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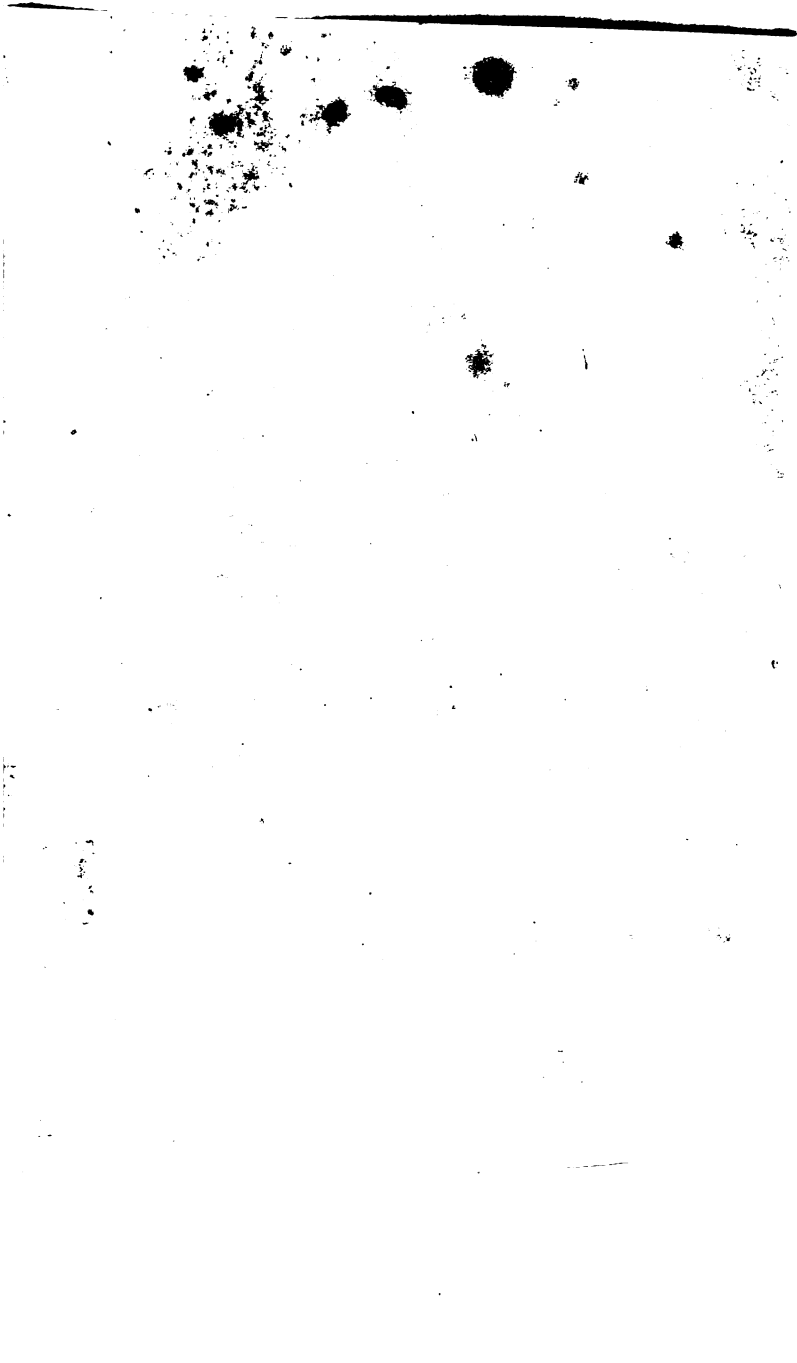
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W. J. Smith from Maria
~~*E. S. Smith*~~
A

POLITICAL AND CIVIL HISTORY
OF THE
UNITED STATES OF AMERICA,
FROM THE YEAR 1763
TO THE CLOSE OF THE ADMINISTRATION
OF PRESIDENT WASHINGTON, IN MARCH, 1797:
INCLUDING
A SUMMARY VIEW OF THE
POLITICAL AND CIVIL STATE
OF THE
NORTH AMERICAN COLONIES, PRIOR TO THAT PERIOD.

BY TIMOTHY PITKIN.

IN TWO VOLUMES.
VOL. I.

NEW HAVEN:
PUBLISHED BY HEZEKIAH HOWE AND DURRIE & PECK.
1828.

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DISTRICT OF CONNECTICUT, to wit:

L. S. BE it remembered, That on the twenty-third day of January, in the fifty-second year of the Independence of the United States of America, A. D. 1828, TIMOTHY PITKIN, of the said District, hath deposited in this Office the Title of a Book, the right whereof he claims as author ; in the words following—to wit :

“ A Political and Civil History of the United States of America, from the year 1763 to the close of the administration of President Washington, in March, 1797 : including a summary view of the Political and Civil state of the North American Colonies, prior to that period. By TIMOTHY PITKIN. In two volumes.”

In conformity to the act of the Congress of the United States, entitled “ An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned”--and also to the act entitled “ An act supplementary to an act entitled ‘ An act for the encouragement of learning, by securing the copies of maps, charts, and books, to the authors and proprietors of such copies, during the times therein mentioned,’ and extending the benefits thereof to the arts of designing, engraving, and etching historical and other prints.”

CHAS. A. INGERSOLL,
Clerk of the District of Connecticut.

PRINTED BY HEZEKIAH HOWE—NEW HAVEN.

PREFACE.

THE events, whether of a political, civil, or military character, which led to the American revolution, and the establishment of those forms of government under which the people of the United States now enjoy so much liberty and happiness, are daily becoming more and more objects of peculiar interest and inquiry.

No incident of any considerable importance, either in the cabinet, or in the field, tending to elucidate this portion of the history of the United States, and to show the sacrifices American patriots were then called upon to make, and the difficulties they had to encounter, in effecting so complete a revolution, can fail to interest every American.

With the military events of that period, the people of the United States, it is believed, are better acquainted than with those of a political or civil nature. This first suggested to us the idea, that a connected view of the political and civil transactions of our country, unmixed with military events, except so far as the latter had an influence on the former, was a desirable object.

We were induced to believe, also, that a more intimate knowledge and recollection of the difficulties which their political fathers had to overcome, not only in effecting that revolution which separated the North American colonies from Great Britain, but in establishing those civil institutions and forms of government under which, by the smiles of heaven, the Americans justly flatter themselves they now enjoy a greater share of personal and political happiness than the people of any other nation, would tend to increase the veneration of the citizens of the United States for those institutions, and induce them, with firmer purpose, to adhere to the great charter of their union, as their best and only security against domestic discord or foreign force.

With these views, we have presented to the public, the following sketches of the political and civil history of the United States, from 1763 to the close of the administration of president Washington, in March, 1797. The great political events of this interesting period, we were persuaded, however, could not be well understood, without some knowledge of the political state of the country prior to that period, of the views entertained by our ancestors respecting their rights, and of the nature of their connection with the parent state.

The stamp act and the insignificant duty on tea, precipitated, but did not alone produce, the American revolution. This great event must be traced to powerful and efficient causes in existence, and in operation, long before the adoption of these particular measures; causes which, brought at length into more active operation by these measures, produced such wonderful effects.

The unexampled unanimity of sentiment against the stamp act, which instantaneously appeared among two or three millions of people, widely dispersed over this extensive continent, was not the work of a day or a year. The opinions then simultaneously and universally expressed by the Americans, on the subject of their rights, were the opinions of their fathers, which they brought into this country, and here cherished and handed down to their posterity.

We have, therefore, presented a summary of the political state of the North American colonies, from their first settlement to the year 1763, embracing a general view of the colonial policy of the metropolitan country, as well as the opinions and conduct of the colonists themselves, respecting their civil and political rights, particularly those relating to representation and taxation.

In doing this, we have consulted most of the colonial histories, and where these were wanting or imperfect, we have, in some instances, had recourse to the original records. In our researches respecting colonial history, we have felt the want of many papers which could only be found in the office of the board of trade and plantations in England. We have availed ourselves, however, of the publications of George Chalmers, Esq., who was many years clerk of that board. We allude to his "political annals" concerning the United Colonies of America, published in 1780; and his "opinions of eminent lawyers on various points of English jurisprudence, chiefly concerning the colonies, fisheries, and commerce of Great Britain, collected and digested from the originals in the board of trade and plantations, and other depositories," published in 1814. From these publications, (the first of which is only brought down to the year 1688,) as well as from other sources, we are satisfied that a full and complete colonial history of this country cannot be compiled without the aid of those papers; and we cannot but express a hope, that by the patronage either of the general government, or the state governments, authentic copies of them may be obtained, and deposited among the archives of our country.

With respect to that portion of American history which has claimed our particular attention, we have derived our information from sources deemed perfectly authentic. We have avail-

ed ourselves, so far as we conceived it proper, of the state papers, to which we have had access, at the seat of the general government. We have, also, been favored with the perusal of many of the manuscript papers of Arthur Lee and Silas Deane, Esqs., both of whom were American agents and ministers in Europe, at an early period of the revolutionary contest.

To the works of Dr. Franklin, we are indebted for much valuable information. During a long life, he was principally engaged in public affairs, and no one had a greater share in the political concerns of his country, than this distinguished philosopher and statesman. From the correspondence of the late venerable patriot, John Adams, who, as well as Dr. Franklin, was many years a minister in Europe, and from the secret journals of the old congress, we have derived much aid in relation to American transactions abroad.

The numerous publications relating to individuals who acted a conspicuous part in the political scenes of this period, not only give the characters of the individuals themselves, but also, furnish many important historical facts. Among these, we would allude to the life of general Washington, by chief justice Marshall, the lives of Mr. Otis, Patrick Henry, Richard Henry Lee, and Mr. Quincy, and the biographical memoirs of those patriots who affixed their names to the act of independence.

Much of the revolutionary history of the United States is only to be found in the private papers of those who were principal actors during that period; and whenever the letters of general Washington, and the papers left by Samuel Adams, John Adams, and Mr. Jefferson, shall be given to the public, great additions will be made to the stock of materials for American history. From numerous individuals, as well as from their libraries, we have obtained many valuable and interesting facts. Among these individuals, we are permitted to mention the names of Mr. Jay, and Mr. King. The share which these gentlemen had in the political affairs of their country, is well known. The former still survives, to see the fruits of his labors, and particularly to see the western country, secured in a great measure by his firm and persevering exertions at the peace of 1783, now inhabited by millions of his fellow citizens.

To the scanty information of which the public is now in possession, relative to the proceedings of the congress which met at New York, in October 1765, on the subject of the stamp act, we have made some additions from the papers of the late Dr. William S. Johnson of Connecticut, who was a member of that body. Among these papers, which have been politely furnished us, by

his son, the most important is a report on the subject of colonial rights, which will be found in our appendix. To the same papers we are indebted for copies of the letters of Charles Garth, Esq., agent for South Carolina, and a member of parliament, giving the most full and perfect account that has fallen within our observation, of the proceedings of the ministry and parliament, in 1766, relative to the celebrated declaratory act, and the repeal of the stamp act.

The papers and documents having relation to the history of the United States, during this period, are immensely voluminous, and are to be found not only among the archives of the general government and the various state governments, but in the libraries and closets of hundreds, nay thousands of individuals, throughout this extensive country. Valuable collections of these papers and documents, however, have been made and deposited in the libraries of the universities, historical societies, and other literary institutions of our country.

We have had an opportunity of examining some of these collections, particularly those in the libraries of the universities at Cambridge and New Haven, and of the Atheneum and Historical society at Boston; and we take great pleasure, in here acknowledging the politeness and liberality of the superintendents of those several institutions, in affording us every facility in making this examination. The library at Cambridge, by the munificence of individuals highly honorable to themselves and worthy of imitation, has lately been enriched with the valuable collections of books and documents relating to America, made by the late professor Ebeling of Hamburg, and by Mr. Warden at Paris.*

These, in addition to the extensive collections made by the managers of the Atheneum, and by the Massachusetts historical society, furnish very ample materials for general American history.

The formation and establishment of the confederacy of the States during the war of the revolution, and of the present constitution of the United States, are among the most interesting and important events of the period under our review; and we regret that the materials for a more particular account of the proceedings of the august assemblies which formed these two systems of government, are not more ample. Their proceedings, in both instances, it is well known, were directed to be kept secret; and the debates on the various topics presented for deliberation, and which alone would develop the true history of their transactions,

* The Ebeling collection was presented by Col. Israel Thorndike, and that of Mr. Warden, by Samuel A. Elliot, Esq., both of Boston.

have never been made public, with the exception of the minutes of some part of them, taken by one of the members of the convention in 1787, for his own private use. These minutes, the journals of the old congress relating to the confederacy, and the journals of the general convention, with the representation made to the assembly of Maryland by one of the members of the convention from that State, are the only public documents on the subject, that have fallen within our notice. From these, as well as from the debates in the State conventions, and information derived from individuals, we have given an account, though an imperfect one, of these two important events.

In preparing these sketches, we think proper to state, that we have not aimed to present a philosophical history of our country, or attempted a minute delineation of the characters of the numerous actors in the political scenes, during the period to which they relate. Our object has been to give a plain and connected, but faithful and impartial account of the principal political and civil transactions of the United States, during a most interesting period of their history. And with respect to any imperfections, which may and no doubt will be found, in an undertaking somewhat novel, we only ask, of those who have given it their patronage, as well as of the American public in general, the exercise of their usual candor and liberality.

NOTE.—In transcribing the names of those who signed the declaration of independence, that of George Read was, by mistake, omitted.

CONTENTS.

Page.

CHAPTER I.

Origin of the English and French claim to North America—First attempt at settlement by French Protestants—Destroyed by the Spaniards—Sir Humphrey Gilbert and Sir Walter Raleigh attempt a settlement—Grant to South and North Virginia Companies—French grant to De Monts—First settlement of Virginia, Plymouth, and the other English Colonies—Extent of their grants—North Virginia first called New England in 1614—Grant of New England to the Plymouth Company—New York settled by the Dutch—French discoveries under de la Salle, 13

CHAPTER II.

Different forms of governments in the Colonies—Puritans settle Plymouth in 1620—Form a government for themselves—Intercourse of the Dutch with the people of Plymouth—Massachusetts second Colony in New England—Obtains a Charter from the King—Government of the Colonies placed in the hands of Commissioners—Their powers and conduct—Surrender of the great Plymouth Charter to the Crown—Reasons for it—People first represented in the General Court in Massachusetts in 1634—Government established in the Colonies of Connecticut, Rhode Island and New Haven—Confederacy of the New England Colonies—Proprietary governments of Maryland, the Carolinas, New Jersey and Pennsylvania—Disputes between the Proprietors and Settlers—People of South Carolina renounce the Proprietary Government—Proprietors of New Jersey surrender their government to the crown—Royal Governments—Government of Virginia under the London Company and during the civil wars in England—Application of Virginia for a Charter—Government of New York under the Dutch and the Duke of York—People of New York first represented in the Assembly in 1683—Government of Leister—Conduct of Governors Slaughter and Fletcher, 31

CHAPTER III.

Colonists consider themselves entitled to the rights of Englishmen—Claim the right of representation—Disputes with the crown on this subject—Opinions of eminent lawyers on this question—Declaration of rights by the assembly of New York in 1691—Declarations of the colonies at various times on the right of taxation—Various acts of Parliament restricting the trade and manufactures of the colonies—The origin and causes of these acts—Their effects in the colonies and opinions concerning them—Mode of enforcing them—Board of trade and plantations established—Objects and powers of this board—Rice included among the enumerated commodities in a clandestine manner—Acts of parliament concerning hats and hatters—Manufacture of iron and steel prohibited—Slitting mills, plating forges and furnaces, in the colonies declared *common nuisances*—Governors ordered to destroy them—Principles and opinions of English writers concerning the trade and manufactures of the colonies, 85

CHAPTER IV.

Charters of Connecticut and Rhode Island obtained at a favorable moment—Measures taken to resume the Charters—Difference between the colonies and the colonists on this subject—Declaration of Massachusetts concerning her Charter

Page.

rights in 1661—Royal commissioners sent to regulate the New England colonies—Their reception—Massachusetts refuse to submit to their authority and send a petition to the king—Complaints against Massachusetts—Committee of trade require an answer to these complaints—Answers not satisfactory—Massachusetts refuse to submit to the wishes of the king—Writs of quo warranto issue against the charter of that colony—Judgment against it—Writs issue against those of Connecticut and Rhode Island—Their letters considered a surrender of them—Sir Edmund Andrus appointed governor general of New England—His despotic acts—Revolution in New England—Connecticut and Rhode Island resume their charters—New Charter granted Massachusetts—Great Britain jealous of the independence of the colonies—Bills brought into parliament to resume the Charter government—Defeated—King sustains appeals from the colonial courts in civil suits—Explanatory Charter of Massachusetts—Law of descents in Connecticut declared void—Massachusetts refuse to provide a permanent salary for the Governor—Present an address to the king on the subject—Heard before the board of trade—Conduct of that colony condemned—Jealousy of its growing power increases,

107

CHAPTER V.

Convicts transported to the Plantations from England—The Colonies of Virginia and Maryland pass Laws respecting them—These laws disapproved by the Crown—This conduct of the Parent Country injurious to the Colonies, and excites their indignation—Privilege of the writ of Habeas Corpus, supposed by the board of trade not to extend to the Colonies—Act of Massachusetts concerning the writ of Habeas Corpus disallowed by the Crown—Colonists still retain an affection for their parent country—Bounties allowed by Parliament for certain articles produced in the colonies—Mode of colonial contributions—Extent of the English and French claims in North America—Plan of union among the colonies adopted in 1754—Disapproved by the crown and the colonial legislatures—Ministerial plan for defending the colonies—Reasons of Dr. Franklin against it—War of 1756, in consequence of disputed claims in America—Quebec taken—Family compact between France and Spain—Havana taken—Peace of 1763—French power in America destroyed—Colonial schools for general education—First established in Massachusetts by law, in 1647—Objects of their establishment—The clergy of New England assist in establishing these schools—Colleges founded in the colonies—Character of the people of America different from that of those of Europe—Some of the causes of this difference,

132

CHAPTER VI.

Peace of 1763—An important event to the colonies—Excites great joy in America—Navigation acts enforced by writs of assistance—Opposed in Massachusetts—Stamp duties proposed in parliament—Opposed in the colonies as a violation of their rights—Petitions and resolutions against them—Petitions rejected—Stamp Act passed—Excites great alarm in the colonies—Resolutions of the Virginia house of burgesses against it—Meeting of a congress of the colonies in 1765—Declaration of rights and petitions of this congress in opposition to the stamp act—Resolutions of colonial assemblies and associations of individuals—Disturbances at Boston—Act not suffered to be executed—New Ministry—American papers laid before parliament—Resolutions of Conway declaratory of the right of parliament to bind the colonies in all cases—Debate upon them—Passed by a large majority—Examination of Dr. Franklin and others in the house of commons—Stamp Act repealed—Speeches of lord Chatham and lord Grenville on the question of the repeal,

155

CHAPTER VII.

Repeal of stamp act, a joyful event in America—Ministry seem well disposed towards the colonists—Compensation to those who suffered by disturbances in

Page.

consequence of the stamp act, required---Massachusetts delays granting the compensation---New York refuses to furnish all the articles required by the mutiny act---This offends the ministry---New administration---Duties imposed on glass and other articles in the colonies---Board of custom house officers established in America---Legislature of New York prohibited from passing laws, until a compliance with the mutiny act---Massachusetts among the first to oppose the new duties---Circular letter of the house of representatives of that province---Disapproved by the ministry---The house directed to rescind its vote---Other colonies required to disregard the circular of Massachusetts---The house refuses to rescind---Other colonies unite with Massachusetts---Spirited conduct of New York and Maryland---Disturbances at Boston---Troops sent there---Convention of the people in Massachusetts---Troops quartered in Boston---Conduct of Massachusetts censured by parliament---King authorized to bring offenders in the colonies to Great Britain for trial---Proceedings of Virginia---Disputes in Massachusetts in relation to the troops---The new duties revealed, except the duty on tea---This not satisfactory to the colonists---Royal provision for governor's salary in Massachusetts---Declared a dangerous innovation---Destruction of the Gaspee in Rhode Island---Disputes between governor Hutchinson and the assembly of Massachusetts concerning the supremacy of parliament---Committees of correspondence between the colonies appointed---Private letters of governor Hutchinson published---Occasion a petition for his removal---East India company send tea to America---Destroyed at Boston---Boston port bill---Alteration of Massachusetts charter---These acts resisted in the colonies,

213

CHAPTER VIII.

Congress of the colonies in September, 1774---The conduct of Massachusetts approved---A committee appointed to state the rights of the colonies---Their violations and the means of redress---Suffolk resolutions approved---Declaration of the rights of the colonies---Non-importation, non-consumption, and non-exportation agreement---Address to the king---To the people of Great Britain---To the inhabitants of the colonies, and to the inhabitants of the province of Quebec---Galloway proposes a plan of reconciliation---This postponed---Congress is dissolved in October---Proceedings of congress approved by the colonies---Lord Chatham's motion for the recall of the troops from Boston---His speech on this motion---His conciliatory bill---Rejected by a large majority---Parliament determines to enforce obedience---Augments the army and navy---Restrains the trade and fisheries of the colonies---Indirect negotiation with Dr. Franklin, as to terms of reconciliation---Lord North's conciliatory proposition---Its object---Disarming some of the colonies contemplated---Preparations for defense in the colonies---Hostilities commence in Massachusetts---Excite great alarm---Massachusetts convention raise troops and prepare an address to the people of Great Britain,

282

CHAPTER IX.

Congress again meet in May, 1775---Place the colonies in a state of defense---Raise an army and appoint George Washington commander in chief---Publish a manifesto declaring the causes of their taking up arms---Prepare a second petition to the king and an address to the people of Great Britain---Congress not unanimous in again petitioning the king---Proceedings on lord North's conciliatory proposition---The terms of the proposition rejected---Terms of reconciliation proposed by the convention of New York---Substance of terms sketched by Dr. Franklin---Massachusetts convention ask the advice of congress about the establishment of civil government in that colony---Fort at Ticonderoga taken---Congress send an army into the province of Canada---Paper money issued---Views of the convention of New York, on the subject of a paper medium---Colonists in general in favor of reconciliation---Their various declarations on the subject---Second petition to the king rejected---The colonies de-

Page.

clared by parliament in a state of rebellion—All trade with the colonies prohibited, and the colonists declared open enemies—Their vessels and persons made liable to seizure—Royal commissioners appointed—Their powers—Reprisals ordered by congress—American ports opened to all the world except Great Britain—Congress recommend to the colonies to form governments for themselves—Independence seriously contemplated—Delegates of Pennsylvania instructed against it—Recommended by North Carolina—Delegates of Virginia specially instructed to propose it in congress—Proposed by Richard Henry Lee—Subject postponed—Measures taken to procure the assent of all the colonies—Declaration of independence unanimously agreed to and signed by delegates from all the colonies—Produces a new political state in America—Allegiance now transferred to the states—Persons adhering to the king, or to the enemies of the states, or giving them aid, considered as guilty of treason—Royal commissioners request a conference with some of the members of congress—Committee appointed—The result of the conference—Terms rejected—Commissioners issue addresses and proclamations to the people of America—Counter address of the convention of New York—Campaign of 1776 unfortunate for America—General Washington invested with unlimited military powers—Capture of the Hessians at Trenton and the battle of Princeton revive the drooping spirits of the Americans,

328

CHAPTER X.

Committee of Secret correspondence appointed by congress—Direct a letter to be sent to a gentleman in Holland—Send Silas Deane to France, in March 1776, as a commercial and political agent—His instructions—Arrives in Paris in July 1776—Has an interview with the French minister, count de Vergennes—Is well received and promised protection in his commercial arrangements—French ports open to the Americans—Mr. Deane was to appear in the character of a merchant only—Congress prepare a commercial treaty to be proposed to France—Dr. Franklin, Mr. Deane, and Arthur Lee, appointed commissioners to the French Court—Their instructions—Meet at Paris in Dec. 1776—France not prepared openly to join the Americans—A paper signed by the King himself, is read to the Commissioners in January 1777—He declines entering into a treaty, but promises them protection, and gives two millions of livres—This to be kept a secret—Congress offer to France and Spain more favorable terms—These terms insufficient—Capture of Burgoyne creates consternation in England—Lord North declares his intention to offer the Americans terms of reconciliation—France accepts the offers of the American Commissioners, and enters into treaties—Reasons for this given by the French Monarch in a letter to the king of Spain—Policy of France in relation to America explained—She affords secret aid to the Americans—For this purpose, secretly puts money and arms into the hands of an agent, by the name of Beaumarchais—The Agent sends arms to America, under the name of Hortales & Co.—American Commissioners send despatches by Capt. Folger—They are secretly taken out by some one, and blank papers substituted—Folger suspected and is imprisoned, but afterwards released—Beaumarchais sends an Agent to America, to demand payment for the articles furnished by him—Divisions in Congress on the subject—Congress agree to pay Beaumarchais—Deane recalled—Thomas Paine publishes some of the secret despatches—Displeases the French Minister—He applies to Congress, to disavow the publication—Arthur Lee's letters relating to the claim of Beaumarchais—The officers of the Treasury charge him with one million of livres paid to him by France, for the use of the Americans—He disputes this, and applies to Congress for relief,

384

Appendix—Notes and Documents,

423

HISTORY, &c.



CHAPTER I.

Origin of the English and French Claims to North America—First attempt at settlement by French Protestants—Destroyed by the Spaniards—Sir Humphry Gilbert and Sir Walter Raleigh attempt a settlement—Grant to South and North Virginia Companies—French grant to De Monts—First settlement of Virginia, Plymouth, and the other English Colonies—Extent of their grants—North Virginia first called New England in 1614—Grant of New England to the Plymouth Company—New York settled by the Dutch—French discoveries under de la Salle.

THE claim of Great Britain to North America, was founded on the discoveries made by John Cabot and his sons, under a commission from King Henry VII. Cabot was a native of Venice, and with his sons, had settled in England, then a place of resort for foreign merchants.

The extensive commercial intercourse between the ports of Italy and the East Indies, by the way of the Red Sea and the Persian gulf, had, at an early period, been the means of extending geographical knowledge, as well as nautical skill, among the Italians, much beyond that possessed by their more western neighbors. It led them also, to form more correct ideas of the true figure of the earth, than was then entertained by the rest of Europe. This will account for the singular fact, that the first discoverer of the new world, as well as those, who immediately after, explored different parts of it, were natives of Italy. Columbus, Americus Vesputius, Cabot and Verazzano, were all natives of the commercial cities of that country. Cabot was of opinion that a new way to India might be found, by sailing northwest. To effect this, as well as to make further discoveries in the new world, he and his three sons, Sebastian, Lewis, and Sanctius, ob-

tained a commission from Henry, dated March 5th, 1496. By this commission, which is the oldest American state paper of England, they had authority and leave to sail to all parts, countries, and seas of the east, of the west, and of the north, and upon their own proper cost and charges, to seek out and discover countries of the heathen and infidels, unknown to all christians; there to set up the king's banner; to occupy and possess, as his vassals and lieutenants, the countries they should find, on condition of paying him one fifth of all the gains obtained by them.*

Under this commission, John Cabot and his son Sebastian, sailed from England in May, 1497; and in June came in sight of land, supposed to be a part of what was afterwards called Newfoundland. From hence they sailed along the coast north and south, but to what extent seems to be uncertain. Some writers have supposed that they went north as far as latitude 67° and south to the cape of Florida.† They returned without attempting a settlement, but took possession of the country in behalf of the crown of England.

The English neglected to take advantage of these discoveries, for nearly a century. In the mean time, the Court of France sent several vessels at different times, to make discoveries in the same quarter. Under the direction of Francis I. an enterprising and ambitious prince, John Verazzano, a Florentine, sailed along the American coast, from latitude 50° to 28°, and examined Florida, with some degree of accuracy.‡

A few years afterwards, the celebrated Jaques Cartier, made several voyages along the northern coast, sailed up the river St. Lawrence as far as Montreal, and took possession of the country in the name of the king of France. The discoveries made by these men in the service of France, laid the foundation of the French claim in North America. The first attempt at a settlement in that part of America, now the United States, was made by a number of French protestants. During the civil wars,

* Chalmers' Annals, p. 7. Entick's History of British Empire in America, p. 4.

† See vol. 1, Holmes' Annals, p. 18.

‡ Chalmers' Annals, p. 612.

in France, between the Catholics and Huguenots, the famous admiral Coligny, projected a plan for settling a colony of his protestant countrymen in America. In 1562, with the permission of Charles IX. he sent two ships, with a number of colonists, under the command of John Ribault, to that part of America, then called Florida. Ribault having returned to France, the settlers were reduced to great distress for want of provisions, and they put to sea in a vessel, they had built with great difficulty, and were taken up by an English ship so entirely destitute, that they had devoured one of their crew, who had voluntarily offered himself a victim, to save the rest.

A new colony was sent out in 1564, with a view to relieve the first, under Laudoniere.

This settlement was made as is supposed, on a river since called Albemarle, and at a place claimed by the Spaniards. The Spanish Court, enraged at this intrusion on their lands, by heretics, gave orders to Pedro Menandez, commander of a Spanish fleet, to drive the Huguenots out of Florida. On his arrival, he, in a most inhuman manner, massacred most of the French settlers. To secure the country for Spain, he built three forts, and left them garrisoned by Spanish soldiers. The French Court paid no regard to this atrocious act of the Spanish government. A distinguished individual, however, by the name of Gourges, a native of Gascony, and a soldier of fortune, fitted out an expedition at his own expense, and without any orders from his government, sailed for Florida. By a bold assault, he took the forts, and revenged the murder of his countrymen, by hanging most of the Spanish garrison. He afterwards demolished the forts and returned to France. This act was disavowed by the French Court; and neither the French or Spaniards ever after attempted a settlement at that place.

The first attempt made by the English to settle any part of America, was about the year 1583. In 1578, Queen Elizabeth granted letters patent to Sir Humphry Gilbert "for planting and inhabiting of her people in America." Under this patent, in 1583, Sir Humphry sailed for America, with two ships and three barks, with about two hundred and sixty men.

He entered the bay of St. John's in Newfoundland, and took possession of the country two hundred leagues round, in the name of the crown of England. He afterwards sailed further south; but being in want of provisions, he and his company were compelled to return. On his way back, the vessel in which Sir Humphry sailed, foundered in a storm, and all on board perished.

The second attempt was made by the celebrated Sir Walter Raleigh, in consequence of a patent granted him by the Queen, in March, 1584, "for the discovering and planting of new lands and countries." By this patent Queen Elizabeth granted to him and his heirs and assigns, such lands as he should discover, not actually possessed by any christian prince, or inhabited by a christian people; with authority to establish government and laws over those, who should inhabit those lands and countries, within the distance of two hundred leagues.

Under this grant, the southern coast was explored and called by the name of Virginia, and several attempts made to effect a settlement, but unfortunately, without success. No one can read the account of these early and unfortunate attempts to settle our country, without deeply lamenting the fate of those brave adventurers who were engaged in them.

The first colony left there in 1585, after suffering incredible hardships, were carried back to England, by Sir Francis Drake, who, fortunately, was directed to stop at this settlement on his return from his voyage to the Pacific. The second company, consisting of about fifty could never afterwards be found. They, no doubt, perished by famine or by the hands of savages. Not yet discouraged, a third colony, consisting of more than one hundred, were left to continue a settlement. By some unpardonable neglect, or untoward circumstances, three years elapsed, before any relief reached the spot, where they were left. Those who were sent with the promised relief, arrived too late. Not one of the whole number was to be found, nor were they ever afterwards heard of.*

These disastrous and distressing events, for a time, discouraged farther attempts, on the part of the British, to commence settle-

* Suth's History of Virginia, p. 24.

ments in the new world. The discoveries, however, made afterwards, by Bartholomew Gosnold, who in 1602 sailed along the coast of North Virginia, as it was then called; the favorable accounts given by him of the country, and the profitable traffic which he carried on with the natives, again excited a spirit of adventure and colonization among the merchants and others, in London, and in different parts of England.

In 1606, on the application of a number of gentlemen, King James divided that part of North America, lying between the 34th and 45th degree of latitude, into two nearly equal parts. The south part, called the first colony, he granted to Sir Thomas Gates, Sir George Somers, Richard Hackluyt, Edward Maria Wingfield, and their associates, called the London Company, and authorized them to make a settlement, at any place between the 34th and 41st degree of latitude, vesting them with the right of property in the land, extending fifty miles each way, from their place of habitation, reaching one hundred miles into the country. By the same patent, he granted, to Thomas Hanham, Raleigh Gilbert, William Parker, George Popham, and others, principally inhabitants of Plymouth, Bristol, and the eastern parts of England, the country, between the 38th and 45th degree of latitude, called the northern colony, vesting them, also, with the right of property in lands, to the same extent, as in the southern colony: neither company, however, were to form settlements within one hundred miles of the other. Under the grant to the southern company, the first permanent English settlements commenced, in North America. The king of England was, no doubt, induced to make these extensive grants, in consequence of a grant, made three years before, of the greatest part of the same country, by the French monarch. In November, 1603, Henry IV. of France, granted to Sieur de Monts, American territory, under the name of Acadia, extending from the 40th to the 46th degree of latitude, constituting him lieutenant general of the same, with power to colonize and govern it, and to subdue and christianize the natives. De Monts, the next year, began a settlement, in the northern part, since known by the name of Nova Scotia, at a place, called Port Royal.

From 1606 to 1682, under various grants from the British crown, made at different times, from different causes, and of very unequal extent, eleven additional colonies were settled along the Atlantic coast; and to these, the colony of Georgia was added in 1732. The public have been furnished with valuable histories of most of these colonies. Many of these histories, however, are not brought down to a late period, and some of them are imperfect.

A summary view of the *political* and *civil* state of these colonies, from their first settlement to the peace between Great Britain and France, in 1763, is here only contemplated. This will embrace a general account of their first settlement, the extent of the several grants, under which these settlements were made, the governments established in the various colonies, with the general character of the colonists; their plans of union among themselves, either general or partial; their political relation and connection with the parent country, together with a brief review of their various disputes with the king and parliament, during this period, with the causes of them, and particularly those in which all the colonies were more or less concerned.

The peace of 1763, was an important epoch in our colonial annals. The French power in North America was then annihilated, and the parent country at that time, not only commenced a system of imposing internal taxes upon the colonists, without their consent, but declared her right to bind them, in all cases whatever. This led to a more intimate union among the colonies, in defence of their rights; their affairs assumed a national aspect, and from this period the history of the United States may be said to commence. A more particular account of the political and civil transactions of the country, from that period through the revolution which followed, with the causes which led to that memorable event, down to the close of the administration of President Washington, is the principal object of these sketches. But to resume our colonial summary.

In 1609, a new charter was granted to the southern colony, with extended powers, as well as more definite limits, and with

the addition of many adventurers. The grantees were now incorporated by the name of "The Treasurer and company of adventurers and planters of the city of London, for the first colony of Virginia." To this company was granted that part of North America called Virginia, "from the point of land, called cape or point Comfort, all along the sea coast to the northward, two hundred miles, and from the said point of cape Comfort, all along the sea coast to the southward, two hundred miles, and all that space or circuit of land, lying from the sea coast of the precinct aforesaid, up into the land throughout, from sea to sea, west and north-west." The lands were to be holden, as of the manor of East Greenwich, in free and common socage, and not in capite, rendering to the crown one fifth of all ore of gold and silver, found there for all manner of services.*

This grant was the foundation of the extensive claim, afterwards made by Virginia, to the western lands. Under the grant to the north Virginia colony, George Popham and others, to the number of about one hundred, in 1607, attempted a settlement on an island at the mouth of Kenebeck river since called Parker's island. They here remained during the winter; but on account of the death of Mr. Popham, the leader of these adventurers, and the severity of the winter, this settlement was abandoned the next spring, and no further attempts made to settle this part of the country until 1620.† In the mean time, the French commenced settlements on the St. Lawrence, and in 1608, laid the foundation of Quebec and the province of New France or Canada. The coast, however, continued to be explored, and a traffic carried on with the natives, and particularly by the celebrated Capt. Smith. This chivalrous *traveller*, as he was justly called, whose various adventures both in Asia and America, as related by his able biographer, Mr. Belknap, bear the marks of romance, rather than reality, in 1614, sailed along the northern coast, made a map of the country, which he presented to prince Charles, who gave English names to most of the places on the

* Stith's Appendix.

† 1 Vol. Massachusetts' Historical Collection, p. 251.

coast, and from that period, this part of America was called New England.†

By the discoveries of Capt. Smith, as well as those made by the Dutch, a little farther south, about the same time, this part of America became better known in England; and in November 1620, a new patent was granted, comprehending all that part of America, "lying in breadth from 40° to 48° north latitude, and in length by all the breadth aforesaid, throughout the main land from sea to sea." This was called by the name of "New England in America." The grantees were incorporated, by the name of "the council established at Plymouth, in the county of Devon, for the planting, ruling, ordering and governing of New England in America."

This grant was made to the duke of Lenox, the lords of Arundel and Warwick, the marquisses of Buckingham and Hamilton, Sir Ferdinando Gorges, and thirty-four associates and their successors. The same powers and privileges were conferred on this company as had been given to the Virginia company, and they were empowered to exclude all persons from trading within their limits, and from fishing in the neighboring seas. Under grants from this company, most of the New England colonies, were settled. These colonies consisted originally of New Plymouth, Massachusetts, New Hampshire, Rhode Island, Connecticut, and New Haven.

The settlement of Plymouth commenced in 1620, Massachusetts in 1628, New Hampshire soon after Massachusetts, Rhode Island in 1634-5, Connecticut in 1635, and New Haven, in 1637.

New York was first settled by the Dutch, as early as 1614. The claim of the Hollanders to this part of the country, was founded on the discoveries of Henry Hudson, an Englishman, in the service of the Dutch East India company, in 1609.

Hudson was one of the boldest navigators of his time. In the years 1607 and 1608, he, in two successive voyages, attempted a passage to India round the north Cape, but without success. In the year 1609, he engaged in the service of the Dutch

† Smith's General History of New England in 1626, p. 204.

East India company, in a third voyage, with the same view. He sailed from the Texel on the 4th of April, of that year, but again meeting with insurmountable obstructions, from ice and fogs, he passed over to the American coast. He here attempted to find a passage through Davis' Straits, but in vain. He then sailed along the coast as far south as the bay of Chesapeak; and on his return, visited the bay of Delaware, and on the 3d of September, entered the waters of New York, near Sandy Hook, and soon after sailed up the river, afterwards, very properly called by his name, as far as Albany.

On his return to Europe, his crew, being partly Englishmen, compelled him to put into Dartmouth in England. He sent his journal and an account of his discoveries to the directors of the East India company; but, it is said, that King James would not suffer Hudson himself to go to Holland.* The next year he was again employed, by the merchants of London, on a fourth voyage, to discover a new route to India, and after suffering incredible hardships, he was left, by his mutinous crew, to perish, in a northern bay, which still bears his name. The Dutch, then one of the most commercial nations in Europe, immediately commenced a trade with the natives of the country discovered by Hudson.† This trade was, in 1614, confirmed to a company called the West India company. This celebrated company, was incorporated by the States General of the United Netherlands, in June, 1621. The charter of incorporation contained forty five articles, and granted and declared, that, for the term of twenty four years, "none of the natives or inhabitants of the United Netherlands, should be permitted to sail to, or from the lands, or to traffic in the coast and countries of Africa, from the tropic of Cancer to the Cape of Good Hope, nor in the countries of America, or the West Indies, beginning at the south end of Terra Nova, by the straits of Magellan, la Maire, or any other straits and passages situated thereabout, to the straits of Anian, as well as in the north sea, the south sea, nor any Islands situated on the one side or the other,

* Yates and Moulton's History of New York, vol. 1, part I.

† See Moulton's History, part II.

or between both ; nor in the western or southern countries, reaching, lying, and between both the meridians from the Cape of Good Hope, in the east, to the end of New Guinea, in the west, inclusive, but in the *name of this united company* of these United Netherlands." Extensive and ample powers were granted to this company. They were authorized to enter into "contracts and alliances with the princes and natives of the land," and for the purpose of protecting their trade and possessions, were empowered, not only to erect and garrison forts and fortifications but to negotiate in war or peace, but in case of war, the approbation of the States General was required. They were empowered to distribute justice, preserve order, maintain police, and administer the general, civil, and military government of their transmarine affairs ; to appoint a governor in chief or director general, commanders, and all officers civil and military, judicial and executive, who were to take an oath of allegiance, to the States and to the company. The government of the company was placed in the hands of five chambers or departments of directors ; the directors being distributed unequally among the distant provinces and cities.

The extensive limits assigned to this trading and colonizing company, were no doubt, occasioned by the extensive discoveries which, at an early period, had been made by the enterprising Hollanders. The straits of Magellan, la Maire, as well as the land called Terra Nova, were first discovered by the bold Dutch navigators ; and we cannot forbear the remark, that justice was never done, by the other European nations, to these extraordinary exertions of their rival neighbors.*

This charter at the end of the twenty four years was renewed. Under this company, new discoveries were made, and the claims of the Dutch extended to the river Connecticut on the east, and the river Delaware on the south ; and indeed, included all the country west of the river Delaware, which now constitutes the State of that name. This claim brought them in collision with the English settlements to the south as well as to the east. The claim of the Dutch to any part of this country, had never

* See Hazard's State papers, vol. 1, p. 121, and Moulton, part II.

been acknowledged by the English. The whole Atlantic coast was claimed by the latter, on the old principle of prior discovery. In March, 1664, therefore, King Charles II, granted this whole country to his brother, the Duke of York, by the following vague description: "all that part of the main land, of New England, beginning at a certain place, called or known by the name of St. Croix, next adjoining New Scotland, in America, and from thence extending along the sea coast, unto a certain place, called Pemaqua or Pemaquid, and so up the river thereof, to the farthest head of the same, as it boundeth northward, and extending from thence, to the river Kenebequin, and so upwards by the shortest course to the river Canada, northward; and also all that island, or islands, commonly called by the several name or names of Matowacks, or Long Island, situate and being towards the west of Cape Cod, and the Narrow-higansetts, abutting upon the main land, between the two rivers, then called or known by the several names of Connecticut and Hudson's river, together, also, with the said river called Hudson's river; and all the land from the west side of Connecticut river, to the east side of Delaware bay, all those several islands, called or known by the names of Martin's Vineyard, or Nantucket, &c." In the same year, an armed force was sent, under the command of Col. Richard Nichols, to demand a surrender of the country to the British Crown; and in September, 1664, it was surrendered on terms very liberal, to the inhabitants; and the name of New York was given to the country.*

The vague and indefinite limits of this grant afterwards occasioned great disputes, with Connecticut, Massachusetts, New Hampshire, and Vermont.

New Jersey, being originally claimed by the Dutch, was settled by them, not long after they had fixed themselves on the Hudson or North river. As early as 1623, a fort was built on the east bank of the South river, as the Delaware was then called.

The mouth of this river was visited by Hudson, in 1609, as before stated, and was afterwards explored by Capt. May, a distinguished Dutch navigator, after whom the southern cape of

* Moulton's History of New York, Part II.

New Jersey, was named. This fort, called Nassau, was at a place afterwards called Gloucester point. In June, 1664, the Duke of York granted New Jersey to John Lord Berkley, and Sir George Carteret, by the following description : " all that tract of land, adjacent to New England, and lying and being to the westward of Long Island, and bounded on the east, part by the main sea, and partly by Hudson's river, and hath, upon the west, Delaware bay or river, and extendeth southward to the main ocean, as far as Cape May, at the mouth of Delaware bay ; and to the northward as far as the northernmost branch of the said bay or river of Delaware, which is forty one degrees and forty minutes of latitude ; which said tract of land is hereafter to be called, by the name or names of Nova Cæsarea or New Jersey." This country was afterwards divided into east and west Jersey by the proprietors.*

The State of Delaware was originally settled by the Dutch and Swedes. As early as 1629, the Dutch purchased a tract of land, near Cape Hinloop, or Henlopen, and in 1630, an association was entered into, for the purpose of planting a colony, on the south river. This enterprize was entrusted to an experienced navigator, De Vries, and one of its principal objects was planting tobacco, and raising grain. In pursuance of this association, a settlement was made the next spring, on the west side of the Delaware, at a place then called Hoar Kills, since Lewis Town.†

The Swedes, also, made considerable settlements on the west bank of the Delaware, within the present limits of the State of Delaware ; but whether the Swedish settlement commenced before or after the one last mentioned, by the Dutch, has been a matter of some dispute. It has been generally stated by historians, that the Swedes first settled, on the river, in 1631 ; but a gentleman,‡ who has lately commenced the history of New York, and whose researches have thrown much light on the early history of that State, is of opinion that the Swedes did not arrive there until 1638. The Swedes, however, were afterwards conquered by the Dutch, and the country remained in their possession, until the

* Trumbull's History of the United States.

† Moulton, Part II.

‡ Moulton.

surrender of New York, in 1664, immediately after which, Sir Robert Carr, took possession of it, for the Duke of York. Settlements in Maryland commenced as early as 1633. The preceding year, the lands on both sides of the Chesapeak bay, were granted by Charles I, to Cecilius Calvert, Lord Baltimore, thus bounded and described: "all that part of a peninsula, lying between the ocean on the east, and the bay of Chesapeak on the west, and divided from the other part, by a right line, drawn from the cape, called *Watkins' point*; situated in the aforesaid bay, near the river Wighco, on the west, unto the main ocean on the east, and between that bound, on the south, unto that part of Delaware bay, on the north, which lies under the fortieth degree of north latitude, where New England terminates; and all that tract of land, from the aforesaid bay of Delaware, in a right line, by the degree aforesaid, to the true meridian of the first fountain of the river Potomac, and from thence tending towards the south, to the further bank of the aforesaid river, and following the west and south side of it, to a certain place, called Cinquack, situated near the mouth of said river, where it falls into the bay of Chesapeake, and from thence, by a straight line, to the aforesaid cape, called *Watkins' point*," &c.*

The Virginians complained of this grant, as interfering with the one previously made to them, but the king refused to give them relief. Soon after the restoration, the attention of King Charles II, was called to the situation of the country south of Virginia, which had hitherto remained unsettled.

In 1662, he granted to his favorite, Edward Earl of Clarendon, George Duke of Albermarle, William Lord Craven, John Lord Berkley, Antony Lord Ashley, Sir George Carteret, Sir William Berkley and Sir John Colleton, all the lands in North America, lying between the thirty first and thirty sixth degrees of north latitude, and in two years after, by a second charter, extended the boundaries of the grant from the twenty ninth to the thirty sixth degree and thirty minutes; and from these points, on the sea coast westward to the Pacific ocean. This last charter embraced

* Hazard, vol. 1, p. 328, and Proud, vol. 1, p. 116.

what is now North Carolina, South Carolina and Georgia. The Spaniards claimed the greatest part of this country, under the name of Florida; but the extent of the Spanish claim north, had not, at that time been accurately defined. By a treaty, however, between Great Britain and Spain, in 1667, the claim of the latter, to this country, was supposed to be relinquished. Spain stipulated, in this treaty, "that the King of Great Britain should always possess, in full right of sovereignty and property, all the countries, islands and colonies, lying and situate in the West Indies, or any part of America, which *he and his subjects* then held and possessed; insomuch, that they neither can, nor ought thereafter, to be contested, on any account whatever."*

A tract of country, lying west of the Delaware river, was still supposed to be ungranted. In March, 1681, this tract was granted to William Penn, son of the celebrated admiral Penn, as a reward for the services of his father; being "all that tract or part of land in America, with the islands therein contained, as the same is bounded, on the east by Delaware river, from twelve miles distance northward of New Castle town, unto the three and fortieth degree of north latitude, if the said river, doth extend so far northward; but if the said river shall not extend, so far northward, then by the said river; the eastern bounds are to be determined by a meridian line, to be drawn from the head of the said river, unto the said forty third degree. The said land to extend westward five degrees in longitude, to be computed from the said eastern bounds; and the said lands to be bounded, on the north, by the beginning of the three and fortieth degree of northern latitude, and on the south, by a circle, drawn at twelve miles distance from New Castle, northward and eastward, unto the beginning of the fortieth degree of northern latitude; and then by a straight line westward to the limits of longitude above mentioned." This was afterwards called Pennsylvania.†

In August, 1682, the Duke of York, made two conveyances to William Penn, of his lands taken from the Dutch, lying on the west of Delaware river. The first, comprehended New Castle,

* Trumbull's History of the United States, p. 185. † Proud, vol. 1, p. 172.

and the territory twelve miles around it; and the other, all the lands twelve miles south of New Castle, to Cape Henlopen, being afterwards known by the name of the three counties of New Castle, Kent, and Sussex, on the Delaware, and which now constitute the State of Delaware.

