subject to habitual depredations from them. I accordingly prepared, and proposed to their Ministers at Paris, for consultation with their governments, articles of a special confederation, in the following form:

"Proposals for concerted operation among the powers at war with the piratical States of Barbary.

1. "It is proposed, that the several powers at war with the piratical States of Barbary, or any two or more of them who shall be willing, shall enter into a convention to carry on their operations against those States, in concert, beginning with the Algerines.

2. "This convention shall remain open to any other powers, who shall, at any future time, wish to accede to it; the parties reserving the right to prescribe the conditions of such accession, according to the circumstances existing at the time it shall be proposed.

3. "The object of the convention shall be, to compel the piratical States to perpetual peace, without price, and to guarantee that peace to each other.

4. "The operations for obtaining this peace shall be constant cruises on their coast, with a naval force now to be agreed on. It is not proposed that this force shall be so considerable as to be inconvenient to any party. It is believed that half a dozen frigates, with as many Tenders or Xebecs, one half of which shall be in cruise, while the other half is at rest, will suffice.

5. "The force agreed to be necessary, shall be furnished by the parties, in certain quotas, now to be fixed; it being expected, that each will be willing to contribute, in such proportion as circumstances may render reasonable.

6. "As miscarriages often proceed from the want of harmony among officers of different nations, the parties shall now consider and decide, whether it will not be better to contribute their quotas in money, to be employed in fitting out and keeping on duty, a single fleet of the force agreed on.

7. "The difficulties and delays, too, which will attend the management of these operations, if conducted by the parties themselves separately, distant as their courts may be from one another, and incapable of meeting in consultation, suggest a question, whether it will not be better for them to give full powers, for that purpose, to their Ambassadors, or other Ministers resident at some one court of Europe, who shall form a Committee, or Council, for carrying this convention into effect; wherein, the vote of each member shall be computed in proportion to the quota of his sovereign, and the majority so computed, shall prevail in all questions within the view of this convention. The court of Versailles is proposed, on account of its neighborhood to the Mediterranean, and because all those powers are represented there, who are likely to become parties to this convention.

8. "To save to that Council the embarrassment of personal solicitations for office, and to assure the parties that their contributions will be applied solely to the object for which they are destined, there shall be no establishment of officers for the said Council, such as Commissioners, Secretaries, or any other kind, with either salaries or perquisites, nor any other lucrative appointments but such whose functions are to be exercised on board the said vessels.

9. "Should war arise between any two of the parties to this convention, it shall not extend to this enterprise, nor interrupt it; but as to this they shall be reputed at peace.

10. "When Algiers shall be reduced to peace, the other piratical States, if they refuse to discontinue their piracies, shall become the objects of this convention, either successively or together, as shall seem best.

11. "Where this convention would interfere with treaties actually existing between any of the parties and the States of Barbary, the treaty shall prevail, and such party shall be allowed to withdraw from the operations against that State."

Spain had just concluded a treaty with Algiers, at the expense of three millions of dollars, and did not like to relinquish the benefit of that, until the other party should fail in their observance of it. Portugal, Naples, the two Sicilies, Venice, Malta, Denmark and Sweden, were favorably disposed to such an association; but their representatives at Paris expressed apprehensions that France would interfere, and, either openly or secretly, support the Barbary powers; and they required, that I should ascertain the dispositions of the Count de Vergennes on the subject. I had before taken occasion to inform him of what we were proposing, and, therefore, did not think it proper to insinuate any doubt of the fair conduct of his government; but, stating our propositions, I mentioned the apprehensions entertained by us, that England would interfere in behalf of those piratical governments. "She dares not do it," said he. I pressed it no further. The other Agents were satisfied with this indication of his sentiments, and nothing was now wanting to bring it into direct and formal consideration, but the assent of our government, and their authority to make the formal proposition. I communicated to them the favorable prospect of protecting our commerce from the Barbary depredations, and for such a continuance of time, as, by an exclusion of them from the sea, to change their habits and characters, from a predatory to an agricultural people: towards which, however, it was expected they would contribute a frigate, and its expenses, to be in constant cruise. But they were in no condition to make any such engagement. Their recommendatory powers for obtaining contributions, were so openly neglected by the several States, that they declined an engagement which they were conscious they could not fulfil with punctuality; and so it fell through.

<sup>19</sup>In 1786, while at Paris, I became acquainted with John Ledyard, of Connecticut, a man of genius, of some science, and of fearless courage and enterprise. He had accompanied Captain Cook in his voyage to the Pacific, had distinguished himself on several occasions by an unrivalled intrepidity, and published an account of that voyage, with details unfavorable to Cook's deportment towards the savages, and lessening our regrets at his fate. Ledyard had come to Paris, in the hope of forming a company to engage in the fur trade of the Western coast of America. He was disappointed in this, and, being out of business, and of a roaming, restless character, I suggested to him the enterprise of exploring the Western part of our continent, by passing through St. Petersburg to Kamschatka, and procuring a passage thence in some of the Russian vessels to Nootka Sound, whence he might make his way across the continent to the United States; and I undertook to have the permission of the Empress of Russia solicited. He eagerly embraced the proposition, and M. de Séroulin, the Russian Ambassador, and more particularly Baron Grimm, the special correspondent of the Empress, solicited her permission for him to pass through her dominions, to the Western coast of America. And here I must correct a material error, which I have committed in another place, to the prejudice of the Empress. In writing some notes of the life of Captain Lewis, prefixed to his "Expedition to the Pacific," I stated that the Empress gave the permission asked, and afterwards retracted it. This idea, after a lapse of twenty-six years, had so insinuated itself into my mind, that I committed it to paper, without the least suspicion of error. Yet I find, on recurring to my letters of that date, that the Empress refused permission at once, considering the enterprise as entirely chimerical. But Ledyard would not relinquish it, persuading himself that, by proceeding to St. Petersburg, he could satisfy the Empress of its practicability, and obtain her permission. He went accordingly, but she was absent on a visit to some distant part of her dominions,<sup>20</sup> and he pursued his course to within two hundred miles of Kamschatka, where he was overtaken by an arrest from the Empress, brought back to Poland,

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<sup>19</sup> In the original MS., the paragraph ending "fell through," terminates page 81 between this page and the next, there is stitched in, a leaf of old writing, constituting a memorandum, whereof [note G](#) in the Appendix, is a copy.

<sup>20</sup> The Crimea.

and there dismissed. I must therefore, in justice, acquit the Empress of ever having for a moment countenanced, even by the indulgence of an innocent passage through her territories, this interesting enterprise.

The pecuniary distresses of France produced this year a measure of which there had been no example for near two centuries, and the consequences of which, good and evil, are not yet calculable. For its remote causes, we must go a little back.

Celebrated writers of France and England had already sketched good principles on the subject of government; yet the American Revolution seems first to have awakened the thinking part of the French nation in general, from the sleep of despotism in which they were sunk. The officers too, who had been to America, were mostly young men, less shackled by habit and prejudice, and more ready to assent to the suggestions of common sense, and feeling of common rights, than others. They came back with new ideas and impressions. The press, notwithstanding its shackles, began to disseminate them; conversation assumed new freedoms; Politics became the theme of all societies, male and female, and a very extensive and zealous party was formed, which acquired the appellation of the Patriotic party, who, sensible of the abusive government under which they lived, sighed for occasions of reforming it. This party comprehended all the honesty of the kingdom, sufficiently at leisure to think, the men of letters, the easy Bourgeois, the young nobility, partly from reflection, partly from mode; for these sentiments became matter of mode, and as such, united most of the young women to the party. Happily for the nation, it happened, at the same moment, that the dissipations of the Queen and court, the abuses of the pension-list, and dilapidations in the administration of every branch of the finances, had exhausted the treasures and credit of the nation, insomuch that its most necessary functions were paralyzed. To reform these abuses would have overset the Minister; to impose new taxes by the authority of the King, was known to be impossible, from the determined opposition of the Parliament to their enregistry. No resource remained then, but to appeal to the nation. He advised, therefore, the call of an Assembly of the most distinguished characters of the nation, in the hope that, by promises of various and valuable improvements in the organization and regimen of the government, they would be induced to authorize new taxes, to control the opposition of the Parliament, and to raise the annual revenue to the level of expenditures. An Assembly of Notables therefore, about one hundred and fifty in number, named by the King, convened on the 22d of February. The Minister (Calonne) stated to them, that the annual excess of expenses beyond the revenue, when Louis XVI. came to the throne, was thirty-seven millions of livres; that four hundred and forty millions had been borrowed to re-establish the navy; that the American war had cost them fourteen hundred and forty millions (two hundred and fifty-six millions of dollars), and that the interest of these sums, with other increased expenses, had added forty millions more to the annual deficit. (But a subsequent and more candid estimate made it fifty-six millions.) He proffered them an universal redress of grievances, laid open those grievances fully, pointed out sound remedies, and, covering his canvas with objects of this magnitude, the deficit dwindled to a little accessory, scarcely attracting attention. The persons chosen were the most able and independent characters in the kingdom, and their support, if it could be obtained, would be enough for him. They improved the occasion for redressing their grievances, and agreed that the public wants should be relieved; but went into an examination of the causes of them. It was supposed that Colonne was conscious that his accounts could not bear examination; and it was said, and believed, that he asked of the King, to send four members to the Bastille, of whom the Marquis de La Fayette was one, to banish twenty others, and two of his Ministers. The King found it shorter to banish him. His successor went on in full concert with the Assembly. The result was an augmentation of the revenue, a promise of economies in its expenditure, of an annual settlement of the public accounts before a council, which the Comptroller, having been heretofore obliged to settle only with the King in person, of course never settled at all; an acknowledgment that the King could not lay a new tax, a reformation of the Criminal laws, abolition of torture, suppression of corvees, reformation of the gabelles, removal of the interior Custom Houses,

free commerce of grain, internal and external, and the establishment of Provincial Assemblies; which, altogether, constituted a great mass of improvement in the condition of the nation. The establishment of the Provincial Assemblies was, in itself, a fundamental improvement. They would be of the choice of the people, one-third renewed every year, in those provinces where there are no States, that is to say, over about three-fourths of the kingdom. They would be partly an Executive themselves, and partly an Executive Council to the Intendant, to whom the Executive power, in his province, had been heretofore entirely delegated. Chosen by the people, they would soften the execution of hard laws, and, having a right of representation to the King, they would censure bad laws, suggest good ones, expose abuses, and their representations, when united, would command respect. To the other advantages, might be added the precedent itself of calling the *Assemblée des Notables*, which would perhaps grow into habit. The hope was, that the improvements thus promised would be carried into effect; that they would be maintained during the present reign, and that that would be long enough for them to take some root in the constitution, so that they might come to be considered as a part of that, and be protected by time, and the attachment of the nation.

The Count de Vergennes had died a few days before the meeting of the Assembly, and the Count de Montmorin had been named Minister of Foreign Affairs, in his place. Villedeuil succeeded Calonne, as Comptroller General, and Lomenie de Bryenne, Archbishop of Thoulouse, afterwards of Sens, and ultimately Cardinal Lomenie, was named Minister principal, with whom the other Ministers were to transact the business of their departments, heretofore done with the King in person; and the Duke de Nivernois, and M. de Malesherbes, were called to the Council. On the nomination of the Minister principal, the Marshals de Segur and de Castries retired from the departments of War and Marine, unwilling to act subordinately, or to share the blame of proceedings taken out of their direction. They were succeeded by the Count de Brienne, brother of the Prime Minister, and the Marquis de La Luzerne, brother to him who had been Minister in the United States.

A dislocated wrist, unsuccessfully set, occasioned advice from my surgeon, to try the mineral waters of Aix, in Provence, as a corroborant. I left Paris for that place therefore, on the 28th of February, and proceeded up the Seine, through Champagne and Burgundy, and down the Rhone through the Beaujolais by Lyons, Avignon, Nismes to Aix; where, finding on trial no benefit from the waters, I concluded to visit the rice country of Piedmont, to see if anything might be learned there, to benefit the rivalship of our Carolina rice with that, and thence to make a tour of the seaport towns of France, along its Southern and Western coast, to inform myself, if anything could be done to favor our commerce with them. From Aix, therefore, I took my route by Marseilles, Toulon, Hieres, Nice, across the Col de Tende, by Coni, Turin, Vercelli, Novara, Milan, Pavia, Novi, Genoa. Thence, returning along the coast of Savona, Noli, Albenga, Oneglia, Monaco, Nice, Antibes, Frejus, Aix, Marseilles, Avignon, Nismes, Montpellier, Frontignan, Cette, Agde, and along the canal of Languedoc, by Beziers, Narbonne, Cascassonne, Castelnaudari, through the Souterrain of St. Feriol, and back by Castelnaudari, to Toulouse; thence to Montauban, and down the Garonne by Langon to Bordeaux. Thence to Rochefort, la Rochelle, Nantes, L'Orient; then back by Rennes to Nantes, and up the Loire by Angers, Tours, Amboise, Blois to Orleans, thence direct to Paris, where I arrived on the 10th of June. Soon after my return from this journey, to wit, about the latter part of July, I received my younger daughter, Maria, from Virginia, by the way of London, the youngest having died some time before.

The treasonable perfidy of the Prince of Orange, Stadtholder and Captain General of the United Netherlands, in the war which England waged against them, for entering into a treaty of commerce with the United States, is known to all. As their Executive officer, charged with the conduct of the war, he contrived to baffle all the measures of the States General, to dislocate all their military plans, and played false into the hands of England against his own country, on every possible occasion, confident in her protection, and in that of the King of Prussia, brother to his Princess. The States General, indignant at this patricidal conduct, applied to France for aid, according to the stipulations of the

treaty concluded with her in '85. It was assured to them readily, and in cordial terms, in a letter from the Count de Vergennes, to the Marquis de Verac, Ambassador of France at the Hague, of which the following is an extract:

"Extrait de la dépêche de Monsieur le Comte de Vergennes à Monsieur le Marquis de Verac, Ambassadeur de France à la Haye, du 1er Mars, 1786.

"Le Roi concourra, autant, qu'il sera en son pouvoir, au succes de la chose, et vous inviterez, de sa part, les patriotes de lui communiquer leurs vues, leurs plans, et leurs envies. Vous les assurerez, que le roi prend un interet veritable à leurs personnes comme à leur cause, et qu'ils peuvent compter sur sa protection. Ils doivent y compter d'autant plus, Monsieur, que nous ne dissimulons pas, que si Monsieur le Stadhouder reprend son ancienne influence, le systeme Anglois ne tardera pas de prevaloir, et que notre alliance deviendrait un être de raison. Les Patriotes sentiront facilement, que cette position seroit incompatible avec la dignite, comme avec la consideration de sa majesté. Mais dans le cas, Monsieur, ou les chefs des Patriotes auroient à craindre une scission, ils auroient le temps suffisant pour ramener ceux de leurs amis, que les Anglomanes ont egares, et preparer les choses de manière que la question de nouveau mise en deliberation, soit decidee selon leurs desirs. Dans cette hypothese, le roi vous autorise à agir de concert avec eux, de suivre la direction qu'ils jugeront devoir vous donner, et d'employer tous les moyens pour augmenter le nombre des partisans de la bonne cause. Il me reste, Monsieur, de vous parler de la surete personelle des Patriotes. Vous les assurerez, que dans tout etat de cause, le roi les prend sous sa protection immediate, et vous ferez connoitre, partout ou vous le jugerez necessaire, que sa Majesté regarderoit comme une offense personnelle, tout ce qu'on entreprendroit contre leur liberté. Il est à presumer que ce langage, tenu avec energie, en imposera a l'audace des Anglomanes, et que Monsieur le Prince de Nassau croira courir quelque risque en provoquant le ressentiment de sa Majesté."<sup>21</sup>

This letter was communicated by the Patriots to me, when at Amsterdam, in 1788, and a copy sent by me to Mr. Jay, in my letter to him of March 16, 1788.

The object of the Patriots was, to establish a representative and republican government. The majority of the States General were with them, but the majority of the populace of the towns was with the Prince of Orange; and that populace was played off with great effect, by the triumvirate of \* \* \* Harris, the English Ambassador, afterwards Lord Malmesbury, the Prince of Orange, a stupid man, and the Princess as much a man as either of her colleagues, in audaciousness, in enterprise, and in the thirst of domination. By these, the mobs of the Hague were excited against the members of the States General; their persons were insulted and endangered in the streets; the sanctuary of their houses was violated; and the Prince, whose function and duty it was to repress and punish these violations of order, took no steps for that purpose. The States General, for their own protection, were therefore obliged to place their militia under the command of a Committee. The Prince filled the courts of London and Berlin with complaints at this usurpation of his prerogatives,

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<sup>21</sup> Extract from the despatch of the Count de Vergennes, to the Marquis de Verac, Ambassador from France, at the Hague, dated March 1, 1786: "The King will give his aid, as far as may be in his power, towards the success of the affair, and will, on his part, invite the Patriots to communicate to him their views, their plans, and their discontents. You may assure them that the King takes a real interest in themselves as well as their cause, and that they may rely upon his protection. On this they may place the greater dependence, as we do not conceal, that if the Stadtholder resumes his former influence, the English System will soon prevail, and our alliance become a mere affair of the imagination. The Patriots will readily feel, that this position would be incompatible both with the dignity and consideration of his Majesty. But in case the Chief of the Patriots should have to fear a division, they would have time sufficient to reclaim those whom the Anglomaniacs had misled, and to prepare matters in such a manner, that the question when again agitated, might be decided according to their wishes. In such a hypothetical case, the King authorizes you to act in concert with them, to pursue the direction which they may think proper to give you, and to employ every means to augment the number of the partisans of the good cause. It remains for me to speak of the personal security of the Patriots. You may assure them, that under every circumstance, the King will take them under his immediate protection, and you will make known wherever you may judge necessary, that his Majesty will regard as a personal offence every undertaking against their liberty. It is to be presumed that this language, energetically maintained, may have some effect on the audacity of the Anglomaniacs, and that the Prince de Nassau will feel that he runs some risk in provoking the resentment of his Majesty."

and, forgetting that he was but the first servant of a Republic, marched his regular troops against the city of Utrecht, where the States were in session. They were repulsed by the militia. His interests now became marshalled with those of the public enemy, and against his own country. The States, therefore, exercising their rights of sovereignty, deprived him of all his powers. The great Frederic had died in August, '86. He had never intended to break with France in support of the Prince of Orange. During the illness of which he died, he had, through the Duke of Brunswick, declared to the Marquis de La Fayette, who was then at Berlin, that he meant not to support the English interest in Holland: that he might assure the government of France, his only wish was, that some honorable place in the Constitution should be reserved for the Stadtholder and his children, and that he would take no part in the quarrel, unless an entire abolition of the Stadtholderate should be attempted. But his place was now occupied by Frederic William, his great nephew, a man of little understanding, much caprice, and very inconsiderate; and the Princess, his sister, although her husband was in arms against the legitimate authorities of the country, attempting to go to Amsterdam, for the purpose of exciting the mobs of that place, and being refused permission to pass a military post on the way, he put the Duke of Brunswick at the head of twenty thousand men, and made demonstrations of marching on Holland. The King of France hereupon declared, by his Chargé des Affaires in Holland, that if the Prussian troops continued to menace Holland with an invasion, his Majesty, in quality of Ally, was determined to succor that province. In answer to this, Eden gave official information to Count Montmorin, that England must consider as at an end its convention with France relative to giving notice of its naval armaments, and that she was arming generally. War being now imminent, Eden, since Lord Aukland, questioned me on the effect of our treaty with France, in the case of a war, and what might be our dispositions. I told him frankly, and without hesitation, that our dispositions would be neutral, and that I thought it would be the interest of both these powers that we should be so; because, it would relieve both from all anxiety as to feeding their West India islands; that England, too, by suffering us to remain so, would avoid a heavy land war on our Continent, which might very much cripple her proceedings elsewhere; that our treaty, indeed, obliged us to receive into our ports the armed vessels of France, with their prizes, and to refuse admission to the prizes made on her by her enemies: that there was a clause, also, by which we guaranteed to France her American possessions, which might perhaps force us into the war, if these were attacked. "Then it will be war," said he, "for they will assuredly be attacked." Liston, at Madrid, about the same time, made the same inquiries of Carmichael. The Government of France then declared a determination to form a camp of observation at Givet, commenced arming her marine, and named the Bailli de Suffrein their Generalissimo on the Ocean. She secretly engaged, also, in negotiations with Russia, Austria, and Spain, to form a quadruple alliance. The Duke of Brunswick having advanced to the confines of Holland, sent some of his officers to Givet, to reconnoitre the state of things there, and report them to him. He said afterwards, that "if there had been only a few tents at that place, he should not have advanced further, for that the King would not, merely for the interest of his sister, engage in a war with France." But, finding that there was not a single company there, he boldly entered the country, took their towns as fast as he presented himself before them, and advanced on Utrecht. The States had appointed the Rhingrave of Salm their Commander-in-Chief; a Prince without talents, without courage, and without principle. He might have held out in Utrecht for a considerable time, but he surrendered the place without firing a gun, literally ran away and hid himself, so that for months it was not known what had become of him. Amsterdam was then attacked, and capitulated. In the meantime, the negotiations for the quadruple alliance were proceeding favorably; but the secrecy with which they were attempted to be conducted, was penetrated by Fraser, Chargé des Affaires of England at St. Petersburg, who instantly notified his court, and gave the alarm to Prussia. The King saw at once what would be his situation, between the jaws of France, Austria, and Russia. In great dismay, he besought the court of London not to abandon him, sent Alvensleben to Paris to explain and soothe; and England, through the Duke of Dorset and Eden, renewed her conferences for accommodation. The Archbishop, who

shuddered at the idea of war, and preferred a peaceful surrender of right to an armed vindication of it, received them with open arms, entered into cordial conferences, and a declaration, and counter-declaration, were cooked up at Versailles, and sent to London for approbation. They were approved there, reached Paris at one o'clock of the 27th, and were signed that night at Versailles. It was said and believed at Paris, that M. de Montmorin, literally "pleuroit comme un enfant," when obliged to sign this counter-declaration; so distressed was he by the dishonor of sacrificing the Patriots, after assurances so solemn of protection, and absolute encouragement to proceed. The Prince of Orange was reinstated in all his powers, now become regal. A great emigration of the Patriots took place; all were deprived of office, many exiled, and their property confiscated. They were received in France, and subsisted, for some time, on her bounty. Thus fell Holland, by the treachery of her Chief, from her honorable independence, to become a province of England; and so, also, her Stadtholder, from the high station of the first citizen of a free Republic, to be the servile Viceroy of a foreign Sovereign. And this was effected by a mere scene of bullying and demonstration; not one of the parties, France, England, or Prussia, having ever really meant to encounter actual war for the interest of the Prince of Orange. But it had all the effect of a real and decisive war.

Our first essay, in America, to establish a federative government had fallen, on trial, very short of its object. During the war of Independence, while the pressure of an external enemy hooped us together, and their enterprises kept us necessarily on the alert, the spirit of the people, excited by danger, was a supplement to the Confederation, and urged them to zealous exertions, whether claimed by that instrument or not; but, when peace and safety were restored, and every man became engaged in useful and profitable occupation, less attention was paid to the calls of Congress. The fundamental defect of the Confederation was, that Congress was not authorized to act immediately on the people, and by its own officers. Their power was only requisitory, and these requisitions were addressed to the several Legislatures, to be by them carried into execution, without other coercion than the moral principle of duty. This allowed, in fact, a negative to every Legislature, on every measure proposed by Congress; a negative so frequently exercised in practice, as to benumb the action of the Federal government, and to render it inefficient in its general objects, and more especially in pecuniary and foreign concerns. The want, too, of a separation of the Legislative, Executive, and Judiciary functions, worked disadvantageously in practice. Yet this state of things afforded a happy augury of the future march of our Confederacy, when it was seen that the good sense and good dispositions of the people, as soon as they perceived the incompetence of their first compact, instead of leaving its correction to insurrection and civil war, agreed, with one voice, to elect deputies to a general Convention, who should peaceably meet and agree on such a Constitution as "would ensure peace, justice, liberty, the common defence and general welfare."

This Convention met at Philadelphia on the 25th of May, '87. It sat with closed doors, and kept all its proceedings secret, until its dissolution on the 17th of September, when the results of its labors were published all together. I received a copy, early in November, and read and contemplated its provisions with great satisfaction. As not a member of the Convention, however, nor probably a single citizen of the Union, had approved it in all its parts, so I, too, found articles which I thought objectionable. The absence of express declarations ensuring freedom of religion, freedom of the press, freedom of the person under the uninterrupted protection of the Habeas corpus, and trial by jury in Civil as well as in Criminal cases, excited my jealousy; and the re-eligibility of the President for life, I quite disapproved. I expressed freely, in letters to my friends, and most particularly to Mr. Madison and General Washington, my approbations and objections. How the good should be secured and the ill brought to rights, was the difficulty. To refer it back to a new Convention might endanger the loss of the whole. My first idea was, that the nine States first acting, should accept it unconditionally, and thus secure what in it was good, and that the four last should accept on the previous condition, that certain amendments should be agreed to; but a better course was devised, of accepting the whole, and trusting that the good sense and honest intentions of our citizens, would make the alterations

which should be deemed necessary. Accordingly, all accepted, six without objection, and seven with recommendations of specified amendments. Those respecting the press, religion, and juries, with several others, of great value, were accordingly made; but the Habeas corpus was left to the discretion of Congress, and the amendment against the re-eligibility of the President was not proposed. My fears of that feature were founded on the importance of the office, on the fierce contentions it might excite among ourselves, if continuable for life, and the dangers of interference, either with money or arms, by foreign nations, to whom the choice of an American President might become interesting. Examples of this abounded in history; in the case of the Roman Emperors, for instance; of the Popes, while of any significance; of the German Emperors; the Kings of Poland, and the Deys of Barbary. I had observed, too, in the feudal history, and in the recent instance, particularly, of the Stadtholder of Holland, how easily offices, or tenures for life, slide into inheritances. My wish, therefore, was, that the President should be elected for seven years, and be ineligible afterwards. This term I thought sufficient to enable him, with the concurrence of the Legislature, to carry through and establish any system of improvement he should propose for the general good. But the practice adopted, I think, is better, allowing his continuance for eight years, with a liability to be dropped at half way of the term, making that a period of probation. That his continuance should be restrained to seven years, was the opinion of the Convention at an earlier stage of its session, when it voted that term, by a majority of eight against two, and by a simple majority that he should be ineligible a second time. This opinion was confirmed by the House so late as July 26, referred to the Committee of detail, reported favorably by them, and changed to the present form by final vote, on the last day but one only of their session. Of this change, three States expressed their disapprobation; New York, by recommending an amendment, that the President should not be eligible a third time, and Virginia and North Carolina that he should not be capable of serving more than eight, in any term of sixteen years; and though this amendment has not been made in form, yet practice seems to have established it. The example of four Presidents voluntarily retiring at the end of their eighth year, and the progress of public opinion, that the principle is salutary, have given it in practice the force of precedent and usage; insomuch, that, should a President consent to be a candidate for a third election, I trust he would be rejected, on this demonstration of ambitious views.

But there was another amendment, of which none of us thought at the time, and in the omission of which, lurks the germ that is to destroy this happy combination of National powers in the General government, for matters of National concern, and independent powers in the States, for what concerns the States severally. In England, it was a great point gained at the Revolution, that the commissions of the Judges, which had hitherto been during pleasure, should thenceforth be made during good behavior. A Judiciary, dependent on the will of the King, had proved itself the most oppressive of all tools, in the hands of that Magistrate. Nothing, then, could be more salutary, than a change there, to the tenure of good behavior; and the question of good behavior, left to the vote of a simple majority in the two Houses of Parliament. Before the Revolution, we were all good English Whigs, cordial in their free principles, and in their jealousies of their Executive Magistrate. These jealousies are very apparent, in all our state Constitutions; and, in the General government in this instance, we have gone even beyond the English caution, by requiring a vote of two-thirds, in one of the Houses, for removing a Judge; a vote so impossible, where<sup>22</sup> any defence is made, before men of ordinary prejudices and passions, that our Judges are effectually independent of the nation. But this ought not to be. I would not, indeed, make them dependent on the Executive authority, as they formerly were in England; but I deem it indispensable to the continuance of this government, that they should be submitted to some practical and impartial control; and that this, to be imparted, must be compounded of a mixture of State and Federal authorities. It is not enough that honest men are appointed Judges. All know the

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<sup>22</sup> In the impeachment of Judge Pickering, of New Hampshire, a habitual and maniac drunkard, no defence was made. Had there been, the party vote of more than one-third of the Senate would have acquitted him.

influence of interest on the mind of man, and how unconsciously his judgment is warped by that influence. To this bias add that of the *esprit de corps*, of their peculiar maxim and creed, that "it is the office of a good Judge to enlarge his jurisdiction," and the absence of responsibility; and how can we expect impartial decision between the General government, of which they are themselves so eminent a part, and an individual State, from which they have nothing to hope or fear? We have seen, too, that contrary to all correct example, they are in the habit of going out of the question before them, to throw an anchor ahead, and grapple further hold for future advances of power. They are then, in fact, the corps of sappers and miners, steadily working to undermine the independent rights of the States, and to consolidate all power in the hands of that government in which they have so important a freehold estate. But it is not by the consolidation, or concentration of powers, but by their distribution, that good government is effected. Were not this great country already divided into States, that division must be made, that each might do for itself what concerns itself directly, and what it can so much better do than a distant authority. Every State again is divided into counties, each to take care of what lies within its local bounds; each county again into townships or wards, to manage minuter details; and every ward into farms, to be governed each by its individual proprietor. Were we directed from Washington when to sow, and when to reap, we should soon want bread. It is by this partition of cares, descending in gradation from general to particular, that the mass of human affairs may be best managed, for the good and prosperity of all. I repeat, that I do not charge the Judges with wilful and ill-intentioned error; but honest error must be arrested, where its toleration leads to public ruin. As, for the safety of society, we commit honest maniacs to Bedlam, so judges should be withdrawn from their bench, whose erroneous biases are leading us to dissolution. It may, indeed, injure them in fame or in fortune; but it saves the Republic, which is the first and supreme law.