About the time of the grant of Pennsylvania, the French were extending their settlements in Canada, as well as their discoveries in the interior of the country, from Quebec to the Gulf of Mexico, including the extensive and fertile lands on both sides of the river Mississippi. The French first commenced a settlement on Mobile river or bay, in 1699, under Iberville, who was appointed Governor General of the country. Other more important objects at that time occupied the attention of the French Court; and this settlement was neglected, and on the death of Iberville, in 1701, was deserted.* In 1712, Louis XIV, granted the commerce of all the country then called Louisiana, to the Sieur Anthony Crozet, including, according to the words of the grant, "all the lands possessed by us, and bounded by New Mexico, and by the lands of the *English of Carolina*, all the establishments, ports, havens, rivers, and principally the port and haven of the Isle Dauphin, heretofore called Massacre, the river of St. Louis, heretofore called Mississippi, from the edge of the sea, as far as Illinois, together with the river of St. Phillip, heretofore called the Missouri, and of St. Jerome, heretofore called Oubache, with all the countries, territories, lakes within land, and the rivers which fall directly or indirectly, into that part of the river of St. Louis." The preamble to this grant shews the ground of this extensive claim of the French. It declares, that "we did in the year 1683, give our orders to undertake a discovery of the countries and lands, situated in the northern part of America, between New France and New Mexico. And the Sieur de la Salle, to whom we committed that enterprise, having had success enough, to confirm a belief, that a communication might be settled from New France to the gulf of Mexico, by means of rivers; this obliged us, immediately after the peace of Ryswick, to give orders for the establishing a

* Du Pratz's History of Louisiana.

colony there, and maintaining a garrison, which has kept and preserved the possession we had taken in the year 1683, of the lands and islands, which are situated in the gulf of Mexico, between Carolina, on the east, and Old and New Mexico, on the west."

The right of France to this vast extent of country, was disputed, both by Spain and Great Britain. Ferdinando de Soto, was probably the first European who visited the Mississippi, in the interior of the country. In his celebrated expedition, through what was called Florida, he, in 1541, crossed the Mississippi, at latitude thirty four, between five and six hundred miles from its mouth. The English claimed to have discovered this great river long before the expedition of la Salle or Father Hennepin.

As early as 1654, Col. Wood, who dwelt at the falls of James river in Virginia, sent several persons, who passed the Allegany mountains, entered the country of the Ohio, and in ten years space, discovered several branches not only of the Ohio, but of the Mississippi itself.* And there is strong ground to believe, that la Salle himself first obtained his information relative to the interior of the country from certain Indians, who had previously accompanied some New England adventurers, who are supposed to have visited the Mississippi as early as 1678. About the year 1699, Daniel Coxe, published a pamphlet, descriptive of Carolana, with an intent to show the importance of the country, and to prove that the English claim to it ought to be maintained, against the claims and encroachments of the French. In this, he gives an abstract of the first memorial presented to King William, being "a demonstration of the just pretensions of his majesty the king of England, unto the province of Carolana, alias Florida, &c." In this memorial, it is stated, among other grounds of claim, "that in the year 1678, a considerable number of persons went from New England, upon discovery and proceeded as far as New Mexico, one hundred and fifty leagues, beyond the river Mischacebe; and at their return rendered an account to the government of Boston, as will be attested among many others, by Col. Dudley, then

* Vol. 3 of the History of the British Empire, supposed by Entick.

one of the magistrates, afterwards governor of New England, and at present, deputy governor of the Isle of Wight, under the honorable the Lord Cutts." "The war soon after breaking out between the English and Indians, many of the Indians who were in that expedition, retreated to Canada, from whom Monsieur de la Salle received most of his information concerning that country, by him more fully discovered: and they served him for guides and interpreters; as is attested by Monsieur le Tonty, who accompanied Monsieur de la Salle, as also by Monsieur le Clerk, in a book published by order of the French King. For which reason, and divers other passages, favoring inadvertently the English pretensions, his journal, printed at Paris, was called in, and that book of one livre's price, is not now to be purchased for thirty livres."

We have never seen these facts stated in any other work than that of Mr. Cox. In the edition of le Tonty, which we have seen, none of them are noticed; yet we can hardly believe the whole to be a fabrication.

A spirit of adventure has always characterized the people of Massachusetts. Between the years 1660 and 1670, a number of them emigrated to Carolina, and settled at Cape Fear,* and it is not improbable, that some of these, or others who followed them, allured by accounts received from the natives, should have explored the interior of the country, even beyond the Mississippi, and either have returned themselves, or sent an account of their discoveries to their friends in Boston. Nor is any thing more probable than that the French in Canada, should have received information of this from the Indians, who accompanied them in the expedition. It is also well known, that at that period, the Massachusetts traders often visited the north part of Carolina, called Albermarle, settled principally from Virginia, and where a separate government was established, and were well acquainted with the country.†

In corroboration of the facts stated by Mr. Cox, we would observe, that the British Court, in answer to the claim made by

* Chalmers, p. 506, and Hutchinson, vol. 1, p. 238, note.

† Chalmers, p. 535.

France, to this country, have always declared that their discoveries of the Mississippi and the interior country on the east side of that river, were prior to those made by France; and particularly mentioned the years 1654 and 1678, in which they were made.

Georgia was the last of the English colonies established in North America. The charter of this colony was granted in 1732, and comprehended the country on the south part of the Carolinas, between the rivers Savannah and Altamaha, and extending westward from the heads of these rivers, in direct lines, to the south sea. To secure an asylum for the poor and wretched, in London and other places, in England and Ireland, as well as to prevent the encroachments of the Spaniards and French, were the principal objects of this grant. It was made to twenty one persons as trustees, who were incorporated for the purpose of settling and establishing the colony.

CHAPTER II.

Different forms of governments in the Colonies—Puritans settle Plymouth in 1620—Form a government for themselves—Intercourse of the Dutch with the people of Plymouth—Massachusetts second Colony in New England—Obtains a Charter from the King—Government of the Colonies placed in the hands of Commissioners—Their powers and conduct—Surrender of the great Plymouth Charter to the Crown—Reasons for it—People first represented in the General Court in Massachusetts in 1634—Governments established in the Colonies of Connecticut, Rhode Island and New Haven—Confederacy of the New England Colonies—Proprietary governments of Maryland, the Carolinas, New Jersey and Pennsylvania—Disputes between the Proprietors and Settlers—People of South Carolina renounce the Proprietary Government—Proprietors of New Jersey surrender their government to the crown—Royal governments—Government of Virginia under the London Company and during the civil wars in England—Application of Virginia for a Charter—Government of New York under the Dutch and the Duke of York—People of New-York first represented in the Assembly in 1683—Government of Leisler—Conduct of Governors Slaughter and Fletcher.

THE sufferings, the hardships, the distresses, of the first English settlers in the new world, and particularly those of Virginia and New England were without a parallel; and their patience in enduring them, as well as their perseverance in the pursuit of the objects they had in view, justly entitle them to the gratitude of their descendants. The dangers and hardships of the sea were nothing in comparison with those they were doomed to encounter in a perfect wilderness, from toil, from cold, from famine and from savages. Determined, however, to enjoy in the new world those blessings and advantages of which they were deprived in the old, no hardships discouraged, no dangers appalled them; and here, by divine assistance, they laid the foundation of those happy forms of government, and those valuable institutions, the benefits of which are now enjoyed by their posterity. Briefly to trace the origin and progress of these will next claim our attention. In the settlement of the different Colonies, three forms of government were established. These were usually denominated Charter, Proprietary and Royal governments. This difference arose from the different circumstances under

which the colonies were settled, as well as the different objects of the first emigrants. The Charter governments were confined to New England. Religious disputes, it is well known, peopled this part of North America. Early in the reign of the first of the Stuarts, a number of people, (from their peculiar religious tenets, denominated Puritans,) to avoid prosecution under the laws relating to uniformity in matters of religion, and to enjoy in peace that mode of worship they deemed most consonant to the scriptures, removed, with their celebrated teacher Mr. Robinson, to Holland. Here they remained until 1619, when they determined again to remove, and form a settlement by themselves, in some part of America, within the limits of the South Virginia Company.

For this purpose, a patent was obtained through the agency of one of their friends, from that company, with a view to plant themselves somewhere near Hudson's river.

The Dutch, however, unwilling that they should settle in their neighborhood under the authority of the Virginia Company; bribed their pilot to land them at some place north of the Hudson.

They were, therefore, carried to the barren coast of Cape Cod, where they arrived on the 9th of November, 1620. After searching many days for a place of settlement, they at last fixed upon a spot which they called Plymouth, and commenced the first settlement in New-England. They landed on this spot on the 23d of December, to the number of one hundred and one, including men, women and children, and commenced, at that inclement season, the erection of buildings for their common use.

Never were any civilized people placed more completely in a state of nature than this little band of pilgrims, as they have been justly called. They had, indeed, *literally*, a *world* before them; but that world was a wilderness, and Providence was their only guide. Being without the limits of the South Virginia patent, they were destitute of any right to the soil on which they landed; nor had they any powers of government derived from authority. Sensible of the necessity of some compact or form of civil government among themselves, they voluntarily entered into and

subscribed the following written constitution. "In the name of God, amen. We, whose names are under-written, the loyal subjects of our dread Sovereign, Lord King James, &c. having undertaken, for the glory of God and advancement of the christian faith, and honor of our King and country, a voyage to plant the first Colony in the northern parts of Virginia, do, by these presents, solemnly and mutually, in the presence of God, and of one another, covenant and combine ourselves together, into a civil body politic, for our better ordering and preservation and furtherance of the ends aforesaid ; and by virtue hereof to enact, constitute, and frame such just and equal laws and ordinances, acts, constitutions and officers, from time to time, as shall be thought most meet and convenient for the general good of the Colony ; unto which we promise all due submission and obedience."* This brief but comprehensive constitution of civil government, was signed by forty-one persons. It contained the elements of those forms of government peculiar to the new world. Under this system John Carver was by general consent chosen their first governor, "confiding," as the electors say, "in his prudence, that he would not adventure upon any matter of moment without the consent of the rest, or at least, advice of such as were known to be the wisest among them."

The climate was found much more severe than that to which these adventurers had been accustomed ; and it is a melancholy fact, that for want of comfortable habitations, wholesome provisions and other causes, their sufferings were such that one half of this little band perished in the course of the first winter. And it cannot be imagined how the survivors could have had the resolution any longer to continue on this desolate spot. Nothing but the same spirit which led them to this wilderness, could have induced them under these circumstances to continue.

Before they left England, these new settlers had formed a connection or partnership with a number of merchants and other adventurers, to continue for seven years ; by which, not only their

* Hazard, vol. 1.

commerce, but all their business was to be carried on in common, and for their joint benefit.

At the end of the seven years, the shares of the adventurers in England, were purchased by the colonists, and the joint property was divided among them.*

The Plymouth colonists were fortunate in being able to form a "league of peace," with Massasoit, the great Sachem of the country. They were, however, for some years without a patent on which they relied for security in their possession. In 1629, a second patent from the great Plymouth company was obtained in the name of William Bradford and his associates, granting them a tract of country lying between the river Conahasset towards the north, and Naragansets on towards the south, and the great western ocean towards the east, and between and within straight lines, extending up into the main land, towards the west, from the mouths of those rivers to the utmost limits and bounds of a country or place in New-England, commonly called Pokenacutt, alias Sowamsett, westward, doth extend, &c. They attempted at this time to obtain a royal charter, similar to that granted to Massachusetts, but without success.†

These colonists had serious disputes with Massachusetts and Rhode Island, relative to boundaries. Under the constitution which they had formed, the governor was chosen by the people annually; and seven persons were elected to aid him in his duties, called assistants, a name peculiar to New England, given to those who were elected to aid the governors by their advice and counsel. The government was first a pure democracy; the whole body of the people often met and decided upon affairs, both executive and legislative. As their numbers increased, this was found inconvenient; and in 1639, a House of Representatives was established, and Representatives elected from the several towns; Plymouth at first being allowed four, and the other towns two each. The number from Plymouth was afterwards reduced to two.‡

* Morton's Memorial, edited by Judge Davis.

† Hazard, vol. 1, p. 300.

‡ Hutchinson, vol. 2, p. 414, appendix.

The Dutch, whose principal object, in their settlement on the Hudson, was commerce, had kept up a traffic with the natives along the coast ; and had visited Rhode Island and Narragansett Bay. In 1627, the Dutch governor Minuit, sent a formal embassy to the new colonists, with a letter congratulating them on the success of their praise-worthy undertaking, with an offer of their good services ; and desiring "to fall into a way of some commerce and trade." To this embassy Governor Bradford returned a polite answer, accepting their offer of commercial intercourse. He at the same time, intimated to the Dutch governor, that the Plymouth colonists, by their patent, had the sole right of trading with the natives within their limits, and desired him not to trade in that bay, and the river of Narragansett, which was at their very door. In answer to this, the Dutch governor insisted on their right to trade at the places mentioned ; "and as the English," he said "claimed authority under the King of England, so we, (the Dutch) derive ours from the States of Holland, and will enforce it."* Notwithstanding these different claims, another more formal embassy was sent by the Dutch governor, accompanied by soldiers and by trumpeters, in October of the same year ; and a friendly interview was had between the Dutch ambassador and the Plymouth governor. At this interview, it was evident that the Dutch were acquainted with Connecticut river, then called by them Fresh river, as they urged the people of Plymouth to leave the barren spot on which they had planted themselves, and to remove to the fertile banks of that river ; recommending it as a "fine place, both for plantations and trade."†

The political affairs of this colony, afterwards became connected with those of the other New-England colonies, in consequence of an union between them, as will be hereafter noticed.

Massachusetts was the second colony in New England. Discontents on account of religion still prevailing in England, an additional number of the puritans, determined to seek an asylum in

* Moulton, part II. and Morton by Davis.

† Hutchinson, vol. 2, p. 416, appendix, and Moulton, part II. p. 384.

the new world. In March, 1628, the Plymouth company granted to Sir Henry Roswell, Sir John Young, Thomas Southcoat, John Humphry, John Endicot and Simon Whetcomb, their heirs and associates, that part of New England, lying three miles south of Charles river, and three miles north of Merrimack river, and extending from the Atlantic to the south sea. Powers of government were, the next year, granted them by Charles I, who had now succeeded to the throne, and they were made a corporation by the name of the governor and company of Massachusetts bay, in New England, with power to elect annually, a governor, deputy governor and eighteen assistants; four "great and general courts" were to be held every year, to consist of the governor, or in his absence, the deputy governor, the assistants, or at least six of them, and the freemen of the company. These courts were authorized "to appoint such officers, as they should think proper, and, also, to make laws and ordinances for the good and welfare of the company, and for the government of the colony, as to them should seem meet;" provided such laws and ordinances should not be contrary or repugnant to the laws of England. Immediately after the grant from the Plymouth company, Mr. Endicot, one of the grantees, was sent over with a number of persons, and commenced a settlement at Salem. Under this charter the government was at first, established in England. Matthew Craddock, was named the first governor in the charter, and was afterwards elected by the company.

The arbitrary proceedings of the British Court, in affairs both of church and state, induced many gentlemen of wealth and distinction to join the company and remove to New England. In 1629, many persons of this character, and among them the distinguished names of Isaac Johnson, John Winthrop, Thomas Dudley and Sir Richard Saltonstall, proposed to the company to remove, with their families, on condition that the charter and government should be transferred to New England. To this the company assented, and in the course of the next year, John Winthrop, who had been chosen governor, with about one thousand five hundred persons embarked, and planted themselves at

Boston and its neighborhood. Many others soon followed, particularly after the appointment of Laud to the archbishoprick of Canterbury.

Under the direction of this bigoted Prelate, the laws against non-conformity were enforced with the utmost rigor, and the king was determined to enforce uniformity in religious worship and discipline. In consequence of this, thousands were driven from their native land, with a hope of enjoying civil and religious liberty in a wilderness. The king, however, seemed determined to pursue them even here, and deprive them of those privileges, for the enjoyment of which, they had made such sacrifices. In April, 1634, he placed the colonies under the government of the archbishops of Canterbury and York, and a select number of his counsellors, by the name of "commissioners of the colonies and plantations."

This board were authorized to make laws and ordinances, in all matters ecclesiastical as well as civil, and particularly, for the relief and support of the clergy, by assigning them a convenient maintenance, "by tythes, oblations and other profits accruing." They were vested also, with power, (with the assent of the king,) to make and unmake governors; to constitute such civil and ecclesiastical tribunals, and courts of justice, and to give them such powers as they should judge proper; to revoke all letters patent, previously granted, which had been surreptitiously or unduly obtained, or which contained any *privileges* or *liberties*, injurious to the crown, or to any foreign princes, and generally to do any thing necessary "for the wholesome government and protection of the colonies, and the people therein abiding." This extraordinary commission had reference principally to the New England colonies, to which thousands were now removing, to avoid the despotic proceedings of the star-chamber.

This vast emigration was highly displeasing to the court, and one of the first acts of the commissioners, was an order to prevent it. In December, 1634, the wardens of the cinque ports and others, were directed by the commissioners, not to suffer any person being a *subsidy man*, to embark for the plantations, with-

out their licence; nor any person, under the degree of a *subsidy man*, without a certificate from a justice of the peace, that he had taken the oath of allegiance, and a like certificate from a minister of the parish, of his conversation and conformity to the orders and discipline of the church of England.*

The preamble to this order, disclosed some of the reasons, on which, not only the order, but the commission itself was founded. It declared, that great numbers of his majesty's subjects, have been and are every year, transported into those parts of America, which had been granted by patent, to several persons, and there settled themselves, some of them, with their families and whole estates; amongst which number, there are many "idle and *refractory humours*, whose only end is, to live as they can, without the reach of authority." Various complaints at that early period, were made against the people of Massachusetts, particularly for extending their claim beyond their charter limits, including lands granted to others; for their conduct towards those, who differed from them in religion, and for their supposed wish for independence. The commissioners therefore, determined to make a complete alteration of their government, by the appointment of a governor general, to reside in the colonies.

This created great alarm among the colonists; and in Massachusetts the opinion of the clergy was requested by the governor and assistants, on the important question what should be done, if a governor general should be sent from England? It was unanimously agreed, that if such a governor be sent, they ought not to accept him, but *defend* their lawful possessions, if they were able, "otherwise to avoid and protract."†

Some of the principal members of the great council of Plymouth, were in favor of the court party; and in 1635, through their influence, and at the request of the king and his privy council, their charter was surrendered to the crown. The principal reasons assigned for this surrender were, that the people of Massachusetts, had improperly extended the limits of their patent, so as to include lands granted to others, and that in civil and ecclesiastical

* Hazard, vol. 1, and Hutchinson, vol. 1, appendix. † Winthrop's Journal, p. 78.

affairs had made themselves independent of the council, as well as the crown. They had not only extended their limits, the council say, but, "wholly excluded themselves from the government of the council, appointed for those affairs, and made themselves *a free people*, and for such hold of themselves at present; whereby they did rend in pieces, the first foundation of the building, and so framed unto themselves, both new laws and new conceits of matter of religion, and forms of ecclesiastical and temporal orders and government, punishing divers that would not approve thereof, some by whipping, and others by burning their houses over their heads, and some by banishing, and for the like; and all this, partly under other pretences, though, indeed, for no other cause, save only, to make themselves *absolute masters* of the country, and *unconscionable* in their new laws." These evils, the council said they were unable to remedy; and therefore deemed it necessary for his majesty "to take the *whole business into his own hands*."*

This surrender, however, was not made, until the whole sea coast, from the river St. Croix, to the Hudson, and extending many miles into the interior, had been divided, by lot, to twelve of the original patentees, into as many separate provinces; and which in their petition to the king, they pray may be confirmed to them, by new grants from him, with such privileges and further royalties as had been given to Lord Baltimore, "saving only," they say, "that we submit ourselves to the governor general, now presently to be established by his majesty, for the whole country." They also requested, that, after the decease of the first governor general, three be chosen, by lot, from the lords of these twelve provinces, one of whom to be selected by the king, to be governor general, to continue for three years only, and to reside in the country in person or by deputy. They, likewise, proposed, that the patent or charter of Massachusetts, should be revoked, and that those holding grants in any of the provinces, should pay a reasonable acknowledgment, as freeholders, to the lords of the province, from whom they were to take new grants. They also recommended that a city be built, for the seat of the new

* Hazard, vol. 1, p. 390.

government; and that ten thousand acres, near the city, be appropriated, for the foundation of a church and maintenance of clergymen.

This splendid scheme of government, though in accordance with the views of the king, who had determined to revoke the charter of Massachusetts, fortunately for the New England colonists, was never carried into execution.

Soon after the surrender of the Plymouth charter, however, a quo warranto, was issued against that of Massachusetts. The writ was only served on those in England, who either then were, or had been members of the company; but no notice was given to the company in New England. Some on whom the writ was served in England, appeared and disclaimed any right under the charter, others were defaulted, and the rights and franchises, in the charter were seized and taken into the hands of the king, so far as those in England were concerned; and the other patentees were outlawed.

No judgment, in form, was ever rendered against the corporation itself. Not satisfied with this proceeding, a special order was sent, by the lords of trade and plantations, to Massachusetts, in April 1638, requiring the governor, or such other person, as had the custody of the charter, to transmit the same by the return of the ship which carried the order; with a threat in case of neglect or refusal, that the king would resume the whole plantation into his own hands. The general court of Massachusetts, before whom this order was laid, resolved not to send the charter; but to present a humble petition to the commissioners.

In this petition, they ask for the liberty, allowed to every British subject; to know the charges alleged against them, before they were condemned. They were not called, they said, to answer to the quo warranto; had they been, they could have given a sufficient answer. That they came into these remote parts, with their families and estates, with the licence and encouragement of the king, and had enlarged his majesty's dominions; and that if now deprived of their patent, they should be compelled, either to remove to some other place, or return to their native country. This

would be ruin to themselves, and expose the country to be occupied by the French and Dutch, who would eagerly embrace the opportunity. They, therefore, humbly requested they might be suffered to live here, in this wilderness, and enjoy the liberties which had been granted them. The increasing disputes between the king and parliament, no doubt, saved the charter of Massachusetts, and the liberties of New England. Neither did the king, after he received back the Plymouth patent, re-grant the new provinces, to those to whom they had been allotted, except the province of Maine, which fell to Ferdinando Gorges, who, it was said, was to have been the first governor general.

This province commenced at the mouth of Piscataqua river, and extended up that river, one hundred and twenty miles, and along the sea coast, to the river Sagadahock, and up that river to Kennebeck river, to the head thereof, and from thence into the land, until one hundred and twenty miles be ended; and from thence across to the end of the one hundred and twenty miles, on the Piscataqua.

A part of this country was claimed by Massachusetts, and after much altercation between that colony and the heirs of Gorges, was finally purchased by the former, in 1677, for £1,250 sterling, and remained a part of that colony and state until lately erected into a state, by itself.

The government of the Massachusetts colony, was, principally, in the hands of the governor and assistants until 1634. At this time, the people, having increased in number, claimed a greater share in the government; and at their meeting, in May, resolved that the general court alone had power to make laws, impose taxes, and appoint officers; and that, in these general courts, the people should be represented by two or three deputies, to be chosen from each plantation. This, though not strictly warranted by the charter, was generally assented to, and became a fundamental part of the constitution of the colony. The assistants and deputies, at first, met together in the same room; and the former claimed a negative on the acts of the latter. This created no little dispute between them, and was not finally

settled until 1644, when it was mutually agreed that the legislature should consist of two separate bodies, each having a negative on the other.

Thus early, in Massachusetts, was the legislative branch of the government divided into two houses ; a mode of legislation which experience has proved to be best calculated for deliberation, and affording the best security against hasty and inconsiderate acts.

For many years, none but members of the church could be freemen. The charter did not give the company the power of establishing judicial tribunals. This necessary power, however, was assumed, and courts of justice created, the general court being, in certain cases, the dernier resort.

Some years elapsed before a body of laws was established. In the punishment of crimes, they principally followed the Mosaic law.

The first colonists of Connecticut removed from Massachusetts. The most of them came from England, in 1633, and first planted themselves in Watertown, Dorchester, and Newtown. Hearing of the extensive and rich meadows on the Connecticut river, they, in 1635, came to the resolution of removing there.

This was finally done, with the consent of the general court of Massachusetts, on condition they should continue under that government ; and previous to their removal, the general court, invested Mr. Ludlow and others, with certain powers of government over those who should remove, for the term of one year. The first company did not set out from Massachusetts, until the middle of October, 1635, and the weather became extremely cold before they could prepare comfortable habitations ; and their sufferings during the winter, were excessive, from hunger, as well as cold. To save themselves from starving, some of them were obliged to return to Massachusetts, in the midst of winter. In the summer of 1636, a second company followed ; and the towns of Hartford, Wethersfield, and Windsor, were settled in that and the preceding year. The powers of government were first exercised by those who had been designated for that purpose by the Legislature of Massachusetts, denominated magistrates, with the advice of committees from the towns, who, on important

occasions, were called in. The first court, or legislative assembly, appearing on record, was held on the 26th of April, 1636.

Being, however, out of the limits of the Massachusetts charter, they deemed it necessary to establish a constitution, or form of government for themselves.

For this purpose, they met in January, 1639, and formed a system of government under which they agreed to live. This self-created Commonwealth then consisted of about eight hundred persons in the whole, in the three towns before mentioned.

After stating that, by divine Providence, they had become inhabitants and residents of the said three towns, on the Connecticut river and the lands adjoining, and that the Word of God required, that, to maintain peace and union among them, there should be an orderly and decent government established, "they did associate and conjoin themselves to be, as one state or Commonwealth;" and for themselves, and such as should adjoin them, thereafter, did confederate together, for the purpose of maintaining the *liberty and purity* of the Gospel and discipline of the churches; and of being governed in civil affairs, according to such laws as should be made and established. The outlines of this constitution were, that there should be two general assemblies held in each year, one in April and the other in September. The one in April, was called the court of election, at which were to be chosen a governor, and six magistrates, at least, and other public officers, as should be found requisite—the governor and magistrates to hold their offices for one year, and the governor was to be chosen from the magistrates. The governor and magistrates to be elected by those admitted freemen by the towns, and had taken the oath of fidelity. The mode of electing magistrates, was, it is believed, peculiar to Connecticut, and well calculated to prevent the choice of improper persons, either from the momentary impulse of the electors, or intrigues of the candidates. No person could be elected to that important station, who had not been proposed or nominated at some preceding general court. The towns, by themselves, or their representatives, had a right to make such nominations, and transmit them

to the court, and, the court might add such names as they thought proper. The names of the persons thus nominated were published, and out of this number alone could the magistrates be chosen, by secret ballot, in the following manner: On the day of election, the names of the persons thus nominated at the preceding assembly, were called over in order by the secretary; and the freeman, who desired the person called to be chosen, gave in a piece of paper, with some writing upon it; and those who did not wish him to be elected, gave in a blank; and those who had more written than blank papers were elected. No person could be chosen governor for two years in succession; and the governor must have been a magistrate, and also, a member of some approved congregation.

The towns were to be represented in the general assembly by deputies, chosen by the freemen of the same; the towns of Hartford, Wethersfield, and Windsor, to send four each, and the towns afterwards to be made, as many as the court should direct. The representatives to be chosen by those who had been admitted inhabitants of the town, and taken the oath of fidelity.

Church membership, as in Massachusetts, was not a requisite qualification for a freeman.

The general assembly was to consist of the governor and four magistrates, at least, and a major part of the representatives, "in which consisted the supreme power of the Commonwealth." This body alone had power to make laws, grant levies, admit freemen; grant lands, and do any other matter concerning the good of the Commonwealth. The governor was to preside in the assembly, and in case of an equal division, to have a casting vote.

This free constitution, or the substance of it, was contained in the charter, granted in 1662, by Charles II; and remained the same, without any material alteration, through the war of the revolution, and even until 1818, when a new Constitution was adopted by the people of that State, in which many of its principle provisions were inserted.

The magistrates and representatives acted together, in one house, until 1698, when the general assembly was divided into

two houses; the magistrates or assistants, with the governor as president, constituted the upper house, and the representatives the lower house, each having a negative on the other.

For many years the inhabitants on Connecticut river, like those of New Plymouth, had no right to the soil, except by purchase or conquest from the natives, or any powers of government but those they assumed.

A settlement was made at the mouth of Connecticut river, under authority from the Plymouth company, about the same time with that at Hartford. In 1631, Lord Say and Seal, and Lord Brook, with many others, afterwards distinguished in the civil wars, contemplated a removal to New England; with this view, and in that year, they, together with Lord Rich, Charles Fiennes, Sir Richard Saltonstall, Sir Nathaniel Rich, Richard Kingsly, John Pym, John Humphrey, John Hampden, and Herbert Pelham, obtained from the Earl of Warwick, a grant of that part of New England, extending from the river Narragansett, forty leagues, on a straight line near the sea shore, towards the south west, west and by south, or west, as the coast lieth, towards Virginia, including all islands, lying north and south, in the breadth aforesaid, to the south sea. Under this grant a fort was erected, and a settlement commenced at the mouth of Connecticut river, called Saybrook, after the principal patentees, Lords Say and Brook. This settlement was, for some years, distinct from that at Hartford. In 1644, in consequence of the new state of things in England, the patentees relinquished their plan of removal, and sold their grant to the people of Connecticut; and Saybrook was annexed to the settlements above.

The colony of New Haven, which now constitutes a part of Connecticut, was settled in 1637.

In July of that year, John Davenport, who had been a distinguished puritan preacher in London, with Theophilus Eaton, a rich merchant, and others, arrived in Massachusetts and desirous of establishing a settlement by themselves, explored the sea coast of Connecticut, and fixed upon a place which they called New Haven, to which they soon after removed. Here, being

also, without any right to the lands, except by agreement with the natives, or powers of government, this small band of pilgrims, formed themselves into a body politic, and established a form of civil and church government. This was done, principally under the direction of Mr. Davenport, who was their leader, in civil, as well as ecclesiastical affairs. The government was at first, entrusted to a governor and a few magistrates, who, as well as all other officers, were to be elected by none but those, who were in church fellowship.

The governor and magistrates were to hold a general court annually; and they declared, that the word of God, should be the only rule, for ordering the affairs of that Commonwealth. Afterwards, in 1643, representatives from the towns were admitted in the general court, and the form of government became more assimilated to that of Connecticut. A few towns only were settled under the jurisdiction of this colony, and in 1662, the colony itself was included in the charter granted to Connecticut.

The settlement of Rhode Island and Providence plantations, commenced about the same time, with that of Connecticut; and it is not a little extraordinary, that religious disputes in Massachusetts, should have given rise to this colony. In 1634, the celebrated Roger Williams, a minister at Salem, in consequence of some peculiar religious opinions, in which he differed from his brethren, was banished from that colony. With the consent of the natives, he, with a few followers, settled at a place, which they called Providence. Two or three years after this, the antinomian controversy, as it has been called, arose in Massachusetts, and Mrs. Hutchinson, Mr. Coddington and others, were also banished from that colony. These persons, with the assistance of Roger Williams, in March, 1638, purchased of the Indians, the Island since called Rhode Island.

The settlers at Providence and Rhode Island, were, at first distinct communities, and had separate governments. Both formed civil compacts for themselves. The inhabitants of Providence, and "all new comers," at first promised, "to submit themselves, in *active* and *passive* obedience, to all such orders and

agreements, as should be made for the public good of the body, in an orderly way, by major consent of the inhabitants."

In 1640, they being about forty in number, combined in a plan of government, as best suited to promote peace and order in their circumstances.* At Rhode Island, the settlers in March, 1638, to the number of eighteen, subscribed the following civil compact.

"We whose names are under written, do hereby solemnly, in the presence of Jehovah, incorporate ourselves into a body politic; and as he shall help, will submit our *persons, lives, and estates*, unto our Lord Jesus Christ, the King of kings and Lord of lords, and to all those perfect and absolute laws of his, given in his holy word of truth, to be judged and guided thereby."†

William Coddington, was chosen a judge to do justice and judgment, and to preserve the peace. In 1640, the chief magistrate was called governor, the next magistrate deputy governor, and five persons were chosen assistants. In March, 1641, at a general court of election, it was unanimously declared, that the government was a democracy, or popular government, and that the power was in the body of the freemen, orderly assembled, or the major part of them, to make or constitute just laws, by which they should be regulated, and to depute from among them, such ministers as should see them faithfully executed. It was, at the same time, ordered, that none should be accounted delinquent *for doctrine*, provided it be not directly repugnant to the established government and laws.‡

In this political situation, both settlements remained until 1643; when Roger Williams was sent to England, to obtain a charter of civil government. A new state of things then existed in England. Parliament having obtained the supremacy, had assumed the regulation of the plantations; and in November, 1643, constituted the Earl of Warwick governor in chief, and lord high admiral of all the plantations, already inhabited, or which might be inhabited, "within the bounds and upon the coasts of America." Five lords, members of the house of peers, and twelve gen-

* Callender's Century Sermon.

† ‡ Mss. Records of Rhode Island.

tllemen, members of the house of commons, were appointed commissioners to assist him.

Among the former was Lord Say and Seal, and among the latter, were Sir Henry Vane, John Pym, and Oliver Cromwell.

Warwick and his council were invested with nearly the same civil powers, as had been previously granted to archbishop Laud and others by King Charles, in 1635. They were authorised "to provide for, order and dispose all things, which they should find most fit and advantageous, to the well governing, securing, strengthening and preserving of the said plantations; and chiefly to the preservation and advancement of the true protestant religion, among the said planters, inhabitants; and the further enlargement and spreading of the gospel, among those, that yet remain there, in great and miserable blindness and ignorance." They had power, also, to appoint all subordinate governors, councillors and other officers, and them remove at pleasure; and to assign over such part of their power, as they thought proper, to the owners and inhabitants of such plantations. In March, 1644, on the application of Roger Williams, these commissioners granted to the inhabitants of the towns of Providence, Portsmouth and Newport, residing in a tract of country, called by the name of Narragansett bay, bordering northward and north east on the patent of the Massachusetts, east and south east, on Plymouth patent, south on the ocean, and on the west and north west by the Indians called Narragansetts; the whole tract extending about twenty five English miles unto the Pequot river and country, "a free and absolute charter of incorporation, to be known by the name of the incorporation of Providence plantations in the Narragansetts bay, in New England, with full power and authority to rule themselves, and such others as shall inhabit in any part of said tract of land, by such a form of civil government, as by voluntary consent of all, or the greater part of them, they shall find most suitable to their estate and condition; and for that end, to make and ordain such civil laws and constitutions, and to inflict such punishments upon transgressors; and for the execution thereof, so to place and displace officers of justice, as they, or the greatest part of them, should, by free con-

sent agree thereto;”* with a proviso that the laws, constitutions, and punishments, for the civil government of the plantation, be conformable to the laws of England, so far as the nature and constitution of the place would admit.

The commissioners reserved to themselves, the right of disposing of the government, as it might stand in relation to the other plantations in America, as they might conceive most conducive to the good of the plantation, the honor of his majesty, and the service of the State. Under this charter, the inhabitants of these towns, established a form of civil government, which was a pure democracy.

A court of commissioners, consisting of six persons from each of the towns, was invested with legislative authority, but all acts passed by these commissioners, were subject to be repealed, by a major vote of the freemen, assembled in town meetings, called for that purpose. A president and four assistants, were chosen annually, to be conservators of the peace, with civil powers; and by special commission, were judges of the courts, assisted by two wardens or justices of the peace, in the towns in which the courts were held. Each town elected a council of six persons, to manage their town affairs. This council was, also, a town court, for the trial of causes of inferior magnitude, with a right of appeal to the court of president and assistants. This form of government continued, with little interruption, until a charter was obtained from Charles II, in 1663.

The town of Newport was situated on one of the best harbors in America, and its inhabitants soon engaged in commerce. Their commercial transactions were deemed of so much importance in 1647, as to require laws suited to commercial men and seamen. At this early period, therefore, it was ordered, at the court of election, “that the *sea laws*, otherwise called the laws of *Oleron*, should be in force among us, for the benefit of seamen, (upon the island,) and the chief officers in the town should have power to summon the court for the case or cases prescribed.”†

* Hazard, vol. 1, p. 538, and Callender.

† Mss. Records of Rhode Island.

The dispersed situation of the New England colonists rendered an union among them necessary, not only for their mutual defense against the savages, but also for protection and security against the claims and encroachments of the Dutch. This union or confederation was formed in 1643, by the name of "the united colonies of New England." This union was proposed by the colonies of Connecticut and New Haven, as early as 1638, but was not finally completed until five years after. This confederacy of these infant colonies continued about forty years; and the confederacy itself, and the proceedings under it, constitute an interesting portion of the political history of New England. It consisted of the colonies of Massachusetts, New Plymouth, Connecticut, and New Haven. By the articles of confederation, as they were called, these colonies entered into a firm and perpetual league of *friendship and amity*, for offense and defense, mutual advice and succour, upon all just occasions, both for preserving and propagating the truth and liberties of the Gospel, and for their own mutual *safety and welfare*. Each colony was to retain its own peculiar jurisdiction and government; and no other plantation or colony was to be received as a confederate, nor any two of the confederates to be united into one jurisdiction, without the consent of the rest. The affairs of the united colonies were to be managed by a legislature to consist of two persons, styled commissioners, chosen from each colony. These commissioners had power "to hear, examine, weigh and determine all affairs of war or peace, leagues, aids, charges, and number of men for war,—division of spoils, and whatsoever is gotten by conquest—receiving of more confederates for plantations, into combination with any of the confederates; and all things of a like nature, which are the proper *concomitants* and *consequences* of such a confederation for amity, offense and defense; not intermeddling with the government of any of the jurisdictions, which, by the third article is preserved entirely to themselves." The commissioners were to meet annually, in each colony, in succession, and when met, to choose a president, and the determination of any six to be binding on all.

The expenses of all just wars to be borne by each colony, in proportion to its number of male inhabitants of whatever quality or condition, between the ages of sixteen and sixty.

In case any colony should be suddenly invaded, on motion and request of three magistrates of such colony, the other confederates were immediately to send aid to the colony invaded, in men, Massachusetts one hundred, and the other colonies forty five each, or for a less number, in the same proportion.

The commissioners, however, were very properly directed, afterwards, to take into consideration the cause of such war or invasion, and if it should appear that the fault was in the colony invaded, such colony was not only to make satisfaction to the invaders, but to bear all the expenses of the war.

The commissioners were also authorized "to frame and establish agreements and orders in general cases of a civil nature, wherein all the plantations were interested, for preserving peace among themselves, and preventing as much as may be, all occasions of war, or difference with others, as about the free and speedy passage of justice, in every jurisdiction, to all the confederates equally as to their own, receiving those that remove from one plantation to another, without due certificates."

It was, also, very wisely provided in the articles, that runaway servants, and fugitives from justice, should be returned to the colonies where they belonged, or from which they had fled. If any of the confederates should violate any of the articles, or, in any way injure any one of the other colonies, "such breach of agreement, or injury, was to be considered and ordered" by the commissioners of the other colonies. This confederacy, which was declared to be perpetual, continued without any essential alteration, until the New England colonies were deprived of their charter by the arbitrary proceedings of James II. In the year 1648, some of the inhabitants of Rhode Island requested to be admitted into the confederacy, but they were informed that the Island was within the patent granted to New Plymouth, and therefore their request was denied.

Regular records of the proceedings of the commissioners were kept, and will be found in Hazard's valuable collection of state papers.

This confederacy secured these infant colonies from the Indians, as well as against the claims of the Dutch. Through the influence of the commissioners, the line between Connecticut and New York, in the year 1650, was settled, and this settlement was afterwards ratified by the States General of Holland; and the united exertions of the colonies were necessary to secure themselves from the formidable attack of the Narragansetts under the celebrated King Philip, in 1675.

This confederation of the four New England colonies, served as the basis of the great confederacy afterwards formed between the thirteen states of America. An examination of the two systems will prove a similarity not only in names, but in general principles. This little confederacy, like that which succeeded it, was not without its difficulties; and disputes among the members, at times, threatened its dissolution.

Connecticut, about the year 1645, imposed a duty on certain articles carried down the river from Springfield, a town within the jurisdiction of Massachusetts. The reason given for this duty, was the expense of keeping a fort at the mouth of the river, which afforded protection to all living on it above. The people of Massachusetts refused to pay the duty and the subject was at last, agreeably to the articles of confederation, referred to the decision of the commissioners of Plymouth, and New Haven, who, after a full hearing, decided in favor of Connecticut. Offended at this, Massachusetts, by way of retaliation, imposed a duty on similar articles belonging to any inhabitants of Plymouth, Connecticut, or New Haven, imported within the castle, or exported from the bay; alledging that they had been at great expense in building forts whereby the goods and vessels of all had been secured. Against this conduct of Massachusetts the commissioners of the other colonies at their next meeting, remonstrated; but as the fort at Saybrook about that time was destroyed by fire, the duties imposed by both colonies were relinquished; and a dissolution of the union in all probability thereby prevented.

Another serious dispute soon after arose between Massachusetts and the other confederates, on the subject of war with the Dutch at New York. The latter, in 1653, during the existence of the war between the Lord Protector and the United Netherlands, not only supplied the Indians, who were hostile to the English colonists, with arms, but entered into a plan with them, as the majority of the commissioners fully believed, to destroy the New England colonies. The commissioners of the colonies of Plymouth, Connecticut, and New Haven, therefore declared war against the Dutch, and assigned to each colony their quotas of men agreeably to the articles of confederation. Massachusetts, however, refused to join in the war, or to furnish her proportion of men, alledging that she was not satisfied the war was just. She, also, declared that even six of the commissioners had no power by the terms of the union, to make an offensive war, and thereby involve any colony in it without its consent. The commissioners of the other colonies strongly objected to this construction of the articles, and several messages passed between them and Massachusetts on the question, but the latter refused to yield or bear any part in the war.*

This was deemed by the other colonies a violation of the articles, on the part of Massachusetts.

The general court of New Haven, who were more immediately exposed, expressly declared "that Massachusetts had broken the covenant with them, in acting directly contrary to the articles of confederation." The two colonies of Connecticut and New Haven joined in sending an agent to England, to represent to the Lord Protector and to parliament their exposed situation, and to request their aid against the Dutch.† In compliance with the request of these two colonies, Cromwell sent three or four ships, with a small number of troops, to assist in reducing the Dutch in their neighbourhood; and he requested Massachusetts to afford all necessary aid.‡

About the same time Connecticut received an order from parliament, requiring them to treat the Dutch, in all respects, as the

* Hazard, vol. 2.

† Trumbull's History of Connecticut, vol. 1.

‡ Hutchinson, vol. 1.

declared enemies of the commonwealth of England. Massachusetts so far complied with the request of Cromwell, as to consent that the persons appointed by him might raise five hundred volunteers in that colony, for the expedition against the Dutch.

The expedition itself, however, was prevented by a peace in Europe, between England and Holland.

Massachusetts, afterwards retracted her interpretation of the articles of confederation, and harmony between the united colonies was again restored.

The conduct and proceedings of the united colonies, as well as of Massachusetts, at this period evinced very little dependence on the parent country. Although war had existed between England and Holland, from October, 1651, yet it is evident, these colonies did not consider themselves as involved in it, without their consent. The united colonies had in fact, themselves declared war against the Dutch, and Massachusetts, when required by the Lord Protector, to assist in their reduction, had only consented that five hundred volunteers might be raised by him in that colony for that purpose. From a similarity of opinions in civil and religious matters, a good understanding subsisted between the New England colonies and parliament during the civil wars; and this continued after Cromwell had usurped supreme authority, under the name of Lord Protector.

The New Englanders were favored not only in their government but in their commerce.

The celebrated navigation act of 1651, was not enforced in New England, and they had the privilege of importing their goods into England, free from all customs, for a certain number of years. The charters granted to Connecticut and Rhode Island, by Charles II, soon after his restoration to the throne, secured to these colonies, so far as a royal grant could secure them, the same privileges and powers of self government, they had enjoyed from their first settlement. The people of these colonies, by the express words of their charters were entitled to the privileges of natural born subjects; and invested with all the powers of government, legislative, executive, and judicial. The only limitation to

their legislative power, was that their laws should not be contrary to those of England. The colonists of Plymouth, often solicited the king, for a grant of similar powers and privileges, but without success. They continued, however, to exercise the powers of government, originally assumed, with the interruption of a short period only, during the despotic reign of James II, until 1692, when they were included in the new charter to Massachusetts, and became incorporated with that colony. The king soon became jealous of the charter governments, and was disposed to resume the extensive powers he had granted.

The king and parliament claimed the right of altering and revoking these charters, at pleasure ; but the colonists, on the other hand, denied this right, and claimed them to be solemn compacts between them and the crown ; irrevocable, unless forfeited by some act of the grantees. This was a continual source of contention between the parent country and the charter colonies, and was one of the causes which finally produced a separation between the two countries.

These disputes will be more particularly noticed hereafter.

The proprietary governments, were those of Maryland, Pennsylvania, the Carolinas, and the Jerseys. The two former remained such, until the American revolution ; the two latter became royal governments, long before that period.

The charter granting Maryland to Lord Baltimore, invested him with full and ample powers of government, without the interference of royal authority. It authorized the proprietor to make, ordain and establish all laws necessary for the good of the province, with the *advice, assent* and *approbation* of the greater part of the freemen or their deputies. For the purpose of making these laws, the proprietor was directed to assemble the freemen, or their representatives, *when*, and in such *form*, as to *him* and *them* should seem best ; and the proprietor himself was to see, that the laws thus made, were duly executed. The mode in which the powers of legislation were to be exercised, was left to the decision of the proprietor and the freemen.

Here, as well as in some of the other colonies, while the freemen were few in number, the whole met and gave their assent, to

the laws by which they were to be governed. In 1639, however, a house of burgesses was established, consisting of representatives, elected by the freemen. These representatives, with others designated by special writs of the proprietor, constituted the legislature.

The constitution of this province, however, was not finally settled, until 1650, when the legislature was divided into two branches. This division had been requested, by the burgesses, as early as 1642, but refused by the proprietor. In the year 1650, the wishes of the burgesses were complied with; and a fundamental law passed, that those who were called by special writs of the proprietor should form the *upper house*, and those chosen by the hundreds, should compose the *lower house*; and that all bills receiving the assent of both houses, and approved by the governor, should be deemed the laws of the province, and have the same effect as if the freemen were personally present.*

A code of laws, was established about the same time, and the act, passed, "concerning religion," shows the enlightened views of the proprietor and people of this province. It declared, "that no persons professing to believe in Jesus Christ, should be molested in respect to their religion, or in the free exercise thereof, or be compelled to the belief, or exercise of any other religion, against their consent; so that they be not unfaithful to the proprietor, or conspire against the civil government: that persons molesting any other in respect to his religious tenets, should pay treble damages to the party aggrieved, and twenty shillings to the proprietor: that those who should reproach any with opprobrious names of religious distinctions, should forfeit ten shillings to the party injured; that any one speaking reproachfully against the blessed virgin, or the apostles, should forfeit five pounds; but that blasphemy against God, should be punished with death.†"

The justice, as well as policy of this law, was evident, from the rapid increase of the inhabitants of this province. Many removed there from Virginia, to enjoy that liberty, which was denied them, in that colony; and it is not a little singular, that people should

* Chalmers, pp. 219, 220.