Among the debilities of the government of the Confederation, no one was more distinguished or more distressing, than the utter impossibility of obtaining, from the States, the moneys necessary for the payment of debts, or even for the ordinary expenses of the government. Some contributed a little, some less, and some nothing; and the last furnished at length an excuse for the first to do nothing also. Mr. Adams, while residing at the Hague, had a general authority to borrow what sums might be requisite, for ordinary and necessary expenses. Interest on the public debt, and the maintenance of the diplomatic establishment in Europe, had been habitually provided in this way. He was now elected Vice-President of the United States, was soon to return to America, and had referred our bankers to me for future counsel, on our affairs in their hands. But I had no powers, no instructions, no means, and no familiarity with the subject. It had always been exclusively under his management, except as to occasional and partial deposits in the hands of Mr. Grand, banker in Paris, for special and local purposes. These last had been exhausted for some time, and I had fervently pressed the Treasury board to replenish this particular deposit, as Mr. Grand now refused to make further advances. They answered candidly, that no funds could be obtained until the new government should get into action, and have time to make its arrangements. Mr. Adams had received his appointment to the court of London, while engaged at Paris, with Dr. Franklin and myself, in the negotiations under our joint commissions. He had repaired thence to London, without returning to the Hague, to take leave of that government. He thought it necessary, however, to do so now, before he should leave Europe, and accordingly went there. I learned his departure from London, by a letter from Mrs. Adams, received on the very day on which he would arrive at the Hague. A consultation with him, and some provision for the future, was indispensable, while we could yet avail ourselves of his powers; for when they would be gone, we should be without resource. I was daily dunned by a Company who had formerly made a small loan to the United States, the principal of which was now become due; and our bankers in Amsterdam, had notified me that the interest on our general debt would be expected in June; that if we failed to pay it, it would be deemed an act of bankruptcy, and would effectually destroy the credit of the United States, and all future prospect of obtaining money there; that the loan they had been authorized to open, of which a third only was filled, had now ceased to get forward, and

rendered desperate that hope of resource. I saw that there was not a moment to lose, and set out for the Hague on the second morning after receiving the information of Mr. Adams's journey. I went the direct road by Louvres, Senlis, Roye, Pont St. Maxence, Bois le duc, Gournay, Peronne, Cambray, Bouchain, Valenciennes, Mons, Bruxelles, Malines, Antwerp, Mordick, and Rotterdam, to the Hague, where I happily found Mr. Adams. He concurred with me at once in opinion, that something must be done, and that we ought to risk ourselves on doing it without instructions, to save the credit of the United States. We foresaw, that before the new government could be adopted, assembled, establish its financial system, get the money into the Treasury, and place it in Europe, considerable time would elapse; that, therefore, we had better provide at once, for the years '88, '89, and '90, in order to place our government at its ease, and our credit in security, during that trying interval. We set out, therefore, by the way of Leyden, for Amsterdam, where we arrived on the 10th. I had prepared an estimate, showing that

		Florins.
	There would be necessary for the year '88—	531,937-10
	'89—	538,540
	'90—	473,540
	Total,	1,544,017-10
		Florins.
To meet this, the bankers had in hand,	79,268-2-8	
and the unsold bonds would yield,	542,800	622,068-2-8
Leaving a deficit of		921,949-7-4
We proposed then to borrow a million, yielding		920,000
Which would leave a small deficiency of		1,949-7-4

Mr. Adams accordingly executed 1000 bonds, for 1000 florins each, and deposited them in the hands of our bankers, with instructions, however, not to issue them until Congress should ratify the measure. This done, he returned to London, and I set out for Paris; and, as nothing urgent forbade it, I determined to return along the banks of the Rhine, to Strasburg, and thence strike off to Paris. I accordingly left Amsterdam on the 30th of March, and proceeded by Utrecht, Nimeguen, Cleves, Duysberg, Dusseldorf, Cologne, Bonne, Coblenz, Nassau, Hocheim, Frankfort, and made an excursion to Hanau, thence to Mayence, and another excursion to Rudesheim, and Johansberg; then by Oppenheim, Worms, and Manheim, making an excursion to Heidelberg, then by Spire, Carlsruh, Rastadt and Kelh, to Strasburg, where I arrived April the 16th, and proceeded again on the 18th, by Phalsbourg, Fenestrange, Dieuze, Moyenvie, Nancy, Toul, Ligny, Barleeduc, St. Diziers, Vitry, Chalons sur Marne, Epernay, Chateau Thierry, Meaux, to Paris, where I arrived on the 23d of April; and I had the satisfaction to reflect, that by this journey our credit was secured, the new government was placed at ease for two years to come, and that, as well as myself, relieved from the torment of incessant duns, whose just complaints could not be silenced by any means within our power.

A Consular Convention had been agreed on in '84, between Dr. Franklin and the French government, containing several articles, so entirely inconsistent with the laws of the several States, and the general spirit of our citizens, that Congress withheld their ratification, and sent it back to me, with instructions to get those articles expunged, or modified so as to render them compatible with our laws. The Minister unwillingly released us from these concessions, which, indeed, authorized the exercise of powers very offensive in a free State. After much discussion, the Convention was reformed in a considerable degree, and was signed by the Count Montmorin and myself, on the 14th of November, '88; not, indeed, such as I would have wished, but such as could be obtained with good humor and friendship.

On my return from Holland, I found Paris as I had left it, still in high fermentation. Had the Archbishop, on the close of the Assembly of Notables, immediately carried into operation the measures contemplated, it was believed they would all have been registered by the Parliament; but he was slow, presented his edicts, one after another, and at considerable intervals, which gave time for the feelings excited by the proceedings of the Notables to cool off, new claims to be advanced, and a pressure to arise for a fixed constitution, not subject to changes at the will of the King. Nor should we wonder at this pressure, when we consider the monstrous abuses of power under which this people were ground to powder; when we pass in review the weight of their taxes, and the inequality of their distribution; the oppressions of the tithes, the tailles, the corvees, the gabelles, the farms and the barriers; the shackles on commerce by monopolies; on industry by guilds and corporations; on the freedom of conscience, of thought, and of speech; on the freedom of the press by the Censure; and of the person by Lettres de Cachet; the cruelty of the Criminal code generally; the atrocities of the Rack; the venality of the Judges, and their partialities to the rich; the monopoly of Military honors by the Noblesse; the enormous expenses of the Queen, the Princes and the Court; the prodigalities of pensions; and the riches, luxury, indolence and immorality of the Clergy. Surely under such a mass of misrule and oppression, a people might justly press for a thorough reformation, and might even dismount their rough-shod riders, and leave them to walk on their own legs. The edicts, relative to the corvees and free circulation of grain, were first presented to the Parliament and registered; but those for the impôt territorial, and stamp tax, offered some time after, were refused by the Parliament, which proposed a call of the States General, as alone competent to their authorization. Their refusal produced a Bed of justice, and their exile to Troyes. The Advocates, however, refusing to attend them, a suspension in the administration of justice took place. The Parliament held out for awhile, but the ennui of their exile and absence from Paris, began at length to be felt, and some dispositions for compromise to appear. On their consent, therefore, to prolong some of the former taxes, they were recalled from exile, the King met them in session, November 19, '87, promised to call the States General in the year '92, and a majority expressed their assent to register an edict for successive and annual loans from 1788 to '92; but a protest being entered by the Duke of Orleans, and this encouraging others in a disposition to retract, the King ordered peremptorily the registry of the edict, and left the assembly abruptly. The Parliament immediately protested, that the votes for the enregistry had not been legally taken, and that they gave no sanction to the loans proposed. This was enough to discredit and defeat them. Hereupon issued another edict, for the establishment of a cour plenièrè, and the suspension of all the Parliaments in the kingdom. This being opposed, as might be expected, by reclamations from all the Parliaments and Provinces, the King gave way, and by an edict of July 5th, '88, renounced his cour plenièrè, and promised the States General for the 1st of May, of the ensuing year; and the Archbishop, finding the times beyond his faculties, accepted the promise of a Cardinal's hat, was removed [September '88] from the Ministry, and M. Necker was called to the department of finance. The innocent rejoicings of the people of Paris on this change provoked the interference of an officer of the city guards, whose order for their dispersion not being obeyed, he charged them with fixed bayonets, killed two or three, and wounded many. This dispersed them for the moment, but they collected the next day in great numbers, burnt ten or twelve guardhouses, killed two or three of the guards, and lost six or eight more of their own number. The city was hereupon put under Martial law, and after awhile the tumult subsided. The effect of this change of ministers, and the promise of the States General at an early day, tranquillized the nation. But two great questions now occurred. 1st. What proportion shall the number of deputies of the Tiers etat bear to those of the Nobles and Clergy? And 2d, shall they sit in the same or in distinct apartments? M. Necker, desirous of avoiding himself these knotty questions, proposed a second call of the same Notables, and that their advice should be asked on the subject. They met, November 9, '88; and, by five bureaux against one, they recommended the forms of the States General of 1614; wherein the Houses were separate, and voted by orders, not by persons. But the whole nation declaring at once against this, and that the

Tiers etat should be, in numbers, equal to both the other orders, and the Parliament deciding for the same proportion, it was determined so to be, by a declaration of December 27th, '88. A Report of M. Necker, to the King, of about the same date, contained other very important concessions. 1. That the King could neither lay a new tax, nor prolong an old one. 2. It expressed a readiness to agree on the periodical meeting of the States. 3. To consult on the necessary restriction on Lettres de Cachet; and 4. How far the press might be made free. 5. It admits that the States are to appropriate the public money; and 6. That Ministers shall be responsible for public expenditures. And these concessions came from the very heart of the King. He had not a wish but for the good of the nation; and for that object, no personal sacrifice would ever have cost him a moment's regret; but his mind was weakness itself, his constitution timid, his judgment null, and without sufficient firmness even to stand by the faith of his word. His Queen, too, haughty and bearing no contradiction, had an absolute ascendancy over him; and around her were rallied the King's brother d'Artois, the court generally, and the aristocratic part of his Ministers, particularly Breteuil, Broglio, Vauguyon, Foulon, Luzerne, men whose principles of government were those of the age of Louis XIV. Against this host, the good counsels of Necker, Montmorin, St. Priest, although in unison with the wishes of the King himself, were of little avail. The resolutions of the morning, formed under their advice, would be reversed in the evening, by the influence of the Queen and court. But the hand of heaven weighed heavily indeed on the machinations of this junto; producing collateral incidents, not arising out of the case, yet powerfully co-exciting the nation to force a regeneration of its government, and overwhelming with accumulated difficulties, this liberticide resistance. For, while laboring under the want of money for even ordinary purposes, in a government which required a million of livres a day, and driven to the last ditch by the universal call for liberty, there came on a winter of such severe cold, as was without example in the memory of man, or in the written records of history. The Mercury was at times 50° below the freezing point of Fahrenheit, and 22° below that of Reaumur. All out-door labor was suspended, and the poor, without the wages of labor, were, of course, without either bread or fuel. The government found its necessities aggravated by that of procuring immense quantities of fire-wood, and of keeping great fires at all the cross streets, around which the people gathered in crowds, to avoid perishing with cold. Bread, too, was to be bought, and distributed daily, gratis, until a relaxation of the season should enable the people to work; and the slender stock of bread stuff had for some time threatened famine, and had raised that article to an enormous price. So great, indeed, was the scarcity of bread, that, from the highest to the lowest citizen, the bakers were permitted to deal but a scanty allowance per head, even to those who paid for it; and, in cards of invitation to dine in the richest houses, the guest was notified to bring his own bread. To eke out the existence of the people, every person who had the means, was called on for a weekly subscription, which the Curés collected, and employed in providing messes for the nourishment of the poor, and vied with each other in devising such economical compositions of food, as would subsist the greatest number with the smallest means. This want of bread had been foreseen for some time past, and M. de Montmorin had desired me to notify it in America, and that, in addition to the market price, a premium should be given on what should be brought from the United States. Notice was accordingly given, and produced considerable supplies. Subsequent information made the importations from America, during the months of March, April and May, into the Atlantic ports of France, amount to about twenty-one thousand barrels of flour, besides what went to other ports, and in other months; while our supplies to their West Indian islands relieved them also from that drain. This distress for bread continued till July.

Hitherto no acts of popular violence had been produced by the struggle for political reformation. Little riots, on ordinary incidents, had taken place as at other times, in different parts of the kingdom, in which some lives, perhaps a dozen or twenty, had been lost; but in the month of April, a more serious one occurred in Paris, unconnected, indeed, with the Revolutionary principle, but making part of the history of the day. The Fauxbourg St. Antoine is a quarter of the city inhabited entirely by the class of day laborers and journeymen in every line. A rumor was spread among them, that

a great paper manufacturer, of the name of Reveillon, had proposed, on some occasion, that their wages should be lowered to fifteen sous a day. Inflamed at once into rage, and without inquiring into its truth, they flew to his house in vast numbers, destroyed everything in it, and in his magazines and work-shops, without secreting, however, a pin's worth to themselves, and were continuing this work of devastation, when the regular troops were called in. Admonitions being disregarded, they were of necessity fired on, and a regular action ensued, in which about one hundred of them were killed, before the rest would disperse. There had rarely passed a year without such a riot, in some part or other of the Kingdom; and this is distinguished only as cotemporary with the Revolution, although not produced by it.

The States General were opened on the 5th of May, '89, by speeches from the King, the Garde des Sceaux, Lamoignon, and M. Necker. The last was thought to trip too lightly over the constitutional reformations which were expected. His notices of them in this speech, were not as full as in his previous 'Rapport au Roi.' This was observed, to his disadvantage; but much allowance should have been made for the situation in which he was placed, between his own counsels, and those of the ministers and party of the court. Overruled in his own opinions, compelled to deliver, and to gloss over those of his opponents, and even to keep their secrets, he could not come forward in his own attitude.

The composition of the Assembly, although equivalent, on the whole, to what had been expected, was something different in its elements. It had been supposed, that a superior education would carry into the scale of the Commons a respectable portion of the Noblesse. It did so as to those of Paris, of its vicinity, and of the other considerable cities, whose greater intercourse with enlightened society had liberalized their minds, and prepared them to advance up to the measure of the times. But the Noblesse of the country, which constituted two-thirds of that body, were far in their rear. Residing constantly on their patrimonial feuds, and familiarized, by daily habit, with Seigneurial powers and practices, they had not yet learned to suspect their inconsistency with reason and right. They were willing to submit to equality of taxation, but not to descend from their rank and prerogatives to be incorporated in session with the Tiers etat. Among the Clergy, on the other hand, it had been apprehended that the higher orders of the Hierarchy, by their wealth and connections, would have carried the elections generally; but it turned out, that in most cases, the lower clergy had obtained the popular majorities. These consisted of the Curés, sons of the peasantry, who had been employed to do all the drudgery of parochial services for ten, twenty, or thirty Louis a year; while their superiors were consuming their princely revenues in palaces of luxury and indolence.

The objects for which this body was convened, being of the first order of importance, I felt it very interesting to understand the views of the parties of which it was composed, and especially the ideas prevalent as to the organization contemplated for their government. I went, therefore, daily from Paris to Versailles, and attended their debates, generally till the hour of adjournment. Those of the Noblesse were impassioned and tempestuous. They had some able men on both sides, actuated by equal zeal. The debates of the Commons were temperate, rational, and inflexibly firm. As preliminary to all other business, the awful questions came on, shall the States sit in one, or in distinct apartments? And shall they vote by heads or houses? The opposition was soon found to consist of the Episcopal order among the clergy, and two-thirds of the Noblesse; while the Tiers etat were, to a man, united and determined. After various propositions of compromise had failed, the Commons undertook to cut the Gordian knot. The Abbe Sieyes, the most logical head of the nation, (author of the pamphlet "Qu'est ce que le Tiers etat?" which had electrified that country, as Paine's Common Sense did us,) after an impressive speech on the 10th of June, moved that a last invitation should be sent to the Noblesse and Clergy, to attend in the hall of the States, collectively or individually, for the verification of powers, to which the Commons would proceed immediately, either in their presence or absence. This verification being finished, a motion was made, on the 15th, that they should constitute themselves a National Assembly; which was decided on the 17th, by a majority of four-fifths. During the debates on this question, about twenty of the Curés had joined them, and a proposition was made, in the chamber of

the Clergy, that their whole body should join. This was rejected, at first, by a small majority only; but, being afterwards somewhat modified, it was decided affirmatively, by a majority of eleven. While this was under debate, and unknown to the court, to wit, on the 19th, a council was held in the afternoon, at Marly, wherein it was proposed that the King should interpose, by a declaration of his sentiments, in a *seance royale*. A form of declaration was proposed by Necker, which, while it censured, in general, the proceedings, both of the Nobles and Commons, announced the King's views, such as substantially to coincide with the Commons. It was agreed to in Council, the *seance* was fixed for the 22d, the meetings of the States were till then to be suspended, and everything, in the meantime, kept secret. The members, the next morning (the 20th) repairing to their house, as usual, found the doors shut and guarded, a proclamation posted up for a *seance royale* on the 22d, and a suspension of their meetings in the meantime. Concluding that their dissolution was now to take place, they repaired to a building called the "Jeu de paume" (or Tennis court) and there bound themselves by oath to each other, never to separate, of their own accord, till they had settled a constitution for the nation, on a solid basis, and, if separated by force, that they would reassemble in some other place. The next day they met in the church of St. Louis, and were joined by a majority of the clergy. The heads of the Aristocracy saw that all was lost without some bold exertion. The King was still at Marly. Nobody was permitted to approach him but their friends. He was assailed by falsehoods in all shapes. He was made to believe that the Commons were about to absolve the army from their oath of fidelity to him, and to raise their pay. The court party were now all rage and desperation. They procured a committee to be held, consisting of the King and his Ministers, to which Monsieur and the Count d'Artois should be admitted. At this committee, the latter attacked M. Necker personally, arraigned his declaration, and proposed one which some of his prompters had put into his hands. M. Necker was brow-beaten and intimidated, and the King shaken. He determined that the two plans should be deliberated on the next day, and the *seance royale* put off a day longer. This encouraged a fiercer attack on M. Necker the next day. His draught of a declaration was entirely broken up, and that of the Count d'Artois inserted into it. Himself and Montmorin offered their resignation, which was refused; the Count d'Artois saying to M. Necker, "No sir, you must be kept as the hostage; we hold you responsible for all the ill which shall happen." This change of plan was immediately whispered without doors. The Noblesse were in triumph; the people in consternation. I was quite alarmed at this state of things. The soldiery had not yet indicated which side they should take, and that which they should support would be sure to prevail. I considered a successful reformation of government in France, as insuring a general reformation through Europe, and the resurrection, to a new life, of their people, now ground to dust by the abuses of the governing powers. I was much acquainted with the leading patriots of the Assembly. Being from a country which had successfully passed through a similar reformation, they were disposed to my acquaintance, and had some confidence in me. I urged, most strenuously, an immediate compromise; to secure what the government was now ready to yield, and trust to future occasions for what might still be wanting. It was well understood that the King would grant, at this time, 1. Freedom of the person by Habeas corpus: 2. Freedom of conscience: 3. Freedom of the press: 4. Trial by jury: 5. A representative Legislature: 6. Annual meetings: 7. The origination of laws: 8. The exclusive right of taxation and appropriation: and 9. The responsibility of Ministers; and with the exercise of these powers they could obtain, in future, whatever might be further necessary to improve and preserve their constitution. They thought otherwise, however, and events have proved their lamentable error. For, after thirty years of war, foreign and domestic, the loss of millions of lives, the prostration of private happiness, and the foreign subjugation of their own country for a time, they have obtained no more, nor even that securely. They were unconscious of (for who could foresee?) the melancholy sequel of their well-meant perseverance; that their physical force would be usurped by a first tyrant to trample on the independence, and even the existence, of other nations: that this would afford a fatal example for the atrocious conspiracy of Kings against their people; would

generate their unholy and homicide alliance to make common cause among themselves, and to crush, by the power of the whole, the efforts of any part to moderate their abuses and oppressions.

When the King passed, the next day, through the lane formed from the Chateau to the "Hotel des etats," there was a dead silence. He was about an hour in the House, delivering his speech and declaration. On his coming out, a feeble cry of "vive le Roi" was raised by some children, but the people remained silent and sullen. In the close of his speech, he had ordered that the members should follow him, and resume their deliberations the next day. The Noblesse followed him, and so did the Clergy, except about thirty, who, with the Tiers, remained in the room, and entered into deliberation. They protested against what the King had done, adhered to all their former proceedings, and resolved the inviolability of their own persons. An officer came, to order them out of the room in the King's name. "Tell those who sent you," said Mirabeau, "that we shall not move hence but at our own will, or the point of the bayonet." In the afternoon, the people, uneasy, began to assemble in great numbers in the courts, and vicinities of the palace. This produced alarm. The Queen sent for M. Necker. He was conducted, amidst the shouts and acclamations of the multitude, who filled all the apartments of the palace. He was a few minutes only with the Queen, and what passed between them did not transpire. The King went out to ride. He passed through the crowd to his carriage, and into it, without being in the least noticed. As M. Necker followed him, universal acclamations were raised of "vive Monsieur Necker, vive le sauveur de la France opprimée." He was conducted back to his house with the same demonstrations of affection and anxiety. About two hundred deputies of the Tiers, catching the enthusiasm of the moment, went to his house, and extorted from him a promise that he would not resign. On the 25th, forty-eight of the Nobles joined the Tiers, and among them the Duke of Orleans. There were then with them one hundred and sixty-four members of the Clergy, although the minority of that body still sat apart, and called themselves the Chamber of the Clergy. On the 26th, the Archbishop of Paris joined the Tiers, as did some others of the Clergy and of the Noblesse.

These proceedings had thrown the people into violent ferment. It gained the soldiery, first of the French guards, extended to those of every other denomination, except the Swiss, and even to the body guards of the King. They began to quit their barracks, to assemble in squads, to declare they would defend the life of the King, but would not be the murderers of their fellow-citizens. They called themselves the soldiers *of the nation*, and left now no doubt on which side they would be, in case of rupture. Similar accounts came in from the troops in other parts of the kingdom, giving good reason to believe they would side with their fathers and brothers, rather than with their officers. The operation of this medicine at Versailles was as sudden as it was powerful. The alarm there was so complete, that in the afternoon of the 27th, the King wrote, with his own hand, letters to the Presidents of the Clergy and Nobles, engaging them immediately to join the Tiers. These two bodies were debating, and hesitating, when notes from the Count d'Artois decided their compliance. They went in a body, and took their seats with the Tiers, and thus rendered the union of the orders in one chamber complete.

The Assembly now entered on the business of their mission, and first proceeded to arrange the order in which they would take up the heads of their constitution, as follows:

First, and as Preliminary to the whole, a general Declaration of the Rights of Man. Then, specifically, the Principles of the Monarchy; Rights of the Nation; rights of the King; rights of the Citizens; organization and rights of the National Assembly; forms necessary for the enactment of Laws; organization and functions of the Provincial and Municipal Assemblies; duties and limits of the Judiciary power; functions and duties of the Military power.

A Declaration of the Rights of Man, as the preliminary of their work, was accordingly prepared and proposed by the Marquis de La Fayette.

But the quiet of their march was soon disturbed by information that troops, and particularly the foreign troops, were advancing on Paris from various quarters. The King had probably been advised to this, on the pretext of preserving peace in Paris. But his advisers were believed to have other things

in contemplation. The Marshal de Broglio was appointed to their command, a high-flying aristocrat, cool and capable of everything. Some of the French guards were soon arrested, under other pretexts, but really, on account of their dispositions in favor of the National cause. The people of Paris forced their prison, liberated them, and sent a deputation to the Assembly to solicit a pardon. The Assembly recommended peace and order to the people of Paris, the prisoners to the King, and asked from him the removal of the troops. His answer was negative and dry, saying they might remove themselves, if they pleased, to Noyons or Soissons. In the meantime, these troops, to the number of twenty or thirty thousand, had arrived, and were posted in, and between Paris and Versailles. The bridges and passes were guarded. At three o'clock in the afternoon of the 11th of July, the Count de La Luzerne was sent to notify M. Necker of his dismissal, and to enjoin him to retire instantly, without saying a word of it to anybody. He went home, dined, and proposed to his wife a visit to a friend, but went in fact to his country house at St. Ouen, and at midnight set out for Brussels. This was not known till the next day (the 12th,) when the whole Ministry was changed, except Villedieu, of the domestic department, and Barenton, Garde des sceaux. The changes were as follows:

The Baron de Breteuil, President of the Council of Finance; de la Galaisiere, Comptroller General, in the room of M. Necker; the Marshal de Broglio, Minister of War, and Foulon under him, in the room of Puy-Segur; the Duke de la Vauguyon, Minister of Foreign Affairs, instead of the Count de Montmorin; de La Porte, Minister of Marine, in place of the Count de La Luzerne; St. Priest was also removed from the Council. Luzerne and Puy-Segur had been strongly of the Aristocratic party in the Council, but they were not considered equal to the work now to be done. The King was now completely in the hands of men, the principal among whom had been noted, through their lives, for the Turkish despotism of their characters, and who were associated around the King, as proper instruments for what was to be executed. The news of this change began to be known at Paris, about one or two o'clock. In the afternoon, a body of about one hundred German cavalry were advanced, and drawn up in the Place Louis XV., and about two hundred Swiss posted at a little distance in their rear. This drew people to the spot, who thus accidentally found themselves in front of the troops, merely at first as spectators; but, as their numbers increased, their indignation rose. They retired a few steps, and posted themselves on and behind large piles of stones, large and small, collected in that place for a bridge, which was to be built adjacent to it. In this position, happening to be in my carriage on a visit, I passed through the lane they had formed, without interruption. But the moment after I had passed, the people attacked the cavalry with stones. They charged, but the advantageous position of the people, and the showers of stones, obliged the horse to retire, and quit the field altogether, leaving one of their number on the ground, and the Swiss in the rear not moving to their aid. This was the signal for universal insurrection, and this body of cavalry, to avoid being massacred, retired towards Versailles. The people now armed themselves with such weapons as they could find in armorer's shops, and private houses, and with bludgeons; and were roaming all night, through all parts of the city, without any decided object. The next day (the 13th,) the Assembly pressed on the King to send away the troops, to permit the Bourgeoisie of Paris to arm for the preservation of order in the city, and offered to send a deputation from their body to tranquillize them; but their propositions were refused. A committee of magistrates and electors of the city were appointed by those bodies, to take upon them its government. The people, now openly joined by the French guards, forced the prison of St. Lazare, released all the prisoners, and took a great store of corn, which they carried to the corn-market. Here they got some arms, and the French guards began to form and train them. The city-committee determined to raise forty-eight thousand Bourgeoisie, or rather to restrain their numbers to forty-eight thousand. On the 14th, they sent one of their members (Monsieur de Corny) to the Hotel des Invalides, to ask arms for their Garde Bourgeoise. He was followed by, and he found there, a great collection of people. The Governor of the Invalids came out, and represented the impossibility of his delivering arms, without the orders of those from whom he received them. De Corny advised the people then to retire, and retired himself; but the people took possession of the arms. It was

remarkable, that not only the Invalids themselves made no opposition, but that a body of five thousand foreign troops, within four hundred yards, never stirred. M. de Corny, and five others, were then sent to ask arms of M. de Launay, Governor of the Bastile. They found a great collection of people already before the place, and they immediately planted a flag of truce, which was answered by a like flag hoisted on the parapet. The deputation prevailed on the people to fall back a little, advanced themselves to make their demand of the Governor, and in that instant, a discharge from the Bastile killed four persons of those nearest to the deputies. The deputies retired. I happened to be at the house of M. de Corny, when he returned to it, and received from him a narrative of these transactions. On the retirement of the deputies, the people rushed forward, and almost in an instant, were in possession of a fortification of infinite strength, defended by one hundred men, which in other times had stood several regular sieges, and had never been taken. How they forced their entrance has never been explained. They took all the arms, discharged the prisoners, and such of the garrison as were not killed in the first moment of fury; carried the Governor and Lieutenant Governor, to the Place de Grève, (the place of public execution,) cut off their heads, and sent them through the city, in triumph, to the Palais royal. About the same instant, a treacherous correspondence having been discovered in M. de Flesselles, Prevôt des Marchands, they seized him in the Hotel de Ville, where he was in the execution of his office, and cut off his head. These events, carried imperfectly to Versailles, were the subject of two successive deputations from the Assembly to the King, to both of which he gave dry and hard answers; for nobody had as yet been permitted to inform him, truly and fully, of what had passed at Paris. But at night, the Duke de Liancourt forced his way into the King's bed chamber, and obliged him to hear a full and animated detail of the disasters of the day in Paris. He went to bed fearfully impressed. The decapitation of de Launay worked powerfully through the night on the whole Aristocratic party; insomuch, that in the morning, those of the greatest influence on the Count d'Artois, represented to him the absolute necessity that the King should give up everything to the Assembly. This according with the dispositions of the King, he went about eleven o'clock, accompanied only by his brothers, to the Assembly, and there read to them a speech, in which he asked their interposition to re-establish order. Although couched in terms of some caution, yet the manner in which it was delivered, made it evident that it was meant as a surrender at discretion. He returned to the Chateau a foot, accompanied by the Assembly. They sent off a deputation to quiet Paris, at the head of which was the Marquis de La Fayette, who had, the same morning, been named Commandant en chef of the Milice Bourgeoise; and Monsieur Bailly, former President of the States General, was called for as Prevôt des Marchands. The demolition of the Bastile was now ordered and begun. A body of the Swiss guards, of the regiment of Ventimille, and the city horse guards joined the people. The alarm at Versailles increased. The foreign troops were ordered off instantly. Every Minister resigned. The King confirmed Bailly as Prevôt des Marchands, wrote to M. Necker, to recall him, sent his letter open to the Assembly, to be forwarded by them, and invited them to go with him to Paris the next day, to satisfy the city of his dispositions; and that night, and the next morning, the Count d'Artois, and M. de Montesson, a deputy connected with him, Madame de Polignac, Madame de Guiche, and the Count de Vaudreuil, favorites of the Queen, the Abbe de Vermont her confessor, the Prince of Conde, and Duke of Bourbon fled. The King came to Paris, leaving the Queen in consternation for his return. Omitting the less important figures of the procession, the King's carriage was in the centre; on each side of it, the Assembly, in two ranks a foot; at their head the Marquis de La Fayette, as Commander-in-chief, on horseback, and Bourgeois guards before and behind. About sixty thousand citizens, of all forms and conditions, armed with the conquests of the Bastile and Invalids, as far as they would go, the rest with pistols, swords, pikes, pruning-hooks, scythes, &c., lined all the streets through which the procession passed, and with the crowds of people in the streets, doors, and windows, saluted them everywhere with the cries of "vive la nation," but not a single "vive le Roi" was heard. The King stopped at the Hotel de Ville. There M. Bailly presented and put into his hat, the popular cockade, and addressed him. The King being unprepared, and unable to answer, Bailly went

to him, gathered from him some scraps of sentences, and made out an answer, which he delivered to the audience, as from the King. On their return, the popular cries were "vive le Roi et la nation." He was conducted by a garde Bourgeoise to his palace at Versailles, and thus concluded an "amende honorable," as no sovereign ever made, and no people ever received.