† Chalmers, p. 218.

remove from a protestant to a popish colony, for the purpose of enjoying religious liberty. During the civil wars, in England, the proprietor of this province was deprived of his government; and in September, 1651, commissioners were appointed "for reducing and governing the colonies within the bay of Chesapeake." Violent contentions soon arose between the Roman Catholics, who adhered to the proprietors, and those, who favored the views of the ruling party in England. In this unhappy contest, which amounted to a civil war, the latter were successful; and in July, 1654, the government was seized by the Lord Protector. The assembly, called under his authority, ill requited the Roman Catholics, for their former liberality, on the subject of religion.

One of their first acts declared, "that none, who professed the *popish religion*, should be protected in that province, by the laws of England, formerly established, and yet unrepealed; nor by the government of the Commonwealth:" That such as profess faith in God, by Jesus Christ, though differing in judgment from the doctrine and discipline publicly held forth, should not be restrained from the exercise of their religion; "provided such liberty was not extended to *popery* or *prelacy*, or to such as under the profession of Christ, practised licentiousness."

On the accession of Charles II, the government was restored to the proprietor. During the reign of King William, he was again deprived of his government, nor was it restored, until he became a protestant.*

The proprietors of Carolina, were authorized, by their charter, to exercise the powers of government, and to enact and publish any laws and constitutions, they might think proper and necessary, but this was to be done, as in the charter to Lord Baltimore, "with the *assent*, *advice* and *approbation* of the freemen of the colony." The aid of the learned John Locke, was requested, in framing a system of government for this extensive province. A form of civil government was drawn up by this philosopher, consisting of not less than one hundred and twenty articles; which

* European Settlements in America, vol. 2, p. 231.

was adopted by the proprietors in March, 1669, and was "to remain the sacred and unalterable form of government of Carolina for ever." A kind of feudal system was introduced in this constitution. A court was constituted in England, consisting of the proprietors, called the palatine court, of which the oldest proprietor was the president, or chief palatine, and in the province there were barons, landgraves and casiques, as they were called, with large baronies annexed, who constituted a branch of the legislature. The whole of this complicated and singular plan was never adopted by the freemen of the province.

The outlines of it, or of such parts as had the assent of the freemen, are thus given by Mr. Hewit, the author of a very valuable "Historical account of the rise and progress of the colonies of South Carolina and Georgia."

"The oldest of the eight proprietors, was always to be palatine, and at his decease was to be succeeded by the oldest of the seven survivors."

"This palatine was to sit as president of the palatine court, of which he and three more of the proprietors made a quorum, and had the management and execution of all the powers of the charter. This palatine court was to stand, in room of the king, and give their assent or dissent to all laws made by the legislature of the colony. The palatine was to have power to nominate and appoint the governor, who, after obtaining the royal approbation, became his representative in Carolina. Each of the seven proprietors was to have the privilege of appointing a deputy to sit, as his representative in parliament, and to act agreeably to his instructions. Besides a governor, two other branches, somewhat similar to the old Saxon constitution, were to be established, an upper and lower house of assembly; which three branches were to be called a parliament, and to constitute the legislature of the colony. The parliament was to be chosen every two years. No act of the legislature was to have any force unless ratified in open parliament, during the same session, and even then to continue no longer in force, than the next biennial parliament, unless, in the mean time, it be ratified, by the hands and seals of the palatine and other proprietors.

“The upper house was to consist of the seven deputies, seven of the oldest landgraves and casiques, and seven chosen by the assembly, as in the other provinces, the lower house was to be composed of the representatives from the different counties and towns. Several officers were, also, to be appointed : such as an admiral, a secretary, a chief justice, a surveyor, a treasurer, a marshall and register ; and besides these, each county was to have a sheriff, and four justices of the peace. Three classes of nobility were to be established, called barons, casiques, and landgraves ; the first to possess twelve, the second twenty four, and the third forty eight thousand acres of land, and their possessions were to be unalienable.

“Military officers were also to be nominated, and all inhabitants from sixteen to sixty years of age, as in the times of the feudal government, when summoned by the governor and grand council, were to appear under arms, and in time of war to take the field. With respect to religion, three terms of communion were fixed.”

“First, to believe that there is a God ; secondly, that he is to be worshipped ; and thirdly, that it is lawful and the duty of every man, when called upon by those in authority, to bear witness to the truth—without acknowledging which, no man was to be permitted to be a freeman, or to have any habitation in Carolina. But persecution for observing different modes and ways of worship, was expressly forbid, and every man was to be left full liberty of conscience, and might worship God in that manner, he, in his private judgment, thought most conformable to the divine will, and revealed Word.”

This theoretical and complex system of government, formed in the closet, was ill adapted to the circumstances and situation of a people settling in a wilderness ; and was soon found, in some respects, impracticable, and in others, extremely inconvenient and oppressive.

The attempts of the proprietors to carry this favorite system into complete effect, was one of the causes of those serious disputes between them and the colonists, which continued with little

interruption, during the existence of the proprietary government. The history, indeed, of these governments, particularly those of Carolina, New Jersey, and Pennsylvania, is little more than a history of perpetual quarrels between the people and the proprietors. The difference in the situation of the inhabitants under the proprietary governments and those under the New England charter is obvious. In the latter, the people themselves were proprietors of the lands, as well as sole directors of the government. When the lands within their charter limits were acquired from the natives, either by purchase or conquest, they were acquired for the benefit of all, and when divided became the absolute property of individuals, free from quit-rent.

The New England colonists, therefore, clung to their charters as to the ark of their political safety, in opposition to the claims of the king and parliament; while those under the proprietary governments, and especially in Pennsylvania, New Jersey, and Carolina, on the other hand, sought refuge and protection from oppression of the proprietors, under a royal government.

To trace the history of the evils and oppressions experienced by the colonists under these anomalous governments, would lead us far beyond the limits of our design in this summary. We would observe, however, that in Carolina religious disputes were added to those of a political nature, and served to encrease the animosities between the people and the proprietors.

Through the influence of John Lord Granville, when palatine, and by the management and corrupt practices of the governor appointed by him, the test laws of England were introduced into that province. In 1703, an act was passed by which the dissenters, as they were called, were deprived of their *civil* as well as their *religious* rights. These acts required all persons thereafter chosen members of assembly, to take the oath and subscribe a declaration to conform to the religion and worship of the church of England; and to receive the sacrament of the Lord's supper, according to the rites and usages of that church. A high commission court was also constituted, consisting of twenty one lay persons, who were made a corporation, and vested with full pow-

ers " to deprive ministers of their livings, at pleasure, not for immorality only, but for imprudence, or, on account of unreasonable prejudices taken against them."* The proprietors were solicited in vain to reject these oppressive and unconstitutional act . A majority of the palatine court, through the influence of Granville, confirmed them ; and the colonists applied for relief to the house of lords. After a full hearing, that house declared the acts repugnant to the laws of England,⁹ contrary to the charter of the proprietors, and that they tended to the depopulation and ruin of the province ; and the Queen was also requested to grant the Carolineans the relief desired.

The lords of trade and plantations, also, represented to her Majesty, that these acts were an abuse of the powers granted to the proprietors, and worked a forfeiture of their charter ; and advised measures to be taken, to resume the government into her own hands. On these representations, the Queen declared the laws null and void, and gave directions to the law officers of the crown, to consider the most effectual mode of proceeding against the charter, before the courts in England, by quo warranto ; " that she might resume the government of the province, for the protection of her subjects." No further proceedings were at that time had against the charter, or any further steps taken for the relief of the people.

The manner in which the proprietors exercised the power reserved to themselves, of repealing or negating the laws passed by the colonial assembly created great dissatisfaction among the colonists.

Many laws deemed highly beneficial, and which were very popular in the colony, were rejected by the palatine court. The people, at last, from these and other causes, became so exasperated against the conduct of the proprietors, that they almost unanimously entered into a solemn agreement or association to renounce the proprietary government ; and to take the government into their own hands.

In pursuance of this agreement, in 1719, they proceeded to elect a governor and council, as well as members of assembly.

* Hewit's South Carolina, vol. 1, pp. 160, 169.

The persons thus elected met in convention at Charleston, and on the 21st of December, 1719, published to the world what may be justly called, so far as respected the government of the proprietors, a declaration of independence. This was a memorable era, in the political annals of Carolina. This declaration, setting forth the causes of their renunciation of the old government, was signed by all the members of the convention ; and in this respect, as well as others, may be considered as the prototype of the declaration made about sixty years after, by all the colonies, renouncing the government of the crown itself. It commenced with stating that "Whereas the proprietors of this province have of late assumed to themselves an arbitrary and illegal power of repealing such laws as the general assembly of this settlement have thought fit to make for the preservation and defense thereof, and acted in many other things contrary to the laws of England, and the charter to them and us *freemen*, granted ; whereby we are deprived of those measures we had taken for the defense of the settlement, being the southwest frontier of his Majesty's territories in America, and thereby left naked to the attacks of our inveterate enemies and next door neighbors, the Spaniards, from whom, through the divine Providence, we have had a miraculous deliverance," &c.

James Moore, having been elected governor, the convention concluded with the following declaration : " We, therefore, whose names are hereunto subscribed, the representatives and delegates of his Majesty's liege people, and freeborn subjects of the said settlement, now met in convention at Charleston, in their names, and in behalf of his sacred Majesty George, &c. in consideration of his (the governor's) former and many great services, having great confidence in his firm loyalty to our most gracious King George, as well as in his conduct, courage, and other great abilities ; do hereby declare the said James Moore his Majesty's governor of this settlement, invested with all the powers and authorities belonging and appertaining to any of his Majesty's governors in America, till his Majesty's pleasure shall be further known."

“ And we do hereby, for ourselves, in the name and in the behalf of the inhabitants of the said settlement, as their representatives and delegates, promise and oblige ourselves, most solemnly, to obey, maintain, assist, and support the said James Moore, in the administration of all affairs, civil and military, within this settlement, as well as in the execution of all his functions aforesaid, as governor for his sacred Majesty King George.”

“ And further, we do expect and command, that all officers, both civil and military, within the settlement, do pay him all duty and obedience, as his Majesty’s governor, as they shall answer to the contrary at their utmost peril. Given under our hands, at the convention, this 21st day of December, 1719.”*

The representatives afterwards assumed the name of assembly, a name given to legislative bodies in the other colonies; and took upon themselves the appointment of all public officers. They also proceeded to levy taxes, and do all other necessary acts of government. The governor of the proprietors, attempted, but in vain, to prevent these proceedings.

The people immediately stated their situation to the crown, and the king and his council, declared that the proprietors had forfeited their charter, and directed the attorney general to take out a scire facias against it. The government of the province was assumed by the crown, and a royal governor appointed. In 1728, in pursuance of an act of parliament, the king purchased of all the proprietors, their right of government, and of seven of them, their rights in the lands of the province.

In the north part of the province, principally settled from Virginia, a government distinct from that further south, was kept up by the proprietors, and after 1728, the country was divided into two separate provinces, called North and South Carolina, both of which continued under royal governments, until the American revolution.

New Jersey was divided, as we have before stated, between Berkley and Carteret, or their grantees, about the year 1676, into East and West Jersey. This division continued, and was under the

* Hewit, vol. 1, pp. 276, 277.

government of the different proprietors until 1702, when the whole was surrendered into the hands of the crown ; when both were joined in one commission from the king, and thereafter became a royal government.

The government of both the Jerseys was usurped by Sir Edmund Andrus, while governor of New York, and in 1680, he, among other acts of sovereignty, imposed a considerable duty on all goods imported into the Delaware, to be collected at the place called the Hoar Kill. This imposition was resisted by the inhabitants, as illegal, for reasons which will be stated hereafter, and was so declared in England.

The first assembly in West Jersey, was held in November, 1681. A number of fundamental laws were passed by this assembly, which were not to be violated by any person nor on any pretence whatever. Animated with the same spirit of freedom which prevailed in the other colonies, they, among other things, declared and enacted, that there should be a general, free assembly, chosen by the free people of the province ; that the governor should not defer the signing and sealing of the acts of the assembly ; that he should not on any account, raise war, or any military force, within the province, nor prorogue, nor dissolve the assembly, nor enact any law, nor impose any custom, nor raise money, without the consent and concurrence of the general assembly. They also declared, that no assembly should give to the governor any tax or custom, for a longer time than one complete year ; that all officers of trust should be nominated by the general assembly ; and that no man should be condemned or hurt, without the judgment of twelve peers. Great difficulties soon arose between the colonists and the proprietors. In addition to this, the proprietors, from the sales of small parts of their shares, and the division of these among the children of the several families, to whom they descended, became so numerous, as to render it very difficult for them, to manage the affairs of the province ; and particularly in the appointment of a governor. The shares and parts of shares, had been so divided and sub-divided, that some of the proprietors owned but one fortieth part of a forty eight part

of a twenty fourth share.* These, with other difficulties, induced the proprietors to surrender the government to the crown.

The benevolent founder of Pennsylvania, who, as in the case of Lord Baltimore and the proprietors of Carolina, was invested with powers of government, with the advice and assent of the freemen, in 1682, before he left England, drew up a *frame* of government, as he called it, with a set of fundamental laws for his new province. These were prefaced with an account of the origin, as well as the objects of government, together with a review of the different forms that had been established in the world; concluding with a very just and patriotic declaration, that the end of government was "*to support power in reverence with the people, and to secure the people from the abuse of power.*"

This system of government, together with the fundamental laws, received the assent of those who had agreed to accompany him in his new settlement. One principal object of Mr. Penn, who was himself a quaker, was to secure an asylum, in the new world, for those of his own religious persuasion. The system itself partook of the spirit of its author, and in many respects, differed from the other colonial governments.

It provided, that the government of the province should consist of the governor and freemen in the form of a *provincial council* and *general assembly*. The council was composed of seventy two persons "of most note for their *wisdom, virtue, and ability,*" to be chosen by the freemen from among themselves. One third of the council was to continue three years, one third two years, the other third one year, and so, in rotation, one third to be chosen every year, and at the end of seven years, those before chosen, were incapable of being elected for the year following, "*so that all may be fitted for government, and have experience of the care and burden of it.*"

That a quorum of the council, "in matters of *moment,*" which were specified, should consist of two thirds of the whole number, and in such matters of moment, the assent of two thirds of such quorum was necessary.

* Trumbull's History of the United States, p. 205.

In matters of "*less moment*," twenty four constituted a quorum. The governor was to preside, in this council, and to have three votes.

The general assembly was to consist of representatives, chosen yearly, not exceeding, at first two hundred; but might, as the population increased, be enlarged to five hundred. In the first year, however, the general assembly was to consist of the whole number of freemen. The provincial council had the sole power of originating bills for laws, and for this purpose were to prepare and propose to the general assembly, such as they, at any time, should think fit to be passed into laws. These bills were to be published and affixed in the most noted places, in the inhabited parts of the province, thirty days before the meeting of the general assembly.

On the ninth day of their meeting, the general assembly were to give their affirmative or negative to the bills thus proposed. Before passing upon them, the members of the general assembly might confer with a committee of the council, who were to receive proposals for alterations or amendments; and "the occasions and motives" of the bills were, also, to be explained to the assembly by the governor or his deputy. Not less than two thirds of the assembly, to make a quorum in the passing of laws, and in the choice of officers.

The executive power was lodged in the governor and council, except in the appointment of sheriffs, justices of the peace and coroners. The freemen, in the county courts, were to elect and present to the governor, double the number of persons to serve in these offices: and out of these the governor was to appoint and commission the proper number for each office. The assembly were to continue in session, as long as was necessary to impeach criminals, to pass the bills proposed, into laws, and till such time, as the governor and council should declare they had nothing further to propose.

The provincial council was to be divided into four distinct committees, to which were assigned certain portions of executive and other business, generally entrusted to the council:—

First, A committee of *plantations*, "to situate and settle" cities, ports, market towns and highways, and also to hear and decide all suits and controversies relating to plantations.

Second, A committee of *justice* and *safety*, to secure the peace of the province, and punish the mal-administration of those who subvert justice, to the prejudice of the public, or private interest.

Third, A committee of *trade* and *treasury*, to regulate all trade and commerce, according to law, encourage *manufactures* and country growth, and defray the public charge of the province.

Fourth, A committee of *manners*, *education* and *arts*—that all wicked and scandalous living might be prevented, and that youth might be successively trained up in virtue and useful knowledge, and arts.

In this constitution, it was also, very wisely provided, that in case the governor should be an infant, and no guardians or commissioners appointed by the father, or if appointed should decease, the council were to appoint guardians or commissioners, during such minority, not exceeding three, one of which was to preside as chief guardian, and with the other two, to have the power of a governor in the affairs of the province.

This constitution or frame of government was not to be altered without the consent of the governor and six seventh parts of the council and assembly.

The fundamental laws amounted to forty, and were not to be altered but in the same manner as the constitution. On the subject of religious toleration, it was particularly provided, that all persons, who confessed and acknowledged "the one Almighty and eternal God, to be the creator, upholder, and ruler of the world," and held themselves bound in conscience to live peaceably and justly in civil society, should not be molested, or prejudiced for their religious persuasion or practice, in matters of faith and worship, or be compelled, at any time, to frequent or maintain any religious worship, place or ministry, whatever.*

These laws were to be read every year, at the opening of the council and assembly, or courts of justice, and their assent to the

* Proud's History of Pennsylvania, vol. 2, appendix.

same "to be testified, by their standing up after the reading thereof."

This system of government, thus established in England, like most others formed in the closet, was soon found defective in practice.

In the year 1683, a second frame of government was agreed upon, by the governor and freemen; in which the territories purchased by Penn, of the Duke of York, were included. Among other alterations, the number of the council was reduced to eighteen, and of the assembly to thirty six, and the division of the council into committees, for special purposes, was abolished.

William Penn, was personally attached to James II, from whom he had received many favors; and on that account, was suspected of being secretly a Roman Catholic, and fell under the displeasure of William and Mary, after they came to the throne; and he was excepted from their acts of grace. The government of his province was assumed by the crown; and in October, 1692, Benjamin Fletcher, then governor of New York, was appointed also governor of Pennsylvania. During his administration, serious difficulties arose between him and the assembly.

The new governor paid little regard to the rights and privileges secured to the people by their charter from Penn; and of this they loudly complained. The administration of Fletcher was of short duration. Convinced of the innocence of Penn, King William, in August, 1694, restored to him the government of his province.

He did not, however, return to Pennsylvania, until 1699. In the mean time, he appointed William Markham his deputy, between whom and the assembly difficulties arose, and some alterations were made in the form of government. After the return of the proprietor, the people insisted on more ample security of their rights and privileges.

In May, 1700, therefore, the former system was surrendered, on the engagement of the governor to restore it, with such alterations as should be deemed necessary. The next year, a new form of government, or charter of privileges, as it was called, was established. By this, the legislative body was to

consist of four persons chosen from each county in the province, to be called the general assembly. This assembly, consisting of one house only, had the power of proposing bills and enacting such laws as they thought proper, and "all other powers and privileges of an assembly, according to the rights of the free born subjects of England, and as is usual, in any of the king's plantations in America." The laws passed by this assembly, were subject to the negative of the governor or his deputy. To the proprietor was left the appointment of a council, called *council of State*, to assist and advise him or his deputy, in all public affairs; and in his absence, or the death and incapacity of his deputy, to exercise the power of government.

This council had no share in legislation, except by their advice to the governor, in relation to laws passed by the assembly. The executive power was left with the governor, with the exception of the appointment of sheriffs and coroners. The freemen in each county were to elect two persons for each of these offices, and present them to the governor; and one of the persons thus presented was to be selected by him.

The same provision was made in this charter, in favor of religious toleration, as in the fundamental laws before mentioned.

This form of government remained until the American revolution; and some of its important features, and particularly, that the legislature should consist of one body only, were incorporated in the first constitution of the State of Pennsylvania; and the sheriffs and coroners, are still selected in the same manner, under the present constitution of that State. The new charter did not, however, prevent future disputes between the proprietors and the Pennsylvania colonists. The claim of the former, to have their property, in a great measure, free from taxes, although laid for the express purpose of defending the province, and securing that property; and thereby exempting themselves from the burden of such expense, justly incensed the colonists. Their deputy governors had instructions to agree to no money bill, but such as should exempt the greatest part of their property.

The assembly, in 1757, declared such instructions to be arbitrary and unjust, an infraction of their charter, a total subversion of

their constitution, and a manifest violation of their rights, as free born subjects of England.

The house, at the same time, unanimously resolved, "that it was highly necessary that a remonstrance should be drawn and sent home, setting forth *the true state* of Pennsylvania, and representing the pernicious consequences to the British interest, and to the inhabitants of the province, if, contrary to their charter and laws, they were to be governed by proprietary instructions." Doctor Franklin was appointed agent to present this remonstrance to the King; and for that purpose, went to England in the summer of 1757. Finding the court, as well as the people in general, ignorant of the true situation of the province, and of the nature of their disputes, (having only heard the story of the proprietors,) he drew up and published, but without his name, "an historical review of the constitution and government of Pennsylvania, from its origin, so far as regards the several points of controversy, which have, from time to time, arisen between the several governors of that province and their several assemblies."

This very able work, comprised in one volume, was published in 1759, and produced a change of sentiment in favor of the provincialists.

The proprietors, sensible of this change, finally proposed to Dr. Franklin, that their estates should not be assessed *beyond their proportion*. To this he assented, and the business was thus for the present closed. The proprietors, however, were afterwards dissatisfied with this concession, and again claimed to have their estates exempt from taxation; this, with other difficulties, so exasperated the assembly and the people, that in 1764, they agreed upon a petition to the king, praying for a change from a proprietary to a royal government.

Dr. Franklin was appointed agent to obtain this important alteration; and for this purpose, in 1765, went again to England. Other more important disputes, however, between the parent country and all the American colonies and provinces, in consequence of the stamp act, intervened; and ultimately liberated Pennsylvania from a royal, as well as proprietary government.

In the royal governments, the governor and the council were appointed by the crown, and the people elected representatives to serve in the colonial legislatures. The governor held his office by a commission from the king, and was to be governed by such royal instructions, as he from time to time received. The council derived their authority, both executive and legislative, from the same instructions. In their legislative capacity, they constituted the upper house, having a negative on the acts of the representatives; and in their executive capacity, they acted as advisers of the governor. The latter had a negative on the acts of both houses; and the acts themselves, though approved by the governor, were finally subject to the revision of the crown. The judges and most of the other officers were, also, appointed by the king. The judges held their offices during the pleasure of the crown; and the governor, as well as the judges, were at first dependent upon the colonial legislatures for their salaries.

Admiralty courts were, also, established in the colonies, by the crown, with an extent of jurisdiction, beyond similar courts in England.

These courts had cognizance of all breaches of the acts concerning navigation and trade, as well as those, which were in the nature of revenue acts; and proceeded, contrary to the usage in such cases, in England, without the intervention of a jury. This practice prevailed in the colonies, no doubt, from this circumstance, that the acts of trade and navigation, as well as the revenue acts, were extremely unpopular in the colonies; and it was found very difficult to procure convictions, for breaches of them, when the people themselves were judges. The courts of admiralty, were therefore instructed to proceed without a jury. This was a subject of great complaint, on the part of the colonists, and particularly at the commencement of the revolution.* And it is not a little singular, that this practice still continues in the United States, even under the present constitution.

During the existence of the London company, the affairs of Virginia were managed by a governor and council appointed by the

* See Kent's Commentaries.

company, until 1619, when a general assembly was called by the governor, consisting of "two burgesses, chosen from every town, hundred, and plantation, by the inhabitants, to decide conjointly with the governor and council, by the greatest majority of voices, in all matters of concern, relating to the colony." This assembly was held at James Town, and was the first legislative assembly held in America.* In July, 1621, a more permanent and perfect form of government was established by the company. By an ordinance of that date, for the better government of the colony, two supreme councils were constituted, one to consist of a council of state, appointed by the company, to assist the governor; the other of the council of state and two burgesses, chosen out of every town, hundred, and plantation, by the inhabitants. This council was called "the general assembly, wherein all matters were to be decided, determined, and ordered, by the greater part of the voices then present, reserving to the governor, always, a negative voice."

This assembly had power "to make, ordain, and enact such general laws and orders, for the behoof of the colony, and the good government thereof, as, from time to time, should appear necessary and requisite."

In all other things, the assembly was required to follow "the policy of the form of government, laws, customs, and manner of trial, and other administration of justice, used in the realm of England, as near as may be."† No law or ordinance, however, made by the general assembly, was to be of force or validity, unless confirmed, in a general quarter court of the company in England, and returned under their seal; and no orders of the court in England, were to bind the colony, before they were ratified, in the same manner, by the general assembly in Virginia.

This form of government was too popular to please the despotic James; and this, among other things, no doubt, produced a determination to deprive the company of their charter.

* Stith and Burke.

† Stith, appendix.

Some of the most influential members of the company, were, also, among the most popular leaders in the house of commons, and opposed with great boldness the arbitrary measures of the King. Sir Edwin Sandys, one of the company, had been imprisoned, by a royal order, for his conduct in parliament. The members of the company having refused to surrender their charter; a quo warranto was issued in 1624, and judgment rendered against the company; and their rights became vested in the crown. The share, in legislation, acquired by the people of the colony, had reconciled them to the government, of the company; and they were apprehensive, that, by a revocation of the charter, they should lose a right, thus secured. Pending the contest about the charter, in a letter to the privy council they humbly requested "that the *governors might not have absolute power*, and that they might retain the liberty of their general assemblies, than which," they say, "nothing could more conduce to the public satisfaction and public utility."* The apprehensions of the Virginians were soon realized. After the abolition of the charter, some years elapsed before a regular government was established.

General assemblies were not regularly called by the royal governors; and the people felt the hand of oppression, particularly during the administration of Harvey. It was not until 1639, that the people were again permitted to have a regular share in the government. In that year, Sir William Berkley, had particular instructions to issue writs for electing representatives, who, in conjunction with the governor and council, were to form a general assembly, and to possess supreme legislative authority in the colony.

During the civil wars in England, the colonists of Virginia, under the administration of Berkley, who had become popular, adhered to the royal cause; in consequence of which they became obnoxious to the ruling party in England.

In October, 1650, parliament having obtained the supremacy, declared Virginia in a state of rebellion, and authorised the coun-

* Stith, p. 315, and Burke, vol. 1, p. 277.

cil of state to reduce the colony to obedience ; and all trade with the same was, also, prohibited. Soon after this, the council sent an armed force, accompanied by commissioners, with instructions, to use force, if necessary, to reduce the colony. The commissioners were authorized, among other things, in case of submission, to give liberty to the inhabitants, "to choose such burgesses as they shall think fit, for the better regulating and governing of affairs there;" provided nothing be done contrary to the government of the commonwealth of England, and the laws there established.* The governor of Virginia prepared to resist this force, but honorable and liberal terms of capitulation were finally offered and accepted, in March, 1651. By these it was agreed among other things, that the inhabitants of the colony, should remain in due obedience and subjection to the commonwealth of England ; should enjoy such freedom and privileges as belonged to the *free born people* of England ; and that the former government, by commissions and instruction, be null and void ; that the grand assembly should convene and transact the affairs of the colony ; but nothing was to be done contrary to the laws of the commonwealth.

That they should have "as free trade as the people of England do enjoy, to all places and with all nations, according to the laws of that commonwealth, and enjoy all privileges, equal with any plantations in America ; and likewise be free from all *taxes, customs, and impositions whatsoever*, and none to be imposed upon them, without the *consent* of the *grand assembly*."†

The political state of this colony, from the time of this capitulation, to the restoration of Charles II, has not, until lately, been perfectly understood. The early historians of Virginia, have stated that, during this period, the people of that colony were in entire subjection to the oppressive government of Cromwell ; and that the acts of parliament in relation to trade were *there* rigidly enforced, while they were relaxed, in favor of the New England

* Hazard, vol. 1, p. 557.

† Hazard, vol. 1, p. 561, and Burke, vol. 2, p. 88.

colonies. Recent researches, however, into the records of that ancient colony prove these statements to be incorrect.*

Under the articles of capitulation, parliament and the Lord Protector, left the inhabitants of the colony, to govern themselves. The burgesses or grand assembly elected their governor and councillors, and all other officers, and the people enjoyed a free trade with all the world.

The inhabitants indeed, expected instructions and orders from England, concerning the government, but none were sent, during this whole period. The commissioners of parliament assumed the government for a short period, but in April, 1652, the grand assembly met, and with the consent of the commissioners, proceeded to elect a governor and councillors. Richard Bennet, one of the commissioners, was appointed governor, until the further pleasure of the commonwealth should be known. In 1655, Edward Digges was chosen governor by the house of burgesses, and after him, in 1657, Samuel Matthews. The governor and council claimed the right of appointing officers, and of dissolving the house of burgesses; but this claim the house strenuously opposed, and in April, 1658, made the following spirited declaration:

“ We, the burgesses, do declare, that we have in ourselves, the full power of the election and appointment of all officers in this country, *until such time as we shall have orders to the contrary, from the supreme power in England.*”

They, at the same time, declared, that they were not “dissolvable” by any power yet extant in Virginia, but their own; and that all former elections of governor and council be null and void.

They then appointed Samuel Matthews governor, and declared, that, for the future, none be admitted a councillor but such as

* See Burke, vol. 2, and particularly Henning's Statutes at large. The publication of these statutes, comprising the whole from the commencement of the colony of Virginia, in thirteen or fourteen volumes, throw much light on the history of that colony, and do great credit to the industry and researches of the publisher and to the State, under whose patronage, it is understood, the publication was made. Would every State patronize a similar work, much would be added to the history of each.

should be nominated and confirmed by the house of burgesses. After the resignation of Richard Cromwell, the house expressly declared, that the supreme power of government should reside in the assembly, and that all writs issue in the name of the "grand assembly of Virginia, until such a command and commission come out of England, as should be by the assembly judged lawful." At the same session, Sir William Berkley was appointed governor, and by a special act he was directed to call an assembly once in two years, at least, and oftener if necessary. He was empowered to choose a secretary and council of State, with the approbation of the assembly, and restrained from dissolving the legislature, without the consent of a major part of the house.*

The colonists of Virginia, or a majority of them, were episcopalians, and attached to the church of England; the religion of that church, indeed was established by law in the colony; and there can be little doubt, that they were attached to the royal cause, and rejoiced at the restoration of the king. Soon after this event, Sir William Berkley was appointed governor by Charles II, with instructions to summon an assembly, according to the usage of the colony, and to declare a general act of indemnity, with the exception of such, as were concerned in the death of Charles I. Great discontents, however, soon prevailed in Virginia, as well as in the other colonies, in consequence of the navigation acts passed in the early part of the reign of Charles II; and their rigid execution, in that colony in particular. These discontents were increased by very improper grants made by the crown, of large tracts of lands, interfering with grants and settlements previously made. The people of Virginia, also, were extremely desirous of greater security in their civil government and rights. They were now dependant on royal instructions, for their share in legislation; and these instructions, as claimed by the crown, might, at any time, be withdrawn, or altered, at its pleasure. To obtain relief against these improper and extensive grants, as well as to procure a more perfect and permanent system of civil government, the Virginians, in 1674, sent agents to England.

* Henning's Statutes, vol. 1, pp. 505, 506.

By the exertions of these agents, the king and council granted all their requests, and directed a charter to be drawn for the future civil government of the colony. By this, the king engaged, that the governor should reside in the country, unless his attendance in England or elsewhere, should be required by him. It was particularly provided—

“That no manner of *impositions* or *taxes* should be laid or imposed upon the inhabitants or proprietors, but by *common consent* of the governor, council, and burgesses, as had been heretofore used, provided that this concession be no bar to any imposition, that may be laid by act of parliament here, on the commodities that come from that country.”

The power and authority of the grand assembly, consisting of governor, council, and burgesses, were also ratified and confirmed; with a reservation of a right in the crown, to revoke or repeal any law passed in the colony. This charter went through all the forms, except that of affixing the great seal; but in this last stage it was stopped, and the lord chancellor, at last, directed not to put the great seal to the patent.* The agents petitioned for its completion, but in vain. The rebellion in Virginia under Bacon, and the opposition to the navigation acts in America, and particularly in New England, which about that time became more known, prevented the completion of this charter. A charter was granted to the colony in 1677, but with the exclusion of the most essential parts, contained in the draft of the first, particularly the part relating to *taxes*, and the *confirmation* of the *powers* of the grand assembly. With this the Virginians were obliged to be content, until 1776, when they made a charter for themselves, independent of the crown.

New York, when in the possession of the Dutch, was under the management of a governor or director general, and a council, who held their places under the authority of the Dutch West India company. All legislative, executive, and judicial powers were vested in the governor and his council. They had the sole management and direction of the whole affairs of the colony. They

* Chalmers, p. 331, and Burke, vol. 2.

made laws, appointed officers, and decided all important controversies.

In 1641, the governor and council permitted certain Englishmen, to settle in the Dutch territory; and under this permission, several towns at the west end of Long Island, were settled; and the inhabitants were vested with the privilege of electing their own magistrates; subject, however, to the negative of the governor. The unlimited powers entrusted to the governor and council, and the manner in which they were exercised, produced great discontents among the inhabitants. In 1653, the people, dissatisfied with the arbitrary conduct of their rulers, in rejecting their favorite magistrates, and in making grants of land; and feeling the want of a more regular system of government and laws, determined to seek redress. For this purpose, a convention of delegates from several towns was held, at the city of New Amsterdam, and agreed on a spirited remonstrance. Among other things, they complained, that the people were excluded from all share in making laws, and in the appointment of magistrates.* This remonstrance gave great offense to the governor and council, and they entered their protest against the meeting itself. Unable to obtain redress or any share in the government, the people became more dissatisfied; and many of them were not unwilling to surrender the colony to the British, when it was demanded not long after, by Col. Nichols, in the name of the British crown.

In 1664, the Dutch colony was surrendered to Nichols, and on terms favorable to the inhabitants. The Dutch governor, Stuyvesant, was determined to resist, but the people were not disposed to support him.

In a proclamation, issued by the King's commissioners, previous to a surrender, the inhabitants, in case of submission, were promised, not only protection in their persons and property, but "all other privileges with his Majesty's subjects."† In this, however they were for a long time disappointed. Until 1683, the people were deprived of all share in the government. Until this period,

* Wood's Sketch of Long Island.

† Smith's History of New York, p. 43.

they in vain solicited to be represented in an assembly, as in the other English colonies. All the powers of government were vested in a governor and council; and some of these were the fit instruments of the despotic James. The famous Sir Edmund Andrus was appointed governor in 1674; and he strongly opposed these just claims of the people. His conduct was approved by his royal master, who afterwards said to him, "you have done well to discourage any mention of *assemblies*, of which the inhabitants are desirous, as they are neither in your instructions, nor consistent with your power of government."*

The prince, however, was at last compelled to yield to the repeated and earnest solicitations of the people on this point. Thomas Dongan, a new governor, in 1683, brought with him instructions to call an assembly, to consist of his council and of the representatives of the freeholders; and in October of that year, an assembly was called, and the people, for the first time, had a share in the government of that colony.

The people, however, did not at once experience all the advantages expected from this change. They, also, as well as New England, were doomed to feel the effects of the arbitrary and despotic principles of the reigning prince, and to be justly alarmed for the protestant faith.

Dongan was a Roman catholic, and under his administration many of his persuasion began to settle in the colony, and held some of the first offices. The collectors of the revenue, and other principal officers, at last, openly declared in favor of the Roman catholic religion.

This excited the indignation of the people, and the seizure of Sir Edmund Andrus, at Boston, encouraged them in their opposition.

Jacob Leisler, a man not before much known, with his son in law, Milbourne, placed themselves at the head of the opposition; and with the militia, who joined them, seized the fort. Dongan had resigned the government to Francis Nicholson, who was lieutenant governor, and embarked for Europe. Leisler and his adherents,

* Chalmers, p. 581.

in June, 1689, signed a declaration in favor of the prince of Orange, engaging to submit to such orders as should be received from him. During this interregnum, the province was thrown into the utmost confusion.

The mayor of the city and other influential men refused to join Leisler. He, however, called to his assistance several persons, denominated a committee of safety, and managed the affairs of the government; and the lower part of the province submitted to his authority. The mayor and many others, refused to submit to one whom they deemed an usurper, and retired to Albany; where the people formed themselves into a convention, and determined to hold that city, independent of Leisler and his party, and in favor of the prince of Orange. In the mean time, William had been placed upon the British throne, and despatches from the new government arrived at New York in December, directed "to Francis Nicholson, or, in his absence, to such as, for the time being, took care for preserving the peace and administering the laws, in their Majesty's province of New York, in America." These despatches authorised Nicholson, to take upon him the command, with the assistance of as many of the principal freeholders, as he should think fit, and "to do every thing appertaining to the office of lieutenant governor, according to the laws and usages of New York, until further orders." Nicholson having left the province, Leisler considered himself as having the care of the province, and under these orders, assumed the government. He established a council, appointed officers, and issued commissions in his own name, under the title and authority of lieutenant governor. The people at Albany, however, refused to submit to his assumed authority, until compelled by a superior force, which he sent against them. The principal members of the convention fled into the neighbouring colonies, and their estates were confiscated. These extraordinary proceedings created a deadly animosity between these parties, which was long felt in that province.*

* Chalmers' Annals, and Smith's History of New York.

In this distracted state of the province, Henry Slaughter arrived as governor, under William and Mary; and in March, 1691, published his commission. By some strange infatuation, Leisler refused, at first, to deliver the fort to the new governor, when demanded; pretending that he did not know him; and declaring "he would own no governor, without orders, under the King's own hand."

A second demand for the delivery of the fort was made, and a refusal given on the part of Leisler. The governor then ordered a ship of war to attack the fort. Before this was done, Leisler sent his secretary, Milbourne, and one Mr. Lenoy, to enter into terms of capitulation. These envoys the governor seized, and without entering into any treaty, immediately secured. An officer was then sent, to seize Leisler and his council; and to order his men to lay down their arms. After some debate, most of the men submitted, and Leisler and his council were seized and brought before the governor.

By the advice of the new council, who were the enemies of Leisler, they were immediately tried for treason, and condemned.

The governor was strongly solicited to put their sentence into immediate execution, but he was resolved to wait the pleasure of the King.*

The enemies of Leisler and Milbourne were greatly disappointed at this; and determined upon their destruction, took advantage of the weakness of the governor, at a feast, to which he had been invited, and obtained a warrant for their execution, which was immediately enforced. A complaint was afterwards presented to the king, against the governor, by the son of Leisler.

The lords commissioners of trade, to whom this complaint was referred, reported that these persons "were condemned and had suffered according to law;" but their estates were restored to their families, by order of her majesty; and afterwards their bodies were taken up and interred, with much ceremony, in the old Dutch church in the city of New York.† Governor Slaughter, immediately after his arrival, summoned an assembly, which met

* Slaughter's Letter in Chalmers, p. 611.

† Smith's History, p. 128.

on the 9th of April. A majority in this assembly had been opposed to Leisler ; and they declared his proceedings to be illegal, against the rights of the king, and that his holding the fort, against the governor, was an act of rebellion.

The meeting of this assembly, being the first after the revolution in England, constitutes a new era in the political history of New York.

This assembly declared, "that all the laws consented to by the general assembly, under James, Duke of York, and the liberties and privileges therein contained, granted to the people, and declared to be their rights, *not being observed, nor ratified and approved* by his royal highness, nor the late king, are null and void, and of none effect ; and also, that the several ordinances, made by the late governors and councils, being contrary to the constitution of England, and the practice of the government of their majesties' other plantations in America, are likewise null and void, and of no effect, within this province." Having thus disposed of the former laws and ordinances of the province, they proceed and pass "an act declaring what are the rights and privileges of their majesties' subjects inhabiting within their province of New York." This act, which embraced the great principles contained in magna charta, will be noticed hereafter, when on the subject of the rights and privileges claimed by the colonists generally.

Governor Slaughter died, in July, 1691 ; and he is represented, by the author of the history of New York, as "utterly destitute of every qualification for government, licentious in his morals, avaricious and poor."*

He was succeeded by governor Fletcher, who was a soldier, a man of strong passions, and small capacity. Bigoted to the church of England, he was determined on the establishment of English ministers of that church in the province ; and to have himself the right of induction and collation.

This subject he often earnestly recommended to the consideration of the assembly ; but a majority of the house, attached to the Dutch mode of worship, were strongly opposed, and at

* Smith, p. 121.

first refused even to bring in a bill on the subject. This drew from the governor an angry rebuke, in his speech, at the close of the session, intimating that they were more attentive to their civil rights than the subject of religion.

“The first that I did recommend to you, at our last meeting,” says the governor “was to provide for a ministry, and nothing is done in it. There are none of you, but what are *big with the privileges of Englishmen and magna charta*, which is your right; and the same law doth provide for the religion of the church of England, against Sabbath breaking, and all other profanity. But as you have made it last, and postponed it this session, I hope you will begin with it the next meeting, and do something toward it effectually.”

The same subject being again pressed, by the governor, the next session; the house passed a bill, for the settling a ministry in several parishes, in four counties; but the right of *presentation* was given to the people. The council proposed an amendment, that they should be “presented to the governor, to be *approved and collated*.” To this amendment, the house refused their assent, and returned the bill, praying that it might pass, without the amendment, as in drawing it, they had “a due regard to that pious *intent* of settling a ministry, for the *benefit of the people*.” The governor took fire, at this “stiffness,” as he called it, of the house, and in an angry and illiterate speech, dismissed the assembly. A part of this speech we here present, because it not only evinces the character of the governor, but shows how little the British administration attended to the *qualifications* of those whom they sent to govern the colonists. “There is also a bill, gentlemen,” says the governor, “for settling a ministry in this city and some other counties of the government. In that very thing, you have shown a great deal of *stiffness*.”

“You take upon you as if you were *dictators*. I sent down to you an amendment of three or four words, in that bill, which, *though very immaterial*, yet was positively denied. *I must tell you it seems very unmannerly*. There never was an amendment yet desired by the council board, but what was rejected. It is the sign of a stubborn ill temper, and this have also passed.”

“But, gentlemen, I must take leave to tell you, if you seem to understand by these words, that none can serve without your *collation* or *establishment*, you are mistaken. For I have the power of *collating* or *suspending* any minister in my government, by their majesties’ letters patent; and whilst I stay in the government, I will take care that neither *heresy*, *sedition*, *schism*, or *rebellion*, be preached among you, nor vice and profanity encouraged.”*

The Earl of Bellamont, not long after, succeeded Fletcher, and was governor not only of New York, but of Massachusetts and New Hampshire. From this period to the time of the American revolution, the political annals of the province of New York, present little more than a constant struggle for *prerogative* on the part of the crown, and for *rights* on the part of the people.

These disputes related principally to the formation and duration of assemblies, the imposition of taxes, the establishment of permanent revenues, and the regulation of courts, and will be noticed in the succeeding chapter.

* Smith, p. 141

CHAPTER III.

Colonists consider themselves entitled to the rights of Englishmen—Claim the right of representation—Disputes with the crown on this subject—Opinions of eminent lawyers on this question—Declaration of rights by the assembly of New York in 1691—Declarations of the colonies at various times on the right of taxation—Various acts of parliament restricting the trade and manufactures of the colonies—The origin and causes of these acts—Their effects in the colonies and opinions concerning them—Mode of enforcing them—Board of trade and plantations established—Objects and powers of this board—Rice included among the enumerated commodities in a clandestine manner—Acts of parliament concerning hats and hatters—Manufacture of iron and steel prohibited—Slitting mills, plating forges and furnaces, in the colonies declared *common nuisances*—Governors ordered to destroy them—Principles and opinions of English writers concerning the trade and manufactures of the colonies.

THE colonists, from their first settlement considered themselves entitled to the rights of Englishmen, as secured by magna charta, and confirmed by the bill of rights.

The most important of these rights, were those of *representation* and *taxation*. To have a share in making the laws by which they were to be governed, as well as in the imposition of taxes they were to pay, they always claimed as their birthright.

Under the charter and proprietary governments, the colonists were secured in the right of representation, by solemn compacts with the crown; but in the royal governments, this right was not conceded, but depended, as claimed by the crown, on royal authority alone.

This important question was agitated at an early period, as we have before stated, in the province of New York. About the time of the revolution in England, it was a subject of debate in that province, whether the people had a *right* to be represented in the assembly, or whether it was a *privilege* to be enjoyed through the favor of the crown.* This question was settled in favor of the right, on the part of the people, by the act to which we have

* Smith, p. 127.]

before alluded, passed in 1691, declaring the rights and privileges of the people of that province. By this act it was declared, that the supreme legislative power and authority, under their majesties, should *forever be and reside* in a governor in chief, and council, appointed by their majesties, their heirs and successors; and in *the people, by their representatives*, met and convened in general assembly. That the governor, with the advice of his council, was to administer the government, according to the laws of the province, and for any defect therein, according to the laws of England and not otherwise; and in case of the death or absence of the governor, the oldest councillor was to officiate as governor, that a general assembly should be held, once every year, and that every person having a freehold of forty shillings per annum, should have a vote in the choice of representatives. The act also designated the number of representatives, to be chosen in the cities, manors, and counties, prescribed the mode in which the house should be organized, and authorized the representatives to adjourn from time to time, as they should think fit. This act, however, was disallowed by the king, in 1697. The governor claimed the right of calling the assembly, when he pleased, and after the representatives were chosen, of continuing them at his pleasure, without a new election. The manner in which this power was exercised, created violent disputes between the governors and the people.

During the administration of Cosby, one assembly was continued six years. The people solicited the governor for a new election, but in vain; and he was equally regardless of the repeated requests of the house to be dissolved. During the continuance of this assembly, laws were passed, declaring and enacting, that no assembly should continue longer than three years, and that an assembly should be held, at least once a year; but to these the governor refused his assent. The continuance of the same assembly for a long time, and the distribution of offices among the members, the governors, no doubt, considered the best mode of obtaining a majority favorable to their views, and particularly in securing a large salary to themselves, a principal object with most of

them. To prevent the influence of the governor by the distribution of offices among the members, bills were introduced prohibiting any member from accepting an office of profit, after his election, but did not pass. During the administration of the successor of Cosby, a law was finally obtained, limiting the duration of assemblies to three years. This law, however, was negated by the king, because it was "a high infringement upon the prerogative of the crown."*

To compel the governor to convene the legislature once a year, the assembly of New York utterly refused to grant a revenue but for that short period.

In pursuance of royal instructions, the governors repeatedly urged the establishment of a permanent revenue, and particularly required that the same be placed at the control of the governor and council. This was resisted by the house, and in the year 1737, an address was presented to lieutenant governor Clark, on this and other subjects, couched in the spirited language of injured freemen. After stating the importance of frequent elections, to prevent the improper use of power, declaring that checks and balances were necessary for the preservation of the liberty and happiness of any country; on the subject of *revenue*, they say, "we, therefore, beg leave to be plain with your honor, and hope you will not take it amiss, when we tell you, that you are not to expect, that we either will raise sums unfit to be raised, or put what we shall raise, into the power of a governor to misapply, if we can prevent it; nor shall we make up any other deficiencies, than what we conceive are fit and just to be paid, or continue what support or revenue we shall raise, for any longer time *than one year*; nor do we think it convenient to do even that, until such laws are passed, as we conceive necessary for the safety of the inhabitants of this colony, who have reposed a trust in us, for that only purpose, and which, we are sure, you will think it reasonable we should act agreeably to; and by the grace of God, we shall endeavor not to deceive them."† The question respecting the duration of the assembly, was settled, under the administra-

* Chalmers' opinions of eminent lawyers, on points concerning the colonies, vol. 1, p. 189.