And here, again, was lost another precious occasion of sparing to France the crimes and cruelties through which she has since passed, and to Europe, and finally America, the evils which flowed on them also from this mortal source. The King was now become a passive machine in the hands of the National Assembly, and had he been left to himself, he would have willingly acquiesced in whatever they should devise as best for the nation. A wise constitution would have been formed, hereditary in his line, himself placed at its head, with powers so large as to enable him to do all the good of his station, and so limited, as to restrain him from its abuse. This he would have faithfully administered, and more than this, I do not believe, he ever wished. But he had a Queen of absolute sway over his weak mind and timid virtue, and of a character the reverse of his in all points. This angel, as gaudily painted in the rhapsodies of Burke, with some smartness of fancy, but no sound sense, was proud, disdainful of restraint, indignant at all obstacles to her will, eager in the pursuit of pleasure, and firm enough to hold to her desires, or perish in their wreck. Her inordinate gambling and dissipations, with those of the Count d'Artois, and others of her *clique*, had been a sensible item in the exhaustion of the treasury, which called into action the reforming hand of the nation; and her opposition to it, her inflexible perverseness, and dauntless spirit, led herself to the Guillotine, drew the King on with her, and plunged the world into crimes and calamities which will forever stain the pages of modern history. I have ever believed, that had there been no Queen, there would have been no revolution. No force would have been provoked, nor exercised. The King would have gone hand in hand with the wisdom of his sounder counsellors, who, guided by the increased lights of the age, wished only, with the same pace, to advance the principles of their social constitution. The deed which closed the mortal course of these sovereigns, I shall neither approve nor condemn. I am not prepared to say, that the first magistrate of a nation cannot commit treason against his country, or is unamenable to its punishment; nor yet, that where there is no written law, no regulated tribunal, there is not a law in our hearts, and a power in our hands, given for righteous employment in maintaining right, and redressing wrong. Of those who judged the King many thought him wilfully criminal; many, that his existence would keep the nation in perpetual conflict with the horde of Kings who would war against a generation which might come home to themselves, and that it were better that one should die than all. I should not have voted with this portion of the legislature. I should have shut up the Queen in a convent, putting harm out of her power, and placed the King in his station, investing him with limited powers, which, I verily believe, he would have honestly exercised, according to the measure of his understanding. In this way, no void would have been created, courting the usurpation of a military adventurer, nor occasion given for those enormities which demoralized the nations of the world, and destroyed, and is yet to destroy, millions and millions of its inhabitants. There are three epochs in history, signalized by the total extinction of national morality. The first was of the successors of Alexander, not omitting himself: The next, the successors of the first Cæsar: The third, our own age. This was begun by the partition of Poland, followed by that of the treaty of Pilnitz; next the conflagration of Copenhagen; then the enormities of Bonaparte, partitioning the earth at his will, and devastating it with fire and sword; now the conspiracy of Kings, the successors of Bonaparte, blasphemously calling themselves the Holy Alliance, and treading in the footsteps of their incarcerated leader; not yet, indeed, usurping the government of other nations, avowedly and in detail, but controlling by their armies the forms in which they will permit them to be governed; and reserving, *in petto*, the order and extent of the usurpations further meditated. But I will return from a digression, anticipated, too, in time, into which I have been led by reflection on the criminal passions which refused to the world a favorable occasion of saving it from the afflictions it has since suffered.

M. Necker had reached Basle before he was overtaken by the letter of the King, inviting him back to resume the office he had recently left. He returned immediately, and all the other Ministers having resigned, a new administration was named, to wit: St. Priest and Montmorin were restored; the Archbishop of Bordeaux was appointed Garde des sceaux, La Tour du Pin, Minister of War; La Luzerne, Minister of Marine. This last was believed to have been effected by the friendship of Montmorin; for although differing in politics, they continued firm in friendship, and Luzerne, although not an able man, was thought an honest one. And the Prince of Bauvau was taken into the Council.

Seven Princes of the blood Royal, six ex-Ministers, and many of the high Noblesse, having fled, and the present Ministers, except Luzerne, being all of the popular party, all the functionaries of government moved, for the present, in perfect harmony.

In the evening of August the 4th, and on the motion of the Viscount de Noailles, brother in law of La Fayette, the Assembly abolished all titles of rank, all the abusive privileges of feudalism, the tithes and casuals of the Clergy, all Provincial privileges, and, in fine, the Feudal regimen generally. To the suppression of tithes, the Abbe Sieyes was vehemently opposed; but his learned and logical arguments were unheeded, and his estimation lessened by a contrast of his egoism (for he was benefited on them), with the generous abandonment of rights by the other members of the Assembly. Many days were employed in putting into the form of laws, the numerous demolitions of ancient abuses; which done, they proceeded to the preliminary work of a Declaration of rights. There being much concord of sentiment on the elements of this instrument, it was liberally framed, and passed with a very general approbation. They then appointed a Committee for the "reduction of a projet" of a constitution, at the head of which was the Archbishop of Bordeaux. I received from him, as chairman of the Committee, a letter of July 20th, requesting me to attend and assist at their deliberations; but I excused myself, on the obvious considerations, that my mission was to the King as Chief Magistrate of the nation, that my duties were limited to the concerns of my own country, and forbade me to intermeddle with the internal transactions of that, in which I had been received under a specific character only. Their plan of a constitution was discussed in sections, and so reported from time to time, as agreed to by the Committee. The first respected the general frame of the government; and that this should be formed into three departments, Executive, Legislative and Judiciary, was generally agreed. But when they proceeded to subordinate developments, many and various shades of opinion came into conflict, and schism, strongly marked, broke the Patriots into fragments of very discordant principles. The first question, Whether there should be a King? met with no open opposition; and it was readily agreed, that the government of France should be monarchical and hereditary. Shall the King have a negative on the laws? shall that negative be absolute, or suspensive only? Shall there be two Chambers of Legislation? or one only? If two, shall one of them be hereditary? or for life? or for a fixed term? and named by the King? or elected by the people? These questions found strong differences of opinion, and produced repulsive combinations among the Patriots. The Aristocracy was cemented by a common principle, of preserving the ancient regime, or whatever should be nearest to it. Making this their polar star, they moved in phalanx, gave preponderance on every question to the minorities of the Patriots, and always to those who advocated the least change. The features of the new constitution were thus assuming a fearful aspect, and great alarm was produced among the honest Patriots by these dissensions in their ranks. In this uneasy state of things, I received one day a note from the Marquis de La Fayette, informing me that he should bring a party of six or eight friends to ask a dinner of me the next day. I assured him of their welcome. When they arrived, they were La Fayette himself, Duport, Barnave, Alexander la Meth, Blacon, Mounier, Maubourg, and Dagout. These were leading Patriots, of honest but differing opinions, sensible of the necessity of effecting a coalition by mutual sacrifices, knowing each other, and not afraid, therefore, to unbosom themselves mutually. This last was a material principle in the selection. With this view, the Marquis had invited the conference, and had fixed the time and place inadvertently, as to the embarrassment under which

it might place me. The cloth being removed, and wine set on the table, after the American manner, the Marquis introduced the objects of the conference, by summarily reminding them of the state of things in the Assembly, the course which the principles of the Constitution were taking, and the inevitable result, unless checked by more concord among the Patriots themselves. He observed, that although he also had his opinion, he was ready to sacrifice it to that of his brethren of the same cause; but that a common opinion must now be formed, or the Aristocracy would carry everything, and that, whatever they should now agree on, he, at the head of the National force, would maintain. The discussions began at the hour of four, and were continued till ten o'clock in the evening; during which time, I was a silent witness to a coolness and candor of argument, unusual in the conflicts of political opinion; to a logical reasoning, and chaste eloquence, disfigured by no gaudy tinsel of rhetoric or declamation, and truly worthy of being placed in parallel with the finest dialogues of antiquity, as handed to us by Xenophon, by Plato and Cicero. The result was, that the King should have a suspensive veto on the laws, that the legislature should be composed of a single body only, and that to be chosen by the people. This Concordate decided the fate of the constitution. The Patriots all rallied to the principles thus settled, carried every question agreeably to them, and reduced the Aristocracy to insignificance and impotence. But duties of exculpation were now incumbent on me. I waited on Count Montmorin the next morning, and explained to him, with truth and candor, how it had happened that my house had been made the scene of conferences of such a character. He told me, he already knew everything which had passed, that so far from taking umbrage at the use made of my house on that occasion, he earnestly wished I would habitually assist at such conferences, being sure I should be useful in moderating the warmer spirits, and promoting a wholesome and practicable reformation only. I told him, I knew too well the duties I owed to the King, to the nation, and to my own country, to take any part in councils concerning their internal government, and that I should persevere, with care, in the character of a neutral and passive spectator, with wishes only, and very sincere ones, that those measures might prevail which would be for the greatest good of the nation. I have no doubts, indeed, that this conference was previously known and approved by this honest Minister, who was in confidence and communication with the Patriots, and wished for a reasonable reform of the Constitution.

Here I discontinue my relation of the French Revolution. The minuteness with which I have so far given its details, is disproportioned to the general scale of my narrative. But I have thought it justified by the interest which the whole world must take in this Revolution. As yet, we are but in the first chapter of its history. The appeal to the rights of man, which had been made in the United States, was taken up by France, first of the European nations. From her, the spirit has spread over those of the South. The tyrants of the North have allied indeed against it; but it is irresistible. Their opposition will only multiply its millions of human victims; their own satellites will catch it, and the condition of man through the civilized world, will be finally and greatly ameliorated. This is a wonderful instance of great events from small causes. So inscrutable is the arrangement of causes and consequences in this world, that a two-penny duty on tea, unjustly imposed in a sequestered part of it, changes the condition of all its inhabitants. I have been more minute in relating the early transactions of this regeneration, because I was in circumstances peculiarly favorable for a knowledge of the truth. Possessing the confidence and intimacy of the leading Patriots, and more than all, of the Marquis Fayette, their head and Atlas, who had no secrets from me, I learned with correctness the views and proceedings of that party; while my intercourse with the diplomatic missionaries of Europe at Paris, all of them with the court, and eager in prying into its councils and proceedings, gave me a knowledge of these also. My information was always, and immediately committed to writing, in letters to Mr. Jay, and often to my friends, and a recurrence to these letters now insures me against errors of memory.

These opportunities of information ceased at this period, with my retirement from this interesting scene of action. I had been more than a year soliciting leave to go home, with a view to place my daughters in the society and care of their friends, and to return for a short time to my

station at Paris. But the metamorphosis through which our government was then passing from its Chrysalid to its Organic form suspended its action in a great degree; and it was not till the last of August, that I received the permission I had asked. And here, I cannot leave this great and good country, without expressing my sense of its pre-eminence of character among the nations of the earth. A more benevolent people I have never known, nor greater warmth and devotedness in their select friendships. Their kindness and accommodation to strangers is unparalleled, and the hospitality of Paris is beyond anything I had conceived to be practicable in a large city. Their eminence, too, in science, the communicative dispositions of their scientific men, the politeness of the general manners, the ease and vivacity of their conversation, give a charm to their society, to be found nowhere else. In a comparison of this, with other countries, we have the proof of primacy, which was given to Themistocles, after the battle of Salamis. Every general voted to himself the first reward of valor, and the second to Themistocles. So, ask the travelled inhabitant of any nation, in what country on earth would you rather live?—Certainly, in my own, where are all my friends, my relations, and the earliest and sweetest affections and recollections of my life. Which would be your second choice? France.

On the 26th of September I left Paris for Havre, where I was detained by contrary winds until the 8th of October. On that day, and the 9th, I crossed over to Cowes, where I had engaged the Clermont, Capt. Colley, to touch for me. She did so; but here again we were detained by contrary winds, until the 22d, when we embarked, and landed at Norfolk on the 23d of November. On my way home, I passed some days at Eppington, in Chesterfield, the residence of my friend and connection, Mr. Eppes; and, while there, I received a letter from the President, General Washington, by express, covering an appointment to be Secretary of State.<sup>23</sup> I received it with real regret. My wish had been to return to Paris, where I had left my household establishment, as if there myself, and to see the end of the Revolution, which I then thought would be certainly and happily closed in less than a year. I then meant to return home, to withdraw from political life, into which I had been impressed by the circumstances of the times, to sink into the bosom of my family and friends, and devote myself to studies more congenial to my mind. In my answer of December 15th, I expressed these dispositions candidly to the President, and my preference of a return to Paris; but assured him, that if it was believed I could be more useful in the administration of the government, I would sacrifice my own inclinations without hesitation, and repair to that destination; this I left to his decision. I arrived at Monticello on the 23d of December, where I received a second letter from the President, expressing his continued wish that I should take my station there, but leaving me still at liberty to continue in my former office, if I could not reconcile myself to that now proposed. This silenced my reluctance, and I accepted the new appointment.

In the interval of my stay at home, my eldest daughter had been happily married to the eldest son of the Tuckahoe branch of Randolphs, a young gentleman of genius, science, and honorable mind, who afterwards filled a dignified station in the General Government, and the most dignified in his own State. I left Monticello on the first of March, 1790, for New York. At Philadelphia I called on the venerable and beloved Franklin. He was then on the bed of sickness from which he never rose. My recent return from a country in which he had left so many friends, and the perilous convulsions to which they had been exposed, revived all his anxieties to know what part they had taken, what had been their course, and what their fate. He went over all in succession, with a rapidity and animation almost too much for his strength. When all his inquiries were satisfied, and a pause took place, I told him I had learned with much pleasure that, since his return to America, he had been occupied in preparing for the world the history of his own life. I cannot say much of that, said he; but I will give you a sample of what I shall leave; and he directed his little grandson (William Bache) who was standing by the bedside, to hand him a paper from the table, to which he pointed. He did so; and the Doctor putting it into my hands, desired me to take it and read it at my leisure. It was about a

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<sup>23</sup> See [Appendix, note H](#).

quire of folio paper, written in a large and running hand, very like his own. I looked into it slightly, then shut it, and said I would accept his permission to read it, and would carefully return it. He said, "no, keep it." Not certain of his meaning, I again looked into it, folded it for my pocket, and said again, I would certainly return it. "No," said he, "keep it." I put it into my pocket, and shortly after took leave of him. He died on the 17th of the ensuing month of April; and as I understood that he had bequeathed all his papers to his grandson, William Temple Franklin, I immediately wrote to Mr. Franklin, to inform him I possessed this paper, which I should consider as his property, and would deliver to his order. He came on immediately to New York, called on me for it, and I delivered it to him. As he put it into his pocket, he said carelessly, he had either the original, or another copy of it, I do not recollect which. This last expression struck my attention forcibly, and for the first time suggested to me the thought that Dr. Franklin had meant it as a confidential deposit in my hands, and that I had done wrong in parting from it. I have not yet seen the collection he published of Dr. Franklin's works, and, therefore, know not if this is among them. I have been told it is not. It contained a narrative of the negotiations between Dr. Franklin and the British Ministry, when he was endeavoring to prevent the contest of arms which followed. The negotiation was brought about by the intervention of Lord Howe and his sister, who, I believe, was called Lady Howe, but I may misremember her title. Lord Howe seems to have been friendly to America, and exceedingly anxious to prevent a rupture. His intimacy with Dr. Franklin, and his position with the Ministry, induced him to undertake a mediation between them; in which his sister seemed to have been associated. They carried from one to the other, backwards and forwards, the several propositions and answers which passed, and seconded with their own intercessions, the importance of mutual sacrifices, to preserve the peace and connection of the two countries. I remember that Lord North's answers were dry, unyielding, in the spirit of unconditional submission, and betrayed an absolute indifference to the occurrence of a rupture; and he said to the mediators distinctly, at last, that "a rebellion was not to be deprecated on the part of Great Britain; that the confiscations it would produce would provide for many of their friends." This expression was reported by the mediators to Dr. Franklin, and indicated so cool and calculated a purpose in the Ministry, as to render compromise hopeless, and the negotiation was discontinued. If this is not among the papers published, we ask, what has become of it? I delivered it with my own hands, into those of Temple Franklin. It certainly established views so atrocious in the British government, that its suppression would, to them, be worth a great price. But could the grandson of Dr. Franklin be, in such degree, an accomplice in the parricide of the memory of his immortal grandfather? The suspension for more than twenty years of the general publication, bequeathed and confided to him, produced, for awhile, hard suspicions against him; and if, at last, all are not published, a part of these suspicions may remain with some.

I arrived at New York on the 21st of March, where Congress was in session.

## APPENDIX

### [Note A.]

### LETTER TO JOHN SAUNDERSON, ESQ

*Monticello, August 31, 1820.*

Sir,

Your letter of the 19th was received in due time, and I wish it were in my power to furnish you more fully, than in the enclosed paper, with materials for the biography of George Wythe; but I possess none in writing, am very distant from the place of his birth and early life, and know not a single person in that quarter from whom inquiry could be made, with the expectation of collecting anything material. Add to this, that feeble health disables me, almost, from writing; and entirely from the labor of going into difficult research. I became acquainted with Mr. Wythe when he was about thirty-five years of age. He directed my studies in the law, led me into business, and continued, until death, my most affectionate friend. A close intimacy with him, during that period of forty odd years, the most important of his life, enables me to state its leading facts, which, being of my own knowledge, I vouch their truth. Of what precedes that period, I speak from hearsay only, in which there may be error, but of little account, as the character of the facts will themselves manifest. In the epoch of his birth, I may err a little, stating that from the recollection of a particular incident, the date of which, within a year or two, I do not distinctly remember. These scanty outlines you will be able, I hope, to fill up from other information, and they may serve you, sometimes, as landmarks to distinguish truth from error, in what you hear from others. The exalted virtue of the man will also be a polar star to guide you in all matters which may touch that element of his character. But on that you will receive imputation from no man; for, as far as I know, he never had an enemy. Little as I am able to contribute to the just reputation of this excellent man, it is the act of my life most gratifying to my heart; and leaves me only to regret that a waning memory can do no more.