† Continuation of Smith's History of New York, p. 421.

tion of Clinton, in 1743. The house were obliged, at last, to yield their assent to a septennial act. The evils experienced in this province, from this extraordinary power in the crown, were such, that, when, in 1775, the convention of the people of that province, drew up certain terms of reconciliation with the parent country, one of them was, that the duration of assemblies should not exceed three years. In the royal governments various questions came before the king, in relation to laws passed by the colonial legislatures, regulating the assemblies. The law-officers of the crown were consulted on these questions, and their opinions given, that the king could alter such laws at pleasure. These opinions were founded on the idea, that the *right of representation* in the colonies, depended solely on the will of the king. On a question from New Jersey, in 1723, with respect to the number of representatives, from certain counties or places, the attorney general, Raymond, advised the king that he might regulate the number to be sent from each county or place, or might *restrain* them from *sending any, at his pleasure* ; giving as a reason, " that the *right* of sending representatives to the assembly, and the *qualifications* of the *elector* and *elected*, were founded originally on the *instructions* given by the crown, to the governor of New Jersey."* In 1747, on a similar question from New Hampshire, the celebrated lawyers, Ryder and Murray, informed his majesty " that as the *right* of sending representatives to the assembly, was founded originally on the commissions and instructions given by the crown, to the governors of New Hampshire, his majesty may extend the privilege of sending representatives to such new towns, as his majesty should judge to be, in all respects, worthy thereof."*

These questions could only be settled by a revolution ; and the arbitrary and illegal manner, in which this portion of the royal prerogative was exercised, particularly in calling and dissolving assemblies, was one of the grievances stated in the declaration of independence.

With respect to the great and important rights of personal security and of private property, some of the first acts, which appear

* Chalmers' opinions of lawyers, &c. vol. 1, pp. 268, 272.

on the records of most the colonies, declare, "that no man's life shall be taken away, no man's honor or good name be stained, no man's person be arrested, restrained, banished, or any way punished; that no man's goods or estate be taken away from him, or in any way endamaged, unless it be by virtue of some express law of the colony, warranting the same, established by the general court and sufficiently published."

In regard to the imposition of taxes, the colonial legislatures at various times passed declaratory acts.

In 1636, the assembly of the Plymouth colony declared, "that no act, imposition, law, or ordinance be made or imposed upon us, at present, or to come, but such as has or shall be enacted by the *consent of the body of the freemen*, or their *representatives*, legally assembled; which is according to the *free liberties* of the *free born* people of England."*

In 1650, when the constitution of Maryland was settled, the legislature of that province passed "an act against raising money without the consent of the assembly," declaring, "that no taxes shall be assessed or levied on the freemen of the province without their own consent, or that of their deputies, first declared in a general assembly."†

In 1661, the general court of Massachusetts, declared that "any imposition prejudicial to the country, contrary to any just law of their own, (not repugnant to the laws of England,) was an infringement of their right."‡

In March, 1663—4, the assembly of Rhode Island declared, in the words of magna charta, that "no aid, tax, tallage, or custom, loan, benevolence, gift, excise, duty, or imposition whatsoever, shall be laid, assessed, imposed, levied, or required, of or on any of his Majesty's subjects, within this colony, or upon their estates, upon any manner of pretence or color, but by the assent of the general assembly of this colony."|| In the year 1692, the assembly of Massachusetts made a similar declaration.

This was in accordance with the views of the agents of that colony, who procured and assented to the new charter. Among the

* Bradford, vol. 1, p. 269. Note.

‡ Hutchinson, vol. 1, p. 456.

† Chalmers' Annals, p. 220.

|| Records of Rhode Island.

reasons given by them for their acceptance of that instrument, one was, that "the general court had, with the King's approbation, as much power in New England as the King and parliament had in England; they have all English privileges, and can be touched by no law, and by no *tax*, but of their own making."* The act of New York concerning their rights and privileges, to which we have alluded, passed in 1691, contained the same declaration relative to taxes, and although this, as well as the act of Massachusetts, was repealed by the King, in 1697, yet they shew the sense of the people of these provinces, on this great question, at that early period. The assembly of New Jersey not only made the same declaration, with respect to the right of taxation, but resisted the collection of duties on goods brought into the Delaware, arbitrarily imposed by Sir Edmund Andrus, in 1680. In a hearing before the commissioners of the Duke of York, on the subject of these duties, the colonists of New Jersey, claiming under Berkley and Carteret, do not hesitate to declare them illegal and unconstitutional, *because imposed without their consent*.

They stated to the commissioners, that the Duke of York granted to those, under whom they claimed not only the *country itself*, but "the powers of government." "That, only," they subjoined, "could have induced us to buy it, and the reason is plain, because to all prudent men, the *government* of any place is more inviting than the *soil*; for what is good *land*, without good *laws*; the better the worse: and if we could not assure people of an *easy*, and *free*, and *safe* government, both with respect to their *spiritual* and *worldly property*, that is, an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedom, by a just and wise government, a mere wilderness would be no encouragement: for it were madness to leave a free, good, and improved country, to plant in a wilderness, and there adventure many thousands of pounds, to give an absolute title to another person to *tax* us at will and pleasure." "Natural rights and human prudence oppose such doctrine, all the world over; for what is it, but to say, that a people free by law under their prince at home, are at his mercy in the plantations abroad."

* Neal's History of New England, and Massachusetts State Papers.

In conclusion they say "there is no end to this power; for since we are by this precedent assessed without any law, and thereby excluded our *English right of common assent to taxes*; what security have we of any thing we possess? We can call nothing our own, but are tenants at will, not only for the soil, but for all our personal estates. This sort of conduct has destroyed government, but never raised one to any true greatness."*

The same views of this subject were entertained by Virginia, when they so earnestly solicited a charter of rights from the King, in 1676. It will be remembered, that a draft of a charter, ordered by the King, for Virginia, contained a clause securing the right of *internal taxation* to the people of that colony, and that in its last stages the charter itself was stopped. It was supposed by the agents and no doubt truly, that this clause was one of the reasons for a final refusal of the great seal. In their petition to the King, praying for a completion of the instrument, the intelligent and patriotic agents, on this subject, say "the fourth head, (taxation) it is true, contains that which we humbly conceive to be the right of Virginians, as well as of all other Englishmen, which is, *not to be taxed but by their consent, expressed by their representatives.*"†

This is the same language which was held nearly a century afterwards, by Patrick Henry and other patriots in Virginia.

Many of the colonists, indeed, entertained an opinion that they were bound by no acts of parliament; because not represented in that body. Nicholson, governor of Maryland, in a letter to the board of trade, in 1698, says, "I have observed, that a great many people in all these provinces and colonies, especially under proprietaries, and the two others, under Connecticut and Rhode Island, think that *no law* of England ought to be in force and binding to them, *without their own consent*. For they *foolishly say*, they have no representatives sent from themselves, to the parliament of England; and they look upon all laws, made in England, that put any restraint upon them, to be great hardships."‡

* Smith's History of New Jersey, pp. 117, 123, and Trumbull's United States, p. 165.

† Henning's Statutes, vol. 2, p. 534.

‡ Chalmers, p. 443.

That the colonists were, in their conduct, in no small degree governed by these opinions, is evident from the testimony of the late John Adams, in his history of the disputes of the parent country with America, from the year 1754. "The authority of parliament," says Mr. Adams, "was never generally acknowledged in America. More than a century since, Massachusetts and Virginia both protested against the act of navigation, and refused obedience, for this very reason, because they were not represented in parliament, and were, therefore, not bound; and afterwards confirmed it by their own provincial authority. And, from that time to this, the general sense of the colonies has been, that the authority of parliament was confined to the regulation of trade, and did not extend to *taxation*, or *internal legislation*."

"The hatters' act," he adds, "was never regarded; the act to destroy the land-bank scheme, caused a greater ferment than even the stamp act;" and that, "the act against slitting mills and tilt hammers was never executed here." As to the postage, "it was so useful a regulation," he says, "so few persons paid it, and they found such a benefit from it that little opposition was made to it; yet every man, who thought about it, called it an usurpation."

In 1640, governor Winthrop, in his journal says, "upon the great liberty which the King left the parliament to in England, some of our friends there, wrote to us, advising to send over some one to solicit for us in parliament, giving us hopes, we might obtain much: but, consulting about it, we (the governor and assistants convened in council) declined the motion for this consideration, that, if we should put ourselves under the *protection of parliament*, we must be subject to all such *laws* as they should make, or at least, such as they might impose on us; in which course, if they should intend our good, yet it might prove very prejudicial to us."

And governor Trumbull, in his letter to baron J. D. Vander Capellan, in 1779, referring to this passage in Winthrop's journal says, "that at that time and ever since, the colonies, so far from acknowledging the parliament to have a right to make laws binding on them, in all cases whatsoever, they have ever denied it, in any case."*

* Massachusetts Historical Collections, vol. 6, pp. 155, 156.

Before noticing the various attempts on the part of the crown, to deprive the colonists of their charters, we shall invite the attention of the reader to the system of policy, pursued by the parent country, relative to their *commerce and manufactures*.

It has been generally supposed, that the act of the commonwealth parliament, in 1651, was the commencement of this system. This, however, is a mistake. Soon after the article of tobacco was imported from Virginia, into England, it was loaded with heavy duties by the king, and was, likewise, subjected to many vexatious regulations by royal proclamations.

In consequence of this, the Virginia company in 1621, sent all their tobacco to Holland. This occasioned a diminution of revenue, as well as considerable loss of national trade.

To prevent this in future, an order of the king and council, who then, and long afterwards regulated the affairs of the plantations, was issued, commanding "that no *tobacco*, or other *productions* of the colonies, should thenceforth be carried into any *foreign ports*, until they were first landed in England, and the customs paid."

The reasons assigned for this order, were, "that the king, weighing the great advantages, which this crown might receive from a well ordered plantation in Virginia, granted several immunities to the colonists, as not doubting but they would apply themselves to such courses as might most firmly incorporate that plantation into his commonwealth; that to suffer, therefore, a *foreign trade*, is as inconsistent with the view in the planting of Virginia as with just policy or the honor of the State."*

This was the commencement of a system of commercial monopoly, to which the colonists were subjected; a system afterwards enforced by various acts of parliament, and continued until the American revolution.

These orders, however, were not then rigidly enforced, even by royal governors. In 1639, Charles I, in his instructions to his governor, Sir William Berkley, after stating, that many ships laden with tobacco and other merchandize, had gone from Virginia *directly*

* Chalmers' Annals, p. 53.

to foreign countries, whereby he had lost the duties thereon, says, "you should be very careful that no vessel depart thence loaded with these commodities, before bond with sufficient sureties, be taken to his majesty's use, to bring the same into his majesty's dominions, and to *carry a loading from thence*; that the staple of these commodities may be made here; whereby his majesty, after so great an expense upon that plantation, and so many of his subjects transported thither, may not be defrauded of what is justly due for customs on the goods." These instructions were not rigidly enforced, and the Hollanders still continued to carry the productions, not only of the English plantations, but of other countries, for English merchants. This produced the celebrated navigation act, of 1651, restricting the trade with the plantations, as well as with other parts of the world, to English built ships, belonging to English, or English plantation subjects; with the exception of such articles of merchandize, as should be imported directly from the original place of their growth or manufacture, in Europe only.

The principles of this act were adopted by the English parliament, soon after the restoration of the king. The act of 12th Car. II, directed that sugars, tobacco, cotton wool, indigo, ginger, fustic, and other dying woods, should only be carried to England, Ireland, or the principality of Wales, or to other British plantations. Not contented with thus confining the colonial *export* trade to the parent country, parliament in 1663, limited the *import* trade, in the same manner, declaring, that "no commodity of the growth or manufacture of *Europe*, shall be imported into any of the king's plantations, which are or shall be in Asia, Africa, or America, but what shall have been shipped in *England, Wales, or town of Berwick*, and in English built shipping, &c. whereof the master and three fourths of the mariners are English. and carried *directly* thence to the said plantations, &c." permitting, however, vessels so navigated, to take salt in any part of Europe, for the fisheries of New England and Newfoundland, also, wines from Madeira and the Azores, and provisions from Scotland, for the plantations.

The preamble to this act, discloses the policy of England, as well as the rest of Europe, in relation to colonial trade.

“ And whereas his majesty’s plantations beyond the seas, are inhabited and peopled by his subjects of this his kingdom of England ; for the maintaining a greater correspondence and kindness between them, and keeping them in a *firmer dependance* upon it, and rendering them more beneficial and advantageous unto it, in the further *employment* and *increase* of English shipping and seamen, *vent* of *English woollens*, and other manufactures and commodities, rendering the navigation to and from the same, more safe and cheap, and making this kingdom a staple, not only of the commodities of these plantations, but, also, of *other countries and places for supplying them* ; and it being the usage of other nations to keep their plantation trade to themselves.” More effectually to enforce this act, the governors of the colonies were required, before entering upon the duties of their office to take an oath to do “ their utmost to cause the same to be observed ;” and if, after having taken such oath, they failed in the duty imposed by it, they were not only to be removed from office, and rendered incapable of the government of any colony, but to forfeit one thousand pounds.

These acts still left the trade and intercourse between the colonies free. This privilege, however, remained for a short period only. In 1672, certain colonial products, transported from one colony to another, were subjected to duties. White sugars, were to pay five shillings and brown sugars one shilling and six pence, per hundred, tobacco and indigo, one penny, and cotton wool a half penny per pound.

These acts the colonists deemed highly injurious to their interest, depriving them of the privilege of seeking the best market for their products, and receiving in exchange the articles they wanted, without being charged with the additional expense of a circuitous route through England. They were considered by some of the colonists a violation of their charter rights ; and in Massachusetts, they were, for a long time, totally disregarded.

The loyal Sir William Berkley, governor of Virginia, in his answers to inquiries from the lords of the committee of the planta.

tions, concerning the trade of that colony, says, "mighty and destructive have been the *obstructions* to our *trade and navigation*, by that severe act of parliament, which excludes us from having any *commerce* with any *nation* in *Europe*, but our own; so that we cannot add to our plantation any commodity that grows out of it, as olive trees, cotton or vines." "If this was for his majesty's service," he subjoined, "or the good of the subject, we should not repine, whatever were our sufferings: but on my soul, it is the contrary of both; and this is the cause why no small or great vessels are built here."*

The people of Virginia presented a petition for the repeal of these acts, but in vain.

The inhabitants of Rhode Island, being extensively engaged in trade, declared the acts unconstitutional and contrary to their charter.†

So totally were the acts disregarded in Massachusetts, that in 1675, the lords committee for the colonies inquired of Lord Treasurer Danby, whether the commissioners of the customs considered the acts of trade as extending to New England; and were answered in the affirmative.‡

About the same time, complaints were made to the king, by the merchants and manufacturers, that the inhabitants of New England disregarded the acts of navigation, and freely traded with all parts of Europe; by which not only the navigation and revenues of England, were greatly injured, but their dependance on the parent country, rendered less secure, if not totally destroyed; and they prayed that the people of New England might be compelled to observe them. The committee of plantations having fully heard these complaints, resolved, that the acts should thereafter be enforced, and for that purpose, proper officers be settled in New England; and "that the captains of his majesty's frigates should have instructions to seize and bring in offenders, that avoided making entries in England."§

* Chalmers, p. 328.

† Mr. Hunter's Oration, 4th July, 1826.

‡ Chalmers, p. 262.

§ Chalmers, p. 400.

In 1677, Edward Randolph, who had been appointed an officer of the customs in New England, was requested by the committee to answer certain queries concerning the state of New England.

In answer to the inquiry, respecting the observance of the navigation act, he informed the committee, that in Massachusetts, no notice was taken of these acts, or any other laws made in England, for the regulation of trade. The state of the commerce of that colony, at that period, is thus given by him: "All nations have free liberty to come into their ports and vend their commodities, without any restraint; and in this, as well as in other things, that government would make the world believe, they are a *free State*, and do act in all matters accordingly, and do presume to give passports to ships, not only belonging to that colony, but, also, to England, without any regard to those rules prescribed by his majesty."*

This representation increased the displeasure of the king and ministry against Massachusetts; and the agent of that colony, the next year, in his letter on this subject says, "the country not taking notice of these acts of navigation, to observe them, hath been the most unhappy neglect that we could have fallen into, for more and more, every day, we find it most certain, that without a fair compliance in that matter, there can be nothing expected, but a total breach, and all the storms of displeasure that may be." In answer to this letter, the general court, acknowledged, that the acts had not been observed, because they had never received their assent, and therefore, not obligatory. The general court apprehended them to be, "an invasion of the rights, liberties and properties, of the subjects of his majesty in the colony, *they not being represented in parliament*; and according to the usual sayings of the learned in the law, the laws of England were bounded within the four seas, and did not reach America; however," they add, "as his majesty had signified his pleasure, that these acts should be observed in Massachusetts, they had made provision, by a *law* of the colony, that they should be strictly at-

* Hutchinson's State papers, p. 496.

tended to, from time to time, although it greatly discouraged trade, and was a great damage to his majesty's plantations."*

Thus early did the people of Massachusetts, declare the acts, restraining the trade of that colony, a violation of their rights, and not binding upon them, because they were not represented in parliament. To comply with the expectations of the king, they, by a special act of the general court "ordered and enacted, that in future, these acts should be obeyed within their jurisdiction." Nor were these acts deemed less grievous and illegal, by the first settlers in the Carolinas. The act of 1672, subjecting the articles carried from one colony to another to the payment of duties, was considered by them, a violation of their charter.

In 1687, the custom house officer at Charleston, informed the commissioners of the customs in England, "that he despaired of succeeding in enforcing the *revenue* acts, as the people denied the power of parliament to pass laws inconsistent with their charter."†

After the establishment of the prince of Orange on the British throne, the affairs of the plantations were placed under the care and management of a special board of commissioners, and laws were passed, for the purpose of more rigorously enforcing the acts of trade in the colonies. This board was established in 1696, by the name of "a board of trade and plantations." The commissioners were, among other things particularly authorized, "to inquire into the condition of the plantations, as well with regard to the *administration of government*, as in relation to *commerce*, and how these colonies might be rendered most beneficial to this kingdom.‡"

An act of parliament, passed about the same time, not only required the governors to take an oath, to see that the navigation acts were enforced; but also declared that, on the affidavit of two or more witnesses, proving they had neglected to take the oath, or had failed in their duty, the governors were to be removed, and subjected to a high penalty. The naval officers

* Hutchinson, vol. 1, pp. 288, 290.

† Johnson's Life of Green, p. 237.

‡ McPherson's Annals of Commerce, vol. 2, p. 681.

were also required to give bond for a faithful performance of their duty ; and all custom house officers in America, were clothed with the same powers, as in England, " to visit, search, and seize vessels and their cargoes, and to enter all houses and store houses, for the purpose of seizing goods illegally imported ; and the like assistance was to be afforded to these officers in America as in England," to enable them to carry these acts into effect. The same act declared that " all laws, by-laws, usages or customs in practice, or pretended to be in force or practice, in any of the said plantations, which are in any wise repugnant to any of the aforementioned laws, or to this act, or any *other law hereafter to be passed, in this kingdom, relating to the plantations, were illegal, null and void.*"

More effectually to secure the fidelity of the governors, in the proprietary governments, parliament at the same time, directed that they should have no authority, without being approved by the king. This was, no doubt, a violation of the proprietary charters.

The King, also, required the same oath to be taken by the governors of Connecticut and Rhode Island ; and in his letter to the former colony, in April, 1697, he declared, that the *laws of trade must be obeyed* ; and that if hereafter there should be any failure, in the observance of them in that colony, he should consider their infraction as tending to a *forfeiture* of their charter. We would here observe, that the colonial products mentioned in the act of 1660 (12th of Char. II.) to be carried to England only, were usually denominated " enumerated commodities ;" and to these were afterwards added, many others ; such as molasses, tar, pitch, turpentine, hemp, masts, yards, bowsprits, copper ore, rice, beaver skins, and other furs. Some of these were placed among the enumerated commodities, at the instance of individuals ; and no doubt without even the knowledge of a great majority of the members of parliament. This was particularly the case with rice. This valuable article, the culture of which was introduced into South Carolina, about the year 1694, was soon exported, and freely carried to all parts of Europe, until 1706 ; when it was introduced among the enumerated commodities, in the following manner.

A captain of an English vessel was prevented from obtaining a load of rice in Carolina, in consequence of the number of vessels there, at the same time, procuring cargoes for Portugal. On his return home, he persuaded a member of parliament, that it was injurious to the trade of England, that rice should be carried *directly* to Portugal, or any other foreign country; and it was *secretly* placed among the enumerated articles, in an act of the 3d and 4th of Anne, entitled "an act for granting to her Majesty a further subsidy on wines and merchandize imported," an act with which it had not the least connection, and where it passed, without notice.*

In this clandestine manner, and at the instance of a disappointed and interested individual, was the great interest of a whole colony sacrificed. Rice remained an enumerated article until 1730, when it was permitted to be carried to any part of Europe, south of cape Finisterre. The colonies, and particularly those of New England, as their productions increased in quantity and value, were engaged in a very lucrative trade with the French, Spanish, and Dutch West India islands. To these the northern colonists carried their fish, lumber, grain, horses and cattle, and received in return, the valuable products of those islands. This traffic was advantageous to the northern colonies, as it enabled them to pay the balance, always against them in their *direct trade* with the parent country. The English sugar planters complained of this, as injurious to them.

Viewing the prosperity of the sugar colonies, more important "to the trade, navigation, and strength of the kingdom," than those at the north, parliament, in 1733, imposed heavy duties on rum, sugar and molasses, imported into the plantations, from foreign colonies. These duties, being nine pence sterling on every gallon of rum, six pence on molasses, and five shillings on every hundred weight of sugar, if rigidly collected, would have amounted to a prohibition. The northern colonists considered this as an illegal and arbitrary sacrifice of their interest, to that of the sugar planters; and the law could never be enforced. And it

* See on Trade.

will be hereafter seen, that the continuance of this act, and the attempts to enforce it, on the part of the crown, was one of the causes which induced the colonists to renounce their allegiance to the crown itself. While the merchants of the parent country, were thus securing a monopoly of the *products* of the colonists, the manufacturers were no less eager, to secure to themselves a monopoly of their *consumption*. For many years, after their first settlement, the colonists were too much occupied in subduing and cultivating their lands, to engage in manufactures.

They were contented, and indeed, it was their interest, to exchange the products of their farms, as well as their fish and lumber, for the manufactures of England and other countries. No sooner, however, did they begin to manufacture for themselves, than the jealousy of the English manufacturers was excited. It will be recollected, that the benefits expected by the parent country, from her colonial possessions, was not limited, as declared by the preamble to the act of 1663, to shipping and seamen; but extended to "vent of English woollens, and other manufactures and commodities."

In accordance with this principle, in 1699, parliament declared, "that no wool, yarn, or woollen manufactures of their American plantations, should be shipped there, or even laden, in order to be transported from thence, to any place whatever." This was the commencement of restrictions, on colonial manufactures.

In 1719, the house of commons declared, "that the erecting manufactories in the colonies, tended to lessen *their dependence* upon Great Britain."*

While the colonies were increasing in population, and endeavouring to secure to themselves, in some degree, the benefits of their own industry and economy, complaints were constantly made to parliament, by interested individuals, that the colonists were not only carrying on *trade*, but were setting up *manufactures* detrimental to Great Britain. These complaints produced an order of the house of commons, in 1731, directing the board of trade, to inquire and report, "with respect to laws made, man-

* Introduction to New England's prospects.

ufactures set up, or trade carried on detrimental to the *trade, navigation, or manufactures* of Great Britain.”

In a report made, in pursuance of this order, the commissioners found, that certain trades carried on, and manufactures set up in the colonies, were injurious to the trade, navigation, and manufactures of the parent country.

Among the manufactures, were enumerated those of wool, and flax, iron, paper, hats and leather.

The commissioners conclude their report, by saying, “from the foregoing state, it is observable, that there are more trades carried on and manufactures set up, in the provinces on the continent of America, to the northward of Virginia, prejudicial to the trade and manufactures of Great Britain, particularly in New England, than in any other of the British colonies; which is not to be wondered at, for their soil, climate, and produce, being pretty nearly the same with ours, they have no staple commodities of their own growth, to exchange for our manufactures, which puts them under greater necessity, as well as under greater temptations, for providing for themselves at home; to which may be added, in the charter governments, the little *dependence* they have upon the mother country, consequently the small restraint they are under, in any matters detrimental to her interests. And, therefore, we humbly beg leave to report and submit to the wisdom of this honorable house, the substance of that we formerly proposed, in our report, on the silk, linen and woollen manufactures herein before recited, namely, whether it might not be expedient to give those colonies proper encouragement, for turning their industry to such manufactures and produce, as might be of service to Great Britain, particularly to the production of naval stores.”

The company of hatters in London complained, that great quantities of hats were made in New England, and exported to Spain, Portugal, and the British West India islands; and through their influence, an act of parliament was procured, not only to prevent the *exportation* of hats from the colonies to foreign countries, and from being carried from one plantation to another, but to *restrain*, to a certain extent, the manufacture of them in the

colonies. In 1732, hats were prohibited from being shipped, or even laden upon a horse, cart, or other carriage, with an intent to be exported to any other plantation, or to any place whatever. At the same time, no hatter in the colonies was allowed to employ more than *two* apprentices, at once, or to make hats, unless he had served an apprentice to the trade *seven* years; and no *black* or *negro*, was permitted to work at the business of making hats.

The manufacturers of iron next claimed their share in the benefits to be derived from the colonies. They were willing, the poor colonists should reduce the iron ore, with which their lands abounded, into pigs, and even bar iron, and that the same be brought to their doors, duty free, provided they could monopolize the manufacture of it, beyond this incipient stage. In the year 1750, parliament permitted pig and bar iron, to be imported from the colonies into London, duty free, but prohibited the erection or continuance of any *mill*, or other *engine* for *slitting* or *rolling* iron, or any *plating forge*, to work with a tilt hammer, or any furnace for making *steel* in the colonies, under the penalty of two hundred pounds.

More effectually to carry this act into execution, every such mill, engine, plating forge, and furnace, was declared a *common nuisance*, and the governors of the colonies, on the information of two witnesses, on oath, were directed to cause the same *to be abated*, within thirty days, or to forfeit the sum of £500.

These various restrictions and prohibitions were considered by the colonists extremely oppressive, and some of them a violation of their rights, and they were regarded no farther than was necessary, to prevent an open rupture with the parent country.

If the colonists, indeed, were English subjects, entitled to all the rights of their fellow-subjects at home, it was difficult for them to see, why they should be placed on a footing so materially different; why they should not be permitted, equally with those in England, to seek the best markets for their products; why subjects in America, should not be suffered to manufacture the iron, which the God of nature had given them, in such a manner and to such an extent, as they might think proper. Nor could the manufacturers

of hats in Boston, New York, and Philadelphia, very easily be brought to believe, they had not an equal right to employ as many apprentices, as the manufacturers of the same article in London, Bristol, and Liverpool.

No one can read these acts and their preambles, without perceiving how much the framers of them were under the influence of the narrow and interested views of individuals; and how easily the interests of subjects, at the distance of three thousand miles from their legislators, can be sacrificed to the supposed interest of those in the neighborhood of their rulers. Nor in contemplating them can an American fail to contrast the present situation of his country, with respect to commerce and manufactures, under the influence of his own laws, with what it must have been, had it continued to the present time, under this system of restrictions.

The people of England, from an early period, viewed the North American colonies, particularly those of New England, as their rivals, in navigation and trade. Sir Josiah Child, in his well known discourses on trade, published about 1670, no doubt spoke the language of Englishmen in general, when he declared that "New England was the most prejudicial plantation to the kingdom."

While he commends the "frugality, industry, and temperance, as well as the happiness of the laws and institutions" of the New Englanders, he, at the same time, asserts that "of all the American plantations, his majesty has none so apt for the building of shipping, as New England, nor none, comparably qualified for the breeding of seamen, not only by reason of the natural industry of that people, but principally by reason of their cod and mackerel fisheries."

And this assertion is accompanied, with an expression of his opinion, that "there is nothing more prejudicial, and in prospect, more dangerous, to any mother kingdom, than the increase of shipping in her colonies, plantations and provinces."

The views of Dr. Davenant, on this subject, were in accordance with those of Sir Josiah Child. His political and commercial writings are still more celebrated than those of the baronet; and

had no little influence in establishing the commercial policy of England. In his discourse on the plantation trade, written in the reign of William and Mary, he pointed out the political and commercial policy, proper to be pursued by the parent country towards her plantations. "Colonies," he observed; "are a strength to their mother kingdom, while they are under good *discipline*; while they are strictly made to observe the fundamental laws of the original country, and while they are kept *dependant* on it. But otherwise they are worse than members lopped from the body politic, being, indeed, like offensive arms, wrested from a nation, to be turned against it, as occasion shall serve." "Not that we think the greatness these colonies may arrive at, in a natural course, and in the progress of time, can be dangerous to England. To build ships in the way of trade, or for their own defence, can administer no true cause of jealousy. There is much difference between letting them be in a condition to defend themselves, and rendering them a kind of staple for naval stores, which can be hardly politic, and perhaps very bad husbandry." To make "those distant colonies a lasting benefit to the nation," he says, "the principle care will always be, to keep them *dependant* upon the mother country, and not to suffer those laws, upon any account, to be loosened, whereby they are *tied* to it, for otherwise, they will become more profitable to our neighbors than to us."

The idea of a board of trade and plantations, was first suggested, it is believed, by this celebrated writer. He proposed that the care of America should be made "the province of a select number of Lords and gentlemen of reputation, both for parts and fortune," and suggested that it would be in their power, "to put things into a form and order of government, that should always preserve these countries, in their *obedience* to the crown, and *dependance* upon this kingdom."*. While he thus advocates the obedience and dependance of the colonists, he, at the same time, insists that "those conditions, privileges, terms, and charters, should be kept sacred and inviolate, by which they were first encouraged, at their great expense, and with the hazard of their lives, to dis-

* Davenant's works, by Whitworth, vol. 2.

cover, cultivate, and plant remote places, when, in truth they labor as well for us, as for themselves, for here, at last, their treasure centers." The proceedings of the British government towards the colonies, were generally in accordance with the views of these celebrated writers, except the former did not consider the charters, granted to the original adventurers, in so sacred a light, as Dr. Davenant. Adam Smith, it is believed, was the first English writer of eminence, who dared to deny, not merely the *policy*, but the *justice* of the British colonial system. After stating the outlines of the system itself, this distinguished political economist, adds, "to prohibit a great people, however, from making all they can of every part of their own produce, or from employing their stock and industry, in the way they judge most advantageous to themselves, is a manifest violation of the most sacred rights of mankind."*

* Smith's *Wealth of Nations*, vol. 2, p. 73.

CHAPTER IV.

Charters of Connecticut and Rhode Island obtained at a favorable moment—Measures taken to resume the Charters—Difference between the crown and the colonists on this subject—Declaration of Massachusetts concerning charter rights in 1661—Royal commissioners sent to regulate the New England colonies—Their reception—Massachusetts refuse to submit to their authority and send a petition to the king—Complaints against Massachusetts—Committee of trade require an answer to these complaints—Answers not satisfactory—Massachusetts refuse to submit to the wishes of the king—Writs of quo warranto issue against the charter of that colony—Judgment against it—Writs issue against those of Connecticut and Rhode Island—Their letters considered a surrender of them—Sir Edmund Andrus appointed governor general of New England—His despotic acts—Revolution in New England—Connecticut and Rhode Island resume their Charters—New Charter granted Massachusetts—Great Britain jealous of the independence of the colonies—Bills brought into parliament to resume the Charter governments—Defeated—King sustains appeals from the colonial courts in civil suits—Explanatory Charter of Massachusetts—Law of descents in Connecticut declared void—Massachusetts refuse to provide a permanent salary for the governor—Present an address to the king on the subject—Heard before the board of trade—Conduct of that colony condemned—Jealousy of its growing power increases.

CONTROVERSIES soon arose between the parent country and the colonists, under the charter governments. These disputes, as we have before stated, commenced in Massachusetts, as early as 1635, nor did they end, till the American revolution.

The charters of Connecticut and Rhode Island, were obtained at a favorable moment. Just called to the government of his kingdom, Charles was not disposed to deny favors to any of his subjects. In addition to this, Lords Say and Seal, and the Earl of Manchester, both the friends of New England, were then in favor with the king.

Mr. Winthrop, the agent of Connecticut, a gentleman of talents and address, was in possession of a ring given to his grandfather, by the father of Charles II, which he presented to that monarch. This secured him a most gracious reception at court.*

* Trumbull's History of Connecticut, vol. 1.

By these charters, all the powers of government, were conferred upon the colonists, the king not having reserved to himself the right of revising their proceedings. At no other period could such extensive immunities have been obtained.

The colony of Plymouth, afterwards applied for a similar grant, but in vain. The king himself, indeed, soon repented of these extensive grants of political power, and he, as well as his successors, took measures to annul the charters, and to assume the government of these, and the other charter colonies.

Great difference of opinion existed, between the crown and the colonists, as to the nature, extent, and obligation of these instruments.

The crown viewed them as constituting mere petty corporations, similar to those established in England; and which might be annulled and revoked at pleasure. The colonists, on the other hand, considered them, as sacred, and solemn compacts between them and the king; compacts which could not be altered, either by the king or parliament, without their consent; and irrevocable by a judicial process, without a forfeiture, on the part of the grantees. The only limitation to the legislative power, conferred by these charters, was, that the laws made under their authority, should not be repugnant to those of England.

What laws of the parent country were here intended, became, also, a subject of serious controversy. While the crown insisted, they were the ordinary laws of the realm, the colonists maintained, that the great fundamental laws were alone intended, such laws as were the birth-right of every British subject, secured by magna charta, and declared in the bill of rights.

The people of Massachusetts apprehended that a change of government in England, in 1660, would produce a material change, in the government of that colony. They were again alarmed, by a rumor, of the appointment of a governor general. In May, 1660, therefore, a committee was appointed by the general court, "to consider and debate such matter or thing of public concernment, touching our patent, laws and privileges, and duty to his majesty, as they, in their wisdom, shall judge most expedient, and

draw up the result of their apprehensions, and present the same to the next session, for consideration and approbation, that so, (if the will of God be,) we may speak and act the same thing, becoming prudent, honest, conscientious and faithful men." A declaration of rights was prepared by this committee, and adopted by the general court in June, 1661. Among other things, the court declared, "the patent, (under God) to be the first and main foundation of their civil polity here, by a governor and company, as is therein exprest."

That "the governor, deputy governor, assistants and select representatives or deputies, have full power and authority, both legislative and executive, for the government of all the people here, whether inhabitants or strangers, both concerning ecclesiastical and civil, *without appeals*, excepting repugnant to the laws of England."

They likewise, declared that "this government was privileged, by all fitting means, yea, (if need be,) by force of arms, to defend themselves, both by land and sea, against all such person or persons, as should, at any time, attempt or enterprize the destruction, invasion, detriment, or annoyance of the plantation, or the inhabitants thereof."* They at the same time, acknowledged their allegiance to the crown.

These declarations proclaimed a political state in that colony little short of independence.

The oath of allegiance to the king, provided by law, to be taken by the inhabitants of Massachusetts, shows the views of the colonists themselves, as to their political connection with the crown.†

Soon after the restoration, the jealousy of the king, was excited against the New England colonies, and particularly Massachu-

* Hutchinson's vol. 1, Appendix, p. 455.

† Form of the oath. "Whereas I A. B. am an inhabitant within this jurisdiction, considering how I stand obliged to the king's majesty, his heirs and successors, by our charter, and the government established thereby, do swear *accordingly*, by the great and dreadful name of the ever living God, that I will bear faith and true allegiance to our sovereign Lord the King, his heirs and successors. So help me God."—*Hutchinson, vol. 1, p. 222.*

setts; and in April, 1664, Col. Richard Nichols, Sir Robert Carr, George Cartwright, and Samuel Maverick, were appointed commissioners to visit these colonies, and invested "with full power and authority to hear, receive, examine, and determine all complaints and *appeals*, in all causes and matters, as well *military* as *civil* and *criminal*, and proceed, in all things, for the providing for, and settling the peace and security of the country, according to their *good* and *sound discretion*, and to such instructions, as they have or should, from time to time receive."

The conduct of these colonies, during the civil wars in England, and their strong attachment to republican principles, were, no doubt, remembered by Charles and his ministers. In communicating to his majesty, a plan for sending commissioners to these colonies, the celebrated Lord Clarendon, said that "they were already hardened into republics."*

The royal commissioners arrived at Boston in July 1664, and presented their commission to the governor and council of Massachusetts. Being then on their way to reduce the Dutch at New York, they requested assistance for that purpose; and informed the governor they had many more things to communicate, on their return. Having reduced the Dutch, they visited the other New England colonies, before they returned to Massachusetts. The people of Connecticut and Rhode Island, having just experienced the royal favor, in the grant of their charters; and those of Plymouth, being in expectation of a similar favor, felt disposed to receive the king's commissioners with courtesy. They returned such answers to the questions put to them, as were generally satisfactory. The people of Massachusetts, however, viewing the powers of the commissioners, contrary to their charter; and sensible they could expect nothing favorable from them, determined not to submit to their authority.

The general court met in August, and immediately declared, "that they would bear faith and allegiance to his majesty, and adhere to their patent, so dearly obtained, and so long enjoyed by undoubted right in the sight of God and man."

* Pownal's Memorial to the Sovereigns of America.

They, at the same time, agreed to present an address to the King, which they styled "the humble supplication of the general court of the Massachusetts' colony, in New England." Referring to the powers of the commissioners, they tell his Majesty, that, "instead of being governed by rulers of our own choosing, (which is the fundamental privilege of our patent) and by laws of our own, we are like to be subjected to the *arbitrary power of strangers*, proceeding, not by any established law, but by their own discretion."

Their attachment to the rights and privileges secured by their charter, is expressed in the strongest language. They inform his Majesty that, had they entertained any fears of being deprived of these, they "never should have wandered from their *father's houses* into these *ends of the earth*, nor laid their labors and estates therein."

Their appeal to the King, at the conclusion of this address, cannot be read without feeling a peculiar interest, in the situation of the petitioners. "Royal sir, it is in your power to say of your poor people in New England, they shall not die. If we have found favor in the sight of our King, let our life be given us, at our petition, (or rather, that which is dearer than life, that we have ventured our lives, and willingly passed through many deaths, to obtain) and our all at our request."

"Let our government live, our patent live, our magistrates live, our *laws* and *liberties* live, our religious enjoyments live, so shall we all yet have further cause to say, from our hearts, let the King live forever." "And the blessing of those that were ready to perish, shall come upon your Majesty; having delivered the poor that cried, and such as had none to help them."*

The royal commissioners returned to Boston, in April, 1665, and many messages passed between them and the general court in May following. The answers and explanations of the court, not being satisfactory, the commissioners, at last, required a positive answer to the question, whether they acknowledged his Majesty's commission, to be of full force to

* Hutchinson's appendix, vol. 1.

all the purposes therein contained? To this the court answered, "that it was enough for them to give their sense of the powers granted to them by charter, and that it was beyond their line, to determine the power, intent, or purpose of his Majesty's commission."

On receiving this answer, the commissioners immediately gave notice to the court, they should set, the next day, as his Majesty's commissioners, to hear and determine the cause of one Thomas Deane, and others, against the governor and company, and expected they would appear and answer to the complaint. Not considering themselves amenable to such a tribunal, the general court, immediately drew up a declaration, which they published to the people, at the sound of a trumpet; in which they not only refused to obey the summons of the commissioners, but expressed their decided disapprobation of their proceedings. The people of Boston were not more friendly to the commissioners, than the general court; nor did they manifest much respect to the authority of the King's visitors. The constables of that town, were disposed to let the commissioners know, that while within their precincts, they were not exempt from an observance of the laws of the colony, which it was their duty to see executed.

The commissioners with some others, occasionally met at a public house, on Saturday evening, which was contrary to law. A constable finding them there, and attempting to disperse them, was beaten by one of the commissioners; a second constable, by the name of Mason, went to the same place, expecting to find them; but having adjourned to a private house near, Mason followed them, with his staff of office, and declared, if he had found them on the other side, he should have carried them away; and expressed his surprise, at their incivility in beating a constable. Sir Robert Carr said it was he that beat him, and he would do it again. Mason said it was well he had not been there, he would have carried them all before authority.

Sir Robert asked, if he dare meddle with the King's commissioners? "Yes," said Mason, "and if the King himself had been there, I would have carried him away."

On this, Maverick cried out, "treason, Mason, you shall be hung in a twelve month." Maverick, also, desired the governor that Mason might be prosecuted for high treason. The constable was brought before the court, and the jury found him guilty of speaking the words charged; the court, however, suspended judgment, and the business was submitted to the next general assembly, who dismissed the constable, on a simple reprimand from the governor.*

Their authority being thus set at defiance, the commissioners drew up a counter declaration, informing the general court, "they should not lose more of their labours upon them, but refer the subject to the wisdom of his Majesty, who is of power enough to make himself to be obeyed in all his dominions."

The same spirit which, at that early period, resisted these encroachments on their rights, led the people of Massachusetts, more than a century afterwards, to resist with success, similar and greater encroachments. Two of these commissioners, Nichols and Maverick, remained in America, sir Robert Carr died the next day after his arrival in England, and Cartwright, on his passage home, was taken by the Dutch, and his papers lost.† These circumstances probably prevented immediate measure being taken against the people of Massachusetts.

Complaints, however, were multiplied against this colony, and particularly, as we have before stated, for disregarding the navigation acts; and the agents of the colony were explicitly informed, that his Majesty had determined "to reduce them to a more *palpable dependence* on his crown, in order that they might be of use to him, in times of necessity."‡

In October, 1681, the Lords of the committee of plantations, presented an address to the governor and assistants, in which they recapitulated, at large, the many complaints brought against the colony, from its first settlement, and its many acts of disobedience to royal authority; they required them immediately to send agents to England, with full powers and instructions, with respect

* Hutchinson, vol. 1, p. 233.

† Hubbard's History of New England, and Morton's Memorial, by J. Davis.

‡ Chalmers, p. 404.

to the regulations of the government, and to answer to these complaints, and the irregularity of their proceedings. In case of failure, they are explicitly told that a quo warranto would issue against their charter.*

The general court sent agents, and, at the same time, prepared specific answers to the various charges brought against the colony. These answers were not satisfactory, nor were the agents authorized to make regulations respecting the government, in accordance with the arbitrary demands of the King.

Apprised, by their agents, that writs of quo warranto, would undoubtedly be ordered, unless the colony submitted to the pleasure of the crown; it became a question, not only before the general court, but the people at large, whether they should submit to the King's pleasure, as many of the cities in England had done, or wait the issue of a trial.

The people of Massachusetts, nobly resolved to die by the hands of others, rather than their own; and their agents were instructed to make no concessions of any privileges conferred by their patent.† Informed of this, the King immediately directed the writ to issue.

This "messenger of death," as the writ was called, was brought by Randolph, and was accompanied by a royal declaration; that if the colony would submit to the pleasure of the King, "he would regulate their charter, for his service and their good, and with no further alterations, than should be necessary for the support of his government there."

The governor and a majority of the assistants were disposed to trust to the royal word, and passed a resolution, that they would not "presume to contend with his majesty in a course of law, but humbly lay themselves, at his majesty's feet in submission to his pleasure, so declared." To this resolve, the representatives refused their assent, and adhered to their former determination.

An agent was appointed to make defense; but before he reached England, judgment was rendered against the company, and

* Chalmers, p. 443.

† Hutchinsen, vol. 1, p. 308.

their letters patent cancelled. No defense, however, could have saved the charter rights of Massachusetts. The charter of the city of London, had been just vacated on a full hearing; and those of Connecticut and Rhode Island, were doomed to a similar fate.

In July, 1685, soon after the accession of James II, writs were ordered against the patents of these colonies.

Randolph, the most implacable enemy of New England, was, also the bearer of the writs.

The assembly of Rhode Island, in an address to the king, declared "they would not stand suit with his majesty, but ask for favor and relief."

Three writs were served upon Connecticut, and that colony appointed an agent, not only to present an address to his majesty, but to make answer to the suits, if necessary. In a letter to the Secretary of State, in January, 1687, the assembly of that colony "expressed a most earnest wish to continue in the same station they were in, if consistent with the wisdom of the prince." "If his majesty's royal purposes be, otherwise to dispose of us," they say, "we shall, as in duty bound, submit to his royal commands; and if it be to conjoin us with the other colonies and provinces under Sir Edmund Andrus, his majesty's present governor, it will be more pleasing than to be joined with any other province."*

This letter and the address of Rhode Island, were construed into a surrender of the charters of those colonies, and no judgments were rendered against them. The charter of the proprietor of Maryland, did not escape the notice of the despotic James. He was resolved there should be no free governments in America. He declared, "that it was of very great and growing prejudice to his affairs in the plantations, and to the customs here, *that such independant administrations* should be maintained, without more immediate *dependence* on this crown."†

Neither a protestant or a popish colony, was suffered to escape his despotic grasp. In April, 1687, he directed the attorney general to issue writs against the patent of Lord Baltimore. More

* Chalmers, p. 306.

† Chalmers, p. 371.

serious and important business at home, soon after occupied the attention of this infatuated prince; and saved the charter of Maryland. The next year, the king himself, for this, and other acts of despotism, was compelled to surrender and abandon his own government and kingdom.

After the patent of Massachusetts was vacated, Charles determined that the people of that colony should have no share in its future government. The infamous Kirk, afterwards so well known in the annals of the succeeding reign, was designated by this monarch, to be governor of Massachusetts, New Hampshire, Maine, and Plymouth; but the death of Charles, prevented New England from being the theatre of Kirk's atrocities. Under James II, a temporary government was established, consisting of a president and council, who were only to remain, until a more permanent arrangement could be made. Dudley, a native of Massachusetts, was appointed president. Soon after, however, Sir Edmund Andrus, a name well known in New England history, was appointed governor and captain general of Massachusetts, New Hampshire, Main, Plymouth, Pemaquid, and Naragansetts, to whom, with a council, appointed during the pleasure of the crown, was entrusted legislative, executive, and judicial power.

The governor general arrived at Boston, in December, 1686, and published his commission.

The acts of this man, the true representative of his master, will always be remembered in New England. Though apparently mild at first, he soon discovered the rapacity of the ancient governors of a Roman province. Soon after his arrival, he sent to Connecticut and demanded a formal surrender of their charter, but this was refused. In October, 1687, he went to that colony, while the assembly was in session, and in person, required its delivery.

The governor and the assembly had a conference with him on the subject, and the charter itself was brought and laid upon a table, in the room where they met. During this conference, which was prolonged until evening, the people were waiting the result with extreme solicitude, and not without apprehensions, that their

representatives would give up the sacred instrument of their liberties. Impatient at the delay, a number of them rushed into the room, extinguished the lights, seized the charter, and concealed it, as the story is, in an oak at Hartford ; a tree still in existence, and held in veneration by those whose liberties it was instrumental in preserving.

The government of the colony, however, was surrendered to the governor general, and on the 30th of October, 1687, the assembly closed its proceedings, by a declaration, that Sir Edmund Andrus, by order of the King, had taken into his hands the government of the colony.

For about sixty years, the people of New England had lived happily, under constitutions and laws made by themselves, and administered by persons of their own choice. This enjoyment of civil and religious liberty, under divine Providence, had been their chief consolation, in all their trials and sufferings, in settling and subduing a wilderness.

Situated on this "outside of the world," as they expressed themselves, they had hoped to remain beyond the reach of arbitrary power. But they were now compelled to submit to the domination of those in whose appointment they had no voice, and over whom they had no control. The history of New England, at this period, is full of the many arbitrary and oppressive acts of the governor general, during his short reign.

Although his council at first consisted of forty or more, some of whom, were gentlemen of the most respectable characters, selected from the different colonies ; yet, few of them acted with him, and the government was managed by Sir Edmund himself, and a small number, who were subservient to his views.

One of the first of his despotic acts, was to place the press under the censorship of the celebrated Randolph. Magistrates alone were permitted to solemnize marriages, and no marriages were allowed, until bonds, with sureties were given to the governor, to be forfeited if any lawful impediment should afterwards appear. No man could remove from the country without leave of the governor.

Fees of office, particularly in matters of probate, were exorbitant—towns were not permitted to hold meetings, but once a year, and then for the sole purpose of electing officers—all former grants of land were considered invalid, either because they were rendered void, by the destruction of the charters under which they had been made, or were destitute of the formality of a seal. The people were, therefore, obliged to take new patents for their lands and houses, and to pay enormous patent fees, or suffer them to be granted to others, and they themselves ejected from their hard earned possessions.

In addition to this, taxes were imposed at the will of the governor general and a few of his council; nor had the poor New Englanders even the privilege of complaining, and claiming the rights of Englishmen, without being liable to fine and imprisonment. These taxes the governor and council, by their act, assessed upon the several towns, and directed each town to appoint a commissioner, who, with the selectmen, were ordered to assess the same on the individual inhabitants. The citizens of the old town of Ipswich, at a meeting, called for the purpose of carrying this act into effect, declared that, "considering the said act doth infringe their liberty, as *free born English subjects* of his Majesty, by interfering with the statute laws of the land, by which it was enacted, that no taxes should be levied upon the subjects, *without the consent of an assembly chosen by the freeholders*, for assessing of the same; they do, therefore, vote, they are not willing to choose a commissioner, for such an end, without such privilege; and moreover consent not, that the selectmen do proceed to lay any such rate, until it be appointed by a general assembly concurring with the governor and council."

The minister of this town, John Wise, together with John Appleton, John Andrews, Robert Kinsman, William Goodhue, and Thomas French, were active in procuring this patriotic declaration; and for this, they were immediately brought before the governor and council, at Boston; and soon after tried before the star chamber judges, Dudley, Stoughton, Usher, and Randolph, and a packed jury. In his examination before the council, Mr.

Wise, claiming the privilege of an English subject, was told by one of the judges, "he had no more privilege left him, than not to be sold for a slave."

Wise was imprisoned by the governor general, and the judges refused him the privilege of the writ of habeas corpus.

On their trial, they defended themselves, under magna charta and the statutes, which solemnly secured to every British subject, his property and estate. The judges, however, told them; "they must not think the laws of England followed them to the ends of the earth, or wherever they went;" and they were, in a most arbitrary manner, condemned.

Mr. Wise was suspended from his ministerial functions, fined £50, and compelled to give a bond of £1000, for his good behaviour; and the others were, also, subjected to fines, and obliged to give bonds of a similar nature.*

These men may justly claim a distinguished rank among the patriots of America.

Such were some of the despotic acts, to which the people of New England were obliged, for a time, to submit, and without the smallest hope of redress from their sovereign. The people of Massachusetts presented a petition to the King, requesting that the title to their lands and houses might be confirmed, that no laws be made, or monies raised, without the assent of a general assembly, as in the other plantations, and that the inhabitants of towns might assemble and manage their affairs as formerly; or at least, that the council should be composed of considerable proprietors of land, be apportioned among the counties, and pass no law without the assent of a majority. These requests, however, were denied; and a revolution alone procured them relief.

A mere rumor, that the prince of Orange had landed in England, no sooner reached Boston, than the flame, before, with great difficulty kept smothered, burst forth. The people at once assembled in arms, seized those "public robbers," as they were styled, and made them prisoners.† On receiving a con-

* See "the Revolution in New England Justified;" printed in 1691.

† Life of Cotton Mather, p. 48.

firmation of the news, the old governor and magistrates, with representatives from the towns, assumed the government until the pleasure of the new king should be known. The new monarch approved of their proceedings, and directed them to continue the administration of the government until the same could be settled, "in a manner most conducive to his service, and the security and satisfaction of the colony." Connecticut obtained the opinion of three of the most eminent lawyers in England, that, "their involuntary submission to the government of sir Edmund Andrus, did not invalidate their charter; and that the same, not being surrendered under the common seal, and such surrender duly enrolled of record, nor any judgment entered against it, the corporation might lawfully execute the powers and privileges thereby granted." This colony, as well as Rhode Island, assumed and continued their old forms of government, under their charters. Judgment having been rendered against the patent of Massachusetts, the situation of that colony was different; nor could the most earnest entreaties of the people, prevail with king William to restore their ancient government.

A new charter was granted in 1691, including the colony of Plymouth, the province of Maine, and Nova Scotia. The King reserved to himself the power of appointing the governor, lieutenant governor, and secretary. The governor had, also, a negative on the laws, and the king reserved to himself the right of repealing them, at any time, within three years, after their passage. The council, to the number of twenty-eight, were to be chosen by the general assembly, subject, however to the negative of the governor. The power of appointing all military officers, and all civil officers belonging to courts of justice, was vested in the governor, with the assent of the council. All other civil officers were to be appointed by the two houses, with a right of negative on the part of the governor. Appeals to the king and council were to be allowed, in all personal actions, above the value of three hundred pounds sterling.

The new charter took from the people of that colony many rights, before claimed and exercised, by them, and on that account, was strongly opposed by many, but was finally accepted by a majority of the general court. The charter governments were not suffered to remain long in peace, after the revolution.

The disregard of the navigation acts, (notwithstanding the new act of William and Mary, to enforce them) by the people of the charter colonies, their denial of a right of appeal to the king and council, in judicial proceedings, gave great offense to the British government.

A very general opinion, also, prevailed in England, that the colonists, under these governments, aimed at independence. In 1701, a bill was brought into parliament, for re-uniting all the charter governments to the crown. It embraced Massachusetts, New Hampshire, Rhode Island, Connecticut, East and West Jersey, Pennsylvania, Maryland, Carolina, and the Bahama or Lucay Islands. The preamble declared, "*that the severing such power and authority from the crown,*" had been found, by experience "*prejudicial and repugnant to the trade of this kingdom and to the welfare of his majesty's other plantations in America, and to his majesty's revenue, arising from the customs, by reason of many of these plantations, and by those in authority there, under them, by encouraging and countenancing pirates and unlawful traders, and otherwise.*"

The bill then declares the charters or letters patent of all the plantations abovementioned, to be utterly void and of no effect, and that the governments of the same, should be reunited and annexed to the crown. The agents of some of the colonies were heard before the house of lords, and the bill was defeated. The enemies of the charter governments, however, were unremitting in their exertions, and continued their complaints to the king, and the board of trade.

Taking advantage of the just complaints of the people of Carolina, against the conduct of the proprietors of that province, the subject of annulling not only the charter of that province, but

those of the other governments, was again brought before parliament, in the beginning of the reign of George I. ; and it was with no little difficulty that the charters of New England were saved. Jeremiah Dummer, agent of Massachusetts and Connecticut, about this time, published a defense of the New England charters, which he addressed to Lord Carteret, one of the secretaries of State. This defense was drawn with great ability and judgment, and had no little influence in preserving the charter rights of his constituents.

One of the greatest objections against these governments, was, that, "from their increasing *numbers* and *wealth*, these colonies, would, in the course of a few years, throw off their *dependence* on the parent country, and declare themselves a free State, if not *checked* in time, by being made *entirely subject* to the crown." This objection, says Mr. Dummer, "*one meets with from people of all conditions and qualities.*" A native of Massachusetts himself, Mr. Dummer, well knew, the strong attachment of the people of that colony, as well as of all New England, to the rights secured by their charters ; and he declared to the secretary of State, they would esteem "the loss of their privileges a greater calamity than if their houses were all in flames at once. Nor can they be justly blamed," he adds, "the one being a reparable evil, the other irreparable. Burnt houses may rise again, out of their ashes, and even more beautiful than before ; but 'tis to be feared, *that liberty once lost, is lost forever.*"

Disputes arose in Massachusetts, between the governor and the house of representatives, relative to the choice of a speaker, and as to the power of adjournment. The governor claimed the right of rejecting the person chosen by the house as speaker. This right the house denied. The charter was silent on the point ; but the governor claimed it on the supposed right of the king, to negative the speaker appointed by the house of commons. The house also claimed the right of adjourning, to such time as it judged proper ; this was denied by the governor, who claimed the power, under the express words of the charter, of adjourning and dissolving the general court.

These subjects, as well as others, in which it was supposed the house had encroached on the prerogatives of the crown, were brought before the king and council, in 1724, under the administration of governor Shute; and after a full hearing the conduct of the house was condemned, and an explanatory charter granted; by which, the right of negating the speaker was expressly granted to the governor, and the power of the house to adjourn was limited to two days. It was left with the general court to reject or accept this explanatory charter. It was intimated, at the same time, that, in case of refusal, the whole subject would be brought before parliament.

A majority of the general court, thought proper to accept it. This controversy, and that between the general court and the crown, in relation to the salary of the governor, which will be noticed hereafter, brought the charter of Massachusetts into great jeopardy.

The claim of the king and parliament, to alter or revoke the colonial charters at pleasure, was not relinquished on the one hand, or conceded on the other. It remained in this state until 1774, when the exercise of this power by parliament, in altering the charter of Massachusetts, was resisted not only by that colony, but by all the colonies, and was one of the causes of the American revolution.

During the infancy of their settlements, the poor colonists, were left to shift for themselves; and the parent country seemed, in a great measure, regardless of their fate. They were obliged, at their own expense, to subdue the savages, as well as the wilderness. But as they increased in numbers, and in wealth; the parent country was willing to come in for a share, and that not a small one, of the profits of their labors.

The crown did not interfere in the judicial proceedings of the colonies, or claim a controlling power over their judicial tribunals, until about 1680. Prior to this period, the general assemblies, in most of the colonies, were the tribunals of last resort, in all civil causes. At that time the king and council, claimed the right of receiving and hearing appeals from the colonial courts, in

private suits. This claim was first made in Virginia, on the representation of Lord Culpepper, governor of that province. Appeals from the court which consisted of the council, were heard in that province, before a joint committee of both houses of assembly ; of which committee, the members of the house were the most numerous. In a particular case which came before this committee, a question arose, whether those of the council, who had before given their opinions should again sit as judges.

The members from the house on the committee, insisted that they ought not again to judge ; the latter, however, claimed the right, and in this were supported by the governor. The dispute was carried to such a length, that Lord Culpepper made a representation of it to the king ; and his majesty afterwards directed that appeals should no longer be made to the assembly in that colony, but to the king and council, in all cases, where the claim exceeded in value, three hundred pounds sterling.*

After this, appeals were demanded in some of the other colonies, particularly in New Hampshire and Connecticut, and were at first refused. Complaints, however, were made to the king and council, and peremptory orders issued to permit them. An appeal being demanded from the courts of Connecticut, was refused. In justification of this refusal, the people of that colony, stated to his majesty, that by their charter, they had the sole power of constituting courts and of deciding, ultimately, in all cases without any reservation of right, on the part of the crown, to revise their decisions. Notwithstanding this, the king and council, on the petition of John and Nicholas Hallam and Edward Palmer, issued an order to allow an appeal, in case the petitioners should think themselves aggrieved by the sentences of the courts of that colony ; and the governor and company were directed to take notice, that it was "the *inherent right* of his majesty to receive and determine appeals from all his majesty's colonies in America, and that they govern themselves accordingly." So tenacious were the people of this colony of the rights secured to them by a solemn com-

* Massachusetts Historical Collections; vol. 5, p. 139.

rights exercised by them from their first settlement, that they still refused, and the governor declared, that before an appeal should be allowed, "they would dispute the point with his majesty."

On a second complaint, and more peremptory orders, an appeal was finally granted, in June, 1701.* The people of New Hampshire, also, for a time, disputed this right with the crown. The conduct of the colonies, in resisting this claim, a claim, which had lain dormant for more than half a century after the first settlement of the country, excited strong prejudices in England, against the colonies, and particularly those under the proprietary and charter governments.

The lords of trade, in a letter to the Earl of Bellamont, say, "this declining to admit appeals to his majesty in council, is a matter that you ought very carefully to watch against, in all your governments. It is an *humour* that prevails so much, in the proprietor's and charter colonies, and the *independency* they thirst after is now so notorious, that it has been thought fit, these considerations, together with other objections against these colonies, should be laid before the parliament; and a bill has thereupon been brought into the house of lords, for re-uniting the right of government in these colonies, to the crown."†

The bill here referred to was the one brought into parliament in 1701, to which we have before alluded.

These appeals brought into question, in England, the validity of some of the laws in the charter colonies. This was particularly the case, in an appeal from the settlement of an estate in Connecticut, in 1727, in which the king and council decided, that the law of descents in that colony, which gave the female as well as the male heirs, a part of the real estate, was null and void, because *repugnant to the laws of England*, and therefore not warranted by their charter.

The law officers of the crown, in this case, insisted before the council, that the powers of the corporation of Connecticut, were limited merely "to making bye-laws for settling the forms and

* State Records of Connecticut.
VOL. I.

† Belknap's New Hampshire, vol. 1, p. 309.
17

ceremonies of government and magistracy, and for naming and stating officers, and for distinguishing the several duties of such officers, form of oaths, &c. a power, they said, given to every little corporation in England, but could never be construed to extend to the making laws for *dividing property* and the *descent of real estate*.”*

This decision excited great and just alarm in Connecticut. This mode of distributing intestate estates, real as well as personal, had existed for nearly one hundred years; and a great proportion of the lands in the colony were held under this law; and the disturbance of titles, thus acquired, would create infinite confusion.

The general assembly was convened on the occasion, and instructions on the subject given to the colony agents. Mr. Belcher, afterwards governor of Massachusetts, was associated with Mr. Dummer, in the agency, and through their influence, the order in council, disannulling the law, was revoked, and the colony law suffered to remain in force.

This is another instance, in which, on the application of interested individuals, the crown, for the purpose of extending its prerogative and more effectually securing the dependence of the colonies, interfered in their internal concerns.

Another cause of serious and long disputes between the crown, and those colonies in which the governors were appointed by royal authority, was the subject of a fixed and permanent salary for the representative of the crown. These disputes were carried to the greatest length in Massachusetts; where the alteration in their charter, produced no alteration in the spirit of the people. It was a favorite object of the king, that adequate provision should be made by the colonial assemblies for his governors; and it was an object of no less importance to the governors themselves, the most of whom, were sent to America to repair their ruined fortunes at home.

It had always been left with the provincial assemblies, to fix the amount, as well as permanency of the salary to the governors,

* Dummer's Letters, among the Trumbull papers, in the Library of the Massachusetts Historical Society.

judges, and other officers, and the grants were, at first, generally limited to a single year. This, it was supposed, on the part of the crown rendered them too dependant on the colonies for their support; and royal instructions were given to the governors to recommend to the assemblies, to make a more permanent provision. In most of the royal governments, after much difficulty, these recommendations, were finally complied with. The assembly of Massachusetts, however, could never be induced to yield. As early as 1702, Joseph Dudley, governor of that province, was instructed to bring the subject before the general court. The house of representatives declared, that "it was not convenient (the circumstances of the province considered) to *state salaries*, but to allow, as the great and general court should, from time to time, see necessary." The council desired the house to reconsider their resolution on this subject, but they refused.

These instructions were renewed the next year, and the general court were again urged to comply with the commands of the queen, in settling a fixed salary upon the governor "as they tendered her princely regard and favor." In November, 1703, in answer to the governor's message, the house declared, "that it had been the privilege from Henry the third, and confirmed by Edward the first, and in all reigns unto this day, granted, and now is allowed, to be the just and unquestionable right of the subject, to raise *when*, and dispose of *how*, they see cause, any sum of money, by consent of parliament: *the which privilege, we, her majesty's loyal and dutiful subjects here have lived in the enjoyment of*, and do hope always to enjoy the same, under our most gracious Queen Anne, and successors, and shall ever endeavor to discharge the duty incumbent on us; but humbly conceive the settling *perpetual salaries* not agreeably with her majesty's interest in this province, but prejudicial to her majesty's good subjects."*

Thus the people of Massachusetts still continued, as in the case of the navigation acts, to claim the right of Englishmen, to grant their money *when* and *how* they pleased.

* See printed Proceedings of the General Court of Massachusetts, 1729.

This controversy continued in that province for about thirty years. The same instructions were constantly renewed, and almost every year, became a subject of altercation, between the governors and the general court.

Governor Burnet, in 1728, was commanded, to require of the council and assembly, an immediate compliance, by passing acts "to establish a fixed and honorable salary for the support of the governor, to be, at least, one thousand pounds sterling per annum." And in case the council and assembly, the king said, "shall not pay a due and immediate regard to our royal will and pleasure hereby signified, we shall look upon it, as a manifest mark of their undutiful behaviour to us, and such as may require the consideration of the legislature, in what manner the honor and dignity of our government ought to be supported, in our said province, for the future."

Massachusetts still persisted in her refusal to comply with the reiterated and earnest requests of his Majesty, fearless of the consequences. On this account, the governor adjourned the general court, to meet at Salem, intimating that they were too much under the influence of the inhabitants of Boston. The governor seemed determined to continue the assembly in session, until the members complied with the royal mandate.

In this situation, the house of representatives presented a memorial to the king setting forth the reasons of their conduct, in relation to the salary. They inform his majesty that, "it is, and has been very well known in this, as well as other nations and ages, that governors at a distance from the prince, or seat of government, have great *opportunities* and sometimes too, *prevailing inclinations*, to oppress the people; and it is almost impossible for the prince, who is the most careful father of his subjects, to have such matters set in a true light."

"We humbly crave leave, therefore, to suggest that it is very much for your majesty's interest, and very necessary to the tranquility and flourishing of this your province, that the governor should be induced by his own interest, as well as duty to your majesty, to consult the *interest* and *welfare* of the people; but

should we fix a salary, the governor's *particular interest* will be very little affected, (while thus settled) by serving or diserving the people's interest; and we should do more than has ever been done by the wisdom of Great Britain."

"Notwithstanding the nation and your subjects in the most distant parts of your dominions, have so entire a confidence in your majesty; and your interest and glory, and that of your royal posterity, are inseparable from the prosperity and welfare of your people, (for we are all your inheritance,) yet, the civil list is settled for your majesty's life only; whereas neither the *happiness* nor *adversity* of this province affect a governor's interest, when he has once left us; and the raising and disposing of money, from time to time, of our free will and consent, for the defense and support of the government, and protection and preservation of the inhabitants, *is the privilege, which, as Englishmen, by magna charta, and by the charter granted by King William and Queen Mary, of glorious memory, the general assembly, (as we humbly conceive) have a right unto.*"*

This address was referred to the board of trade, before whom there was a hearing in behalf of the crown, as well as on the part of the house. The board condemned the conduct of the latter, in refusing to comply with the royal instructions; and in the conclusion of their report to the king and council, discovered an extreme jealousy of the growing *power* and *wealth* of that province, and of the supposed determination of its inhabitants to become independent of the crown.

"The inhabitants," say the board, "far from making suitable returns to his majesty, for the extraordinary privileges they enjoy, are daily endeavoring to *wrest the small remains of power* out of the hands of the crown, and to become *independent* of the mother kingdom. The nature of the soil and products are much the same with those of Great Britain, the inhabitants upwards of ninety-four thousand, and their militia, consisting of sixteen regiments of foot and fifteen troops of horse, in the year 1718, fifteen thousand men; and by a medium, taken from the naval of-

* Records of Massachusetts.

ficer's accounts for three years, from the 24th of June, 1714, to the 24th of June, 1717, for the ports of *Boston* and *Salem* only, it appears that the trade of this country employs continually no less than three thousand four hundred and ninety-three sailors, and four hundred ninety two ships, making twenty-five thousand four hundred and six tons. Hence your excellencies will be apprized of what importance it is to his majesty's service, that so *powerful a colony* should be *restrained* within due bounds of *obedience* to the crown; which, we conceive, cannot *effectually* be done, without the interposition of the *British legislature*, wherein, in our humble opinion, no time should be lost."* This report was accepted by the king and council. On the death of governor Burnet, Mr. Belcher, who was one of the agents of the house, in supporting the address, and a popular man, was appointed his successor.

The same instructions were still continued and in stronger language. The assembly are told, that, in case of further refusal, "his majesty would find himself under a necessity of laying the undutiful behavior of the province before the legislature of Great Britain, not only in *this single instance*, but in many others of the same nature and tendency; whereby it manifestly appears," his majesty observes, "that this assembly, for some years last past, have attempted, by unwarrantable practices to weaken, if not *cast off* the *obedience* they owe to the crown, and the *dependence*, which all colonies ought to have, on their mother country." Should the assembly fail to comply, the governor was directed immediately to repair to Great Britain, to give an account of what should have passed on the subject, that the same might be laid before parliament.†

But neither the popularity of the new governor, nor the threats of the king, could induce a change of conduct on the part of the people of Massachusetts.

Attempts were made to effect a compromise, but in vain. The assembly made a temporary grant of one thousand pounds, but the governor was instructed to assent to no other than a

* Hutchinson, vol. 2, p. 320.

† Hutchinson, vol. 2, p. 334.

fixed and permanent salary. Satisfied that the house would never yield on this subject, the governor solicited a relaxation of his instructions, and the crown finally permitted him to assent to temporary grants.

Thus, after a constant struggle for more than thirty years, the crown was, at last, compelled to yield to the bold and persevering opposition of the people of that province. This controversy was not renewed in Massachusetts, until 1773, when an attempt on the part of the crown, to provide salaries for the governors and judges of that province independent of the assembly, was resisted with the same firmness; and as, will hereafter appear, was one of the causes, which induced the people of that province to declare themselves independent of the parent country.

CHAPTER V.

Convicts transported to the Plantations from England—The Colonies of Virginia and Maryland pass Laws respecting them—These Laws disapproved by the Crown—This conduct of the Parent Country injurious to the Colonies, and excites their indignation—Privilege of the writ of Habeas Corpus, supposed by the Board of Trade not to extend to the Colonies—Act of Massachusetts concerning the writ of Habeas Corpus disallowed by the Crown—Colonists still retain an affection for their Parent Country—Bounties allowed by Parliament for certain articles produced in the Colonies—Mode of Colonial Contributions—Extent of the English and French Claims in North America—Plan of Union among the Colonies adopted in 1754—Disapproved by the Crown and the Colonial Legislatures—Ministerial plan for defending the Colonies—Reasons of Dr. Franklin against it—War of 1756, in consequence of disputed Claims in America—Quebec taken—Family compact between France and Spain—Havana taken—Peace of 1763—French power in America destroyed—Colonial Schools for General Education—First established in Massachusetts by law, in 1647—Objects of their establishment—The Clergy of New England assist in establishing these Schools—Colleges founded in the Colonies—Character of the People of America different from that of those of Europe—Some of the causes of this difference.

IN this brief summary of the political state of the colonies previous to 1763, we cannot forbear noticing, as necessarily connected with it, the conduct of the parent country, in transporting to America, those persons, who for their crimes, had forfeited their liberty and lives in Great Britain. In this, the social as well as political happiness of the colonists were totally disregarded. Transportation to the plantations, was authorized, in lieu of punishments inflicted for some of the greatest crimes committed in society; and America was made an asylum for the worst of felons.

This practice first commenced under the reign of James I, who, by his royal prerogative, adopted the measure of "ordering dissolute persons to be sent to Virginia."* This was afterwards continued; and convicts were transported to the other colonies, as well as Virginia; and was finally authorized and regulated by

* Chalmers, p. 364.

several acts of parliament. By these acts, persons convicted of burglary, robbery, perjury, forgery, and theft, and by the laws of England, subjected to the punishment of death, might be transported to the American plantations, for seven, or fourteen years, or for life.

By the statute of 4th of George I, those guilty of minor offences, and entitled to the benefit of clergy, as well as others convicted of crimes punishable with death, might, by order of the courts, be transported in the same manner. And in case those of the latter description returned within the period of their banishment, they were liable to be executed. One of the reasons assigned for this act was, that "in many of his majesty's colonies and plantations, there was a great want of *servants*, who, by their labor and industry, might be the means of *improving* and making the said colonies and plantations *more useful to his majesty*."

Strange, indeed, that those villains, who, by their enormous crimes, had become unfit for society in England, should be let loose upon society in America, and be deemed fit servants for the colonists. The property, the lives of the American planter and farmer, were, it should seem, of little account with the British legislators. Upon what principle could this difference be made between British subjects in England and America? Were not the lives, the property, the moral and social happiness of British subjects, on the west of the Atlantic, as dear to them, as to those on the east? And had not the former an equal right to claim protection and security, for themselves, their wives and children, from house breakers and robbers, as the latter? This exposure of their lives and property, to all the convicted villains in England, excited the indignation of the colonists. The evils experienced from this extraordinary system, were strongly felt in the colonies; and remedies attempted by some of the colonial legislatures. It was calculated that, about the year 1750, not less than from three to four hundred felons, were annually brought into the province of Maryland.*

* British Empire in America, vol. 3, p. 23.

The Legislature of Virginia, by an act, the preamble of which declared that frauds had been committed by the persons entrusted with the transportation of felons, and that *many crimes had been committed* in that colony, by the transported persons, &c. provided among other things, that every person, who, upon importation, had the disposal of any convicts, should, before he be permitted to dispose of them, give security, in the penalty of £100, for the good behavior of such convicts, during the space of two months, after they should be disposed of to any master; and that every person, who should purchase any convicts, should also, immediately give security in the penalty of £10, for their good behavior for the whole time for which they were transported. Maryland passed laws laying duties on all imported convicts. These laws, however, were declared by the officers of the crown, highly derogatory to the authority and power of the crown and parliament,* and were disallowed by the king and council.

This conduct of the parent country, did not, at that time escape the severe animadversions of the colonists; and to show the independent spirit, which prevailed in New York, on this subject, we present to the reader, the following remarks, from a periodical publication, printed in 1752, called the "Independent Reflector or weekly essays."

"Very surprising one would think," says this independent American, "that thieves, burglars, pickpockets, and cut purses, and a horde of the most flagitious banditti upon earth, should be sent as agreeable companions to us! that the supreme legislature did intend a transportation to America, as a punishment I verily believe; but so great is the mistake, that confident I am, they are thereby on the contrary, highly rewarded. For what can be more agreeable to a penurious wretch, driven through necessity, to seek a livelihood by breaking of houses, and robbing upon the king's highway, than to be saved from the halter, redeemed from the stench of a goal, and transported, passage free, into a country, where, being unknown, no man can reproach him for his crimes; where labor is high, a little of which will maintain him,

* Chalmers' Opinions, vol. 1, p. 344, and vol. 2, of the same, p. 108.

and where all his expenses will be moderate and low. There is scarce a thief in England, that would not rather be transported than hanged."

"Life in any condition but that of extreme misery, will be preferred to death: as long, therefore, as there remains this wide door of escape, the number of thieves and robbers at home, will perpetually multiply, and their depredations be incessantly reiterated."

"But the acts are intended for the better peopling the colonies. And will thieves and murderers be conducive to that end? What advantage can we reap from a colony of unrestrainable renegades? Will they exalt the glory of the crown? or rather will not the dignity of the most illustrious monarch in the world, be sullied, by a province of subjects, so lawless, detestable and ignominious? can agriculture be promoted, when the wild boar of the forest breaks down our hedges and pulls up our vines? will trade flourish, or manufactures be encouraged, where property is made the spoil of such, who are too idle to work, and wicked enough to murder and steal? Besides, are we not subjects of the same king, with the people of England; members of the same body politic, and therefore entitled to equal privileges with them? if so, how injurious does it seem to free one part of the dominions from the plagues of mankind, and cast them upon another? Should a law be proposed to take the poor of one parish, and billet them upon another, would not all the world, but the parish to be relieved, exclaim against such a project, as iniquitous and absurd? should the numberless villains of London and Westminster be suffered to escape from their prisons, to range at large, and depredate any other part of the kingdom, would not every man join with the sufferers, and condemn the measure, as hard and unreasonable? and though the hardships upon us are not equal to these, yet the miseries, that flow from laws, by no means intended to prejudice us, are too heavy not to be felt. But the colonies must be peopled—agreed: and will the transportation acts ever have that tendency? no, they work the contrary way, and counteract their own design. We want people, 'tis

true, but not villains, ready, at any time, encouraged by impunity, and habituated, upon the slightest occasion, to cut a man's throat, for a small part of his property."*

These acts were in force until the separation between the two countries.

It is not a little extraordinary, that English statesmen and jurists, should have supposed, that the privilege of the writ of habeas corpus, was not the birth right of British subjects in America, as well as England. Chalmers, in his political annals, says, that in the history of colonial jurisprudence, "no circumstance is better established than the fact, that the habeas corpus act, was not extended to the plantations, till the reign of Anne." This writ was, indeed, denied, by the judges in Massachusetts, under the despotic administration of Sir Edmund Andrus, in the case of some of the inhabitants of Ipswich, before mentioned. In consequence of this, after the establishment of the government, under the new charter, in 1692, the assembly of that province, passed an act, "for securing the liberty of the subject and preventing illegal imprisonments." By this act, the writ of habeas corpus, was to be granted, in the same manner, as appointed by the statute of 31 Car. II. And strange as it may seem, the committee of plantations, at the head of which was the great Lord Somers, did not think fit to permit this act to continue in force, and the same was repealed. In their letter to the king and council, on the subject of this act, in 1695, they say, "Whereas, by the act for securing the liberty of the subject and preventing illegal imprisonments, the writ of habeas corpus, is required to be granted, in like manner, as is appointed by the statute of 31 Car. II, in England; *which privilege has not as yet been granted in any of his majesty's plantations*; it was not thought fit, in his majesty's absence, that the said act should be continued in force, and therefore, the same hath been repealed." It was said to be the practice of the governors, to imprison the colonists without bail; and that Queen Anne conferred the privilege of this writ on the Virginians, and for which the inhabitants of that

* Smith's History of New York, pp. 319, 320.

province returned their humble acknowledgments.* The king and council, as well as the committee of plantations, at that period, adopted the extraordinary and unconstitutional doctrine, that for this privilege, the colonists were indebted to the bounty and favor of the crown. This doctrine was probably adopted for the purpose of extending the royal prerogative, and keeping the colonists more immediately dependant on the crown, even for their personal security. The colonial history, indeed, exhibits a constant struggle for prerogative and power on the one hand, and freedom and the privilege of self-government on the other.

Fearing the eventual independence of the colonies, the British government lost no opportunity of extending the powers and prerogatives of the crown and parliament, at the expense of the best and dearest rights of the colonists. In 1748, a bill was introduced into parliament, by which the king's instructions were to be enforced in the colonies. But this was too bold a measure to be carried.†

We would here observe, that, notwithstanding these struggles, the colonists, in general, still retained an affection for their parent country.

These quarrels, like those of a numerous family, did not entirely alienate the affections of the colonists, from the country which they called by the endearing appellation of parent. The colonists still looked up to their sovereign, as to a parent, to whom they owed obedience; and to whom they might appeal, as an umpire and arbiter, in their various disputes with each other; and particularly with respect to the boundaries and limits of their respective colonies. Either from ignorance of the geography of the country, or from inattention, the grants made by the crown, were so vague and indefinite, and interfered so much with each other, as to create great difficulties and disputes, which could only be settled by the king and council. Some of these were not ultimately adjusted until after the American revolution. The colonists experienced advantages from Great Britain for which they were not ungrateful. Bounties were given by parliament for en-

* Chalmers' Annals, pp. 74, 75.

† Minot, vol. 1, p. 146.

couraging new productions in the colonies; particularly those, for which the British were dependent on foreign countries. At different periods, large bounties were allowed on the importation of various articles from the colonies, such as tar, pitch, turpentine, indigo, hemp, flax, raw silk, and on particular kinds of timber, as masts, yards, pipe and hogshead staves. And though the immediate object of these bounties, was the benefit of the parent country, yet the colonists were greatly benefited, not merely by the bounties themselves, but by the new productions thereby introduced, adding much to their general wealth. To the parent country, also, the colonists looked for necessary protection and assistance in the wars, in which they were necessarily involved with her; and particularly in those with France. The colonists were generally ready, not only to defend themselves; but to afford all the assistance in their power; though all were not equally prompt in affording the necessary aid. The manner in which the assistance of the colonies was required and given, shows the nature of the political connection between them and the parent country.

In time of peace, each colony defrayed the expense of its civil establishment; and the money, for this purpose, was raised by taxes, in such way as the colonists thought proper. In time of war, the crown made requisitions upon the colonies, for men and money, and apportioned the same among them in such manner as it thought best, having regard to the wealth and population of the colonies, or their proximity to the place of military operations; the troops to be clothed, fed, and paid by the colony furnishing them.* The colonists felt a strong interest in the wars

* In 1701, in expectation of a war with France, the colonies were required to furnish 1358 men, and they were thus apportioned among them :—

Massachusetts,	-	350	East New Jersey,	-	60
New Hampshire,	-	40	West New Jersey,	-	60
Rhode Island,	-	48	Pennsylvania,	-	80
Connecticut,	-	120	Maryland,	-	160
New York,	-	200	Virginia,	-	240
					<hr/> 1358

between great Britain and France, and particularly that of 1756. The claims of the two nations, to the lands in North America, had long been a subject of serious dispute. Attempts to settle these claims, by negotiation, had been made in vain. In every war, between these two rival nations, the colonists had suffered innumerable evils, along their extensive western frontiers, from the hostile and murderous incursions of the Canadian French and their Indian allies. The conquest of Canada had long been a favorite object of the colonists, particularly those of New York and New England. In 1628, Charls I, gave to David Kirk, a commission, to conquer the dominions of France in America. The next year, Quebec was compelled to surrender to this bold and enterprising individual. Unfortunately, in the treaty of 1632, Charles restored it to France. Various attempts were afterwards made to affect the conquest of Canada, but without success. The zeal and activity of the colonists in reducing the French power in America, was particularly manifested in the reduction of Louisburg, by the people of New England, in 1745. In the intervals of peace between the two nations, the French were gradually extending their claims and possessions into the disputed territory, and connecting Canada and Louisiana, by a line of forts from Quebec to New Orleans. In 1731, they built a fort, at a place called Crown point, on Lake Champlain; and soon after made large grants of lands, on the borders of that Lake.

The lands, on which this fort was located, was then in dispute between New Hampshire, Massachusetts, and New York. At a subsequent period, they advanced far south of the great lakes, and built fort du Quesne, on the Ohio. These encroachments alarmed the colonists, and at last, excited the serious attention of the British government. In the various negotiations between the two nations, both produced their respective claims.

Those of the English were founded, first, on the discovery of all North America, by Cabot; second, on the discoveries of the interior, in the years 1568, 1654, 1672, 1678, and from 1725, to 1740; third, from various grants of the same by the crown, extending from the Atlantic to the Pacific; fourth, on the for-

mal surrender and actual purchase of the natives, at various times. They claimed as far north as the St. Lawrence and the great lakes. The French, declared on the other hand, that the St. Lawrence was the center of Canada, and that "the Appalachian mountains had always been looked upon as the bounds of their colonies."

The Ohio, or la belle riviere, they said, was the natural communication between Canada and Louisiana, and was first traced out by them, and part of it discovered by la Salle, in 1679; that the same had never been used or occupied by the English. "Some English traitors," they observed, "passed the mountains of Virginia and wanted to carry on a trade with the Indians on the Ohio, and that the French took and carried them to France."*

This extensive and fertile country had now become too important an object, and was considered by both parties, as too intimately connected with the future prosperity of each, to be easily relinquished by either, and the question was left to be decided by the sword.

This had been foreseen by the British cabinet, and to meet the event, measures were taken, not only to secure the fidelity and aid of the six nations of Indians, who had before placed themselves under the protection of the British crown; but to enable the colonies to act with more efficiency, by forming an union among themselves. The board of trade, in September, 1753, sent instructions to the governor of New York, to hold a treaty with the six nations, to hear and redress their complaints, and to gratify their wishes, in relation to their lands; and the other colonies, or the most of them, received instructions, also, to send commissioners to be present at this meeting, and unite with New York, so that "all the provinces be, (if practicable,) comprised in one general treaty, to be made in his majesty's name." About the same time, a letter from the Earl of Holderness, Secretary of State, recommended that the commissioners at this meeting, should form a plan of union among the colonies, for their mutual

* See Memorials of England and France. Mant's and Entick's Histories of the war of 1756.

protection and defense, against these encroachments of the French. We would, here state, that an union of the colonies, had heretofore been contemplated in England, and plans for this purpose, projected, though probably, never formally proposed to the colonists.

A scheme of this kind is particularly noticed in the reign of William and Mary, by Dr. Davenant, the outlines of which were, that the colonies should be authorized to meet once a year, and oftener if need require, by their deputies, to debate and resolve on such measures, as should be most advisable at any time, to be taken for their public tranquility and safety.

That two persons be appointed by each province, as representatives or deputies, to meet and form a *congress*.

That a commissioner, to be specially appointed by the king, preside in this congress; which was to meet, as near as conveniently might be, to the most central colony; and as New York might, probably, be nearly central, the governor of that province was to be the royal commissioner during the session.

That the business of this congress should be, to hear and adjust all matters of complaint or difference, between province and province; as,

1st. When persons quit their own province and go to another, that they may avoid their just debts, though able to pay them.

2nd. When offenders fly justice, or justice cannot well be had, upon such offenders, in the provinces, that entertain them.

3rd. To prevent or redress injuries in point of commerce.

4th. To consider of *ways* and *means* to support the union and safety of the provinces against their common enemies: in which congress the *quotas* of men and *charges*, it was said, would be "much easier allotted and proportioned, than it was possible for any establishment, made in England, to do; for the *provinces knowing their own condition, and one another's*, could debate that matter, with more freedom and satisfaction, and better adjust and balance their affairs, in all respects for their common safety."

In time of war, the royal commissioner was to be general or chief commander of the several quotas, upon such service against

the common enemy, as should be thought advisable, for the good and benefit of the whole.*

Thus early did British statesmen contemplate a constitution or confederation of the colonies, to manage their general concerns, as best knowing *their own condition and circumstances*.

It is believed, however, that it was never proposed by the British government to the colonies, to form an union, until 1753, in the letter from the secretary of state. In pursuance of this recommendation, and instructions from the board of trade, commissioners from Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Pennsylvania, and Maryland, met at Albany, in June, 1754.†

Having completed a treaty with the Indians, the commissioners took up the subject of a plan of union.

They were fully sensible of the importance, and indeed, the necessity of resisting the encroachments of France on their northern and western borders.

They foresaw, that, if the French were suffered to proceed quietly, in the possession and settlement of the extensive and fertile territory which they claimed, they would, ere long become too numerous and powerful to be repelled.

The commissioners, therefore, in the first place, unanimously resolved, "that an union of the colonies was *absolutely necessary for their preservation*." Some of the commissioners then proposed, that the colonies should be formed into two or three distinct confederacies; this proposal was, however, finally abandoned. A second preliminary resolution was then adopted, "that it was necessary that the union should be established by act of parliament.‡ These preliminaries being settled, a committee, consisting of one member from each colony represented at this congress, was appointed to draw a plan of union. Mr. Hutchinson from Massachusetts, Mr. Atkinson from New Hampshire, Mr. Hopkins from Rhode Island, Mr. Pitkin from Connecticut, Mr. Smith from New York, Mr. Franklin from Pennsylvania, and Mr. Tra-

* Davenant, by Whitworth, vol. 2, pp. 40, 41.

† See Note, No. 2.

‡ Franklin's Miscellaneous Works, pp. 87, 88.

sher from Maryland, were selected for this purpose. Several plans were drawn by the different commissioners, but that prepared by Dr. Franklin was preferred, and substantially adopted.*

The general features of the plan were, that, with the assent of parliament, a general government be formed in America, including all the colonies; under which, each colony was to retain its constitution, with the exception of such changes, as were made by the proposed system. The general government was to be administered, by a president general, to be appointed by the crown, and a grand council chosen by the representatives of the people, in the colonial assemblies. The members chosen from any colony, to be not less than two, nor more than seven. In the apportionment first made, Massachusetts was to have seven, New Hampshire two, Connecticut five, Rhode Island two, New York four, New Jersey three, Pennsylvania six, Maryland four, Virginia seven, North Carolina four, and South Carolina four. The members were afterwards to be apportioned, according to the monies paid into the general treasury by each colony; no one to have more than seven, or less than two; and new elections to take place, every three years. The grand council were to meet once every year, or as it should be called by the president general, with the consent of seven of its members—to choose their speaker, and were not to be dissolved, prorogued or continued sitting longer than six weeks, at one time, without their consent, or the special command of the crown.

The pay of the members to be ten shillings sterling, per day, and the same for every twenty miles travel.

The president general to have a negative on all laws, and to see that the laws were executed.

The president general and grand council, were to regulate all affairs with the Indians—to make new settlements on lands purchased of the Indians, if not within the bounds of particular colonies, or not within their bounds, *when some of them are reduced to more convenient dimensions*; and to make laws for the government of such settlements—to have power to raise and pay sol-

* Franklin's Works, vol. 1, p. 137.

diers, build forts, equip vessels to guard the coasts and protect the trade on the ocean, lakes, or great rivers; no men to be impressed, in any colony, without the consent of the legislature. *For these purposes*, they were to make laws, lay and levy such general duties, imposts or taxes, as should appear most equal and just—to appoint a general treasurer and particular treasurer in each government—no money to be drawn, but by the joint order of the president and council—their accounts to be settled yearly—a quorum of the council to consist of twenty-five, to be one or more from a majority of the colonies—their laws not to be repugnant to the laws of England, and to be transmitted to the king, and if not disapproved within three years to remain in force—on the death of the president general, the speaker of the grand council, for the time being, to succeed him, until the king's pleasure be known—all *military* and *naval* officers to be nominated by the president general, and to be approved by the council—all *civil* officers to be nominated by the council and approved by the president—in case of vacancy, by death or removal of any officer, civil or military, the governor of the province, in which the vacancy happens, to appoint, until the pleasure of the president and council be known—each colony to defend itself in emergencies, and the expense of such defense to be paid by the general government, if judged just and reasonable.* The framers of this system of general government contemplated the reduction of the limits of some of the colonies, particularly those who claimed to extend to the south sea; and it was their opinion, that they should extend no further than the Apalachian or Allegany mountains.† It was, also, contended by some of the commissioners, that the governors and councils of the several provinces, should have a voice in the appointment of the grand council, or at least, have the power of disallowing the choice made by the representatives. This proposal, however, was rejected, and among the reasons urged against it, one was, that it would tend to take from the people the important right of taxing themselves by their own consent, or their immediate representatives; as in a major

* See Note No. 3.

† Minot, vol. 1, p. 190

part of the colonies, the governors, with the council were in fact appointed by the crown.

This scheme of general government, received the assent of all the commissioners, except those from Connecticut, who were particularly opposed to the extensive powers given to the president general.

Copies of it were transmitted to the king, as well as to the several colonies.

It had the singular fate of being rejected in England, because it left too much power in the hands of the colonists, and it was disapproved in America, because it transferred too much power into the hands of the crown.

The people of Connecticut, in particular, had too long been accustomed to make their own laws, independent of royal authority, to approve of the *veto* of the president general. They declared, "that this might bring his majesty's interest in danger, that officer, in so extensive a territory, not well understanding or carefully pursuing proper methods for the country's good, all might be ruined before relief could be had from the throne; and that the council, from the respective colonies, were most likely to understand the true interest and weal of the people." They considered, also, the power of levying taxes throughout so extensive a territory, vested in the president and council, as against the rights and privileges of Englishmen; and that "such an innovation on charter privileges, would discourage the industry of the inhabitants, who were jealous of their rights."*

The assembly of Connecticut not only refused to apply to parliament for an act confirming this plan, but instructed their agent to oppose any such act, if applied for by the other colonies.

While the board of trade and the British ministry rejected the American plan of union, they proposed for the consideration of the colonists, a mode of raising men and money in the colonies, as well as of providing the means for their defense, in which the people themselves were to have no share.

The ministerial scheme was, that the governors of all the colonies, with one or more of their council, should assemble and

* Connecticut State Records.

concert measures for the defense of the whole ; that they should erect forts, where they judged proper, raise what troops they thought necessary ; and have power to draw on the treasury of Great Britain, for the sums wanted for these purposes, to be *re-imbursed by a tax laid on the colonies, by act of parliament*. This extraordinary plan strongly evinced a continuance of the jealousy of the parent country, towards her North American colonies, as well as her determination, to keep them in a state of complete dependence. It was communicated to some of the colonial governors, and particularly to Mr. Shirley, governor of Massachusetts ; who, in December, 1754, submitted it to the consideration of Dr. Franklin.

The views and opinion of this philosopher and statesman, relative to this scheme, were soon after communicated to governor Shirley, and accorded with those of his countrymen in general. The Americans, Dr. Franklin observed, would not be satisfied, in being deprived of all share in the choice of the grand council, and in being *taxed* by act of parliament, where they were not represented. That the colonists, who were to feel the immediate mischiefs of invasion and conquest of an enemy, would be better judges of the number of forces necessary to be raised, of forts to be built, and of their own abilities, to bear the expense, than the Parliament of England, at so great distance. That governors often came to the colonies, merely to make fortunes, were not always men of the best abilities or integrity, many of them had no estates here, or any natural connections with the country, that could make them concerned for its welfare, and might, possibly, be fond of raising and keeping up more forces than necessary, for the profits to themselves, and to make provision for their friends and dependents.

That the councillors, in most of the colonies, being appointed by the crown, on the recommendation of the governors, were often persons of small estates, frequently dependent on the governors, for offices, and, therefore, too much under their influence. That there was great reason to be jealous of a power in such governors and councils, to raise such sums of money, as

they should judge necessary, by drafts on the British treasury to be afterwards levied on the colonies by parliament.

That this power might be abused, by projecting useless expeditions, harrassing the people, and taking them from their labor, to execute such projects, merely to create offices and employments, gratify dependents, and divide profits. Dr. Franklin, also, declared that it was the undoubted right of Englishmen, not to be taxed, but by their own consent, given through their representatives—that the colonies had no representatives in parliament, and to compel them thus to pay money, without their assent, would be rather like *raising contributions in an enemy's country*, than taxing Englishmen, for their own benefit. Such were the views and opinions of the Americans on this extraordinary plan of drawing money from them; and which were, in accordance with those entertained by the colonists in general, from their first settlement in America. The plan itself received no countenance in any of the colonies, and the crown was obliged to depend on the usual requisitions on the colonies for men and money, to assist in the war, which soon followed. Apprehensive that the British cabinet still contemplated raising money in America, by act of parliament, the general court of Massachusetts, in November, 1755, instructed their agent in London “to oppose any thing that should have the *remotest tendency to raise a revenue* in the plantations, for the public use or services of government.”*

In the long war which followed, the colonies readily complied with the requisitions of the crown, and made great exertions and sacrifices, in the contest for supremacy in America. Massachusetts alone, in one year, had 7,000 men in the field, and Connecticut 5,000, and the whole number raised in all the colonies, was not less than 25,000. So great, indeed, were the exertions and expenses of the colonies, that for the last four or five years of the war, parliament granted them annually from the British treasury, two hundred thousand pounds sterling; a sum which was distributed among the colonies, in proportion to the number of troops

* Gordon, vol. 1, p. 95.

each had in the service. Under the vigorous administration of the celebrated Pitt, the British army was triumphant in Canada. Soon after the famous battle on the plains of Abraham, in September, 1759, Quebec was compelled to surrender, and the French power in North America was annihilated.

Not long after this important event, negotiations for peace were opened between Great Britain and France, but without success. In the mean time, France had induced Spain to become a party in the war, for the purpose of reducing the growing power of Great Britain. The kings of France and Spain, on the 15th of August, 1761, entered into a solemn treaty under the title of "the family compact." The principal object of this celebrated *compact*, was "to render permanent and indivisible, as well for their majesties, as their descendants and successors, those duties, which are the natural consequences of consanguinity and friendship," and "to perpetuate, in their posterity, the sentiments of Louis XIV, and to preserve forever a solemn monument of their reciprocal interest, which ought to be the foundation of the views of their courts, and of the prosperity of their royal families." By this compact, the influence of which was felt in the American Revolution, the parties declared that "the two crowns will hereafter consider every power, as their common enemy, who shall become such to either of them, and that whoever attacks one crown attacks the other." It contained not only mutual stipulations of guaranty of the possessions of each other, but also, an engagement, "that when they shall terminate by peace, the war they shall have supported in common, *they will balance the advantages which one of the two powers may have received, against the losses of the other* ; so that, on the conditions of peace, as in the operations of war, the two monarchs of France and Spain, throughout the extent of their empires, shall be considered, and will act, as if they formed *but one and the same power*." No other powers, but those of the house of Bourbon, were to be admitted parties to this treaty.* Great Britain, however, by the aid of her colonies, rose superior to the combined efforts of the Bour-

* Almon's Remembrancer, for 1778, p. 362.

bons. In 1762, she took Havana, the capital of Cuba, and the strong hold of Spanish America; and made other valuable conquests from her enemies in different parts of the world. This enabled her, to make an advantageous peace, the ultimate terms of which were settled by the treaty of Paris, in February, 1763; the preliminaries having been adjusted and signed, on the 3d of November preceding. By this treaty, the colonists obtained the object for which they had exerted themselves, during a contest of seven years. France was compelled to cede to Great Britain, not only Nova Scotia, Canada, and all their dependencies, but, "in order to establish peace on solid and durable foundation, and to remove forever, all subjects of dispute, with regard to the British and French territories on the continent of America, to agree, that, for the future, the confines between the dominions of his Britannic majesty and those of his most christian majesty, in that part of the world, should be fixed irrevocably, by a line drawn along the middle of of the river Mississippi, from its source to the river Iberville, and from thence by a line drawn along the middle of the river, and the lakes Maurepas and Pontchartrain, to the sea; and for this purpose, the most christian king, cedes in full right, and guarantees to his Britannic majesty, the river and port of Mobile, and every thing he possesses, or ought to possess, on the left side of the river Mississippi, except the town of New Orleans and the island in which it is situated, which shall remain to France." The navigation of the river Mississippi, was to be open and free to the subjects of both parties, from its source to the sea, and particularly that part between the island of Orleans and the right bank of the river, and the passage in and out of its mouth. The vessels of the subjects of neither party, were to be stopped, visited, or subjected to the payment of any duty whatever.