Of Mr. Hancock I can say nothing, having known him only in the chair of Congress. Having myself been the youngest man but one in that body, the disparity of age prevented any particular intimacy. But of him there can be no difficulty in obtaining full information in the North.

*I salute you, Sir, with sentiments of great respect,*

*Th. Jefferson.*

### NOTES FOR THE BIOGRAPHY OF GEORGE WYTHE

George Wythe was born about the year 1727, or 1728, of a respectable family in the County of Elizabeth City, on the shores of the Chesapeake. He inherited, from his father, a fortune sufficient for independence and ease. He had not the benefit of a regular education in the schools, but acquired a good one of himself, and without assistance; insomuch, as to become the best Latin and Greek scholar in the State. It is said, that while reading the Greek Testament, his mother held an English one, to aid him in rendering the Greek text conformably with that. He also acquired, by his own reading, a good knowledge of Mathematics, and of Natural and Moral Philosophy. He engaged in the study of the law under the direction of a Mr. Lewis, of that profession, and went early to the bar of the General Court, then occupied by men of great ability, learning, and dignity in their profession. He soon became eminent among them, and, in process of time, the first at the bar, taking into consideration his superior learning, correct elocution, and logical style of reasoning; for in pleading he never indulged himself

with an useless or declamatory thought or word; and became as distinguished by correctness and purity of conduct in his profession, as he was by his industry and fidelity to those who employed him. He was early elected to the House of Representatives, then called the House of Burgesses, and continued in it until the Revolution. On the first dawn of that, instead of higgling on half-way principles, as others did who feared to follow their reason, he took his stand on the solid ground that the only link of political union between us and Great Britain, was the identity of our Executive; that that nation and its Parliament had no more authority over us, than we had over them, and that we were co-ordinate nations with Great Britain and Hanover.

In 1774, he was a member of a Committee of the House of Burgesses, appointed to prepare a Petition to the King, a Memorial to the House of Lords, and a Remonstrance to the House of Commons, on the subject of the proposed Stamp Act. He was made draughtsman of the last, and, following his own principles, he so far overwent the timid hesitations of his colleagues, that his draught was subjected by them to material modifications; and, when the famous Resolutions of Mr. Henry, in 1775, were proposed, it was not on any difference of principle that they were opposed by Wythe, Randolph, Pendleton, Nicholas, Bland, and other worthies, who had long been the habitual leaders of the House; but because those papers of the preceding session had already expressed the same sentiments and assertions of right, and that an answer to them was yet to be expected.

In August, 1775, he was appointed a member of Congress, and in 1776, signed the Declaration of Independence, of which he had, in debate, been an eminent supporter. And subsequently, in the same year, he was appointed, by the Legislature of Virginia, one of a Committee to revise the laws of the State, as well of British as of Colonial enactment, and to prepare bills for re-enacting them, with such alterations as the change in the form and principles of the government, and other circumstances, required, and of this work, he executed the period commencing with the revolution in England, and ending with the establishment of the new government here; excepting the Acts for regulating descents, for religious freedom, and for proportioning crimes and punishments. In 1777, he was chosen Speaker of the House of Delegates, being of distinguished learning in Parliamentary law and proceedings; and towards the end of the same year, he was appointed one of the three Chancellors, to whom that department of the Judiciary was confided, on the first organization of the new government. On a subsequent change of the form of that court, he was appointed sole Chancellor, in which office he continued to act until his death, which happened in June, 1806, about the seventy-eighth or seventy-ninth year of his age.

Mr. Wythe had been twice married: first, I believe, to a daughter of Mr. Lewis, with whom he had studied law, and afterwards to a Miss Taliaferro, of a wealthy and respectable family in the neighborhood of Williamsburg; by neither of whom did he leave issue.

No man ever left behind him a character more venerated than George Wythe. His virtue was of the purest tint; his integrity inflexible, and his justice exact; of warm patriotism, and, devoted as he was to liberty, and the natural and equal rights of man, he might truly be called the Cato of his country, without the avarice of the Roman; for a more disinterested person never lived. Temperance and regularity in all his habits, gave him general good health, and his unaffected modesty and suavity of manners endeared him to every one. He was of easy elocution, his language chaste, methodical in the arrangement of his matter, learned and logical in the use of it, and of great urbanity in debate; not quick of apprehension, but, with a little time, profound in penetration, and sound in conclusion. In his philosophy he was firm, and neither troubling, nor perhaps trusting, any one with his religious creed, he left the world to the conclusion, that that religion must be good which could produce a life of such exemplary virtue.

His stature was of the middle size, well formed and proportioned, and the features of his face were manly, comely, and engaging. Such was George Wythe, the honor of his own, and the model of future times.

**[Note B.]**  
**LETTER TO SAMUEL A. WELLS, ESQ**

*Monticello, May 12, 1819.*

Sir,

An absence of some time at an occasional and distant residence, must apologize for the delay in acknowledging the receipt of your favor of April 12; and, candor obliges me to add, that it has been somewhat extended by an aversion to writing, as well as to calls on my memory for facts so much obliterated from it by time, as to lessen my own confidence in the traces which seem to remain. One of the inquiries in your letter, however, may be answered without an appeal to the memory. It is that respecting the question, whether committees of correspondence originated in Virginia, or Massachusetts? on which you suppose me to have claimed it for Virginia; but certainly I have never made such a claim. The idea, I suppose, has been taken up from what is said in Wirt's history of Mr. Henry, page 87, and from an inexact attention to its precise terms. It is there said, "this House (of Burgesses, of Virginia) had the merit of originating that powerful engine of resistance, corresponding committees *between the legislatures of the different colonies.*" That the fact, as here expressed, is true, your letter bears witness, when it says, that the resolutions of Virginia, for this purpose, were transmitted to the speakers of the different assemblies, and by that of Massachusetts, was laid, at the next session, before that body, who appointed a committee for the specified object: adding, "thus, in Massachusetts, there were two committees of correspondence, one chosen by the people, the other appointed by the House of Assembly; in the former, Massachusetts preceded Virginia; in the latter, Virginia preceded Massachusetts." To the origination of committees for the interior correspondence between the counties and towns of a State, I know of no claim on the part of Virginia; and certainly none was ever made by myself. I perceive, however, one error, into which memory had led me. Our committee for national correspondence, was appointed in March, '73, and I well remember, that going to Williamsburg, in the month of June following, Peyton Randolph, our Chairman, told me that messengers bearing despatches between the two States, had crossed each other by the way, that of Virginia carrying our propositions for a committee of national correspondence, and that of Massachusetts, bringing, as my memory suggested, a similar proposition. But here I must have misremembered; and the resolutions brought us from Massachusetts, were probably those you mention of the town-meeting of Boston, on the motion of Mr. Samuel Adams, appointing a committee "to state the rights of the colonists, and of that province in particular, and the infringements of them; to communicate them to the several towns, as the sense of the town of Boston, and to request, of each town, a free communication of its sentiments on the subject." I suppose, therefore, that these resolutions were not received, as you think, while the House of Burgesses was in session in March, 1773, but a few days after we rose, and were probably what was sent by the messenger, who crossed ours by the way. They may, however, have been still different. I must, therefore, have been mistaken in supposing, and stating to Mr. Wirt, that the proposition of a committee for national correspondence, was nearly simultaneous in Virginia and Massachusetts.

A similar misapprehension of another passage in Mr. Wirt's book, for which I am also quoted, has produced a similar reclamation on the part of Massachusetts, by some of her most distinguished and estimable citizens. I had been applied to by Mr. Wirt, for such facts respecting Mr. Henry, as my intimacy with him, and participation in the transactions of the day, might have placed within my knowledge. I accordingly committed them to paper; and Virginia being the theatre of his action, was the only subject within my contemplation. While speaking of him, of the resolutions and measures here, in which he had the acknowledged lead, I used the expression, that "Mr. Henry certainly gave the first impulse to the ball of revolution." [Wirt, page 41.] The expression is indeed general, and in

all its extension, would comprehend all the sister States; but indulgent construction would restrain it, as was really meant, to the subject matter under contemplation, which was Virginia alone; according to the rule of the lawyers, and a fair canon of general criticism, that every expression should be construed secundum subjectam materiam. Where the first attack was made, there must have been of course, the first act of resistance, and that was in Massachusetts. Our first overt act of war, was Mr. Henry's embodying a force of militia from several counties, regularly armed and organized, marching them in military array, and making reprisal on the King's treasury at the seat of government, for the public powder taken away by his Governor. This was on the last days of April, 1775. Your formal battle of Lexington, was ten or twelve days before that, and greatly overshadowed in importance, as it preceded in time, our little affray, which merely amounted to a levying of arms against the King; and very possibly, you had had military affrays before the regular battle of Lexington.

These explanations will, I hope, assure you, Sir, that so far as either facts or opinions have been truly quoted from me, they have never been meant to intercept the just fame of Massachusetts, for the promptitude and perseverance of her early resistance. We willingly cede to her the laud of having been (although not exclusively) "the cradle of sound principles," and, if some of us believe she has deflected from them in her course, we retain full confidence in her ultimate return to them.

I will now proceed to your quotation from Mr. Galloway's statement of what passed in Congress, on their Declaration of Independence; in which statement there is not one word of truth, and where bearing some resemblance to truth, it is an entire perversion of it. I do not charge this on Mr. Galloway himself; his desertion having taken place long before these measures, he doubtless received his information from some of the loyal friends whom he left behind him. But as yourself, as well as others, appear embarrassed by inconsistent accounts of the proceedings on that memorable occasion, and as those who have endeavored to restore the truth, have themselves committed some errors, I will give you some extracts from a written document on that subject; for the truth of which I pledge myself to heaven and earth; having, while the question of Independence was under consideration before Congress, taken written notes, in my seat, of what was passing, and reduced them to form on the final conclusion. I have now before me that paper, from which the following are extracts. "Friday, June 7th, 1776. The delegates from Virginia moved, in obedience to instructions from their constituents, that the Congress should declare that these United Colonies are, and of right ought to be, free and independent States; that they are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be totally dissolved; that measures should be immediately taken for procuring the assistance of foreign powers, and a Confederation be formed to bind the colonies more closely together. The House, being obliged to attend at that time to some other business, the proposition was referred to the next day, when the members were ordered to attend punctually at ten o'clock. Saturday, June 8th. They proceeded to take it into consideration, and referred it to a committee of the whole, into which they immediately resolved themselves, and passed that day in debating on the subject.

"It appearing in the course of these debates, that the colonies of New York, New Jersey, Pennsylvania, Delaware, Maryland and South Carolina, were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1st. But that this might occasion as little delay as possible, a Committee was appointed to prepare a Declaration of Independence. The Committee were John Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston and myself. This was reported to the House on Friday, the 28th of June, when it was read and ordered to lie on the table. On Monday, the 1st of July, the House resolved itself into a Committee of the whole, and resumed the consideration of the original motion made by the delegates of Virginia, which, being again debated through the day, was carried in the affirmative by the votes of New Hampshire, Connecticut, Massachusetts, Rhode Island, New Jersey, Maryland, Virginia, North Carolina and Georgia. South Carolina and Pennsylvania voted against it. Delaware had but two members present,

and they were divided. The delegates from New York declared they were for it themselves, and were assured their constituents were for it; but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them, to do nothing which should impede that object. They, therefore, thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question, which was given them. The Committee rose, and reported their resolutions to the House. Mr. Rutledge, of South Carolina, then requested the determination might be put off to the next day, as he believed his colleagues, though they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate question, whether the House would agree to the resolution of the Committee, was accordingly postponed to the next day, when it was again moved, and South Carolina concurred in voting for it. In the meantime, a third member had come post from the Delaware counties, and turned the vote of that colony in favor of the resolution. Members of a different sentiment attending that morning from Pennsylvania also, her vote was changed; so that the whole twelve colonies, who were authorized to vote at all, gave their votes for it; and within a few days [July 9th] the convention of New York approved of it, and this supplied the void occasioned by the withdrawing of their delegates from the vote." [Be careful to observe, that this vacillation and vote were on the original motion of the 7th of June, by the Virginia delegates, that Congress should declare the colonies independent.] "Congress proceeded, the same day, to consider the Declaration of Independence, which had been reported and laid on the table the Friday preceding, and on Monday, referred to a Committee of the whole. The pusillanimous idea, that we had friends in England worth keeping terms with, still haunted the minds of many. For this reason, those passages which conveyed censures on the people of England were struck out, lest they should give them offence. The debates having taken up the greater parts of the second, third and fourth days of July, were, in the evening of the last, closed; the Declaration was reported by the Committee, agreed to by the House, and signed by every member present except Mr. Dickinson." So far my notes.

Governor M'Kean, in his letter to McCorkle of July 16th, 1817, has thrown some lights on the transactions of that day; but, trusting to his memory chiefly, at an age when our memories are not to be trusted, he has confounded two questions, and ascribed proceedings to one which belonged to the other. These two questions were, 1st, the Virginia motion of June the 7th, to declare Independence; and 2d, the actual Declaration, its matter and form. Thus he states the question on the Declaration itself, as decided on the 1st of July; but it was the Virginia motion which was voted on that day in committee of the whole; South Carolina, as well as Pennsylvania, then voting against it. But the ultimate decision in *the House*, on the report of the Committee, being, by request, postponed to the next morning, all the States voted for it, except New York, whose vote was delayed for the reason before stated. It was not till the 2d of July, that the Declaration itself was taken up; nor till the 4th, that it was decided, and it was signed by every member present, except Mr. Dickinson.

The subsequent signatures of members who were not then present, and some of them not yet in office, is easily explained, if we observe who they were; to wit, that they were of New York and Pennsylvania. New York did not sign till the 15th, because it was not till the 9th (five days after the general signature), that their Convention authorized them to do so. The Convention of Pennsylvania, learning that it had been signed by a minority only of their delegates, named a new delegation on the 20th, leaving out Mr. Dickinson, who had refused to sign, Willing and Humphreys who had withdrawn, re-appointing the three members who had signed, Morris, who had not been present, and five new ones, to wit, Rush, Clymer, Smith, Taylor and Ross: and Morris, and the five new members were permitted to sign, because it manifested the assent of their full delegation, and the express will of their Convention, which might have been doubted on the former signature of a minority only. Why the signature of Thornton, of New Hampshire, was permitted so late as the 4th of November, I cannot now say; but undoubtedly for some particular reason, which we should find to have been good, had it been expressed. These were the only post-signers, and you see, Sir, that there were solid reasons

for receiving those of New York and Pennsylvania, and that this circumstance in no wise affects the faith of this Declaratory Charter of our rights, and of the rights of man.

With a view to correct errors of fact before they become inveterate by repetition, I have stated what I find essentially material in my papers, but with that brevity, which the labor of writing constrains me to use.

On the four particular articles of enquiry in your letter, respecting your grandfather, the venerable Samuel Adams, neither memory nor memorandums enable me to give any information. I can say that he was truly a great man, wise in council, fertile in resources, immoveable in his purposes, and had, I think, a greater share than any other member, in advising and directing our measures, in the Northern war. As a speaker, he could not be compared with his living colleague and namesake, whose deep conceptions, nervous style, and undaunted firmness, made him truly our bulwark in debate. But Mr. Samuel Adams, although not of fluent elocution, was so rigorously logical, so clear in his views, abundant in good sense, and master always of his subject, that he commanded the most profound attention, whenever he rose in an assembly, by which the froth of declamation was heard with the most sovereign contempt. I sincerely rejoice, that the record of his worth is to be undertaken by one so much disposed as you will be, to hand him down fairly to that posterity for whose liberty and happiness he was so zealous a laborer.