To obtain the restoration of Havana, the king of Spain was obliged to yield to Great Britain, Florida, St. Augustine, the bay of Pensacola, and all her possessions on the continent of North America, to the east and south east of the Mississippi. To compensate Spain for the loss of Florida, and no doubt, "to bal-

ance" the advantages, or disadvantages of the war, according to the terms of the family compact, France, on the 3d day of November, the very day when Spain gave up Florida, by a secret treaty, ceded Louisiana to his Catholic majesty.

By a royal proclamation of the 7th of October, 1763, his Britannic majesty, divided his new acquisitions in North America, into three separate governments, by the names of Quebec, East Florida, and West Florida. The government of Quebec, or the province of Canada, as it was afterwards called, was bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river through the lake St. John, to the south end of lake Nipissim; from whence the said line, crossing the river St. Lawrence, and lake Champlain, in 45 degrees of north latitude, passes along the highlands which divide the rivers, that empty themselves into the said river St. Lawrence, from those which fall into the sea; and also along the north coast of the bay de Chaleurs, and the coast of the gulf of St. Lawrence to cape Rosieres, and from thence crossing the mouth of the river St. Lawrence, by the west end of the island of Anticosti, terminates at the aforesaid river of St. Johns.

West Florida was bounded by the gulf of Mexico south, east by the river Apalachicola, north by the 31st degree of latitude, and west by lakes Maurepas, Pontchartrain and the river Mississippi.

East Florida, west by the gulf of Mexico and the river Apalachicola; to the northward, by a line drawn from that part of the same river, where the Chatahouche and Flint rivers meet, to the head of St. Mary's, and from thence by said river to the Atlantic ocean. By the same proclamation, the crown reserved, under its own dominion, for the use of the Indians, "all the lands and territories lying to the westward of the sources of the rivers which fall into the sea from the west and northwest;" and the governors of the colonies were forbid to make any grants of the lands thus reserved.

We cannot close this summary, without adverting to the literary institutions established by the colonists, particularly those

for general education. Primary schools first commenced in New England. Aware of the importance and necessity of information among the people, in order to secure and perpetuate their liberties, the legislators of New England, at an early period, made provision for instructing all in the first rudiments of learning. In this, the clergy, who were not less distinguished for their literature than their piety, cordially co-operated. In making this provision, for the general and early education of their children, their views were not limited to the single object, though an important one, of making them better men and better citizens, but what was justly deemed by them, of infinitely more importance, better christians.

By enabling every one in the community to read the sacred scriptures, they hoped to make them better acquainted with their duties towards their Creator, as well as towards their fellow creatures.

Schools for general education were established in Boston, in 1635, by the inhabitants of that town; and in 1647, the legislature of Massachusetts, declared, by a general law, "that every township with fifty families should provide a school, where children might be taught to read and write; and that every township of one hundred families, should provide a grammar school where youth could be fitted for the University."* This law was substantially adopted in the code of laws established by the colony of Connecticut, in 1650, with a preamble, declaring, in the quaint language of the day, that "It being one chief object of that old deceiver Satan, to keep men from the knowledge of the scriptures, as in former times keeping them in an unknown tongue, so in these latter times, by persuading them from the use of tongues, so that at least, the true sense of the *original*, might be clouded by false glosses of saint seeming deceivers; and that learning may not be buried in the graves of our forefathers in church and Commonwealth."†

In the system of New Haven colonial laws, published in 1656, it is ordered, "that the deputy for the particular court, in each

* North American Review, new series, vol. 10, p. 453. † State Records of Conn.

plantation in this jurisdiction, for the time being, or where there are no such deputies, the constables or other officers in public trust, shall, from time to time, have a vigilant eye on their brethren and neighbors, within the limits of said plantations, that all parents and masters do duly endeavor, either by their own ability and labor, or by improving such schoolmasters or other helps and means, as the plantation doth afford, or the family may conveniently provide, that all their children and apprentices, as they are capable, may, through God's blessing, obtain, at least, so much as to be able to read the scriptures and other good and profitable books in the English tongue, being their native language, &c.*

In 1663, it was proposed by the court of the Plymouth colony, to the several towns within that jurisdiction, "as a thing that they ought to take into their serious consideration, that some course may be taken, that in every town there may be a school-master set up to train up children to reading and writing."†

These laws laid the foundation of the system of free schools, in New England. Here the children of the poor as well as the rich, were taught; and the divisions of the towns into small districts, rendered these schools accessible to all. They were supported in a manner, which experience has proved, and the opinions of some of the ablest writers on political economy, have declared, best adapted to effect the important object of general education. Part of the expense was paid by the parents or masters of the children, and the residue from the public treasury.

The details of this admirable system of popular education, and a developement of the immense benefits the community has derived from it, would lead us far beyond our prescribed limits. The system itself, we would observe, however, has been greatly improved, since the American revolution, and in many of the States, large and permanent funds have been provided for the support of common schools.

* North American Review, new series, vol. 7, p. 381.

† Massachusetts Historical Collection, new series vol. 4, p. 79.

The colonists did not confine their views and exertions to the establishment of primary schools ; they also founded and endowed colleges and universities, for the education of those, who were disposed to become acquainted with the higher branches of science, or wished to qualify themselves for the learned professions ; and for the foundation and support of these, the clergy contributed not only their talents, but their wealth. Massachusetts led the way, in the establishment of American colleges. Harvard was founded in 1638, and seven more were, also, established, in the several colonies, prior to their complete separation from Great Britain: William and Mary in Virginia, in 1693, Yale, Connecticut, in 1701, Princeton, New Jersey, in 1738, King's now Columbia, New York, in 1754, Providence, Rhode Island, in 1764, Dartmouth, New Hampshire, in 1770, and Hampden and Sidney, Virginia, in 1774.

Though the advantages in these seminaries were not equal to those, in older institutions of the same kind in Europe, yet here were educated most of those Americans, who have been distinguished not only as divines, lawyers, and physicians, but as statesmen and warriors. Here they became better acquainted with their rights, as well as more capable of asserting and defending them. Many of the brave officers who deserved so much of their country, in the war of the revolution, went directly from the college to the field, and most of the American State papers, during that trying period ; papers, which have been the theme of just eulogy in Europe, as well as in this country, were from the pens of those, who received their education in these seminaries.

The political, civil, and literary institutions, which we have thus briefly and imperfectly noticed, established principally by the colonists themselves, partook not a little, as the reader must have observed, of the character of their authors ; a character, as has been often remarked, peculiar to the settlers in the new world, and in many respects different from that of the great mass of the people in Europe. Great Britain herself, at the commencement of the revolution, was ignorant of the character of her nu-

merous subjects in America ; and indeed, the American character, even at this day, is not perfectly understood in Europe. The difference in the circumstances and condition of the great mass of the inhabitants of the new and the old world, seems to have been overlooked, by most of the Europeans. It could not have escaped, one would suppose, the attention of the most superficial observer, that no ordinary motives, no common energy of mind, could have induced the first settlers of America, to leave their native homes, for a wilderness ; much less to encounter the dangers to which they were exposed ; and to endure the hardships necessarily incident to their new situation. Though the motives and views of those who settled in the different colonies, were different, yet their situation, in their new places of abode, being, in many respects, similar, naturally produced in all, an energy of character, and a spirit of independence, unknown, in the great mass of the people they had left in Europe. In most of the colonies, the inhabitants held their lands in fee simple, free from rents. Feudal tenures were unknown in America. Every man was a freeholder, and his freehold was at his own disposal. Attached to the farm on which he lived, and from which he supported himself and his family, he had every inducement to secure and defend it. This independent situation was immediately felt, by the first emigrants to North America. Alluding to this situation, so different from that of many he had left in England, one of the first settlers in Plymouth, in a letter to his friend there, observes, " We are all freeholders, and the rent day does not trouble us."*

This independent condition of the colonists, with respect to the tenure of their lands, combined with that equality which existed among them, arising from an equal distribution of property, a general diffusion of knowledge, and a share which all had in the government, naturally produced a love of liberty, an independence of character, and a jealousy of power, which ultimately led, under divine Providence, to that revolution, which placed them among the nations of the earth.

* Hazard, vol. 1, p. 120.

CHAPTER VI.

Peace of 1763—An important event to the Colonies—Excites great joy in America—Navigation Acts enforced by writs of assistance—Opposed in Massachusetts—Stamp Duties proposed in Parliament—Opposed in the Colonies as a violation of their rights—Petitions and resolutions against them—Petitions rejected—Stamp Act passed—Excites great alarm in the Colonies—Resolutions of the Virginia House of Burgesses against it—Meeting of a Congress of the Colonies in 1765—Declaration of rights and petitions of this Congress in opposition to the Stamp Act—Resolutions of Colonial Assemblies and associations of individuals—Disturbances at Boston—Act not suffered to be executed—New Ministry—American papers laid before Parliament—Resolutions of Conway declaratory of the right of Parliament to bind the Colonies in all cases—Debate upon them—Passed by a large majority—Examination of Dr. Franklin and others in the House of Commons—Stamp Act repealed—Speeches of Lord Chatham and Lord Grenville on the question of the repeal.

THE peace of 1763, which secured to Great Britain all the country east of the Mississippi, and annihilated the French power in North America, constitutes a new and important era in the annals of the colonies.

The colonists were now freed from a deadly enemy along their extensive western frontier; an enemy from whom, in conjunction with their Indian allies, they had, for nearly a century, been subjected to pillage, devastation, and murder. This event produced great joy among the colonists; and was accompanied with feelings of gratitude towards the parent country, and loyalty towards the young prince, under whose reign it was accomplished. These feelings would have continued, but for new encroachments on their rights; and a course of policy soon after adopted by the British ministry towards the colonies; a policy which finally led to a separation of the two countries, and produced a revolution, which, whether viewed in its immediate or more remote consequences, has been unequalled in the history of modern times.

The precise limits of royal and parliamentary authority over the colonies had never yet been settled.

The acts restraining the trade and manufactures of the colonies, as well as other acts of parliament, to which we have alluded, were deemed, by the colonists, in some instances, a violation of their rights, and in others, an unnecessary and improper sacrifice of their interest, to the supposed interest of the parent country, or some other more favored part of the British empire; and had been little regarded by them. A distinction had been made, between what were called external and internal taxes, and which, whether just or not, had been acquiesced in. The former were considered as imposed, for the regulation of the trade of the empire, and not for the purpose of revenue.

Plans of laying internal taxes and of drawing a revenue from the colonies, had been, at times, suggested to the ministry, and particularly to Sir Robert Walpole and Mr. Pitt, during their administrations. These statesmen were too wise and sagacious to adopt them. "I will leave the *taxation* of the Americans," Walpole answered, "for some of my successors, who may have more *courage* than I have, and less a friend to commerce than I am. It has been a maxim with me," he added, "during my administration, to encourage the trade of the American colonies, to the utmost latitude; nay, it has been necessary, to pass over some irregularities in their trade with Europe; for by encouraging them to an extensive growing foreign commerce, if they gain £500,000, I am convinced that in two years afterwards, full £250,000 of this gain will be in his majesty's exchequer, by the labor and product of this kingdom, as immense quantities of every kind of our manufactures go thither; and as they increase in the foreign American trade, more of our produce will be wanted. This is *taxing* them more agreeably to their own constitution and laws."*

Pitt, in his celebrated speech on the repeal of the stamp act, referring to the conduct of several preceding administrations, says, "none of these thought, or ever dreamed of robbing the colonies of their constitutional rights. That was reserved to mark the era of the late administration: not that there were

* Bissett's History, vol. 1, p. 227, and Botta, vol. 1, p. 52.

wanting some, when I had the honor to serve his majesty, to propose to me to burn my fingers with an American stamp act. With the enemy at their back, with our bayonets at their breasts, in the day of their distress, perhaps the Americans would have submitted to the imposition; but it would have been taking an ungenerous and unjust advantage."

Whatever might have been the views or wishes of any individual of the British cabinet, at any period, relative to drawing a revenue directly from the colonies, no one had been bold enough to make the attempt, until after the reduction of the French power in America. This was deemed a favorable moment, to call upon the Americans for taxes, to assist in the payment of a debt, incurred, as was alleged, in a great measure, for their protection against a powerful enemy, now no longer an object of their dread.

A British statesman should have reflected, that, if the Americans were relieved from a dread of their ancient enemy, they no longer required the protection of the parent country, against that enemy; and that the strongest hold on their dependence was gone, when Canada was gained.* The views of the British cabinet were not limited to internal taxes, but extended to a more rigid execution of the navigation acts, and acts regulating the trade of the colonies, and to a new modification of their governments, particularly the charter governments, rendering them more dependent on the crown.

In 1760, orders were sent to the American custom house officers, and particularly to those of Massachusetts, to take more effectual measures for enforcing the acts of trade, especially the act imposing duties on foreign sugar and molasses; and they were directed, if necessary, to apply to the superior court, of the

* Governor Hutchinson, in a letter to Lord Dartmouth, Dec. 14, 1773, says, "Before the peace, I thought nothing so much to be desired as the cession of Canada."

"I am now convinced, that if it had remained to the *French*, none of this spirit of opposition to the mother country would have appeared, and I think the effects of it are worse than all we had to fear from the French and Indians."—*Almon's Remembrance, for 1776, p. 62.*

province, for *writs of assistance*, as they were called, to enable them, by authority of law, to break open and enter houses, shops, &c., to search for foreign goods illegally imported, as well as for those on which the duties had not been paid.

The first application for a writ of this kind, was made by the deputy collector, at Salem, in November, 1760. In this application, the collector stated to the court then sitting at Salem, "that he could not fully exercise his office, in such a manner as his majesty's service required, and therefore prayed the court to grant him a *writ of assistance*, to aid him in the execution of his duty, according to the usages of the court of exchequer, in Great Britain.*" Mr. Sewall, a distinguished jurist, was then chief judge of the court, and great doubts were expressed by him, as to the legality of the writ, and the power of the court to grant it. The court, therefore directed the question to be argued, at the next term, at Boston, in February, 1761. Before the next term, chief justice Sewall died, and Thomas Hutchinson was appointed in his room. The merchants of Boston as well as Salem, were not a little alarmed at this application. A new state of things was presented. Acts relating to their trade, hitherto in a great measure, suffered to lie dormant, or disregarded and evaded, were now to be enforced with the utmost rigor, and in a manner totally unprecedented.

If these acts were to be rigidly enforced, an extensive circuitous trade of that province, a principal source of its prosperity and wealth, a trade which had enabled the merchants to pay for the great quantity of British manufactures they usually imported, would be destroyed. They resolved to resist the application, and for that purpose engaged Mr. Thacher and Mr. Otis, two of the most distinguished counsellors in Boston. The application was supported by Mr. Gridley, then also, one of the most eminent lawyers in Massachusetts, acting as king's attorney, as authorized by the statute of 7 and 8 of William, passed, as we have before stated, more effectually to enforce the old navigation acts regarding the plantations. It was opposed by Mr. Thacher and Mr.

Otis, because it prayed for a writ unknown in the history of colonial jurisprudence, and which, if granted, would be an instrument of tyranny and oppression. Mr. Otis was not only an eminent lawyer, but was, also, distinguished for his eloquence and classical learning; and as the aid of the court was required, to enforce laws peculiarly obnoxious to the people of Massachusetts, he took this opportunity to comment on the laws themselves, in a style and manner, calculated to excite the indignant feelings of the colonists against them. He took an extensive view of the policy of the parent country, towards the colonies, as manifested not only by her various acts, but by some of her celebrated political and commercial writers. He not only denied the power of the court to grant the writ, but declared, that most of the acts to be enforced by it, were tyrannical, oppressive, and opposed to the best interests of the colonies; and that those which could be considered as revenue acts, were unconstitutional and void. It is unfortunate for the political annals of America, that the speeches of Mr. Thacher and Mr. Otis, on this occasion, as well as those of many other American statesmen, at the commencement and during the progress of the American revolution, could not have been preserved entire. They would have served more accurately, to show the progress and spirit of public opinion in the colonies, in relation to the great contest with the parent country, as well as more clearly to ascertain the principles by which the actors in that great political drama were governed. Most of these speeches now only remain in the imperfect recollection of a few, very few of those, who yet survive that interesting period. The late venerable patriot, John Adams, after a lapse of fifty seven years, recurring to the scenes then passing in Massachusetts, and the arguments of Mr. Thacher and Mr. Otis, on the interesting question of enforcing the British plantation acts, seems again animated with the spirit of his early years. "Otis," he remarks, "was a flame of fire! with a promptitude of classical allusion, a depth of research, a rapid survey of historical events and dates, a profusion of legal authorities, a prophetic glance of his eyes into futurity, and a rapid torrent of eloquence, he hurri-

ed away all before him. American independence was then and there born. The seeds of patriots and heroes to defend the *non sine diis animosus infans*, were then and there sown. Every man of an immense crowded audience, appeared to me to go away, as I did, ready to take arms against writs of assistance. Then and there was the first scene of the first opposition to the arbitrary claims of Great Britain.”*

The imperfect sketch of this speech, given by Judge Minot, shows the bold and daring spirit of Mr. Otis; and the manner in which it was received, evinces a continuance of the same independent spirit which had always distinguished the people of Massachusetts against the unjust claims of the parent country.

“I will to my dying day,” exclaimed Mr. Otis, “oppose with all the powers and faculties God has given me, all such instruments of slavery on the one hand, and villainy on the other. It appears to me the worst instrument of arbitrary power, the most destructive of English liberty and the fundamental principles of law, that was ever found in an English law book.”†

The duty on foreign sugar and molasses, imposed by the 6th of George II, particularly that on molasses, had never been collected in Massachusetts. The orders for enforcing the collection of this duty, were extremely obnoxious to the people of that province. A great quantity of molasses, was brought into Massachusetts, from the foreign West India Islands, in exchange for fish, lumber, &c., and there distilled.

It was considered essentially necessary, for the support of the fisheries, and in some way more or less, entered into the trade of that province; and particularly in that to Africa. The duty, if rigidly collected, would amount to a prohibition. Governor Bernard, in one of his letters to the ministry, acknowledged that it had not been collected; and declared that “the publication of the orders, for the strict collection of the molasses act, had caused a greater alarm in the country than the taking of Fort William Henry, in 1757.” Mr. Otis viewed this a revenue act and declared it *unconstitutional*, a violation of all the rights of nature,

* Mr. Adams' Letters to Mr. Tudor.

† Minot, vol. 2, p. 92.

of the English constitution, and of all the charters and compacts with the colonies; and if carried into execution, by writs of assistance and courts of admiralty, would destroy all security of life, liberty, and property; and that this and some other acts could never be executed. That the whole power of Great Britain would be insufficient for this purpose.”*

The court took time to deliberate on the question of granting the writ, and postponed a decision until the next term; and in the mean time wrote to Great Britain for information on the subject. Writs were afterwards granted, but were extremely unpopular. In 1762, a bill passed the assembly restraining the issuing of these writs, except to custom house officers and then only upon special information on oath. But the governor refused his assent to the bill, and the assembly, by way of revenge reduced his salary.”†

Writs of assistance, it is believed, were never granted in Connecticut, though the board of trade, in July, 1763, in their letter to the governor of that colony, on the subject of the navigation acts, declared that his majesty's resolution was so fixed “to have the most implicit obedience to his commands, for enforcing them, that he would not pass unnoticed, any negligence on the part of any person.”

That a material change in the colonial governments was again contemplated by the British cabinet, there can be no doubt. The necessity of such a measure, was frequently the subject of conversation among the officers of the crown, in America; and in 1762, gentlemen from England were introduced to Americans, as “employed by Lord Bute to travel the country, and learn what might be proper to be done, in the grand plan of *reforming* the American governments.”‡

The famous letters of Bernard, governor of Massachusetts, on *law and polity* in relation to the colonies, were published in 1764. The views of this representative and favorite of the king, were,

* Mr. Adams' Letters to Mr. Tudor, p. 293. † Life of Jno. Adams, in the Biography of the Signers to the Declaration of Independence, vol. 8, p. 211.

‡ Gordon, vol. 1, p. 101.

no doubt, in accordance with those of the British ministry. He declared, "that a general reformation of the American governments was not only a *desirable*, but a *necessary* measure." He did not hesitate to avow, among other things, that parliament had full power to alter the forms of the colonial governments, at pleasure, notwithstanding the royal charters. These governments, he said, should be large and respectable, as the surest means of *preventing revolts in future*. He recommended that a nobility for life, should be established in the colonies, to be appointed by the crown and made independent—that the colonies be reduced in number, without any regard to their then boundaries ; and that the form of government in all, should be the same. He advocated the right of parliament to impose taxes on the colonies, though unrepresented therein ; but to prevent disputes on this subject, he suggested the expediency of admitting representatives from America. The taxes paid by the colonists, he proposed should be applied for the support of the colonial governments. The publication of these letters gave great alarm to the colonists, and particularly the people of Massachusetts, and was one of the causes of their subsequent opposition to the author of them.

The difficulties which grew out of the stamp duties, probably, prevented the immediate execution of this plan of reform.

Soon after Lord Grenville became prime minister, the project of imposing internal taxes in America, was carried into effect. In the winter of 1764, that minister called together the agents of the colonies, and gave them notice of his intention of drawing a revenue from the colonies ; and that for this purpose, he should, in the ensuing session of parliament, propose a duty on stamps.

He had made them acquainted with this intention, he said, that they might consider of it, and inform him, whether any other duty equally productive and more agreeably to the colonies, could be substituted : and he desired them to write to their respective governments, on the subject.* Soon after this, resolutions were passed in the house of commons, continuing and making perpet-

* Franklin's Works, Vol. 1, p. 204.

ual the duties on sugar, molasses, and some other articles; imported into the colonies, with additions and amendments.

A resolution, also, passed about the same time, declaring, "that it might be proper to charge certain stamp duties in the colonies." The further consideration of the last resolution, was postponed to the next session of parliament. This was done, the minister said, "in complaisance to the colonies, to give them an opportunity to pass it themselves, or some other equivalent," being willing "to consult the ease, the quiet and good will of the colonies."*

An act, however, was passed, on the 5th of April, carrying into effect, the first resolutions.

The preamble to this act fully disclosed its real object. "Whereas it is expedient that new provisions and regulations should be established, in improving the revenue of this kingdom, and for extending and securing the navigation and commerce between Great Britain and your majesty's dominions in America—and whereas it is just and necessary that a *revenue* be raised in America for defraying the expenses of *defending, protecting and securing* the same, the commons do, towards raising the same, give and grant, &c."

The ease and convenience of the colonists, were as little regarded, in the mode of enforcing the collection of these duties, as their rights and privileges in the imposition of them. All penalties for any breach of this act, as well as of all other acts relating to trade and revenue, incurred in America, might be recovered in any court of admiralty in the colony, where the offense was committed, or in any other vice-admiralty court, which might be appointed, over all America, at the election of the informer.

About the same time, the British minister, for the purpose of preventing all illegal trade between the British colonies, and foreign American possessions, made the naval commanders revenue officers, directed them to take the usual custom house oaths, and to conform to the custom house regulations. By this means, a trade with the Spanish and French colonies in America, hitherto highly advantageous, not only to the English colonies, but to

* Minot, Vol. 2, p. 156.

Great Britain herself, was destroyed, and many seizures of vessels made, which greatly distressed and harassed the Americans.

These ministerial and parliamentary proceedings, were soon communicated to the colonies, by their agents.

The colonists, at once, took the alarm, particularly at the contemplated stamp duty; and instead of yielding to it, or providing an equivalent, according to the suggestion of the minister, they reiterated, though in a more full and ample manner, the declarations, so often made by their ancestors, that they could only be taxed in their colonial legislatures, where, and where alone, they were represented. The people of Boston, in May, 1764, at their meeting, instructed their representatives to the general court, on this important subject. In these instructions, which were drawn by Samuel Adams, one of the committee appointed for that purpose, after commenting on the sugar and molasses act, they proceed to observe, "but our greatest apprehension is, that these proceedings may be preparatory to new taxes; for if our trade may *be taxed*, why not our *lands*? Why not the products of our lands and every thing we possess or use?"

"This, we conceive, annihilates our charter rights to govern and tax ourselves. It strikes at our British privileges; which, as we have never forfeited, we hold in common with our fellow subjects, who are natives of Britain. If taxes are laid upon us, in any shape, without our having a legal representation where they are laid, we are reduced from the character of free subjects, to the state of tributary slaves."

"We, therefore, earnestly recommend it to you to use your utmost endeavors to obtain, from the general court, all necessary advice and instruction to our agent, at this most critical juncture. We also desire you to use your endeavors that the other colonies, having the same interests and rights with us, may add their weight to that of this province; that by united application of all who are aggrieved, all may obtain redress."* This was the first public act in the colonies, in opposition to the ministerial plans of drawing a revenue directly from America; and it

* Life of Samuel Adams, Signers of Declaration of Independence, vol. 9, p. 291.

contained the first suggestion of the propriety of that mutual understanding and correspondence among the colonies, which laid the foundation of their future confederacy. The house of representatives of Massachusetts, in June following, declared, "That the sole right of giving and granting the money of the people of that province, was vested in them, or their representatives; and that the imposition of duties and taxes by the parliament of Great Britain upon a people not represented in the house of commons, is absolutely irreconcilable with their rights. That no man can justly take the property of another, without his consent; upon which original principles, the power of making laws for levying taxes, one of the main pillars of the British constitution is, evidently founded."

The same sentiments are expressed, though in stronger language, in their letter of instructions to their agent. "If the colonists are to be taxed at pleasure," they say, "without any representatives in parliament, what will there be to distinguish them, in point of liberty, from the subjects of the most absolute prince? If we are to be taxed, at pleasure, without our consent, will it be any consolation to us, that we are to be assessed by an hundred instead of one? If we are not represented, we are slaves." The house, also, at the same time, appointed a committee, to sit in the recess of the court, to write to the other colonies, requesting them to join in applying for a repeal of the sugar act, and preventing the passage of the act laying stamp duties, or any other taxes on the American provinces.* In May, 1764, the assembly of Connecticut appointed a committee to assist the governor in drawing up reasons, why the colonies should not be charged with internal taxes, by authority of parliament. These reasons were drawn principally by Mr. Fitch, an able jurist, then governor of Connecticut, which being reported to the assembly of that colony were approved. In the course of the year 1764, petitions to the king and both houses of parliament, were prepared in many of the colonies, and sent to their agents. The general court of Massachusetts, was prorogued

* Minot, vol. 2, p. 175.

until October. The house of representatives of that colony agreed upon a petition in accordance with their resolutions of June preceding. This being sent to the council for their concurrence, through the influence of Thomas Hutchinson, one of the joint committee, to whom it was referred, was finally so altered and modified, as to place the objections of that colony to the stamp act, on the ground of *expediency* rather than of *right*.

The petitions of the other colonies, however, spoke a more bold and decisive language. The memorial of the assembly of Virginia, to the house of commons, declared that "they conceived it essential to British liberty, that laws imposing taxes on the people ought not to be made, without the consent of representatives chosen by themselves; who, at the same time, that they are acquainted with the circumstances of their constituents, sustain a proportion of the burden laid on them. This privilege, inherent in the persons who discovered and settled these regions, could not," they observed, "be renounced, or forfeited by their removal hither, not as vagabonds and fugitives, but licenced and encouraged by their prince, and animated with a laudable desire of enlarging the British dominions and extending its commerce; on the contrary it was secured to them and their descendants, with all other rights and immunities of British subjects, by a royal charter, which hath been invariably recognized and confirmed by his majesty, and his predecessors in their commissions to the several governors, granting a power and prescribing a form of legislation, according to which, laws for the administration of justice, and for the welfare and good government of the colony have been enacted by the governor, council, and general assembly; and to them, requisitions and applications for supplies have been directed by the crown."

The petitions of the assembly of New York were drawn with great ability, and breathed a spirit more bold and decided than those from any other colony. In that to the house of commons, after stating that from the year 1683, there had been in that province, three legislative branches, consisting of the governor and council, appointed by the crown, and the representatives

chosen by the people, and who had enjoyed the *right* of taxing the subject for the support of the government, and that they had always granted aid to the crown, according to their abilities, they add, "but an exemption from the burden of ungranted and involuntary taxes, must be the grand principle of every free State. Without such a right vested in themselves, *exclusive of all others*, there can be no liberty, no happiness, no security; it is inseparable from the very idea of property; for who can call that his own which may be taken away, at the pleasure of another? and so evidently does this appear to be the *natural right* of mankind, that even conquered tributary States, though subject to the payment of a fixed periodical tribute, never were reduced to so absolute and forlorn a condition, as to yield to all the burdens, which their conquerors might, at any future time, think fit to impose. The tribute paid, the debt was discharged; and the remainder they would call their own."

"And if conquered vassals, upon the principle of mutual justice, may claim a freedom from assessments, unbounded and unassented to, without which they would suffer the loss of every thing, and life itself become intolerable, with how much propriety and boldness, may we proceed to inform the commons of Great Britain, who to their distinguished honor in all ages, asserted the liberties of mankind, that the people of this colony nobly *disdain* the thought of claiming that exemption as a *privilege*. They found it on a basis more honorable, solid, and stable; they *challenge it* and glory in it, as *their right*. That *right* their ancestors enjoyed in Great Britain and Ireland, their descendants returning to these kingdoms, enjoy it again, and that it may be exercised by his Majesty's subjects *at home*, and justly denied to those, who submitted to poverty, barbarian wars, loss of blood, loss of money, personal fatigues and ten thousand unutterable hardships, to enlarge the trade, wealth and dominion of the nation; or to speak with the most incontestable modesty, that when, as subjects, all have equal merits, a fatal, nay the most odious discrimination should nevertheless be made between them, no sophistry can recommend to the sober impartial decision of common sense."

While the assembly of New York, acknowledged that parliament had a right to regulate the trade of the colonies, they declared, that in doing this, they had not the right of imposing duties for the purpose of *revenue*.

On this subject, they say to the house of commons, with equal boldness, "but a *freedom* to drive all kinds of traffic, in subordination to, and not inconsistent with the British trade, and an *exemption from all duties in such a course of commerce*, is humbly claimed by the colonies, as the most essential of all the *rights*, to which they are entitled as colonists, and connected in the common bond of liberty, with the free sons of Great Britain. For, with submission, since all *impositions*, whether they be *internal taxes*, or *duties paid for what we consume*, equally diminish the estates upon which they are charged, what avails it to any people, by which of them they are impoverished?"

"Every thing will be given to preserve life; and though there is a diversity in the means, yet the whole wealth of a country may be as effectually drawn off, by the exaction of *duties* as by any other *tax* upon their estates." In conclusion the assembly declare, they "have no desire to derogate from the power of the parliament of Great Britain; but they cannot avoid deprecating the loss of such rights, as they have hitherto enjoyed, rights established in the first dawn of our constitution, founded upon the most substantial reasons, confirmed by invariable usage, conducive to the best ends; never abused to bad purposes, and with the loss of which, liberty, property, and all the benefits of life tumble into insecurity and ruin; rights, the deprivation of which, will dispirit the people, abate their industry, discourage trade, introduce discord, poverty and slavery; or by depopulating the colonies, turn a vast, fertile, prosperous region, into a dreary wilderness, impoverish Great Britain, and shake the power and independence of the most opulent and flourishing empire in the world."*

The committee appointed to transmit this petition to the agent of the colony, and to correspond with him, was, also, directed

* Records of New York.

“ to write to, and correspond with the several *assemblies* or *committees* of assemblies, on this continent, on the subject matter of the act commonly called the sugar act ; of the act restraining paper bills of credit in the colonies from being a legal tender, and of the several other acts of parliament, lately passed with relation to the *trade* of the northern colonies ; and also, on the subject of the impending dangers, which threaten the colonies, of being taxed by laws, to be passed in Great Britain.” While the colonists, in their various petitions denied the right of parliament to tax them, without their consent, they expressed their willingness to grant aids to the crown, according to their abilities, through their own legislatures, whenever such aids should be required in the usual constitutional mode. As all aids granted to the crown, agreeably to the British constitution, were the free gifts of the people, the colonists claimed the right of judging, as to the amount and manner of these gifts ; and were, therefore, unwilling, indirectly, to acknowledge or countenance the right of parliament to tax them, by proposing any substitute for the stamp duty, which substitute, parliament might accept or reject at pleasure.

In addition to the acts and declarations of the colonial legislatures, individuals during the year 1764, instructed and enlightened the colonists, by numerous publications, not only in the newspapers, but in pamphlets. Among the latter, “ The rights of the colonies asserted and proved,” by Mr. Otis, and “ The sentiments of a British American,” by Oxenbridge Thacher, were particularly distinguished.

Mr. Otis, among other things, declared, “ that the imposition of taxes, whether on trade or on land, on houses or ships, on real or personal, fixed or floating property, in the colonies, is absolutely irreconcilable with the rights of the colonists, as British subjects, and as men.”

On the subject of the sugar and molasses act, Mr. Thacher stated his objections, the first of which was, “ that a tax was thereby laid on several commodities, to be raised and levied in the plantations, and to be remitted home to England. This is

esteemed" he said, "a grievance, inasmuch as the same are laid without the consent of the representatives of the colonists. It is esteemed an essential British right, that no man shall be subject to any tax but what in person, or by his representative, he hath a voice in laying."

In the winter of 1765, at the request of the other agents of the colonies, Dr. Franklin, Jared Ingersoll, Mr. Jackson, and Mr. Garth, had a conference with Mr. Grenville, on the subject of the stamp duty. Mr. Ingersoll, was from Connecticut, and had been requested to assist Mr. Jackson, in any matters relating to that colony; Mr. Garth was agent for South Carolina, and he and Mr. Jackson were members of parliament. These gentlemen, and particularly Dr. Franklin and Mr. Ingersoll, informed the minister of the great opposition to the proposed tax in America, and most earnestly entreated him, that if money must be drawn from the colonies, by taxes, to leave it with the colonists, to raise it among themselves, in such manner, as they should think proper, and best adapted to their circumstances and abilities. Dr. Franklin, informed the minister, that the legislature of Pennsylvania, had, by a resolution, declared, "that as they always had, so they always should, think it their duty to grant aids to the crown, according to their abilities, whenever required of them, in the usual constitutional way." But neither the remonstrances of the colonists, nor the entreaties of their agents, were of any avail with the ministry or parliament. The bill for laying the contemplated duties, was soon brought before the house; and petitions from the colonies of Virginia, Connecticut, and South Carolina, were offered in opposition to it. The house, however, refused to receive them, in the first place, because they questioned or denied the right of parliament to pass the bill; and the second place, because it was contrary to an old standing rule of the house, "*that no petition should be received against a money bill.*" The majority against receiving the petitions was very large, and those from the other colonies were not offered. The petition from New York, was expressed in such strong language, that no member of the house could be prevailed upon to present

it.* The bill passed the house 250 to 50 ; was adopted in the house of lords with great unanimity, and on the 22d of March, received the royal sanction.

It did not pass the house of commons, without strong opposition. Grenville and Charles Townshend, were its principal supporters. Unfortunately, Mr. Pitt, was absent, confined to his bed by sickness. General Conway and Alderman Beckford, were the only persons in the house, who opposed it, on the ground, that parliament had *no right* to tax the colonies. Col. Barré, Mr. Jackson, Sir William Meredith, and others, were against it, on the ground of *expediency* ; alleging generally, that it was not only impolitic, but unjust for Great Britain to impose direct taxes, upon the colonists, while she retained the monopoly of their commerce. We shall hereafter particularly notice the principal arguments which were urged on the great question of the *right* of parliament to tax the colonies. We cannot, however, in this place, forbear to mention the speech of Col. Barré, made in opposition to some remarks of Charles Townshend. It contained so many serious truths, and so well accorded with the views and feelings of the colonists, that it was universally read and applauded by them, and cannot be too often repeated. Mr. Townshend, in the conclusion of one of his speeches, in favor of the measure, exclaimed, " And now will these Americans, *planted* by our care, *nourished* up by our indulgence, until they are grown to a degree of strength and importance, and *protected* by our arms, will they grudge to contribute their mite to relieve us from the heavy burden we lie under ?" To this Col. Barré, in a style and manner peculiar to himself, instantly replied. " They *planted* by your care ! no, your oppression planted them in America. They fled from your tyranny, to a then uncultivated and inhospitable country, where they exposed themselves to almost all the hardships, to which human nature is liable, and among others, to the cruelties of a savage foe ; the most subtle, and I will take upon me to say, the most formidable, of any people upon the face of God's earth ; and yet actuated by principles of true English liber-

* Ingersoll's Letters to the Governor of Connecticut.

ty, they met all hardships with pleasure, compared with those they suffered in their own country, from the hands of those, who should have been their friends."

"They *nourished* by your indulgence! They grew by your neglect of them. As soon as you began to take care about them; that care was exercised in sending persons to *rule* them in one department and another, who were deputies of deputies to some members of this house, sent to prey upon them; men, whose behavior, on many occasions, has caused the blood of those *sons of liberty*, to recoil within them; men promoted to the highest seats of justice, some, to my knowledge, were glad, by going to a foreign country, to escape being brought to a bar of justice in their own."

"They *protected* by your arms! They have nobly taken up arms in your defense, have exerted their valor, amidst their constant and laborious industry, for the defense of a country, whose frontier was drenched in blood, while its interior parts yielded all its little savings to your emolument."

"And believe me, that same spirit of freedom, which actuated that people at first, will accompany them still. But prudence forbids me to explain myself further."

"God knows, I do not, at this time, speak from party heat. However superior to me, in general knowledge and experience, the respectable body of this house may be; yet I claim to know more of America than most of you, having seen and been conversant in that country. The people, I believe, are as truly loyal as any subjects the king has; but a people jealous of their liberties, and who will vindicate them, if ever they should be violated; but the subject is too delicate, I will say no more."

Though the house was very forcibly struck with these sentiments, thrown out without premeditation, and for a while, sat amazed, and without answering a word, yet these serious truths did not prevent the passage of the bill, by a large majority. The act imposed duties on most of the instruments used in judicial and commercial proceedings, and indeed, in almost all the ordinary transactions in the colonies; nor were pamphlets, newspa-

pers, and of almanacs excepted. The literature of the colonists did not escape the notice of the ministers. A duty of two pounds sterling was required, for every degree conferred by seminaries of learning.* The minister affected to believe, and indeed declared, that the act embraced so many objects, that it would "execute itself." Apprehensive, however, of opposition, a bill was passed, during the same session, authorizing the quartering of troops in the colonies, and directing the assemblies to furnish them with certain articles of provisions, not before usually required. During the pendency of this bill, it was proposed, that the troops might be quartered, in private houses. This, however, was too palpable and flagrant a violation of the sacred rights of individuals to be adopted, and the proposition was finally given up. No act of the parent country ever excited such universal alarm in the colonies, as this. The colonists saw, and felt, that the act was not only a violation of their rights, but a fatal blow, aimed at the future peace and prosperity of their country.

A solemn pause, for a short period ensued, a pause, not arising from any doubt entertained by the colonists, whether the act was a violation of their rights, but as to the mode of preventing its execution.

The assembly of Virginia, was the first public body that met, after the news of the act reached America. Those, who had heretofore taken the lead in the popular branch of that body, seemed unwilling to approach the subject. Towards the close of the session, about the last of May, Patrick Henry, a lawyer, distinguished for his popular eloquence and superior strength of intellect, without consulting more than two members, introduced into the house of burgesses, a number of resolutions, which, after being altered and amended, were passed as follows, as appears from the papers of Henry himself.

"Whereas the honorable house of commons in England, have of late drawn into question, how far the general assembly of this colony hath power to make laws for laying taxes and imposing

* See Note 4.

duties, payable by the people of this his majesty's most ancient colony ; for settling and ascertaining the same to *all future times*, the house of burgesses of the present general assembly have come to the following resolutions."

"Resolved, that the first adventurers and settlers of this, his majesty's colony and dominion, brought with them, and transmitted to their posterity and all other his majesty's subjects since inhabiting in this his majesty's said colony, all the privileges, franchises, and immunities, that have, at any time, been held, enjoyed and possessed, by the people of Great Britain."

"Resolved, that by two royal charters granted by King James I, the colonists aforesaid, are declared entitled to all the privileges, liberties and immunities of denizens and natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England."

"Resolved, that the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, and the easiest mode of raising them, and are equally affected by such taxes themselves, is the distinguishing characteristic of British freedom, and without which the ancient constitution cannot subsist."

"Resolved, that his majesty's liege people of this most ancient colony, have uninterruptedly enjoyed the right of being thus governed by their own assembly, in the article of *their taxes and internal police* ; and that the same hath never been forfeited, or any other way given up, but hath been recognized by the king and people of Great Britain."

"Resolved, therefore, that the general assembly of this colony have the *sole right and power to lay taxes and impositions* upon the inhabitants of this colony ; and that every attempt to vest such power in any person or persons whatever, other than the general assembly aforesaid, has a manifest tendency to destroy British as well as American freedom."

The above resolutions were found among the papers of Patrick Henry, after his death, sealed up, and with the following indorsement, "Inclosed are the resolutions of the Virginia assembly,

concerning the stamp act. Let my executors open this paper."* Chief Justice Marshall, in his life of Washington, gives the following as the resolutions, which received the sanction of the assembly.

"Whereas the honorable house of commons in England, have of late drawn into question, how far the general assembly of this colony hath power to enact laws for laying taxes and imposing duties, payable by the people of this, his majesty's most ancient colony ; for settling and ascertaining the same to all future times, the house of burgesses of this present general assembly, have come to the following resolutions."

"Resolved, that the first adventurers and settlers of this his majesty's colony and dominions of Virginia, brought with them and transmitted to their posterity, and all other his majesty's subjects since inhabiting in this his majesty's colony, all the privileges and immunities that have at any time been held, enjoyed and possessed by the people of Great Britain."

"Resolved, that by the two royal charters granted by King James I, the colonists aforesaid are declared entitled to all privileges of faithful liege and natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England."

"Resolved, that his majesty's most liege people of this his most ancient colony, have enjoyed the right of being thus governed by their own authority, in the article of taxes and internal police, and that the same have never been forfeited, nor any other way yielded up, but have been constantly recognized by the king and people of Great Britain."

"Resolved, therefore, that the general assembly of this colony, together with his majesty, or his substitute, have in their representative capacity, the only exclusive right and power to lay taxes and impositions upon the inhabitants of this colony ; and that any attempt to vest such a power in any person or persons whatsoever, other than the general assembly aforesaid, is *illegal, unconstitutional and unjust*, and has a manifest tendency to destroy British as well as American freedom."

* Life of Patrick Henry, by Wirt, p. 56.

Judge Marshall adds, "such were the resolutions as agreed to by that part of the assembly, which was most timid. The following resolutions were also, introduced by Mr. Henry, and passed the committee, but were disagreed to in the house."

"Resolved, that his majesty's liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance whatsoever, designed to impose any taxation whatsoever upon them, other than the laws and ordinances of the general assembly aforesaid."

"Resolved, that any person who shall, by speaking or writing maintain, that any person or persons, other than the general assembly of this colony, have any right or power to lay any taxation whatsoever on the people here, shall be deemed an enemy to this his majesty's colony."

A difference will be perceived between the resolutions stated by judge Marshall, and those found among the papers of Mr. Henry. The third resolution, among the latter, is not noticed by judge Marshall, and in some of the others, there is a variation in the expressions. It is believed that the author of the life of Washington, has given the resolutions, as originally offered by Mr. Henry, before they were finally revised and modified by the assembly. It has been questioned, by the author of the life of Henry, whether the two last were ever proposed by him.* The whole of the resolutions, however, as given by judge Marshall, were published in the newspapers of the day, and are found also, in all the other histories of that transaction, to which we have had access. Manuscript copies of them were sent to Philadelphia, immediately after the first vote taken upon them, in the house of burgesses, and they were published as having passed the assembly.† The two last were indeed of a bold character. To de-

* See life of Henry, p. 63, note.

† They were published in the "Connecticut Gazette," of July 5th, 1765, as taken from a Newport paper, of June 24th, sent by a gentleman in Philadelphia, to his friend in Newport, in a letter, in which he says, "I have enclosed the resolves of the Virginia assembly on debating the stamp act. The governor, as soon as he heard what they were about, sent for them and without preamble told them he would dissolve them; and that minute they were dissolved. As they are of an extraordinary nature, I thought that they might not be disagreeable." Gordon, vol. 1, p. 119.

clare by a legislative act, that the people were not bound to yield obedience to a law of parliament, and that whoever should speak or write in favor of it, should be deemed an enemy to the colony, was, at once, erecting the standard of rebellion against the parent country. Nor is it surprising that so bold a proposition, at that period, should have produced a powerful opposition in the house of burgesses. Certain it is, that some of the resolutions offered by Mr. Henry, occasioned a most violent, and as has been said, by one, who was present, "most bloody" debate in that house. They were seconded by Mr. Johnson, who was an able constitutional lawyer, and were opposed by those, who had before taken the lead, because not sufficiently conciliatory. The bold and powerful eloquence of the mover, however, prevailed over all opposition, though the most objectionable were carried by a single vote only. Mr. Henry did not hesitate to declare, that the act imposing internal duties on the colonists was tyrannical, and that the king in assenting to it, had acted the part of a tyrant; and when, in the heat of debate, alluding to the fate of other tyrants, he exclaimed, "Cæsar had his Brutus, Charles I, his Cromwell, and George III," he was interrupted by the speaker and others, with the cry of "treason." Mr. Henry, pausing for a moment, and fixing his eye on the speaker, deliberately concluded, "may profit by their example; if this be treason, make the most of it."

Mr. Henry left the assembly the evening after the passage of the resolutions; and the next day, on motion of some of the members who were alarmed at the consequences of their vote, the resolutions were so altered and modified, that only the four first, found among the papers of Mr. Henry, were finally adopted and entered on the journal.*

The proceedings of Virginia were immediately circulated through the colonies, and roused them to action.