With sentiments of sincere veneration for his memory, accept yourself this tribute to it, with the assurance of my great respect.

P. S. August 6th, 1822. Since the date of this letter, to-wit, this day, August 6, '22, I have received the new publication of the Secret Journals of Congress, wherein is stated a resolution of July 19th, 1776, that the Declaration passed on the 4th, be fairly engrossed on parchment, and when engrossed, be signed by every member; and another of August 2nd, that being engrossed and compared at the table, it was signed by the members; that is to say, the copy engrossed on parchment (for durability) was signed by the members, after being compared at the table, with the original one signed on paper as before stated. I add this P. S. to the copy of my letter to Mr. Wells, to prevent confounding the signature of the original with that of the copy engrossed on parchment.

### [Note C.]

#### **On the instructions given to the first delegation of Virginia to Congress, in August, 1774**

The Legislature of Virginia happened to be in session, in Williamsburg, when news was received of the passage, by the British Parliament, of the Boston Port Bill, which was to take effect on the first day of June then ensuing. The House of Burgesses, thereupon, passed a resolution, recommending to their fellow-citizens, that that day should be set apart for fasting and prayer to the Supreme Being, imploring him to avert the calamities then threatening us, and to give us one heart and one mind to oppose every invasion of our liberties. The next day, May the 20th, 1774, the Governor dissolved us. We immediately repaired to a room in the Raleigh tavern, about one hundred paces distant from the Capitol, formed ourselves into a meeting, Peyton Randolph in the chair, and came to resolutions, declaring, that an attack on one colony, to enforce arbitrary acts, ought to be considered as an attack on all, and to be opposed by the united wisdom of all. We, therefore, appointed a Committee of correspondence, to address letters to the Speakers of the several Houses of Representatives of the colonies, proposing the appointment of deputies from each, to meet *annually in a General Congress*, to deliberate on their common interests, and on the measures to be pursued in common. The members then separated to their several homes, except those of the Committee, who met the next day, prepared letters according to instructions, and despatched them by messengers express, to

their several destinations. It had been agreed, also, by the meeting, that the Burgesses, who should be elected under the writs then issuing, should be requested to meet in Convention, on a certain day in August, to learn the results of these letters, and to appoint delegates to a Congress, should that measure be approved by the other colonies. At the election, the people re-elected every man of the former Assembly, as a proof of their approbation of what they had done. Before I left home, to attend the Convention, I prepared what I thought might be given, in instruction, to the Delegates who should be appointed to attend the General Congress proposed. They were drawn in haste, with a number of blanks, with some uncertainties and inaccuracies of historical facts, which I neglected at the moment, knowing they could be readily corrected at the meeting. I set out on my journey, but was taken sick on the road, and was unable to proceed. I therefore sent on, by express, two copies, one under cover to Patrick Henry, the other to Peyton Randolph, who I knew would be in the chair of the Convention. Of the former, no more was ever heard or known. Mr. Henry probably thought it too bold, as a first measure, as the majority of the members did. On the other copy being laid on the table of the Convention, by Peyton Randolph, as the proposition of a member, who was prevented from attendance by sickness on the road, tamer sentiments were preferred, and, I believe, wisely preferred; the leap I proposed being too long, as yet, for the mass of our citizens. The distance between these, and the instructions actually adopted, is of some curiosity, however, as it shews the inequality of pace with which we moved, and the prudence required to keep front and rear together. My creed had been formed on unsheathing the sword at Lexington. They printed the paper, however, and gave it the title of 'A summary view of the rights of British America.' In this form it got to London, where the opposition took it up, shaped it to opposition views, and, in that form, it ran rapidly through several editions.

Mr. Marshall, in his history of General Washington, chapter 3, speaking of this proposition for Committees of correspondence and for a General Congress, says, 'this measure had already been proposed in town meeting, in Boston,' and some pages before, he had said, that 'at a session of the General Court of Massachusetts, in September, 1770, that Court, in pursuance of a favorite idea of uniting all the colonies in one system of measures, elected a Committee of correspondence, to communicate with such Committees as might be appointed by the other colonies.' This is an error. The Committees of correspondence, elected by Massachusetts, were expressly for a correspondence among the several *towns* of that province only. Besides the text of their proceedings, his own note X, proves this. The first proposition for a general correspondence between the several states, and for a General Congress, was made by our meeting of May, 1774. Botta, copying Marshall, has repeated his error, and so it will be handed on from copyist to copyist, *ad infinitum*. Here follows my proposition, and the more prudent one which was adopted.

Resolved, That it be an instruction to the said deputies, when assembled in General Congress, with the deputies from the other states of British America, to propose to the said Congress, that an humble and dutiful address be presented to his Majesty, begging leave to lay before him, as Chief Magistrate of the British empire, the united complaints of his Majesty's subjects in America; complaints which are excited by many unwarrantable encroachments and usurpations, attempted to be made by the legislature of one part of the empire, upon the rights which God, and the laws, have given equally and independently to all. To represent to his Majesty that these, his States, have often individually made humble application to his imperial Throne, to obtain, through its intervention, some redress of their injured rights; to none of which, was ever even an answer condescended. Humbly to hope that this, their joint address, penned in the language of truth, and divested of those expressions of servility, which would persuade his Majesty that we are asking favors, and not rights, shall obtain from his Majesty a more respectful acceptance; and this his Majesty will think we have reason to expect, when he reflects that he is no more than the chief officer of the people, appointed by the laws, and circumscribed with definite powers, to assist in working the great machine of government, erected for their use, and, consequently, subject to their superintendence; and, in order that these, our

rights, as well as the invasions of them, may be laid more fully before his Majesty, to take a view of them, from the origin and first settlement of these countries.

To remind him that our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right, which nature has given to all men, of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as, to them, shall seem most likely to promote public happiness. That their Saxon ancestors had, under this universal law, in like manner, left their native wilds and woods in the North of Europe, had possessed themselves of the Island of Britain, then less charged with inhabitants, and had established there that system of laws which has so long been the glory and protection of that country. Nor was ever any claim of superiority or dependence asserted over them, by that mother country from which they had migrated: and were such a claim made, it is believed his Majesty's subjects in Great Britain have too firm a feeling of the rights derived to them from their ancestors, to bow down the sovereignty of their state before such visionary pretensions. And it is thought that no circumstance has occurred to distinguish, materially, the British from the Saxon emigration. America was conquered, and her settlements made and firmly established, at the expense of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their settlement, their own fortunes expended in making that settlement effectual. For themselves they fought, for themselves they conquered, and for themselves alone they have right to hold. No shilling was ever issued from the public treasures of his Majesty, or his ancestors, for their assistance, till of very late times, after the colonies had become established on a firm and permanent footing. That then, indeed, having become valuable to Great Britain for her commercial purposes, his Parliament was pleased to lend them assistance against an enemy who would fain have drawn to herself the benefits of their commerce, to the great aggrandisement of herself, and danger of Great Britain. Such assistance, and in such circumstances, they had often before given to Portugal and other allied states, with whom they carry on a commercial intercourse. Yet these states never supposed, that by calling in her aid, they thereby submitted themselves to her sovereignty. Had such terms been proposed, they would have rejected them with disdain, and trusted for better, to the moderation of their enemies, or to a vigorous exertion of their own force. We do not, however, mean to underrate those aids, which, to us, were doubtless valuable, on whatever principles granted: but we would shew that they cannot give a title to that authority which the British Parliament would arrogate over us; and that may amply be repaid by our giving to the inhabitants of Great Britain such exclusive privileges in trade as may be advantageous to them, and, at the same time, not too restrictive to ourselves. That settlement having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws, under which they had hitherto lived in the mother country, and to continue their union with her, by submitting themselves to the same common sovereign, who was thereby made the central link, connecting the several parts of the empire thus newly multiplied.

But that not long were they permitted, however far they thought themselves removed from the hand of oppression, to hold undisturbed the rights thus acquired at the hazard of their lives and loss of their fortunes. A family of Princes was then on the British throne, whose treasonable crimes against their people, brought on them, afterwards, the exertion of those sacred and sovereign rights of punishment, reserved in the hands of the people for cases of extreme necessity, and judged by the constitution unsafe to be delegated to any other judicature. While every day brought forth some new and unjustifiable exertion of power over their subjects on that side of the water, it was not to be expected that those here, much less able at that time to oppose the designs of despotism, should be exempted from injury. Accordingly, this country which had been acquired by the lives, the labors, and fortunes of individual adventurers, was by these Princes, several times, parted out and distributed among the favorites and followers of their fortunes; and, by an assumed right of the Crown alone, were erected into distinct and independent governments; a measure, which it is believed, his Majesty's

prudence and understanding would prevent him from imitating at this day; as no exercise of such power, of dividing and dismembering a country, has ever occurred in his Majesty's realm of England, though now of very ancient standing; nor could it be justified or acquiesced under there, or in any part of his Majesty's empire.

That the exercise of a free trade with all parts of the world, possessed by the American colonists, as of natural right, and which no law of their own had taken away or abridged, was next the object of unjust encroachment. Some of the colonies having thought proper to continue the administration of their government in the name and under the authority of his Majesty, King Charles the first, whom, notwithstanding his late deposition by the Commonwealth of England, they continued in the sovereignty of their State, the Parliament, for the Commonwealth, took the same in high offence, and assumed upon themselves the power of prohibiting their trade with all other parts of the world, except the Island of Great Britain. This arbitrary act, however, they soon recalled, and by solemn treaty entered into on the 12th day of March, 1651, between the said Commonwealth, by their Commissioners, and the colony of Virginia by their House of Burgesses, it was expressly stipulated by the eighth article of the said treaty, that they should have 'free trade as the people of England do enjoy to all places and with all nations, according to the laws of that Commonwealth.' But that, upon the restoration of his Majesty, King Charles the second, their rights of free commerce fell once more a victim to arbitrary power; and by several acts of his reign, as well as of some of his successors, the trade of the colonies was laid under such restrictions, as show what hopes they might form from the justice of a British Parliament, were its uncontrolled power admitted over these States.<sup>24</sup> History has informed us, that bodies of men as well as of individuals, are susceptible of the spirit of tyranny. A view of these acts of Parliament for regulation, as it has been affectedly called, of the American trade, if all other evidences were removed out of the case, would undeniably evince the truth of this observation. Besides the duties they impose on our articles of export and import, they prohibit our going to any markets Northward of Cape Finisterra, in the kingdom of Spain, for the sale of commodities which Great Britain will not take from us, and for the purchase of others, with which she cannot supply us; and that, for no other than the arbitrary purpose of purchasing for themselves, by a sacrifice of our rights and interests, certain privileges in their commerce with an allied state, who, in confidence, that their exclusive trade with America will be continued, while the principles and power of the British Parliament be the same, have indulged themselves in every exorbitance which their avarice could dictate or our necessity extort: have raised their commodities called for in America, to the double and treble of what they sold for, before such exclusive privileges were given them, and of what better commodities of the same kind would cost us elsewhere; and, at the same time, give us much less for what we carry thither, than might be had at more convenient ports. That these acts prohibit us from carrying, in quest of other purchasers, the surplus of our tobaccos, remaining after the consumption of Great Britain is supplied: so that we must leave them with the British merchant, for whatever he will please to allow us, to be by him re-shipped to foreign markets, where he will reap the benefits of making sale of them for full value. That, to heighten still the idea of Parliamentary justice, and to show with what moderation they are like to exercise power, where themselves are to feel no part of its weight, we take leave to mention to his Majesty, certain other acts of the British Parliament, by which they would prohibit us from manufacturing, for our own use, the articles we raise on our own lands, with our own labor. By an act passed in the fifth year of the reign of his late Majesty, King George the second, an American subject is forbidden to make a hat for himself, of the fur which he has taken, perhaps, on his own soil; an instance of despotism, to which no parallel can be produced in the most arbitrary ages of British history. By one other act, passed in the twenty-third year of the same reign, the iron which we make, we are forbidden to manufacture; and, heavy as that article is, and necessary in every branch of husbandry, besides commission and

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<sup>24</sup> 12. C. 2. c. 18. 15. C. 2. c. 11. 25. C. 2. c. 7. 7. 8. W. M. c. 22. 11. W. 34. Anne. 6. C. 2. c. 13.

insurance, we are to pay freight for it to Great Britain, and freight for it back again, for the purpose of supporting, not men, but machines, in the island of Great Britain. In the same spirit of equal and impartial legislation, is to be viewed the act of Parliament, passed in the fifth year of the same reign, by which American lands are made subject to the demands of British creditors, while their own lands were still continued unanswerable for their debts; from which, one of these conclusions must necessarily follow, either that justice is not the same thing in America as in Britain, or else, that the British Parliament pay less regard to it here than there. But, that we do not point out to his Majesty the injustice of these acts, with intent to rest on that principle the cause of their nullity; but to show that experience confirms the propriety of those political principles, which exempt us from the jurisdiction of the British Parliament. The true ground on which we declare these acts void, is, that the British Parliament has no right to exercise authority over us.

That these exercises of usurped power have not been confined to instances alone, in which themselves were interested; but they have also intermeddled with the regulation of the internal affairs of the colonies. The act of the 9th of Anne for establishing a post office in America, seems to have had little connection with British convenience, except that of accommodating his Majesty's ministers and favorites with the sale of a lucrative and easy office.

That thus have we hastened through the reigns which preceded his Majesty's, during which the violation of our rights were less alarming, because repeated at more distant intervals, than that rapid and bold succession of injuries, which is likely to distinguish the present from all other periods of American story. Scarcely have our minds been able to emerge from the astonishment into which one stroke of Parliamentary thunder has involved us, before another more heavy and more alarming is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate, systematical plan of reducing us to slavery.

| **Act for granting certain duties.**| That the act passed in the fourth year of his Majesty's reign, entitled 'an act

| **Stamp act.**| One other act passed in the fifth year of his reign, entitled 'an act

| **Act declaring the right of Parliament over the colonies.**| One other act passed in the sixth year of his reign, entitled 'an act

| **Act for granting duties on paper, tea, &c.**| And one other act passed in the seventh year of his reign, entitled 'an act

Form that connected chain of Parliamentary usurpation, which has already been the subject of frequent applications to his Majesty, and the Houses of Lords and Commons of Great Britain; and, no answers having yet been condescended to any of these, we shall not trouble his Majesty with a repetition of the matters they contained.

| **Act suspending legislature of New-York.**| But that one other act passed in the same seventh year of his reign, having been a peculiar attempt, must ever require peculiar mention. It is entitled 'an act

One free and independent legislature, hereby takes upon itself to suspend the powers of another, free and independent as itself. Thus exhibiting a phenomenon unknown in nature, the creator, and creature of its own power. Not only the principles of common sense, but the common feelings of human nature must be surrendered up, before his Majesty's subjects here, can be persuaded to believe, that they hold their political existence at the will of a British Parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? Can any one reason be assigned, why one hundred and sixty thousand electors in the island of

Great Britain, should give law to four millions in the States of America, every individual of whom is equal to every individual of them in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves, not of one, but of one hundred and sixty thousand tyrants; distinguished, too, from all others, by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant.

That, by 'an act to discontinue in such manner, and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares and merchandize, at the town and within the harbor of Boston, in the province of Massachusetts bay, in North America,'<sup>25</sup> which was past at the last session of the British Parliament, a large and populous town, whose trade was their sole subsistence, was deprived of that trade, and involved in utter ruin. Let us for a while, suppose the question of right suspended, in order to examine this act on principles of justice. An act of Parliament had been passed, imposing duties on teas, to be paid in America, against which act the Americans had protested, as inauthoritative. The East India Company, who till that time, had never sent a pound of tea to America on their own account, step forth on that occasion, the asserters of Parliamentary right, and send hither many ship loads of that obnoxious commodity. The masters of their several vessels, however, on their arrival in America, wisely attended to admonition, and returned with their cargoes. In the province of New-England alone, the remonstrances of the people were disregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this, the master of the vessel was governed by his obstinacy, or his instructions, let those who know, say. There are extraordinary situations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily restrained within limits strictly regular. A number of them assembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known, and were amenable to the laws of the land; against which, it could not be objected, that they had ever, in any instance, been obstructed or diverted from the regular course, in favor of popular offenders. They should, therefore, not have been distrusted on this occasion. But that ill-fated colony had formerly been bold in their enmities against the House of Stuart, and were now devoted to ruin, by that unseen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependants, whose constant office it has been to keep that government embroiled, and who, by their treacheries, hope to obtain the dignity of British knighthood, without calling for a party accused, without asking a proof, without attempting a distinction between the guilty and the innocent, the whole of that ancient and wealthy town, is in a moment reduced from opulence to beggary. Men who had spent their lives in extending the British commerce, who had invested, in that place, the wealth their honest endeavors had merited, found themselves and their families, thrown at once on the world, for subsistence by its charities. Not the hundredth part of the inhabitants of that town, had been concerned in the act complained of; many of them were in Great Britain, and in other parts beyond sea; yet all were involved in one indiscriminate ruin, by a new executive power, unheard of till then, that of a British Parliament. A property of the value of many millions of money, was sacrificed to revenge, not repay, the loss of a few thousands. This is administering justice with a heavy hand indeed! And when is this tempest to be arrested in its course? Two wharves are to be opened again when his Majesty shall think proper: the residue, which lined the extensive shores of the bay of Boston, are forever interdicted the exercise of commerce. This little exception seems to have been thrown in for no other purpose, than that of setting a precedent for investing his Majesty with legislative powers. If the pulse of his people shall beat calmly under this experiment, another and another will be tried, till the measure of despotism be filled up. It would be an insult on common sense, to pretend that this exception was made, in order to restore its commerce to that great town.

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<sup>25</sup> 14. G. 3.

The trade, which cannot be received at two wharves alone, must of necessity be transferred to some other place; to which it will soon be followed by that of the two wharves. Considered in this light, it would be an insolent and cruel mockery at the annihilation of the town of Boston. By the act for the suppression of riots and tumults in the town of Boston,<sup>26</sup> passed also in the last session of Parliament, a murder committed there, is, if the Governor pleases, to be tried in the court of King's bench, in the island of Great Britain, by a jury of Middlesex. The witnesses, too, on receipt of such a sum as the Governor shall think it reasonable for them to expend, are to enter into recognizance to appear at the trial. This is, in other words, taxing them to the amount of their recognizance; and that amount may be whatever a Governor pleases. For who does his Majesty think can be prevailed on to cross the Atlantic for the sole purpose of bearing evidence to a fact? His expenses are to be borne, indeed, as they shall be estimated by a Governor; but who are to feed the wife and children whom he leaves behind, and who have had no other subsistence but his daily labor? Those epidemical disorders, too, so terrible in a foreign climate, is the cure of them to be estimated among the articles of expense, and their danger to be warded off by the Almighty power of a Parliament? And the wretched criminal, if he happen to have offended on the American side, stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without friends, without exculpatory proof, is tried before Judges predetermined to condemn. The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to Parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act! A clause, for a similar purpose, had been introduced into an act passed in the twelfth year of his Majesty's reign, entitled, 'an act for the better securing and preserving his Majesty's Dock-yards, Magazines, Ships, Ammunition and Stores;' against which, as meriting the same censures, the several colonies have already protested.

That these are the acts of power, assumed by a body of men foreign to our constitutions, and unacknowledged by our laws; against which we do, on behalf of the inhabitants of British America, enter this, our solemn and determined protest. And we do earnestly intreat his Majesty, as yet the only mediatory power between the several States of the British empire, to recommend to his Parliament of Great Britain, the total revocation of these acts, which, however nugatory they may be, may yet prove the cause of further discontents and jealousies among us.

That we next proceed to consider the conduct of his Majesty, as holding the Executive powers of the laws of these States, and mark out his deviations from the line of duty. By the Constitution of Great Britain, as well as of the several American States, his Majesty possesses the power of refusing to pass into a law, any bill which has already passed the other two branches of the legislature. His Majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two Houses of Parliament, while their proceedings were unbiassed by interested principles, for several ages past, have modestly declined the exercise of this power, in that part of his empire called Great Britain. But, by change of circumstances, other principles than those of justice simply, have obtained an influence on their determinations. The addition of new States to the British empire has produced an addition of new, and, sometimes, opposite interests. It is now, therefore, the great office of his Majesty to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power, which we have seen his Majesty practice on the laws of the American legislature. For the most trifling reasons, and, sometimes for no conceivable reason at all, his Majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was, unhappily, introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa. Yet our repeated attempts to effect this, by prohibitions, and by

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<sup>26</sup> 14. G. 3.

imposing duties which might amount to a prohibition, having been hitherto defeated by his Majesty's negative: thus preferring the immediate advantages of a few British corsairs, to the lasting interests of the American States, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law was scarcely ever known to fail of success, though, in the opposite scale, were placed the interests of a whole country. That this is so shameful an abuse of a power, trusted with his Majesty for other purposes, as if, not reformed, would call for some legal restrictions.

With equal inattention to the necessities of his people here has his Majesty permitted our laws to lie neglected, in England, for years, neither confirming them by his assent, nor annulling them by his negative: so, that such of them as have no suspending clause, we hold on the most precarious of all tenures, his Majesty's will; and such of them as suspend themselves till his Majesty's assent be obtained, we have feared might be called into existence at some future and distant period, when time and change of circumstances shall have rendered them destructive to his people here. And, to render this grievance still more oppressive, his Majesty, by his instructions, has laid his Governors under such restrictions, that they can pass no law, of any moment, unless it have such suspending clause: so that, however immediate may be the call for legislative interposition, the law cannot be executed, till it has twice crossed the Atlantic, by which time the evil may have spent its whole force.

But in what terms reconcilable to Majesty, and at the same time to truth, shall we speak of a late instruction to his Majesty's Governor of the colony of Virginia, by which he is forbidden to assent to any law for the division of a county, unless the new county will consent to have no representative in Assembly? That colony has as yet affixed no boundary to the Westward. Their Western counties, therefore, are of an indefinite extent. Some of them are actually seated many hundred miles from their Eastern limits. Is it possible, then, that his Majesty can have bestowed a single thought on the situation of those people, who in order to obtain justice for injuries, however great or small, must, by the laws of that colony, attend their county court at such a distance, with all their witnesses, monthly, till their litigation be determined? Or does his Majesty seriously wish, and publish it to the world, that his subjects should give up the glorious right of representation, with all the benefits derived from that, and submit themselves the absolute slaves of his sovereign will? Or is it rather meant to confine the legislative body to their present numbers, that they may be the cheaper bargain, whenever they shall become worth a purchase?

One of the articles of impeachment against Tresilian, and the other Judges of Westminster Hall, in the reign of Richard the Second, for which they suffered death, as traitors to their country, was, that they had advised the King, that he might dissolve his Parliament at any time; and succeeding kings have adopted the opinion of these unjust Judges. Since the establishment, however, of the British constitution, at the glorious Revolution, on its free and ancient principles, neither his Majesty, nor his ancestors, have exercised such a power of dissolution in the island of Great Britain;<sup>27</sup> and when his Majesty was petitioned, by the united voice of his people there, to dissolve the present Parliament, who had become obnoxious to them, his Ministers were heard to declare, in open Parliament, that his Majesty possessed no such power by the constitution. But how different their language, and his practice, here! To declare, as their duty required, the known rights of their country, to oppose the usurpation of every foreign judicature, to disregard the imperious mandates of a Minister or Governor, have been the avowed causes of dissolving Houses of Representatives in America. But if such powers be really vested in his Majesty, can he suppose they are there placed to awe the members from such purposes as these? When the representative body have lost the confidence of their constituents, when they have notoriously made sale of their most valuable rights, when they

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<sup>27</sup> On further inquiry, I find two instances of dissolutions before the Parliament would, of itself, have been at an end: viz., the Parliament called to meet August 24, 1698, was dissolved by King William, December 19, 1700, and a new one called, to meet February 6, 1701, which was also dissolved, November 11, 1701, and a new one met December 30, 1701.

have assumed to themselves powers which the people never put into their hands, then, indeed, their continuing in office becomes dangerous to the State, and calls for an exercise of the power of dissolution. Such being the cause for which the representative body should, and should not, be dissolved, will it not appear strange, to an unbiassed observer, that that of Great Britain was not dissolved, while those of the colonies have repeatedly incurred that sentence?

But your Majesty, or your Governors, have carried this power beyond every limit known or provided for by the laws. After dissolving one House of Representatives, they have refused to call another, so that, for a great length of time, the legislature provided by the laws, has been out of existence. From the nature of things, every society must, at all times, possess within itself the sovereign powers of legislation. The feelings of human nature revolt against the supposition of a State so situated, as that it may not, in any emergency, provide against dangers which, perhaps, threaten immediate ruin. While those bodies are in existence to whom the people have delegated the powers of legislation, they alone possess, and may exercise, those powers. But when they are dissolved, by the lopping off one or more of their branches, the power reverts to the people, who may use it to unlimited extent, either assembling together in person, sending deputies, or in any other way they may think proper. We forbear to trace consequences further; the dangers are conspicuous with which this practice is replete.

That we shall, at this time also, take notice of an error in the nature of our land holdings, which crept in at a very early period of our settlement. The introduction of the Feudal tenures into the kingdom of England, though ancient, is well enough understood to set this matter in a proper light. In the earlier ages of the Saxon settlement, feudal holdings were certainly altogether unknown, and very few, if any, had been introduced at the time of the Norman conquest. Our Saxon ancestors held their lands, as they did their personal property, in absolute dominion, disincumbered with any superior, answering nearly to the nature of those possessions which the Feudalist term Allodial. William the Norman, first introduced that system generally. The lands which had belonged to those who fell in the battle of Hastings, and in the subsequent insurrections of his reign, formed a considerable proportion of the lands of the whole kingdom. These he granted out, subject to feudal duties, as did he also those of a great number of his new subjects, who, by persuasions or threats, were induced to surrender them for that purpose. But still, much was left in the hands of his Saxon subjects, held of no superior, and not subject to feudal conditions. These, therefore, by express laws, enacted to render uniform the system of military defence, were made liable to the same military duties as if they had been feuds; and the Norman lawyers soon found means to saddle them, also, with the other feudal burthens. But still they had not been surrendered to the King, they were not derived from his grant, and therefore they were not holden of him. A general principle was introduced, that "all lands in England were held either mediately or immediately of the Crown;" but this was borrowed from those holdings which were truly feudal, and only applied to others for the purposes of illustration. Feudal holdings were, therefore, but exceptions out of the Saxon laws of possession, under which all lands were held in absolute right. These, therefore, still form the basis or groundwork of the Common law, to prevail wheresoever the exceptions have not taken place. America was not conquered by William the Norman, nor its lands surrendered to him or any of his successors. Possessions there are, undoubtedly, of the Allodial nature. Our ancestors, however, who migrated hither, were laborers, not lawyers. The fictitious principle, that all lands belong originally to the King, they were early persuaded to believe real, and accordingly took grants of their own lands from the Crown. And while the Crown continued to grant for small sums and on reasonable rents, there was no inducement to arrest the error, and lay it open to public view. But his Majesty has lately taken on him to advance the terms of purchase and of holding, to the double of what they were; by which means, the acquisition of lands being rendered difficult, the population of our country is likely to be checked. It is time, therefore, for us to lay this matter before his Majesty, and to declare, that he has no right to grant lands of himself. From the nature and purpose of civil institutions, all the lands within the limits, which any particular party has

circumscribed around itself, are assumed by that society, and subject to their allotment; this may be done by themselves assembled collectively, or by their legislature, to whom they may have delegated sovereign authority, and, if they are allotted in neither of these ways, each individual of the society, may appropriate to himself such lands as he finds vacant, and occupancy will give him title.

That, in order to enforce the arbitrary measures before complained of, his Majesty has, from time to time, sent among us large bodies of armed forces, not made up of the people here, nor raised by the authority of our laws. Did his Majesty possess such a right as this, it might swallow up all our other rights, whenever he should think proper. But his Majesty has no right to land a single armed man on our shores; and those whom he sends here are liable to our laws, for the suppression and punishment of riots, routs, and unlawful assemblies, or are hostile bodies invading us in defiance of law. When, in the course of the late war, it became expedient that a body of Hanoverian troops should be brought over for the defence of Great Britain, his Majesty's grandfather, our late sovereign, did not pretend to introduce them under any authority he possessed. Such a measure would have given just alarm to his subjects of Great Britain, whose liberties would not be safe if armed men of another country, and of another spirit, might be brought into the realm at any time, without the consent of their legislature. He, therefore, applied to Parliament, who passed an act for that purpose, limiting the number to be brought in, and the time they were to continue. In like manner is his Majesty restrained in every part of the empire. He possesses indeed the executive power of the laws in every State; but they are the laws of the particular State, which he is to administer within that State, and not those of any one within the limits of another. Every State must judge for itself, the number of armed men which they may safely trust among them, of whom they are to consist, and under what restrictions they are to be laid. To render these proceedings still more criminal against our laws, instead of subjecting the military to the civil power, his majesty has expressly made the civil subordinate to the military. But can his Majesty thus put down all law under his feet? Can he erect a power superior to that which erected himself? He has done it indeed by force; but let him remember that force cannot give right.

That these are our grievances, which we have thus laid before his Majesty, with that freedom of language and sentiment which becomes a free people, claiming their rights as derived from the laws of nature, and not as the gift of their Chief Magistrate. Let those flatter, who fear: it is not an American art. To give praise where it is not due might be well from the venal, but would ill beseem those who are asserting the rights of human nature. They know, and will, therefore, say, that Kings are the servants, not the proprietors of the people. Open your breast, Sire, to liberal and expanded thought. Let not the name of George the third, be a blot on the page of history. You are surrounded by British counsellors, but remember that they are parties. You have no ministers for American affairs, because you have none taken from among us, nor amenable to the laws on which they are to give you advice. It behoves you, therefore, to think and to act for yourself and your people. The great principles of right and wrong are legible to every reader; to pursue them, requires not the aid of many counsellors. The whole art of government consists in the art of being honest. Only aim to do your duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another; but deal out to all, equal and impartial right. Let no act be passed by any one legislature, which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well-poised empire. This, Sire, is the advice of your great American council, on the observance of which may perhaps depend your felicity and future fame, and the preservation of that harmony which alone can continue, both to Great Britain and America, the reciprocal advantages of their connection. It is neither our wish nor our interest to separate from her. We are willing, on our part, to sacrifice everything which reason can ask, to the restoration of that tranquillity for which all must wish. On their part, let them be ready to establish union on a generous plan. Let them name their terms, but let them be just. Accept of every commercial preference it is in our power to give, for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going

to other markets to dispose of those commodities which they cannot use, nor to supply those wants which they cannot supply. Still less, let it be proposed, that our properties, within our own territories, shall be taxed or regulated by any power on earth, but our own. The God who gave us life, gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them. This, Sire, is our last, our determined resolution. And that you will be pleased to interpose, with that efficacy which your earnest endeavors may insure, to procure redress of these our great grievances, to quiet the minds of your subjects in British America against any apprehensions of future encroachment, to establish fraternal love and harmony through the whole empire, and that that may continue to the latest ages of time, is the fervent prayer of all British America.

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