Before they reached Massachusetts, the house of representatives of that colony, aware of the importance and necessity of

* Wirt's Life of Henry, pp. 61, 62, 63, and Gordon, vol. 1, p. 118.

unity of action and sentiment, among the colonies, on a subject so interesting to all, declared, that it was expedient, that a congress, composed of commissioners from all the colonies, should be held at New York, on the first Tuesday of October, 1765, "to consult together on the present circumstances of the colonies; and the difficulties to which they are and must be reduced, by the operation of the late acts of parliament, laying duties and taxes on the colonies, and to consider of a general and humble address to his majesty and the parliament, for relief."* Three persons were immediately appointed to attend such congress, on the part of Massachusetts. A circular letter was, at the same time, addressed by the speaker of the house, to the other colonies, requesting the appointment of similar commissioners. In consequence of this, commissioners were elected from Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina, and met at New York, at the time designated. It was not to be expected, that a proposition so novel, should be agreed to without some opposition. Among the colonies south of New England, South Carolina was the first to take into consideration the circular of Massachusetts. Here it met with opposition; and a humorous member of the assembly, attempted to prevent the appointment of commissioners from that province, by treating the subject with ridicule. Alluding to the different characters and employments of the colonists, he said, "if you agree to the proposition of composing a congress of deputies from the different British colonies, what sort of a *dish* will you make. New England will throw in fish and onions, the middle colonies flax seed and flour, Maryland and Virginia will add tobacco, North Carolina pitch, tar, and turpentine, South Carolina rice and indigo, and Georgia will sprinkle the whole with saw dust. Such an absurd jumble" he said, "will you make if you attempt to form an union among such discordant materials, as the thirteen British provinces." To this a country member replied "he would not choose the gentleman, who made the objection, for his *cook*, but

* Massachusetts State papers, and Note 5.

nevertheless, he would venture to assert, that, if the colonies proceeded judiciously in the appointment of delegates to a continental congress, they would prepare a dish fit for any crowned head in Europe."* Through the influence of Christopher Gadsden and the eloquence of John Rutledge, a majority of the assembly were obtained in favor of the proposition.

The people of Rhode Island were among the first to appoint commissioners to meet at New York, and were the most determined in their opposition to the acts imposing taxes upon them. The inhabitants of Providence, on the 7th of August, at a regular town meeting, resolved, "to give instructions to their representatives in general assembly, concerning the stamp act and other matters," and appointed a committee to draw such instructions.†

This committee reported that their representatives be instructed to procure the adoption of the whole of the resolutions, which had been published as the acts of the Virginia assembly, with the exception of the last. This report was unanimously adopted by the inhabitants of the town, and they not only declared that the stamp act was "unconstitutional, and had a manifest tendency to destroy British as well as American liberty;" but "that his majesty's liege people, the inhabitants of that colony, were not bound to yield obedience to any law or ordinance, designed to impose any internal taxation whatsoever upon them, other than the laws and ordinances of the general assembly."

They, also, instructed their representatives, to procure an act to be passed, declaring, "that courts of common law alone and not any court of admiralty, have, and ought to have jurisdiction, in all cases growing or arising in this colony, on account of levying or collecting any internal taxes, or of any matters relating thereto; and that such process and way of trial shall hereafter be had and used in such matters, as have been usual and accustomed time out of mind. And further, that no decree of any court

* Ramsay's Revolution of South Carolina, vol. 1, p. 13.

† This committee consisted of Stephen Hopkins Jno. Cole, Nicholas Cooke, Samuel Nightingale, James Angell, Jno. Brown, and Silas Downer.

of admiralty, respecting these matters, shall be executed in this colony."

The assembly of Rhode Island, adopted the resolutions recommended by the people of Providence, with an additional one, directing all the officers "to proceed in the execution of their respective offices, in the same manner as usual. And that the assembly would indemnify and save harmless, all the said officers, on account of their conduct agreeably to this resolution."*

The representatives of New Hampshire, from the peculiar situation of that colony judged it imprudent to send representatives to this congress, though they approved of the measure; and the assemblies of Virginia, North Carolina and Georgia, not being in session, the governors of these colonies refused to call special assemblies, for a purpose, deemed by them, improper and unconstitutional. The lieutenant governor of New York having likewise refused to convene the assembly, on such an occasion, the committee of correspondence appointed by a former assembly, were admitted as the representatives of that colony.† When the commissioners from Massachusetts first arrived in New York, they waited on lieutenant governor Colden, and informed him of their business; he received them very coldly and told them "that such a congress was unconstitutional, and unlawful, and that he should give them no countenance." Timothy Ruggles, one of the representatives from Massachusetts was elected to preside in this congress.

This was the first general meeting of the colonies, for the purpose of considering their rights and privileges, and obtaining a redress, for the violation of them, on the part of the parent country.

Partial meetings of the colonies, had heretofore been held, consisting generally of the governors and some members of their council, at the request of the crown, for purposes not merely regarding the interest of the colonies, but of the whole empire.

The commissioners were generally instructed to prepare suitable petitions and representations to the king and parliament, on

* See Note, No. 6.

† See Note, No. 7.

the subject of the late acts regarding the colonies, and to pray for relief.

Those from Massachusetts were particularly instructed not to *concede* that the colonists were in any manner *represented* in parliament, or to consent to any proposal for a representation, should such be made in the congress.

The assembly of Maryland directed their commissioners to ask relief, from the burdens and restrictions lately laid on their *trade* and *commerce*, and especially from the *taxes* imposed by an act, granting stamp duties in the colonies, &c., and to take care, that the representation to be made to the king and parliament, "should *humbly and decently*, but *expressly* contain an assertion of the *right* of the colonists to be exempt from all and every *taxation and imposition* upon their persons and properties, to which they do not consent in a legislative way, either by themselves or their representatives, by them freely chosen and appointed."*

The commissioners of Rhode Island are directed "to assert their rights and privileges with becoming freedom and spirit, and to use their endeavors, that in the representation and address to the king respecting their rights, their sentiments should be expressed in the *strongest manner*."†

After having duly organized, and resolved, that the commissioners of each colony, should have "*one voice*" only, in determining questions that should arise, this congress, on the 8th of October, took into consideration "the rights and privileges of the colonists, with the several inconveniences and hardships, to which they were and must be subjected by the stamp act and other late acts of parliament." This important subject was under consideration, until the 19th of October, when a declaration of the *rights and grievances* of the colonists, was agreed to. In this declaration, consisting of fourteen articles, after acknowledging their allegiance to the king, and "*all due subordination*" to parliament, they, among other things, assert and declare, that the colonists are entitled to all the *inherent rights and liberties* of his majesty's natural born subjects in the kingdom of Great Britain; and

* MS. Journal of the Congress of 1765. † See Note 7.

that it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally or by their representatives—that the colonists *are not*, and from their local circumstances, *cannot* be represented in the house of commons in Great Britain—that the only representatives of the people of these colonies are persons chosen *therein* by themselves, and that no taxes *ever* have been or can be constitutionally imposed on them, but by their respective legislatures—that all supplies to the crown, being the free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain, to grant to his majesty the property of the colonists—that trial by jury is the inherent and invaluable right of every British subject in the colonies, and that the stamp act, and other acts extending the jurisdiction of the admiralty court beyond its ancient limits, “ have a manifest tendency to subvert the rights and liberties of the colonists.”*

They, also, declared, that the restrictions imposed by several late acts of parliament on the *trade* of the colonies, were burdensome, and would render them unable to purchase the manufactures of Great Britain; and that it was the indispensable duty of the colonies to the best of sovereigns, to the mother country, and to themselves, to endeavor by a loyal and dutiful address to the king, and humble application to parliament, to procure a repeal of the act imposing stamp duties, of all parts of such acts as extend the admiralty jurisdiction, and of the other late acts for the restriction of American commerce.

Having adopted a declaration of rights and grievances, this congress prepared an address to the king, and a petition to each house of parliament. These were drawn by committees appointed for that purpose.†

* Note, 8.

† The committee to draw an address to the King, were Robert R. Livingston, William S. Johnson, and William Murdock.

The Petition to the House of Lords, John Rutledge, Edward Tilghman, and Philip Livingston.

The Petition to the House of Commons, Thomas Lynch, James Otis, and Thomas McKean.

These state papers, evince the talents, as well as firmness, tempered with wisdom and moderation, of this first American congress; composed as it was, of some of the most distinguished statesmen, from the several colonies, therein represented.

They were drawn in a style and manner, well calculated to induce a repeal of the acts of which they complained. In their address to the king,* they remind him, that animated with the spirit of liberty, encouraged by his predecessors, and confiding in the public faith, their ancestors, for the enjoyment of all the rights essential to freedom, emigrated to the American continent; and in the midst of innumerable dangers and difficulties, and at a great expense of their blood and treasure, added "these vast and valuable dominions to the empire of Great Britain." That for the enjoyment of their rights and privileges, governments were early formed in the colonies, with full powers of legislation, agreeably to the principles of the English constitution; and that under these governments, the liberties, thus vested in their ancestors, and transmitted to their posterity, have been exercised and enjoyed, and by the inestimable blessings thereof, under the favor of Almighty God, the inhospitable deserts of America, have been converted into flourishing countries. Science, humanity, and the knowledge of divine truths have been diffused through remote regions of ignorance, infidelity, and barbarism, the number of British subjects wonderfully increased, and the wealth and power of Great Britain proportionally augmented. That by means of these settlements, and the unparalleled success of his majesty's arms, a foundation was now laid for rendering the British empire, the most extensive and powerful of any recorded in history.

"Our connection," they add, "with this empire, we esteem our greatest happiness and security, and humbly conceive it may now be so established by your royal wisdom, as to endure to the latest period of time. This, with most humble submission to your majesty, we apprehend will be most effectually accomplished, by fixing the pillars thereof, on *liberty and justice*, and securing the

* This, it is believed, was drawn up principally by Mr. Johnson, from Connecticut, one of the ablest lawyers, and most accomplished scholars in America.

inherent rights and liberties of your subjects *here*, upon the principles of the English constitution." To this constitution, they say, "these two principles are essential, the right of your faithful subjects freely to grant to your majesty such aids, as are required for the support of your government over them, and other public exigences, and trial by their peers. By the one, they are secured from unreasonable impositions, and by the other, from arbitrary decisions of executive power. The continuance of these blessings, to the inhabitants of America, we ardently implore, as absolutely necessary to unite the several parts of your widely extended dominions, in that harmony, so essential for the preservation of the whole." In their petition to the house of commons, they claim the same rights as in their address to the king; and they complain not only of the act imposing the stamp duties, but of several other acts imposing duties in the colonies, and laying their trade under burdensome restrictions.

They stated to the house of commons, "that the remote situation, and other circumstances of the colonies render it impracticable that they should be represented, but in their respective subordinate legislatures; and they humbly conceive, that the parliament, adhering strictly to the principles of the constitution, have never hitherto taxed any but those who were actually therein represented; for this reason, we humbly apprehend, they never have taxed Ireland, or any other of the subjects without the realm."

"But were it ever so clear," they add, "that the colonies might in law be represented in the honorable house of commons, yet we conceive, that very good reasons, from inconvenience, from the principles of true policy, and from the spirit of the British constitution, may be adduced to show, that it would be for the real interest of Great Britain, as well as her colonies, that the late regulations should be rescinded, and the several acts of parliament imposing duties and taxes on the colonies, and extending the jurisdiction of the courts of admiralty here, beyond their ancient limits, should be repealed."

"We shall not attempt," they say, "a minute detail of all the reasons which the wisdom of the honorable house may suggest,

on this occasion, but would humbly submit the following particulars to their consideration."

"That money is already become very scarce in these colonies, and is still decreasing by the necessary exportation of specie from the continent, for the discharge of our debts to British merchants."

"That an immensely heavy debt is yet due from the colonies for British manufactures, and that they are still burdened with taxes to discharge the arrearages due for aids granted by them in the late war."

"That the balance of trade will ever be much against the colonies, and in favor of Great Britain, whilst we consume her manufactures, the demand for which must ever increase in proportion to the number of inhabitants settled here, with the means of purchasing them. We therefore humbly conceive it to be the interest of Great Britain to increase, rather than diminish these means, as the profits of all the trade of the colonies ultimately center there to pay for her manufactures, as we are not allowed to purchase elsewhere; and by the consumption of which, at the advanced prices the British taxes oblige the makers and venders to put on them, we eventually contribute very largely to the revenues of the crown."

"That from the nature of American business, the multiplicity of suits and papers used in matters of small value, in a country where freeholds are so minutely divided, and property so frequently transferred, a stamp duty must ever be very burdensome and unequal."

"That it is extremely improbable that the honorable house of commons should, at any time, be thoroughly acquainted with our condition, and all facts requisite to a just and equal taxation of the colonies."

"It is also humbly submitted, whether there be not a material distinction in reason and sound policy, at least, between the necessary exercise of parliamentary jurisdiction in general acts, for the amendment of the common law, and the regulation of trade and commerce through the whole empire, and the exercise of that jurisdiction, by imposing taxes on the colonies."

Little has been known or can be collected, with respect to the proceedings of this first American congress, except from their general declaration of rights, and their address to the king and petitions to parliament. A committee, however, was appointed to take into consideration the rights of the colonies and report. This committee made an elaborate report, not only on the rights of the colonies respecting taxation, but also, on the expediency and justice of the act imposing the stamp and other duties; giving the reasons and principles of their opinions in detail.* It formed the basis of the declaration of rights, and of the address and petitions; and breathed the spirit of their ancestors on the great subject of colonial privileges. Mr. Otis was particularly distinguished, in the congress, for his eloquence and thorough knowledge of American rights.†

This congress adjourned on the 25th of October, and their proceedings were approved by all the members except Mr. Rugles of Massachusetts, and Mr. Ogden of New Jersey, both of whom left New York, without signing the address and petitions. The commissioners from South Carolina and Connecticut, were limited by their instructions, to make report to their respective legislatures, and the committee of New York, who had been admitted as members, had no authority to apply to the king or parliament. The address and petitions were, therefore, signed by the commissioners from six of the colonies only. The proceedings of the congress however, were afterwards, sanctioned and approved not only by the assemblies of South Carolina, Connecticut and New York, but of the colonies not therein represented.

* See Note 9. A copy of this report we found among the papers of Dr. Johnson, one of the members from Connecticut, in his own hand writing.

† In the margin of Ramsay's history of the American revolution, now in our possession, Mr. Rodney, one of the commissioners from Delaware, made the following entry, "The historian passes by this Congress in a very light manner. It was this congress, in which James Otis, of Boston, displayed that light and knowledge of the interest of America, which shining like a sun, lit up those stars which shone on this subject afterwards."

The subject of the stamp duties was not left with congress alone ; it was taken up by the colonial legislatures, either before or subsequent to the meeting of that body.

The assembly of Pennsylvania, in September, declared, " that the only legal representatives of this province, are the persons, they annually choose to serve as members of the assembly ; and that the taxation of the people of this province, by any other persons whatsoever, than such their representatives in assembly, is unconstitutional and subversive of their most invaluable rights."

" That the levying of taxes upon the inhabitants, in any other manner, being naturally subversive of public liberty, must of necessary consequence, be destructive of public happiness."* During the same month, similar resolutions were passed by the assembly of Maryland. The legislature of Connecticut, in their instructions to their agent at London, after declaring the act laying internal duties, to be " an infringement of the essential liberties of the colonists," proceed to say, " we can by no means be content that you should give up the matter of *right*, but must beg you would, on all proper occasions, claim, and firmly insist, on the *exclusive right* of the colonies to tax themselves, and the privilege of trial by jury ; and to maintain these principles, in the most effectual manner possible, as what we can *never recede from*."†

Opposition to the stamp duties was not confined to legislative resolutions and declarations. Numerous individuals, in every part of the country, held meetings, and in bold and decided language, expressed not only their detestation of the act, but of their unalterable determination, that the same should never be carried into effect.

The instructions given to their representative in the assembly, by the inhabitants of the town of Plymouth, the immediate descendants of the pilgrims, who first planted New England, cannot fail to be read with peculiar interest. After expressing their esteem for the British constitution, and stating their grievances, they say to their representative, Mr. Foster, " you, sir, represent

* Gordon, vol. 1, p. 185.

† Connecticut State Records.

a people, who are not only descended from the first settlers of this country, but inhabit the very *spot* they first possessed. Here was first laid the foundation of the British empire in this part of America, which, from a very small beginning, has increased and spread in a manner very surprising, and almost incredible; especially when we consider that all this has been effected without the aid and assistance of any power on earth; that we have *defended, protected and saved* ourselves against the incursions and cruelty of savages, and the subtilty and inhumanity of our inveterate and natural enemies the French; and all this, without the appropriation of any tax by stamps, or stamp act laid upon our fellow subjects, in any part of the king's dominions, for defraying the expenses thereof."

"This place, sir, was at first the asylum of liberty, and we hope, will ever be preserved sacred to it; though it was then no more than a forlorn wilderness, inhabited by savage men and beasts. To this place our fathers (whose memory be revered) possessed of the principles of liberty in their purity, disdaining slavery, fled to enjoy those privileges, which they had an undoubted right to, but were deprived of, by the hands of violence and oppression in their native country. We, sir, their posterity, the freeholders and other inhabitants of this town, legally assembled for that purpose, possessed of the same sentiments, and retaining the same ardor for liberty, think it our indispensable duty, on this occasion, to express to you these our sentiments of the stamp act, and its fatal consequences to this country, and to enjoin upon you, as you regard not only the welfare, but the very being of this people, that you, (consistent with our allegiance to the king and relation to the government of Great Britain,) disregarding all proposals for that purpose, exert all your power and influence in relation to the stamp act, at least, until we hear the success of our petitions for relief. We likewise, to avoid disgracing our ancestors, as well as the reproaches of our own consciences, and the curses of posterity, recommend it to you to obtain, if possible, in the honorable house of representatives of the province, a full and explicit assertion of our rights, and to have the

same entered on their public records, that all generations yet to come, may be convinced, that we have not only a just sense of our liberties, but that we never (with submission to divine Providence,) will be slaves to any power on earth; and as we have, at all times, an abhorrence of tumults and disorders, we think ourselves happy in being at present, under no apprehensions of any, and in having good and wholesome laws, sufficient to preserve the peace of the province in all future times, unless provoked by some imprudent measures; so we think it by no means adviseable for you to interest yourself, in the protection of stamp papers or stamp officers.”*

Many of the resolutions adopted at these meetings of the citizens, were of an inflammatory character.

The following declaration of the freemen of the county of Essex, in New Jersey, and of Talbot county, in Maryland, will serve, among thousands of others, of a similar cast, to show the spirit then universally prevailing in America, against stamps and stamp officers.

After declaring the act itself unconstitutional, they add, “that they will detest, abhor, and hold in contempt, all and every person or persons, who shall merely accept of any employment or office, relating to the said stamp act, or shall take any shelter or advantage of the same, and all and every stamp-pimp, informer, and encourager of the execution of said act; and that they will have no communication with any such persons, unless it be to inform them of their vileness.” The merchants at New York, on the 31st of October, nobly sacrificed their interest on this occasion, by entering into an agreement or association to have no goods shipped from Great Britain, unless the stamp act should be repealed. The merchants of Philadelphia and Boston, soon after joined those of New York in similar associations.

Another association of a different and indeed, of a novel character, was, in December, entered into, by some of the citizens of New York and Connecticut, who were called the sons of liberty, the object of which was, in reality, to prevent, by force, if ne-

* Prior Documents, p. 26.

cessary, the execution of the act, under the pretence of maintaining unimpaired, the principles of the British constitution, of which they declared the act to be a violation. In this association the act is thus noticed, " And whereas, a certain pamphlet has appeared in America, in the form of an act of parliament, called and known by the name of the *stamp act*, but has never been *legally* published or introduced, neither can it, as it would immediately deprive them of the most invaluable part of the British constitution, viz. the trial by juries, and the most just mode of taxation in the world, that is of *taxing themselves* ; rights that every British subject becomes heir to, as soon as born. For the preservation of which and every part of the British constitution, they do reciprocally resolve and determine to march with the utmost dispatch, at their own proper cost and expense, on the first proper notice, (which must be signified to them by, at least six of the sons of liberty) *with their whole force*, if required, and it can be spared, to the relief of those that shall, are, or may be in danger from the stamp act, or its aiders or abettors, or any thing relative to it, on account of any thing that may have been done in opposition to its obtaining ; and they do mutually and most fervently recommend it to each other to be vigilant in watching all those, who, from the nature of their offices, vocations or dispositions, may be the most likely to introduce the use of stamped paper, to the total subversion of the British constitution and American liberty ; and the same when discovered, immediately to advise each other of, let them be of what rank or condition soever ; and they also do agree, that they will, mutually, and to the utmost of their power, by all just ways and means, endeavor to bring all such betrayers of their country, to the most condign punishment ; and further they do mutually resolve to defend the liberty of the press, in their respective colonies, from all unlawful violations and impediments whatever, on account of said act, as the only means (under divine Providence,) of preserving their lives, liberties and fortunes, and the same, in regard to the judges, clerks, attornies, &c., that shall proceed without any regard to the stamp act, from all pains, fines, mulcts, penalties, or any other molesta-

tion whatever; and finally, that they will, to the utmost of their power, endeavor to bring about, accomplish and perfect the like association with all the colonies on the continent, for the like salutary purposes and no other."* This singular association was afterwards extended to some of the other colonies, and but for a repeal of the act, would, no doubt, have been generally adopted. These various associations and resolutions were encouraged and supported, and the spirit of the people kept alive by the numerous publications in the newspapers, in America, most of which were enlisted in favor of the colonists, in this controversy.

The pens of American patriots, in favor of liberty and in opposition to the claim of parliament, during the year 1765, were not confined to newspaper publications. An "essay on the canon and feudal law," by John Adams,—“Considerations on the propriety of imposing taxes on the British colonies, for the purpose of raising a revenue, by act of parliament,” by Daniel Dulany of Maryland, and “an enquiry into the rights of the British colonies,” by Richard Bland, of Virginia, can never be forgotten.

They were well calculated to enlighten the colonists on the subject of their rights and liberties, as well as to animate them in opposing every violation of them. “Be it remembered,” says Mr. Adams, “that liberty must, at all hazards, be supported! We have a right to it, derived from our maker! but if we had not, our fathers have earned it and bought it for us, at the expense of their ease, their estates, their pleasure and their blood.” “Is there not something extremely fallacious,” he adds, “in the common place images of mother country and children colonies? Are we children of Great Britain, any more than the cities of London, Exeter and Bath? Are we not brethren and fellow subjects with those in Britain, only under a somewhat different method of legislation, and a totally different method of taxation? But admitting we are children, have not children a right to complain when their parents are attempting to break their limbs, to administer poison, or to sell them to enemies for slaves?”

* Gordon, vol. 1, pp. 185, 186.

“Let the pulpit,” he concludes, “resound with the doctrines and sentiments of religious liberty. Let us hear the danger of thralldom to our consciences, from ignorance, extreme poverty and dependence, in short from civil and political slavery. Let us see delineated before us, the true map of man. Let us hear the dignity of his nature, and the noble rank he holds among the works of God! that consenting to slavery is a sacriligious breach of trust, is offensive in the sight of God as it is derogatory from our honor, our interest, or happiness; and that God Almighty has promulgated from heaven, liberty, peace, and good will to man.”

“Let the bar proclaim, ‘the laws, the rights, the generous plan of power’ delivered down from remote antiquity; inform the world of the mighty struggles and numberless sacrifices, made by our ancestors, in the defense of freedom. Let it be known, that British liberties are not the grants of princes or parliaments, but original rights, conditions of original contracts, coequal with prerogative and coeval with government. That many of our rights are inherent and essential, agreed on as maxims, and established as preliminaries, even before a parliament existed: Let them search for the foundation of British laws and government in the frame of human nature, in the constitution of the intellectual and moral world. There let us see, that truth, liberty, justice, and benevolence, are its everlasting basis; and that if these could be removed, the superstructure is overthrown of course.”

After stating, that the “encroachments upon liberty, in the reigns of James I, and Charles I, first turned the attention of learned men to government, and produced the greatest number of statesmen, ever seen in any age or nation,” Mr. Adams says, “the prospect now before us in America, ought in the same manner to engage the attention of every man of learning to matters of power and right, that we may be neither led nor driven blindfolded to irretrievable destruction. Nothing less than this seems to have been meditated for us, by somebody or other in Great Britain. There seems to be a direct and formal design on foot to enslave

all America. This, however, must be done by degrees. The first step that is intended seems to be an entire subversion of the whole system of our fathers, by the introduction of the canon and feudal law into America. The canon and feudal systems, though greatly mutilated in England, are not yet destroyed. Like the temples and palaces, in which the great contrivers of them were once worshipped and inhabited, they exist in ruins; and much of the domineering spirit of them still remains. The designs and labor of a certain society to introduce the former of them into America, have been well exposed to the public by a writer of great abilities; and the further attempts to the same purpose, that may be made by that society, or by the ministry or parliament, I leave to the conjecture of the thoughtful. But it seems very manifest from the stamp act itself, that a design is formed to strip us, in a great measure, of the means of knowledge, by loading the press, the colleges, and even an almanac and a newspaper, with restraints and duties; and to introduce the inequalities and dependencies of the feudal system, by taking from the poorer sort of people all their little subsistence, and conferring it on a set of stamp officers, distributors and their deputies.

Mr. Dulany and Mr. Bland, were among the most distinguished lawyers and statesmen in America. The former, not only proved the illegality of the stamp act, and the evils the Americans must experience from the new parliamentary regulations of the colonial trade, whereby they were rendered unable to pay for the large balances always due for English manufactures; but pointed out a remedy for these evils in future. The remedy suggested was domestic industry, thereby rendering the Americans less dependent on Great Britain for articles either of necessity or luxury. "Let the manufacture of America," says this enlightened statesman, "be the symbol of dignity, the badge of virtue, and it will soon break the fetters of distress. A garment of linsy-woolsey, when made the distinction of patriotism, is more honorable, and attractive of respect and veneration, than all the pageantry, and the robes, and the plumes, and the diadem of an

emperor without it. Let the emulation be, not in the richness and variety of foreign productions, but in the improvement and perfection of our own—let it be demonstrated that the subjects of the British empire in *Europe and America* are the same, that the hardships of the latter will ever recoil on the former.”

“ In theory it is supposed that each is equally important to the other, that all partake of the adversity and depression of any. The theory is just, and time will certainly establish it ; but if another principle should be hereafter adopted in practice, and a violation deliberate, cruel, ungrateful, and attended with every circumstance of provocation, be offered to our fundamental rights, why should we leave it to the slow advances of time (which may be the great hope and reliance, probably, of the authors of the injury, whose view it may be, to accomplish their selfish purposes in the interval,) to prove what might be demonstrated immediately. Instead of moping, and puling, and whining, to excite compassion ; in such a situation, we ought with spirit, and vigor, and alacrity, to bid defiance to tyranny, by exposing its impotence, by making it as contemptible, as it would be detestable. By a vigorous application to manufactures, the consequence of oppression in the colonies, to the inhabitants of Great Britain, would strike home, and immediately. None could mistake it. Craft and subtilty would not be able to impose on the most ignorant and credulous ; for if any should be so weak of sight, as not to see, they would not be so callous as not to feel it. Such conduct would be the most dutiful and beneficial to the mother country. It would point out the distemper when the remedy might be easy, and a cure at once effected by a simple alteration of regimen.”

This state of public sentiment and feeling in America, in relation to the stamp act, was, in a variety of ways, communicated to the ministry and people of Great Britain. A person high in office, in New York, in November of this year, writes to a nobleman in England—“ Depend upon it, they will suffer no man to execute any law to raise *internal taxes*, unimposed by their own assemblies. None of the distributors durst act ; and that man’s

heart must be fortified with ten fold steel, who ventures to approve the doctrine, that the parliament hath a right to give away the estates of the colonists, without their consent.”*

The indignation of the people against the act, unfortunately, was not confined to resolutions and agreements ; but in some of the colonies, broke out into acts of violence and unjustifiable outrage against the persons and property of its supporters. These outrages were carried to the greatest length in Boston. The house of Mr. Hutchinson was attacked in a riotous manner, his furniture and pictures destroyed, and his valuable library and manuscripts in a wanton manner, either burnt, or thrown into the street. Mr. Hutchinson was very obnoxious to the people of Massachusetts, not only for favoring the execution of the stamp act, but because he was instrumental in enforcing the acts of trade. The house of Mr. Oliver, the distributor of stamps, as well as those of some other revenue officers were, also, injured. These riotous acts were disapproved by the great mass of the people of Boston, and of the province generally.

Such was the general determination of the people, against the execution of the act, that the distributors of the stamp paper, who did not voluntarily resign, were compelled so to do, either by threats or force. On the 1st of November, the day the act was to take effect, neither stamps, nor stamp officers were to be found in the colonies. The courts of justice were, for a time, closed, vessels did not depart from American ports, and business of various kinds, was interrupted. This state of things, however, remained, for a short period only ; business by general consent, soon resumed its usual course, without the aid of stamp paper.

While this measure of the British government was thus agitating the colonies, a change took place in the British ministry. The immediate authors of the measure itself, were removed from the councils of the king, and others, supposed more favorable to the American interest, came into office.

* Adolphus's History of England, Appendix No. 5.

In July 1765, the marquis of Rockingham, was placed at the head of the treasury, and the duke of Grafton, and general Conway, were made secretaries of state. Letters of a conciliating nature were afterwards written to the colonies, by secretary Conway, and measures taken, by the new administration, to bring the subject of the stamp act before Parliament, at the next session. In addition to the petitions from the colonies, petitions, in favor of the repeal of the act, were presented to parliament, by many of the merchants and manufacturers in England, who now began to feel the effects of the non-importation agreements of the Americans.

The new administration, was, for a time, undecided what course to pursue.

The opposition in America, to the supremacy of parliament, was deeply felt in England, not only by those in power, but by the nation at large. The resolutions of the burgesses of Virginia, were laid before the board of trade ; and on the 27th of August, that board, represented to the king and council, that " these resolutions, as they contain an absolute disavowal of the right of the parliament of Great Britain, to impose taxes upon her colonies, and a daring attack upon the constitution of this country, appear to us to require an immediate and serious attention." And whatever " further measures his majesty might think proper to take, either for expressing his disapprobation of these proceedings, or preventing the fatal consequences they naturally tended to produce," they recommended instructions to enforce obedience to the act. This representation was referred to the privy council, who on the 3d of October, advised, that the subject be reserved for the consideration of parliament, as " of too high a nature for the determination of the privy council." Nor did the proceedings of the house of representatives of Massachusetts, in June, escape the notice of the board, particularly the measure of convening a general congress of the colonies. In their representation to the king, on this subject, the board say, " as this appears to us to be the first instance of a general congress, appointed by the assemblies of the colonies, without the authority of the

crown ; a measure which we conceive of *dangerous tendency in itself*, and more especially so, when taken for the purposes expressed in the resolution, and connected with the spirit that has appeared throughout the whole conduct of this particular assembly ; we, think it our indispensable duty, to submit this matter to your majesty's consideration."*

On the 14th of January 1766, the American papers relating to the origin, progress, and tendency of the late disturbances in the colonies, were laid before the house of commons. These papers the house determined to take into consideration, the 28th of the same month.

On the 27th, the petition of the American congress, was offered to the house. Several objections to receiving it, were immediately made. The first was, that, according to an ancient rule, all petitions must be signed by the petitioners themselves, by their own names, *or marks*. That this purported to be the petition of the freeholders, and other inhabitants of certain colonies ; but was in fact signed by a few persons, as committees from several assemblies. To this it was answered, that the gentlemen who signed it, though the word committee was added to each name, might be taken for freeholders of the respective colonies. Another and more operative objection was, that it came from an unauthorized and unconstitutional assembly ; that to receive a petition from persons thus assembled without any authority from the crown, would give countenance to such illegal meetings in future. Such meetings, it was said, were pregnant with danger to his majesty's authority and government. A third arose from the petitioners denying the right of parliament, to impose internal taxes, and questioning their right even to lay duties, for the regulation of trade in the colonies. This, it was said, struck at the very vitals of legislative authority, and strongly pointed to a state, independent of the mother country.

Against these objections, and particularly the last, the ministers were unwilling to admit the petition, and yet were not disposed to give it, a *direct* negative. They expressed a wish, that

* Prior documents, pp. 38 and 44. Note 10.

the motion made, for leave to have it read and referred to the committee, should be withdrawn. This, however, not being readily complied with, the order of the day was called for, and carried, and the fate of this petition from united America, was in this side way manner, disposed of. The house, in committee of the whole, on the 28th, commenced an examination of the American papers, submitted by the king, in which they were engaged, three or four days. Immediately after the examination was closed, secretary Conway moved a resolution, declaring, "that the king's majesty, by and with the advice and consent of the lords, spiritual and temporal, and commons of Great Britain, in parliament assembled, had, hath, and of right, ought to have, full power and authority, to make laws and statutes, of sufficient force and validity, to bind the colonies and people of America, subjects of Great Britain, *in all cases whatsoever.*"

This resolution was followed by four others, declaring that tumults and insurrections of the most dangerous nature, had been raised and carried on in several of the colonies, in open defiance of the power and dignity of his majesty's government, and in manifest violation of the laws and legislative authority of the kingdom; and that the same had been encouraged and inflamed, by sundry votes and resolutions, passed in several of the colonial assemblies, derogatory to the honor of his majesty's government, and destructive of the legal and constitutional dependence of the colonies on the imperial crown and parliament of Great Britain—that an address be presented to his majesty, requesting him, to give instructions to the colonial governors, that they in his majesty's name, require of the assemblies of the provinces, where such tumults and insurrections had happened, to make proper recompense to those who had suffered in their persons and property, in consequence thereof; and to assure his majesty that the house, on this, and on all occasions, would support the lawful authority of the crown, and the rights of parliament, and that all persons in the colonies, who had manifested their desire, to comply with, or to assist in carrying into execution, the act for laying a duty on stamps, or any other act of parliament, had

acted as dutiful and loyal subjects, and would have the favor and protection of the house.* The ministry had now determined to procure a repeal of the acts, relating to stamps ; and at the same time, to assert in the most unqualified manner, the absolute supremacy of parliament over the colonies. In introducing the first resolution, Mr. Conway, and the chancellor of the exchequer said, they were induced to offer the proposition, in so extensive a manner, not only as necessary, to meet the *resolutions and language* of several of the colonies, but because, upon the fullest enquiry into the constitution of Great Britain, they were convinced, that, in *point of law*, the king, lords, and commons, were undoubtedly possessed of that power ; though in *point of policy, justice, or equity*, it was a power they ought to exercise, but in the *most extraordinary cases only*. Col. Barré moved to strike out the words in the declaratory resolution, “in all cases whatsoever ;” he should then, he said, have no objection to it—he was seconded by Mr. Pitt. This brought up *directly*, the great question of the *right* of parliament to *tax* the colonists ; and the long and animated debate which followed, was principally confined to this point alone. Those in favor of the motion, said, among other things, that the emigrants to the colonies carried with them, every right the crown could grant, and every right of British subjects. That they carried with them the common law of the land ; and that by this common law, and the spirit of the constitution, no man could be taxed, without being represented—that the people of America could not, with the least propriety, be said to be represented in the parliament of Great Britain ; and it was representation alone, which gave the right and power to the commons, of imposing taxes. This, they said, was the foundation of all the arguments and reasoning of Mr. Locke, on the subject ; and greater authority could not be produced. That the principles of *taxation* as distinguished from *legislation*, were as distinct principles and powers, as any two propositions under the sun ; and had been so considered uniformly, by their ancestors, for many ages—that the counties palatine of Chester and Dur-

* Note 11.

ham, had always taxed themselves, by writs of requisition, and on that account, when the grant of a charter was made out, erecting Lancaster into a county palatine, there was an express reservation of the power of parliament, to impose taxes, upon the people of that county ; which would have been unnecessary, if the power of parliament, was such as contended for.

That the clergy formerly taxed themselves ; for though the archbishops and others sat in parliament, yet not as representatives of the clergy ; the body of the clergy, therefore, separately and by themselves, granted subsidies to the crown, and neither lords nor commons attempted to alter or vary them ; and that this was a strong authority, to show the difference, between taxation and legislation. That, by the principles of the constitution, the commons alone made grants to the crown—that all bills, which passed both houses of parliament, remained in the upper house, for the fiat of the king, except bills of subsidy and taxes, which, when passed by the lords, were again sent down to the commons, and by the speaker presented to the sovereign, as the free gift of the commons ; and of the commons alone the king asks for a supply, and to them only he renders his thanks, when granted. That by solemn compacts, express powers had been granted to the colonists ; powers repeatedly recognized by parliament. It was evidently intended, that the Americans should be as free, as other British subjects—they have the power of raising and granting their money—a power, which constitutes the essence of parliament—if this is taken from them, the very existence, the very essence of assemblies is destroyed. The colonists, therefore, have a right to consider, the stamp act, as a grievance, which should be removed. The justice of the claim upon the colonies for contribution, it was said, could not be denied ; but the *mode* in which this contribution should be made, was a distinct thing. That with respect to taxes, Great Britain and the colonies might have opposing interests ; and there was a possibility, that the burdens of the one, might be relieved at the expense and oppression of the other—that the circumstances and abilities of the colonists could never be so justly, and truly known,

to the commons of England, as to their own assemblies—there, they can enjoy the exercise of that fundamental right of British subjects, to have some one to speak for them, when their property is called for by way of taxes, and to represent their condition and abilities. This in parliament is impracticable, and they are, thereby, deprived of a most important privilege. The supreme power, wherever lodged, must always be controlled by reason, by the principles of justice and humanity—the distance and situation of the colonists, however, was such, that the greatest caution, could not exempt them, from oppression. A lenient, humane, and magnanimous conduct, it was said, did more to secure and preserve to Rome, her distant colonies, than all the legions she was ever mistress of, or could at any time command. Should the house, after all, be of opinion, that parliament possessed this *summum jus*, it should be remembered, they said, that *summa injuria*, was its well known offspring. The opponents of the motion of Col. Barré, rejoiced that the debate was now confined to the single question of *power and right* in parliament, to pass the law, so loudly complained of, without intermingling in the debate, the *expediency* of its repeal; which would be a proper subject for consideration, another day. In opposition to the motion, it was observed that the establishment of the colonies was originally by license from the crown—that, on account of the distance of the emigrants, from the great executive power of the realm, the crown granted them charters, investing them with powers of government, necessary for their protection, defense, and for the support of civil authority among them—that these powers were of the same nature, with those granted to the East India company, and to the great cities and corporations in England; each having power to raise money for their support, but neither, by any grant the king could make, could be exempted from the supreme authority of king, lords, and commons—that the crown was but a part of the supreme power of the realm, and could not grant that, which belonged to the supreme legislative power, which extended wheresoever the sovereignty of the crown extended—that the colonists in their new settlements, owed the same subjec-

tion and allegiance to the supreme power, as when residing in Great Britain—that no time or distance could terminate this subjection and allegiance, and which, by the law of the land, must descend to their posterity. That no compact, made between the crown and his subjects, upon their emigration, could have destroyed their relation with this supreme sovereign power. That parliament should have the power, to alter or change their property, to enact laws for the punishment of great offences, and in particular, of high treason, by which they might be divested of their property, their inheritances taken away, without their immediate consent; and yet not have power, to impose a tax upon that property, seemed, they said, an extraordinary proposition. That, after the revolution, upon an application, to have the judgment reversed, which in 1684, had adjudged the charter of Massachusetts, null and void, on a writ of quo warranto, the agents urged the illegality of the proceedings, and insisted that the judgment should be reversed on that account, and their charter restored; yet Pollexfen and Holt were of opinion, that if the judgment should be reversed, and the charter restored, they must still expect to have it repealed, because in making the extensive grants contained in it, the crown had exceeded its authority. That in the year 1713, also, a bill was brought into parliament, for the purpose of raising a revenue, in the province of New York, which had been refused by the assembly there, for the support of his majesty's government; that this bill was prepared by Sir Edward Northey and Lord Raymond, who were not only, able lawyers, but great supporters and defenders of the rights of the subjects. That in 1716, a bill was introduced into parliament by the great secretary Stanhope, for resuming the powers granted in the colony charters; and that in this, and other similar cases, the power of parliament to revoke these charters, or resume the powers therein granted, was not questioned. If parliament, they said, could take away the charters themselves, under which the colonists claimed the exclusive right of laying taxes, it must have the power of taxation itself. As to representation, they said, whether actual or virtual, it was by no

means the sole and ancient basis of the supreme power and authority of parliament; the clergy, it was true, for a time, taxed themselves, but not because they were unrepresented in parliament. Gentlemen conversant with the true ancient history of Great Britain, could not be ignorant, they said, of the former extensive power of the church in this kingdom; that among other exertions of this power, the pope, at the instance of the clergy, issued his mandate, exempting their lands from taxation, because appropriated to the maintenance of holy church; but not having exempted their chattels, parliament afterwards was about to tax these, when a compact was made between the crown and the pope, (to whom the clergy had again complained) that the bill should be rescinded, and the clergy yield a contribution to government, provided, it should be made, by themselves separately. This, they said, was the foundation of the clergy's subsidizing their lands and property, separate and apart, an undoubted infraction of the constitution; and this power, in after and more enlightened days, was restored. The supreme power, they said, must be complete and entire, in taxation as well as legislation; that indulgence had been given to some subordinate districts, and governments, to raise money, by way of taxation, for local purposes; yet that indulgence could not abridge the supreme legislature of any of its powers and authority. Upon this principle, they stated, the parliament of Great Britain alone could, and actually did, (Ireland having that indulgence granted) absolve the people of Ireland from duties due to the crown, imposed by acts passed in their own parliament: on the same principle, the commons of England, directed, that the charge of the army, kept up for the security and defense of the kingdom, should be provided for by the people of Ireland; leaving such provision to be made by the Irish parliament; which, if not complied with, would have been enforced, by a law of Great Britain, and this was so understood, at the time, in both kingdoms. That all the ancient subsidy acts declared, that the subsidies laid, and imposed, were to be paid, by his majesty's subjects within the realm, and *in all the king's dominions*; though particular parts and places, were some-

times, expressly excepted, as Wales constantly before the statute of Henry VIII, Ireland, the counties Palatine, upon whom the charge of defending the northern frontier was imposed by their charter, Calais, Guienne, Gascony, and particular corporations, for certain reasons; and that if those places had not been excepted, they must have paid the subsidy, though not represented in parliament. The strength of the empire in America itself, they also, declared, depended on an exact, and entire obedience, to the supreme authority in great Britain, that if this authority should be infringed in any instance, confusion must inevitably follow; that cases might, and undoubtedly would happen, to puzzle the ablest lawyers, to distinguish the difference between *duties* and *taxation*, between the right of laying the one or the other; that this was settled and established, to be one entire power, lodged in the commons of England, in the time of William III, between the house of lords and commons; when the lords were disposed to establish a difference, between *duties* and *impositions* on merchandize, and the grant of *taxes* and *subsidies*, with a view to confirm the power of the commons to the latter only; but the commons, from the long and uniform usage of parliament, claimed this power entire and in its full extent. It was for the welfare and happiness of the whole, as well as for the dignity and honor of parliament, it was also, said, that the power now questioned by the colonists, should be supported, with firmness and resolution. It was not a little extraordinary, that it should be now disputed by the Americans, as so late as the year 1755, a general complaint was transmitted to Great Britain, against the assembly of Pennsylvania, for not making the necessary provision for the defense and protection of that colony; and, but for particular circumstances, parliament would have then interfered. That in consequence of some provincial differences, Maryland, as was said, did not contribute her proportion towards the general expense of the late war, and that the other colonies had contemplated sending a representation against that colony, praying the interposition of parliament. The Americans must then have had different views of the power, which they now deny.

That government is founded in trust, and that this trust, wherever placed, was absolute and entire : that the *kingdom* and *colonies*, composed one great political body ; and though the jealous language of liberty, could not but be admired by all, who loved the constitution ; yet, when that jealousy was carried so far, as to tell the sovereign power, we will not trust you, unless you give up that power, it became alarming, and called for the exertion of wisdom and spirit. Ask France, they said, what occasion for your destruction, she would wish ; she will answer, *divisions* between you and your colonies ; she would desire the diminution of your authority over the colonies, as one of the surest means of accomplishing the great object of her ambition. To preserve this sovereignty entire, is then so essentially necessary, for the advantage and happiness of both America and Great Britain, that if once abridged, or the entire dependency of the colonies given up, your power and authority, as a great and respected kingdom and empire is gone ; no friend will trust you, no enemy will fear you. This important and interesting debate did not end, until four in the morning, when the motion of Col. Barré, was negatived, by a very large majority, few voices answering in the affirmative.*

The resolutions of General Conway were reported to the house on the 10th of February, and agreed to ; and the next day, an inquiry commenced on the subject of repealing the law complained of. This inquiry and examination continued, until the 18th of the same month. Dr. Franklin among others, was called before the house, and underwent a long examination. No person was better acquainted with the circumstances and internal concerns of the colonies, the temper and disposition of the colonists towards the parent country, or their feelings in relation to the late measures of parliament, than this gentleman. His answers to the numerous questions put to him in the course of this inquiry, not only show his extensive acquaintance with the internal

* Charles Garth's MSS. Letters to South Carolina, copies of which are in our possession. This gentleman was a member of parliament, and present at all the debates on American affairs.

state of the colonies, but evince his sagacity as a statesman. To the question, whether the Americans would submit to pay the stamp duty, if the act were modified, and the duty reduced to a small amount? he answered no, they never will submit to it. British statesmen were extremely desirous that the colonial assemblies should acknowledge the right of parliament to tax them, and rescind and erase from their journals their resolutions on this subject. To a question, whether the American assemblies would do this, Dr. Franklin answered, "they never will do it, unless compelled by force of arms." Soon after this examination was finished, Gen. Conway proposed a resolution, to *repeal* the act imposing stamp duties, in America. This produced another debate, and the same arguments were renewed. The sense of the house was first taken on a motion to strike out the word "repeal," and insert "explain and amend;" this was negatived, 275 to 167, and decided the fate of the resolution. In this as well as in the preceding debates on American affairs, Mr. Grenville and his adherents, were opposed to the claims of the colonists, and strongly urged the execution of the stamp act, at every hazard. In the debate, on the address in answer to the king's speech, Mr. Grenville severely censured the ministry, for not giving parliament earlier notice of the disturbances in America. "They began," said he, "in July, and now we are in the middle of January; lately they were only occurrences; they are now grown to disturbances, to tumults and riots. I doubt they border on open rebellion; and if, the doctrine, I have heard, this day, be confirmed, I fear they will lose that name, to take that of revolution. The government over them being dissolved, a revolution will take place in America. I cannot understand the difference," said Lord Grenville, "between external and internal taxes. They are the same in effect, and only differ in name. That this kingdom has the sovereign, the supreme legislative power over America, is granted. It cannot be denied; and taxation is a part of that sovereign power. It is one branch of the legislation. It is, it has been exercised over those, who are not, who were never represented. It is exercised over the India company,

the merchants of London, the proprietors of the stocks, and over many great manufacturing towns. It was exercised over the palatinate of Chester, and the bishoprick of Durham, before they sent any representatives to parliament. I appeal for proof, to the preambles of the acts, which gave them representatives; the one in the reign of Henry VIII, the other of Charles II. When I proposed" said Mr. Grenville, "to tax America, I asked the house, if any gentleman would object to the right; I repeatedly asked it, and no man would attempt to deny it. Protection and obedience are reciprocal. Great Britain protects America; America is bound to yield obedience. If not, tell me, when the Americans were emancipated? When they want the protection of this kingdom, they are always very ready to ask it. That protection has always been afforded them, in the most full and ample manner. The nation has run itself into an immense debt, to give them protection; and now when they are called upon to contribute a small share towards the public expense; an expense arising from themselves, they renounce your authority, insult your officers, and break out, I might almost say, into open rebellion. The seditious spirit of the colonies owes it birth, to the factions in the house. Gentlemen are careless of the consequences of what they say, provided it answers the purposes of opposition. We were told, we trod on tender ground; we were bid to expect disobedience. What was this but telling the Americans, to stand out against the law, to encourage their obstinacy, with the expectation of support from home? Let us only hold out a little, they would say, our friends will soon be in power. Ungrateful people of America! Bounties have been extended to them. When I had the honor of serving the crown, while you yourselves were loaded with an enormous debt, you have given bounties, on their lumber, on their iron, their hemp, and many other articles. You have released in their favor, the act of navigation, that palladium of the British commerce; and yet, I have been abused in all the public papers, as an enemy to the trade of America."

In this as well as other debates, on American affairs, during this session, Mr. Pitt, was opposed to Mr. Grenville.

In answer to this speech, Mr. Pitt, addressing himself to the speaker, said, "I have been charged, sir, with giving birth to sedition in America. They have spoken their sentiments with freedom, against this unhappy act; and that freedom has become their crime. Sorry I am to hear the liberty of speech in this house, imputed as a crime. But the imputation shall not discourage me. It is a liberty, I mean to exercise. No gentleman ought to be afraid to exercise it. It is a liberty, by which the gentleman who calumniates it, might have profited. He ought to have profited. He ought to have desisted from his project. The gentleman tells us, America is almost in open rebellion. I rejoice that America has resisted. Three millions of people, so dead to all the feelings of liberty as voluntarily to submit to be slaves, would have been fit instruments to make slaves of the rest. I came not here armed, at all points, with law cases and acts of parliament, with the statute book doubled down in dogs-ears, to defend the cause of liberty; if I had, I myself would have cited the two cases of Chester and Durham. I would have cited them to have shown, that even, under any arbitrary reigns, parliaments were ashamed of taxing a people, without their consent, and allowed them representatives. Why did the gentleman confine himself to Chester and Durham? He might have taken a higher example in Wales; Wales, that never was taxed by parliament, till it was incorporated. I would not debate a particular point of law with the gentleman; I know his abilities. I have been obliged to his diligent researches. But for the defense of liberty upon a general principle, upon a constitutional principle, it is a ground on which I stand firm; on which I dare meet any man."

"The gentleman tells us, of many who are taxed, and are not represented. The India company, merchants, stockholders, manufacturers. Surely many of these are represented in other capacities, as owners of land, or as freemen of boroughs. It is a misfortune that more are not actually represented. But they are all inhabitants, and as such, are virtually represented. Many have it, in their power, to be actually represented. They have connections with those that elect, and they have influence over

them. Since the accession of King William, many ministers, some of great, others of more moderate abilities, have taken the lead of government. None of these," said Mr. Pitt, "thought or even dreamed of robbing the colonies of their constitutional rights. That was reserved to mark the era of the late administration : not that there were wanting some, when I had the honor to serve his majesty, to propose to me to burn my fingers with an American stamp act. With the enemy at their back, with our bayonets at their breasts, in the day of their distress, perhaps, the Americans would have submitted, to the imposition ; but it would have been taking an ungenerous and unjust advantage. The gentleman boasts of his bounties to America ! Are not those bounties intended finally, for the benefit of this kingdom ? If they are not, he has misapplied the national treasures. I am no courtier of America, I stand up for this kingdom. I maintain that parliament has a right to bind, to restrain America."

"Our *legislative* power over the colonies, is sovereign and supreme. When it ceases to be sovereign and supreme, I would advise every gentleman to sell his lands, and embark for that country. When two countries are connected together, like England and her colonies, without being incorporated, the one must necessarily govern ; the greater must rule the less ; but so rule it, as not to contradict the fundamental principles, that are common to both. If the gentleman does not understand the difference, between internal and external taxes, I cannot help it ; but there is a plain distinction, between taxes, levied for the purpose of raising a revenue, and duties imposed for the regulation of trade, for the accommodation of the subject ; although in the consequences, some revenue might incidentally arise from the latter."

"The gentleman asks, when were the colonies emancipated ? But I desire to know, when they were made slaves ? But I dwell not upon words. When I had the honor of serving his majesty, I availed myself of the means of information, which I derived from my office : I speak, therefore, from knowledge. My materials were good. I was at pains to collect, to digest, to consider them ; and I will be bold to affirm, that the profits to Great Brit-

ain, from the trade of the colonies, through all its branches, is two millions a year. This is the fund that carried you triumphantly through the last war. The estates that were rented at two thousand pounds a year, threescore years ago, are at three thousand at present. These estates sold then from fifteen to eighteen years purchase; the same may be now sold for thirty. You owe this to America. This is the price that America pays you for her protection. And shall a miserable financier come, with a boast, that he can fetch a pepper corn into the exchequer to the loss of millions to the nation?"

"A great deal has been said without doors," added Mr. Pitt, "of the power, of the strength of America. It is a topic that ought to be cautiously meddled with. In a good cause, on a sound bottom, the force of this country can crush America to atoms. I know the valor of your troops, I know the skill of your officers. There is not a company of foot, that has served in America, out of which you may not pick a man of sufficient knowledge and experience, to make a governor of a colony there. But on this ground, on the stamp act, where so many here, will think it a crying injustice, I am one who will lift up my hands against it. In such a cause, your success would be hazardous. America, if she fell, would fall like the strong man. She would embrace the pillars of the state, and pull down the constitution along with her. Is this your boasted peace? Not to sheath the sword in its scabbard, but to sheath it in the bowels of your countrymen? Will you quarrel with yourselves, now the whole house of Bourbon is united against you? While France disturbs your fisheries in New Foundland, embarrasses your slave trade to Africa, and withholds from your subjects in Canada, their property, stipulated by treaty; while the ransom for Mahillas is denied by Spain, and its gallant conqueror basely traduced into a mean plunderer, a gentleman, (Sir W. Draper,) whose noble and generous spirit would do honor to the proudest grandee of the country. The Americans have not acted, in all things, with prudence and temper. They have been wronged. They have been driven to madness, by unjust. Will you punish them for the madness

you have occasioned? Rather let prudence and temper come first from this side. I will undertake for America, that she will follow the example. There are two lines, in a ballad of Prior's, so applicable to you and your colonies, that I cannot help repeating them :—

“ Be to their faults a little blind :
Be to their virtues very kind.”

“ Upon the whole, I will beg leave to tell the house, what is really my opinion. It is that the stamp act be repealed, absolutely, totally, and immediately. That the reason for the repeal be assigned, because it was founded on an erroneous principle.”

“ At the same time, let the sovereign authority of this country over the colonies, be asserted in as strong terms, as can be devised, and be made to extend to every point of legislation whatsoever. That we may bind their trade, confine their manufactures, and exercise every power whatsoever, except that of taking their money out of their pockets, without their consent.”*

The declaratory bill, and the bill repealing the stamp act, went hand in hand, in the house, and on the 5th of March, were sent to the house of Lords. The latter was finally carried, in the house 250 to 122.

It met with great opposition, in the house of lords; but was supported by the powerful talents of Lord Camden. He denied the right of parliament to tax America, because unrepresented. “ Taxation and representation,” he declared, “ were inseparably connected. God has joined them, no British parliament can separate them; to endeavor to do it, is to stab our vitals.” It passed in that house 105 to 71, and on the 18th. March, both bills received the royal assent. The declaratory act contained two clauses, one, in the words of the resolution, that parliament could bind the colonies, *in all cases whatsoever*; the other declared and enacted, that the votes and resolutions of assemblies in America, *derogatory* to the *rights* and *power* of the British parliament, be *null* and *void*. The preamble disclosed the reasons for its

* Prior Documents, pp. 60—64.

passage. "Whereas several of the houses of representatives, in his majesty's colonies and plantations in America, have, of late, *against law*, claimed to themselves, or to the general assemblies of the same, the *sole and exclusive right*, of imposing duties and taxes, upon his majesty's subjects, in the said colonies and plantations; and have, in pursuance of such claim, passed certain votes, resolutions, and orders, derogatory to the legislative authority of parliament, and inconsistent with the *dependency* of said colonies and plantations, upon the crown of Great Britain." The act repealing the stamp duties, declared, "the continuance thereof, would be attended with many inconveniences, and might be productive of consequences, greatly detrimental to the commercial interest of Great Britain."

CHAPTER VII.

Repeal of Stamp Act, a joyful event in America—Ministry seem well disposed towards the Colonists—Compensation to those, who suffered by disturbances in consequence of the Stamp Act, required—Massachusetts delays granting the compensation—New York refuses to furnish all the articles required by the Mutiny Act—This offends the Ministry—New Administration—Duties imposed on glass and other articles in the Colonies—Board of Custom House Officers established in America—Legislature of New York prohibited from passing laws, until a compliance with the Mutiny Act—Massachusetts among the first to oppose the new duties—Circular letter of the House of Representatives of that Province—Disapproved by the Ministry—The House directed to rescind its vote—Other Colonies required to disregard the Circular of Massachusetts—The House refuses to rescind—Other Colonies unite with Massachusetts—Spirited conduct of New York and Maryland—Disturbances at Boston—Troops sent there—Convention of the people in Massachusetts—Troops quartered in Boston—Conduct of Massachusetts censured by Parliament—King authorized to bring offenders in the Colonies to Great Britain for trial—Proceedings of Virginia—Disputes in Massachusetts in relation to the troops—The new duties repealed, except the duty on Tea—This not satisfactory to the Colonists—Royal provision for Governor's salary in Massachusetts—Declared a dangerous innovation—Destruction of the Gaspee in Rhode Island—Disputes between Governor Hutchinson and the Assembly of Massachusetts concerning the supremacy of Parliament—Committees of correspondence between the Colonies appointed—Private Letters of Governor Hutchinson published—Occasion a petition for his removal—East India Company send tea to America—Destroyed at Boston—Boston port bill—Alteration of Massachusetts Charter—These acts resisted in the Colonies.

THE news of the repeal of the stamp act, was received with unbounded joy, in America. The house of representatives in Massachusetts, passed a vote expressing their gratitude to the king, for assenting to the repeal, and giving their thanks to Mr. Pitt, the Duke of Grafton, and many others, for their generous efforts in favor of the colonies. In Virginia, a bill passed the house of burgesses, for erecting a statue to the king, and an obelisk, to commemorate those in England, who had distinguished themselves, in favor of American rights.

The colonists seemed only to view their release from present evil; without much regard to the extensive, and inadmissible principles of the declaratory act. They considered this act as a

salvo for national honor, and believed it would remain, a dead letter, in the statute book. The ministry were disposed, to draw a veil over the late transactions in the colonies, provided compensation was made to those who had suffered by them.

Secretary Conway, in his circular of the 31st of March, informed the governors of the colonies, that the king and parliament, "seemed disposed, not only to *forgive*, but to *forget* those most unjustifiable marks, of an undutiful disposition, too frequent in the late transactions of the colonies ;" but at the same time required them, strongly to recommend to the assemblies, to make full and ample compensation to those, who had suffered "for their deference to the act of the British legislature."*

The transactions referred to in the secretary's letter, were those which took place, in Boston and New York, in the summer of 1765. In June 1766, this letter of the British secretary, was laid before the assembly of Massachusetts, by governor Bernard. In communicating it to the assembly of that province, the governor says, "the justice and humanity of this *requisition*," as he called it, "is so forcible, that it cannot be controverted; the authority with which it is introduced, *should preclude all disputation about it.*"

This language on the part of the royal governor, was considered, by the house of representatives, as interfering with the freedom of deliberation in that body, and was one of the causes, which produced delay, in complying with the wishes of the king and parliament on this subject. In their answer to this communication, the house observed, "that it was conceived in much higher and stronger terms in the speech, than in the letter of the secretary. Whether in thus exceeding, your excellency speaks by your own authority, or a higher, is not with us to determine. However, if this recommendation, which your excellency terms a *requisition*, be founded on so much justice and humanity, that it cannot be controverted; if the authority, with which it is introduced, should preclude all disputation, about complying with it, we should be glad to know, *what freedom* we have in the case."

* Prior Documents, p. 90.

Compensation was not made to the sufferers in Massachusetts, until December 1766 ; and then, in a manner, and on conditions, highly displeasing to the British government.

The act, making the compensation, granted " free and general pardon, indemnity and oblivion to all offenders, in the late times." This act was accompanied by a declaratory resolution, in which the house of representatives say, " they were influenced by a loyal and grateful regard to his majesty's most mild and gracious recommendation ; by a deference to the opinion of the illustrious patrons of the colonies, in Great Britain ; and for the sake of internal peace and order, without any interpretation of his majesty's recommendation, into a *requisition*, precluding all debate and controversy ; and under a full persuasion, that the sufferers had no just claim or demand on the province ; and that the compliance ought not hereafter, to be drawn into a precedent."*

The act itself was afterwards, disallowed by the king and council, because the assembly had no power to pass a law of general pardon without the previous assent of the crown. The sufferers, however, received the compensation provided by the act.

The assembly of New York, in the summer of 1766, complied with the royal recommendation, and made compensation to the sufferers, in that province.

The same assembly, however, refused to furnish all the articles required, by the act of parliament, passed as before stated, in 1765, for quartering soldiers, in the colonies. This act, in addition to the articles heretofore usually furnished, required those of salt, vinegar, cider or beer, to be included ; and these last, the assembly refused to furnish ; clearly intimating, that, as this was in reality, an exaction of money, they had a constitutional right, to comply with the requisition or not. In communicating this refusal to the British government, the governor of New York, tells the British secretary, that this would " show the deference here paid, to acts of parliament ; and what may be our expect-

* Massachusetts State papers, p. 101, and Prior documents.

tations on a future occasion. You will be pleased to observe," he adds, "that my message, is treated merely, as a *requisition* made here, and that they have carefully avoided the least mention of the act, on which it is founded; and it is my opinion, that every act of parliament, when not backed by a *sufficient power* to enforce it, will meet with the same fate here.*" This refusal gave great offense in Great Britain. Opposition, however, to the mutiny act, and particularly that part, which demanded the additional articles, was not confined to the province of New York.

The assembly of New Jersey, only empowered their commissioners, to purchase firewood, blankets, bedding, and "other necessaries as have been *heretofore* usually furnished," refusing to insert in their act, the new articles, although required by the governor; and indeed, they informed the governor, "that they looked upon the act, for quartering soldiers in America, to be *virtually*, as much an act *for laying* taxes, on the inhabitants, as the stamp act; and that it was more partial, as the troops were kept, in a few of the colonies, whereby others were exempted from contributing any thing towards the expense."†

In the mean time a change took place in the British ministry. The administration of the marquis of Rockingham terminated in July 1766.

A new administration was formed, under the direction of Mr. Pitt, composed of men of different political principles and parties. The duke of Grafton, was placed at the head of the treasury, lord Shelburne was joined with general Conway, as one of the secretaries of state. Charles Townshend was made chancellor of the exchequer, Camden, lord chancellor, Pitt had the privy seal, and was made a peer, with the title of the earl of Chatham, and lord North and George Cooke, were joint paymasters. Under this chequered administration, afterwards so ludicrously described by Mr. Burke, the scheme of taxing America was revived. In May 1767, the new chancellor of the exchequer, submitted a plan of this kind to parliament. Charles Townshend, was a man of gen-

* Prior Documents, p. 95.

† Governor Franklin's Letter to Shelburne, Prior Documents, p. 121.

ius and talents, but of high passions, eccentric, and versatile. He had warmly supported lord Grenville, in the passage of the stamp act, and had voted with the marquis of Rockingham, in its repeal. The ex-minister, Grenville, may indeed be considered, the real author of the second plan for taxing the colonies. He lost no opportunity, in the house of commons, of passing severe censures on the Americans, for their obstinacy and ingratitude in refusing to pay their proportion of the public expenses ; nor was he sparing of his complaints against the ministry and parliament, for their weakness and cowardice in yielding to the claims of the colonists.

Declaiming, as usual, one evening, on American affairs, he addressed himself particularly to the ministers—" You are cowards," he said, " you are afraid of the Americans, you dare not tax America." This he repeated in different language. Upon this Townshend took fire, immediately rose and said, " fear, fear, cowards, dare not tax America ! I dare tax America."

Grenville stood silent for a moment, and then said—" Dare you tax America ? I wish to God I could see it." Townshend replied, " I will, I will."*

Soon after this, he submitted to the house a bill imposing duties on glass, paper, paste-board, white and red lead, painter's colors and tea, imported into the colonies. The preamble declared, " that it was expedient to raise a *revenue* in America, and to make a more certain and adequate provision for defraying the charge of the administration of justice and the support of the civil government in the provinces, and for defraying the expenses of defending, protecting, and securing them."

Mr. Pitt was then confined by sickness in the country, and the bill passed both houses, without much opposition, and on the 29th of June, received the royal assent.

The conduct of the assemblies of Massachusetts and New York, had given great dissatisfaction in Great Britain.

The refusal of the assembly of the latter, to comply with the requisitions of the mutiny act, in particular, had excited the

* MSS papers of Dr. Wm. S. Johnson, then in England, as Agent for Connecticut.

indignation of the ministry and parliament, to such a degree, that three days after the passage of the new tax bill ; an act was passed, restraining the legislature of that province, from passing *any act whatever*, until they had furnished the king's troops, with all the articles required by the mutiny act.

The ministry, at the same time, determined to establish a new board of custom house officers in America. An act was, therefore, passed, enabling the king, to put the customs and other duties in America, and *the execution of the laws relating to trade there*, under the management of commissioners, to be appointed for that purpose, and to reside in the colonies. This, as the preamble declares, would "tend to the encouragement of commerce, and to better securing the rates and duties, and the more speedy and effectual collection thereof."

These three acts arrived in America about the same time. The imposition of new taxes, accompanied by the establishment of a board of custom house officers, not only to enforce the collection of the new taxes, but the various ancient statutes relating to duties, and the colonial trade, again excited great alarm among the colonists. It led them to a more thorough investigation of the nature of their political connection with the parent country ; and to a more strict inquiry into the extent of the power of parliament over them. The ablest heads were engaged in these investigations and inquiries ; and the ablest pens employed, in defense of American rights.

The new duties were considered by the Americans, only as a new mode of drawing money from them, by way of taxes ; and the same spirit, manifested in the case of the stamp act, again appeared.

The letters of a Pennsylvania farmer, from the pen of John Dickinson, were justly distinguished among the publications of the day in opposition to the new duties. Written in the peculiar style and manner of the author, they were universally read, and were well calculated to convince the Americans, of the injustice as well as unconstitutionality of the act imposing them.

The people of Massachusetts, who from their extensive commerce, more immediately felt the impolicy and injustice of this act, and the other acts restraining the trade of the colonies, were again among the first in opposition.

The general assembly of that colony met in Jan. 1768, and the house of representatives, not only prepared a petition to the king, but sent letters to the Earl of Shelburne, the Marquis of Rockingham, General Conway, the Earls of Chatham and Camden, and the lords commissioners of the treasury, on the subject of these acts. They also sent particular instructions to M. de Berdt, their agent in London. These state papers, as they may be justly called, were drawn with great care and ability, and fully disclosed the views, then entertained by the people of that colony, on the subject of their political connection with Great Britain; and on the question of their rights. They again, notwithstanding the declaratory act, renewed their claim to all the rights of Englishmen, under the British constitution.

“It is the glory of this constitution,” they say, “that it hath its foundation in the law of God and nature. It is an essential, natural right, that a man shall quietly enjoy, and have the sole disposal of his own property. This right is adopted in the constitution. This natural and constitutional right is so familiar to the American subjects, that it would be difficult, if possible, to convince them, that any necessity can render it just, equitable, and reasonable, in the nature of things, that parliament should impose duties, subsidies, talliages, and taxes, upon them, *internal* or *external*, for the sole purpose of *revenue*. The reason is obvious, because they cannot be represented, and therefore their consent cannot be constitutionally had in parliament.” They declared that the act laying a duty on glass and other articles, as well as the sugar and late stamp act, both in form and substance, were as much *revenue acts*, as the land tax, customs, and excises in England.

They again claim a right of exemption from parliamentary taxation, by a solemn compact with the crown. “The original contract between the king and the first planters here,” they say, “was a royal promise, in behalf of the nation, and which, till

very lately, was never questioned, but the king had the power to make, namely, that "if the adventurers would, at their own cost and expense, and at the hazard of their lives, and every thing dear to them, purchase a *new world*, subdue a wilderness, and thereby, enlarge the king's dominions, they and their posterity should enjoy such rights and privileges, as in their charter are expressed; which are, in general, all the rights, liberties, and privileges of his majesty's natural born subjects, within the realm."

"The principal privileges implied, and in some of their charters expressed, is a freedom from all taxes, but such as they shall consent to, in person, or by representatives of their own choice and election."

But if parliament had the right to tax them, they declared it to be totally inconsistent with the rules of *equity*, that they should, for the present at least, exercise such right. On this point, they, with great propriety and truth observed, "It must be considered, that, by acts of parliament, the colonies are prohibited from importing commodities of the growth or manufacture of Europe, except from Great Britain, with the exception of a few articles. This gives the advantage to Great Britain, of raising the price of her commodities, and is equal to a tax. It is too obvious to be doubted," they said, "that by the extraordinary demands of the manufactures of Britain, occasioned by their policy, she reaps an advantage of, at least, twenty per cent, in the price of them, beyond what the colonies might purchase them for, at foreign markets. The loss, therefore, to the colonists, is equal to the gain made in Britain. This, in reality, is a tax, though not a direct one; and admitting that they take annually from Great Britain manufactures, to the value of two millions sterling, as is generally supposed, they then pay an annual tax of £400,000 sterling, besides the taxes which are *directly* paid on these manufactures in England. The same reasoning," they subjoined, "will hold good with respect to the many enumerated articles of their produce, which the colonies are restrained, by act of parliament, from sending to a foreign port. By this restraint, the market is glutted, and consequently the produce sold

is cheaper ; which is an advantage to Great Britain, and an equal loss or tax upon the colonies."

The appropriation of the new duties, to the support of crown officers, and to the maintenance of troops in America, was a subject of serious complaint. It had long been a favorite object of the British cabinet as we have before stated, to establish in the colonies a fund, from which the salaries of the governors, judges, and other officers of the crown, should be paid, independent of the annual grants of the colonial legislatures.

As these officers held their places, during the pleasure of the king, the people of Massachusetts, it will be remembered, had uniformly resisted such establishment, though repeatedly urged on the part of the crown. On this subject, the house of representatives, maintained with equal firmness, their former resolution. "This house," they say, "apprehends it would be grievous and of dangerous tendency, if the crown should not only appoint governors over the several colonies, but allow them such stipends as it should judge proper, at the expense of the people, and without their consent. Such a power, under a corrupt administration, it is feared, would introduce an absolute government in America ; at least, it would leave the people in a state of uncertainty of their security, which is far from being a state of civil liberty. The judges in the several colonies do not hold their commissions, during good behavior. If then they are to have their salaries, independent of the people, how easy it will be for a corrupt governor to have a set of judges to his mind, to deprive a bench of justice of its glory, and the people of their security."

The act of parliament suspending the legislative functions of the assembly of New York, was considered by the colonists, as striking at the foundation of their governments, and did not, at this time, escape the animadversions of the representatives of the people of Massachusetts.

"A legislative body," they say, "without the free exercise of the powers of legislation, is to us incomprehensible. There can be no natural difference between such a legislature and none at all. It cannot be said, that the assembly of New York hath

the exercise of legislative powers, while their very existence is suspended, upon their acting in conformity to the will of another body. Such a restriction throughout the colonies, would be a short and easy method of annihilating the legislative powers in America; and by consequence, of depriving the people of a fundamental right of the constitution, namely, that every man shall be present in the body, that legislates for him." "It may not be amiss," they add "to consider the tendency of a suspension of colony legislation, for non-compliance with acts of parliament, requiring a provincial assembly to give or grant away their own or their constituents money, for the support of a standing army. We cannot but think it hard enough to have our property granted away, without our consent, without being *ordered* to deal it out ourselves, as in the case of the mutiny act. It must be sufficiently humiliating to part with our property in either of these ways, much more in both; whereby, as loyal subjects as any under his majesty's government, and as true lovers of their country, as any people whatever, are deprived of the honor and merit of voluntarily contributing to the service of both. What is the plain language of such suspension? we can discover no more or less in it, than this: If the American assemblies refuse to grant, as much of their own and their constituents money, as shall, from time to time, be enjoined and prescribed by parliament, besides what the parliament directly taxes them, they shall no longer have any legislative assembly; but if they comply with what is prescribed, they may be allowed to legislate under their charter restrictions. Does not political death and annihilation stare us in the face, as strongly on one supposition as the other? equally in case of compliance, or non-compliance."

They viewed the appointment of commissioners of the customs, to reside in America, as a dangerous innovation, and an unnecessary increase of the crown officers.

"These gentlemen," they say, "are authorized to appoint as many officers as they shall think proper, without limitation. This will probably be attended with undesirable effects. An host of pensioners, by the arts they may use, may in time, become as

dangerous to the liberties of the people, as an army of soldiers ; for there is a way of subduing a people by *arts* as well as by *arms*."

While they claimed the rights of Englishmen, the people of Massachusetts disclaimed all ideas of independency on the parent country.

"When we mention the rights of the subjects in America, and the interest we have in the British constitution, in common with all other British subjects, we cannot justly be suspected of the most distant thought of an independency on Great Britain. Some we know," they say, "have imagined this of the colonists, and others may, perhaps, have industriously propagated it, to raise groundless and unreasonable jealousies of them ; but it is so far from the truth, that we apprehend the colonies would refuse it, if offered to them, and would even deem it the greatest misfortune to be obliged to accept it."* The house, also, during the same session, addressed a circular letter to the colonies, stating the difficulties to be apprehended, by the operation of the late acts of parliament ; and requesting their co-operation for redress. When the question of addressing a circular to the colonies, was first presented to the house, it was opposed, as seeming to countenance the meeting of another congress, heretofore so offensive to the British government ; and the motion was negatived. The subject was afterwards reconsidered, and the letter so worded, as to satisfy a large majority of the house.

The other colonies approved of the proceedings of Massachusetts, and joined in applying to the king for relief.

The house of Burgesses in Virginia, in particular, applauded the conduct of the people of Massachusetts, in favor of American liberty ; and united in declaring the new duties to be equally unconstitutional, with those imposed by the stamp act. "The oppressive stamp act," they said, "confessedly imposed *internal taxes*, and the late acts of parliament, giving and granting certain duties in the British colonies, plainly tend to the same point. Duties have been imposed to restrain the commerce of one part

* Massachusetts State papers, pp. 124 to 134.

of the empire, that was likely to prove injurious to another ; and by this means, the welfare of the whole promoted ; but duties imposed, on such of the British imports, as are necessities of life, to be paid by the colonists on *importation*, without any view to the interests of commerce, but merely to raise a *revenue*, or in other words to compel the colonists to part with their money, against their inclinations, they conceive to be a *tax internal*, to all intents and purposes. And can it be thought just and reasonable," they add, "restricted as they are in their imports, obliged to purchase these very necessities, at the British market, that they should now be told they shall not have them, without paying a duty for them?" The same house of Burgesses, also, viewed the act of parliament, suspending the legislative powers of the assembly of New York as still more alarming. "If the parliament," they say, "can *compel* the colonies to furnish a single article, to the troops sent over, they may, by the same rule, oblige them to furnish clothes, arms, and every other necessary, even the pay of the officers and soldiers—a doctrine replete with every mischief, and utterly subversive of all that is dear and valuable : for what advantage can the people of the colonies derive, from their right of choosing their own representatives, if those representatives, when chosen, not permitted to exercise their own judgments, were under a necessity, (on pain of being deprived of their legislative authority) of enforcing the *mandates* of a British parliament."*

The circular letter of Massachusetts created no little alarm in the British cabinet. They viewed it as an attempt to convene another congress, to concert measures, in opposition to the authority of parliament. Union and concert among the colonies was a peculiar object of dread with the ministers ; and they were determined if possible, to prevent every measure leading to it. A letter from lord Hillsborough, Secretary of State, was therefore addressed to the governor of Massachusetts, directing him, at the next meeting of the general assembly of that colony, "to require of the house of representatives, in his majesty's name,

* Prior Documents, p. 215.

to *rescind* the resolution, which gave birth to the circular letter of the speaker, and to declare their disapprobation of, and dissent to that *rash* and *hasty* proceeding." If the house refused compliance, he was directed immediately to dissolve the assembly, and to transmit their proceedings to the king, that measures might be taken to prevent for the future "a conduct of so extraordinary and unconstitutional a nature."

To prevent its effects in the other colonies, a circular letter was, at the same time, addressed to their respective governors, declaring this measure of the people of Massachusetts, "to be of a most *dangerous* and *factionous* tendency, calculated to enflame the minds of his majesty's good subjects in the colonies, to promote an unwarrantable *combination*, and to excite and encourage an open opposition to, and denial of the authority of parliament, and to subvert the true principles of the constitution;" directing them, also, to exert their utmost influence, to defeat "this flagitious attempt to disturb the public peace," by prevailing upon the assemblies, to take no notice of it, and thereby treat it, with the *contempt* it deserved. The pleasure of the crown being communicated to the house of representatives of Massachusetts in June, 1768, the house, in the most peremptory manner, by 92 to 17, refused to rescind, or to disapprove of the proceedings of the preceding assembly; declaring their right as British subjects, in a respectful manner, to petition the king and parliament, for a redress of grievances, and to request the other colonies to unite with them, for the same purpose. They also, addressed a letter to lord Hillsborough giving him a detailed account of the transaction, and repelling the suggestion made by him, that the same was a *rash* and *flagitious attempt* to disturb the public peace. The house viewed the letter of lord Hillsborough, as an unwarrantable attempt on their rights; and in their answer to the communication of the governor on this subject, express themselves with no little warmth.

"If the votes of the house were to be controlled by the *direction* of a minister," they say, "we have left us, but a *shadow of liberty!*" On the question to rescind, Mr. Otis, one of the rep-

representatives from Boston, said—"When lord Hillsborough knows, that we will not rescind our acts, let him apply to parliament, to rescind theirs. Let Britain rescind their measures, or they are lost forever." On receiving information of the decision of the house, the governor immediately dissolved the assembly.

The ministerial mandate to the other colonies, was equally disregarded. The answer of the house of representatives of Maryland, to the message of governor Sharpe, communicating lord Hillsborough's letter, evinces the independent and fearless spirit, of the people of that province.

"We cannot," say they, "but view this, as an attempt, in some of his majesty's ministers, to suppress all communication of sentiments, between the colonies, and to prevent the united supplications of America, from reaching the royal ear. We hope the conduct of this house will ever evince their reverence and respect for the laws, and faithful attachment to the constitution; but we cannot be brought to resent an exertion of the most undoubted right of petitioning the throne; or any endeavors to procure and preserve an *union* of the colonies, as an unjustifiable attempt, to revive those distractions, which, it is said, have operated so fatally to the prejudice of both the colonies and the mother country."

"We have the warmest and most affectionate attachment to our most gracious sovereign, and shall ever pay the readiest and most respectful regard, to the *just* and *constitutional* power of the British parliament; but we shall not be *intimidated by a few sounding expressions, from doing what we think is right.*"

"The house of representatives of the colony of Massachusetts, in their letter to us, have intimated, that they have preferred an humble and loyal petition to the king, and expressed their confidence, that the united and dutiful supplications of his distressed American subjects, will meet with his royal and favorable acceptance; and we think they have asserted their rights, with a decent respect for their sovereign, and a *due submission* to the authority of parliament. What we shall do upon this occasion, or whether in consequence of that letter, we shall do any thing, it is

not our present business to communicate to your excellency : but of this *be pleased to be assured*, that we cannot be prevailed on to take *no notice of*, or to treat with *the least degree of contempt*, a letter so expressive of duty and loyalty to the sovereign, and so replete with just *principles of liberty* ; and your excellency may depend that whenever we apprehend the *rights* of the people to be affected, we shall not fail *boldly* to assert and *steadily* endeavor to maintain and support them, always remembering, what we could wish never to be forgot, that, by the bill of rights, it is declared, “ that it is the right of the subject to petition the king, and all commitments and prosecutions for such petitioning are illegal.” This spirited, and truly noble answer, bore date the 23d of June 1768 ; and the next day, the house sent a reply to the Massachusetts circular, in which they fully concur with them, that the statutes referred to, do “ infringe the great fundamental principle, that no man can be taxed, but with his own consent, given by himself, or his representative.”*

The assembly of New York, also, expressed themselves on this subject, in strong and decided language.

In December of this year, after stating, that their rights and privileges had been greatly abridged by the late acts of parliament, they declare unanimously, “ that this colony lawfully and constitutionally has, and enjoys an internal legislation of its own, in which the crown and people of this colony are constitutionally represented, and that the power and authority of the said legislature, cannot, lawfully or constitutionally, be *suspended, abridged, abrogated, or annulled* by any *power, authority, or prerogative* whatever, (the prerogative of the crown ordinarily exercised for prorogation and dissolution only excepted.)”

The house, also, declared, with the same unanimity, that they had “ an *undoubted right* to correspond and consult with any of the neighboring colonies, or with any other of his majesty’s subjects out of this colony, or belonging to any part of his majesty’s realm or dominions, either individually or collectively, on any matter or thing whatsoever, whereby they shall conceive the rights,

* Prior Documents, pp. 218 to 220. Note 12.

liberties, interests, or privileges of this house, or its constituents are, or may be affected.”*

The house immediately proceeded to exercise the right thus claimed, and appointed a committee to correspond with any other of his majesty's subjects out of the colony, or any matter concerning their rights.

In the mean time, the new board of commissioners of the customs was established by the king, at Boston, and entered on the duties of their office.

From the great excitement at that place, produced by the late proceedings of parliament, a collision between the new custom house officers, and the people of Boston, was to be expected. The indignation of the Bostonians against them, was manifested in various ways ; and at last broke out, in open opposition. The sloop Liberty, belonging to that distinguished patriot, Mr. Hancock, arrived at that port, in May 1768, laden with wines from Madeira.

The tide-waiter, who was put on board, refusing to retire to the cabin, as had been usual heretofore, was seized by force and confined there, while the greatest part of the cargo was unladen in the night, and put into stores ; and the next day the sloop was entered at the custom house, with a few pipes of wine only. These facts were not disclosed until about the 10th of June following, when the sloop was seized, for a false entry. The vessel was soon after, taken and removed from the wharf, by armed boats, and placed under the protection of the guns of the Romney, a ship of war, then in the harbor. This novel mode of procedure, excited the indignation of the people of Boston, who collected on this occasion, and not only attempted to prevent the removal of the vessel, but proceeded to acts of personal violence and outrage against some of the custom house officers. Their houses were, also, attacked and injured ; and the boat of the collector was seized, carried to the commons and burnt.

A committee of the council, in their report on this subject, say, that, although the extraordinary circumstances attending the

* Journals of the House of Representatives of New York.

seizure of the sloop, might, in some measure, extenuate the criminality of the riotous proceedings in consequence of it, yet, being of a very criminal nature, they declared their abhorrence of them ; and requested that the governor would direct prosecutions against the offenders.

This report was accepted by the council, but in consequence of the dissolution of the assembly, was not acted upon by the house. Such, however, was the state of public feeling, that no prosecutions could be had.

The commissioners and other principal revenue officers, considering themselves no longer safe in Boston, sought protection, on board the Romney, and afterwards retired to castle William, gave information of their situation to the British government, and requested the aid of a military force. The excitement at Boston was greatly increased, about this time, by the impressment of some seamen belonging to that town, by order of the officers of the Romney, in direct violation of an act of parliament, (the 6th Ann.) which declared, that "no mariner, or other person, who shall serve on board, or be retained to serve on board, any privateer, or trading ship or vessel, that shall be employed in America, nor any mariner or person, being on shore in any part thereof, shall be liable to be *impressed* or taken away, by any officer or officers, of or belonging to her majesty's ships of war." The inhabitants of Boston were assembled on this occasion, and their petition to the governor, praying his interference to prevent such outrages for the future, shows to what a state of alarm, anxiety, and even despair, they were then reduced. They state that, while waiting for a gracious answer to their petitions to the king, they were invaded with an armed force, impressing and imprisoning the persons of their fellow subjects, contrary to an express act of parliament—that menaces had been thrown out, fit only for barbarians, affecting them in the most sensible manner, and that, "on account of the obstruction of their navigation, the situation of the town was nearly such, as if war had been formally declared against it. To contend," they said, "against our parent state, is, in our idea, the most shocking and dreadful extremity ; but

tamely to relinquish the only security, we and our posterity retain, of the enjoyment of our lives and properties, without one struggle, is so humiliating and base, that we cannot support the reflection.”*

During the summer of this year, the merchants of Massachusetts, Connecticut, and New York, again had recourse to a non-importation agreement, particularly with respect to the articles, on which duties were imposed. This was done, not only to obtain a repeal of the late revenue act, but with a view of encouraging *manufactures* in the colonies. The merchants of Philadelphia being invited to join in this measure, declined, until they had ascertained the intentions of the ministry in relation to the repeal of the act. Informed, afterwards, through their friends in London, who had sounded the ministry, that in consequence of the unjustifiable conduct of some of the colonists, the law would not, at present, be repealed, they and most of the other merchants in the different colonies, joined in the measure.

A new alarm was excited in Boston, about the first of September, by a rumor, supposed to have originated with the governor, that a military force was soon expected there, to compel obedience to the late acts of parliament. A town meeting was immediately called, and a large committee appointed, to wait upon the governor, and ascertain the truth of this rumor; and also, to request him, to convene the general assembly.

The governor, the next day, informed the people of the town that his “apprehensions, that some of his majesty’s troops were expected at Boston, arose from information of a private nature; and that he could not call another assembly this year, without the further commands of the king.”†

At this meeting, the town not only again stated their charter rights, but declared “that they would at the peril of their lives and fortunes, take all legal and constitutional measures to defend them.”

Under a pretended apprehension of an approaching war with France, the town voted that all the inhabitants should duly ob-

* Prior Documents, p. 263.

† Tudor’s Life of Otis, pp. 330, 331.

serve the law of the province, which required every listed soldier and other householder, to be always provided, "with a well finished fire-lock, musket, accoutrements, and ammunition."

They, also, deemed it important, as the governor had refused to call an assembly, that a convention should be held, consisting of committees from the several towns, to consult and advise such measures, "as his majesty's service and the safety of the province should require."

For this purpose, a committee was appointed on the part of Boston; and the selectmen were directed to invite the other towns, to send similar committees, to meet in this convention, on the 22d of September. In pursuance of this invitation, committees from ninety-six towns met at the time appointed. The proceedings of this convention were marked with singular moderation, considering the state of the province.

One of its first acts was, to request the governor to convene the general assembly; but he refused to receive the petition. He thought proper, however, to send a letter to the convention, admonishing them to break up and separate; "but," he added, "if you pay no regard to this admonition, I must, as governor, assert the prerogative of the crown, in a more public manner; for assure yourselves, (I speak from instructions,) the king is determined to maintain his entire sovereignty over this province, and whoever shall persist in usurping any of the rights of it, will repent of his rashness." The convention, however, were not intimidated by the threats of the governor.

They published a report, in which disclaiming "all legislative or governmental authority," they declared, they had met, "in consequence of great alarm and uneasiness among the people, and a report, that the petitions of the late assembly had not been presented to the king, and that a large military force was expected, for the purpose of assisting, in executing oppressive and, (as they believed,) unconstitutional laws." They, at the same time, expressed a hope, "that their complaints would reach the ears of their gracious sovereign, and earnestly recommended to the people, to refrain from all acts of violence and tumult, as calculated,

rather to injure than to serve the cause of freedom ; and to submit with all due patience to legal authority, till some way of relief should be opened to them." They prepared a petition to the king, in which they complain of being misrepresented to his majesty. They repel the charges brought against them, and declare their uneasiness to arise, from the oppressive measures of the administration, the acts for raising a revenue, passed by a body, in which they were not represented ; from the orders, for a military force to aid in the execution of these acts, and from a dissolution of the assembly, and not from a desire of independence. " We clearly hold," they say, " that the *sovereignty of his sacred majesty*, king George the third, is entire in all parts of the British empire : God forbid, that we should ever act or wish any thing in oppugnation of the same. We appear as plain honest men, humbly soliciting peace and order. We wish ever to promote and cultivate a harmony and union between Great Britain and the colonies."*

After a session of five days, the convention was dissolved. The opposite views of the people of Great Britain and America, on the subject of colonial rights, and particularly, relative to taxation, necessarily led to opposite measures ; and there was no umpire to decide between them. The former were determined to enforce their claim, by military power, while the latter were equally determined, not to submit.

The certain approach of this force, justly filled the colonists, and particularly those of Massachusetts, with the greatest alarm and anxiety. In consequence of the representations made to the ministry, by governor Bernard and others, troops had been secretly ordered to Boston, as early as the 8th of June. In March preceding, Bernard had written to the earl of Shelburne, that " in the business of a popular opposition to the laws of Great Britain, founded upon pretensions of rights and privileges, he had not the shadow of authority or power ;" and he added that when asked, why he did not apply for troops, to support the king's government, he answered, that he did not think it " proper or prudent, to make such applications, upon his own opinion only."

* Bradford, vol. 1. pp. 165, 166.

In June, lord Hillsborough, in a letter to general Gage, communicated to him certain private information from the commissioners of the revenue, and several *confidential* letters, from governor Bernard, and says, that these would convince him of the necessity of taking measures, to strengthen the hands of government in Massachusetts, to enforce obedience to the laws, and support the civil magistrates and other officers of the crown in the execution of their duty. "For these purposes," he adds, "I am to signify to you his majesty's pleasure, that you do *immediately* order one regiment, or such force as you shall think necessary, to Boston, to be *quartered* in that town, and to give every legal assistance to the civil magistrate in the preservation of the public peace, and to the officers of the customs, in the execution of the acts of *trade* and *revenue*." The secretary was aware, from "the delicate nature of the service," with which these troops were charged, that this step might, and probably would lead "to *consequences not easily foreseen*;" and therefore directed general Gage to choose an officer for the command of the troops, on whose prudence, resolution, and integrity, he could depend.* Under these instructions, two regiments were ordered by general Gage, and about the last of September arrived in the harbor of Boston, under the command of colonel Dalrymple; who, at first, had orders, to quarter one regiment at the castle, and the other, in the town. Soon after their arrival, however, the commandant had new orders, to quarter both in the town. These last orders were probably given, in consequence of the meeting of the convention before mentioned.

The governor consulted the council, relative to providing for the troops in Boston, but they refused all interference, alleging, that by act of parliament, the troops must occupy the barracks; and in case these were not sufficient, the magistrates were to provide quarters for the remainder; intimating, at the same time, that to station troops permanently in the colonies, in time of peace, was not authorized by the mutiny act, and was contrary to the constitution. The magistrates and the people of Boston,

* Bradford, vol. 1, p. 168.

also, refused to interfere ; and the governor alone was obliged to provide them quarters.

One regiment was encamped on the commons, and the other for a time, in the market hall and state house.

To see their favorite commons, turned into an encampment, the chamber of the house of representatives, the council chamber and the seats of justice occupied and surrounded by armed soldiers, sent to enforce laws, deemed by them unconstitutional, excited in the people of Boston, the highest feelings of indignation. The general assembly was not in session, and the governor refused to convene them, until further orders from the king.

To these, their legal guardians and protectors, they therefore could not look for redress, until the constitutional time of their meeting, in May following.

Boston now wore the appearance of a garrisoned town ; constant quarrels and collisions, as was to be expected, took place between the citizens and soldiers ; and it is a matter of surprise, that these did not sooner end in bloodshed. The proceedings of the colonists against the late acts of parliament, and particularly the conduct of the people of Massachusetts, in sending their circular letter to the other colonies, in assuming the powers of government, in refusing to provide quarters for the royal troops, and in openly opposing the execution of the revenue acts, and acts of trade, again excited the resentment of the ministry and parliament. About the last of November 1768, the papers in relation to the disturbances in Massachusetts, were laid before parliament ; and on the 15th of December following, the house of lords passed a number of resolutions, severely censuring the conduct of the people of that province.

They declared that the votes, resolutions and proceedings of the house of representatives, in the winter preceding, denying or calling in question the power and authority of the king and parliament, to bind them in all cases whatsoever, " were illegal, unconstitutional, and derogatory of the rights of the crown and parliament of Great Britain"—that the circular letter, was a proceeding of a most unwarrantable and dangerous nature, cal-

culated to inflame the minds of the other colonists, and tending to create *unlawful combinations*, repugnant to the laws of Great Britain, and subversive of the constitution—that the town of Boston was in such a state of disorder and confusion, that the public peace could not be preserved, or the laws executed, without the aid of a military force—that the proceedings of that town, in calling a convention, were subversive of his majesty's government, and manifested a design to set up a new and unconstitutional authority, independent of the crown of Great Britain—and that the meeting of the convention was a daring insult offered to his majesty's authority, and an audacious usurpation of the powers of government.* These resolutions were, about the first of February, agreed to by the house of commons; and a joint address was at the same time presented to the king, expressing their satisfaction at the measures taken by him, for maintaining the constitution and a due obedience to the laws; and giving him the strongest assurances of their support, in all future measures, for the same purpose; and also requesting him, in order to bring to condign punishment, the chief authors and instigators of the late disorders, “to direct the governor of Massachusetts Bay, to take the most effectual methods for procuring the fullest information that can be obtained, touching all *treasons*, or misprisions of *treason*, committed within his government, since the 30th of December last, and to transmit the same, together with the names of the persons, who were the most active in the commission of such offenses, to one of his majesty's secretaries of state, in order that his majesty may issue a special commission for enquiring of, and hearing and determining the said offences, within this realm, pursuant to the provisions of the statute of the 35th of Henry the eighth, if his majesty shall, when receiving the said information, see sufficient ground for such a proceeding!” The king, in answer to this address, assured parliament, of his determination, to give the necessary orders, for bringing the authors of the unhappy disorders in Massachusetts, to condign punishment.† Though these proceedings

* Note 13.

† Prior Documents, pp. 243, 244.

of parliament pointed principally to Massachusetts, yet all the colonists considered themselves, as deeply affected by them.

Instead of intimidating, they served to unite them more firmly, in opposition to this extraordinary claim of right to transport the colonists to England for trial, for supposed offenses committed in America. The house of Burgesses in Virginia, early in May, 1769, not only again asserted, that the sole right of imposing taxes on the inhabitants of that colony, was vested in them alone, and that it was the privilege of the inhabitants to petition the king for a redress of grievances, and to request the other colonies to unite with them for that purpose; but, also, declared, "that all trials for treasons, misprisions of treason, or for any felony or crime whatever, committed by any person residing in the colony, ought to be in, and before his majesty's courts in the colony; and that the seizing any person residing in the colony, suspected of any crime whatever, committed there, and sending such person to places beyond the seas to be tried, is highly derogatory of the rights of British subjects, as thereby the inestimable privilege of trial by a jury from the vicinage, as well as the liberty of producing witnesses on such trial, will be taken away from the party accused."

The house of Burgesses, also, prepared a petition to the king, on this subject, couched in strong and feeling language. After expressing their horror at the illegal and unconstitutional mode of transporting the colonists to England for trial, as recommended by parliament, they add, "How truly deplorable must be the situation of a wretched American, who, having incurred the displeasure of any one in power, is dragged from his native home, and his nearest domestic connections, thrown into a prison, not to wait his trial, before a court, jury, or judges, from a knowledge of whom, he is encouraged to hope for speedy justice; but to exchange his imprisonment in his own country, for fetters among strangers."

"Conveyed to a distant land, where no friend, no relation will alleviate his distresses, or minister to his necessities, and where, no witnesses can be found, to testify to his innocence; shunned

by the reputable and honest, and consigned to the society and converse of the wretched and abandoned, he can only pray, that he may soon end his misery with his life."

The governor of Virginia, informed of the proceedings of the house, dissolved the assembly. The members, however, immediately met, in their private characters, chose their late speaker, Peyton Randolph, moderator, and entered into a written association or agreement, not to import any articles that were taxed, as well as some others. The resolutions of the burgesses of Virginia, were directed to be sent to the speakers of the several assemblies on the continent.

The house of representatives of New York, in November of the same year, not only concurred in these resolutions, but ordered them to be entered on their journals. The assembly of Massachusetts, after their dissolution in July, 1768, was not permitted again to meet until the last Wednesday of May, 1769, the time fixed by the charter. The members came together, with minds extremely irritated, not only against the governor, but against the troops stationed at Boston, and the course of policy lately pursued by the parent country against that colony. This excitement was not diminished, on finding the state house, surrounded by a guard, with cannon pointed directly to the place where they met for deliberation. The house of representatives, on the first day of the session, sent a message to the governor, declaring "that an armament by sea and land, investing the metropolis, and a military guard, with cannon pointed at the door of the state house, where the assembly had met, was inconsistent with that dignity, as well as that freedom, with which they had a right, to deliberate, consult and determine."

They requested him, therefore, to give orders for the removal of the troops from the town, during the session of assembly.

The governor answered, that he had no authority over the troops, and could give no such orders, as had been required. In reply to this message, the house declared that "the use of the military power, to enforce the execution of the laws, is, in their opinion, inconsistent with the spirit of a free constitution, and the

very nature of government—that the body of the people, the posse comitatus, will always aid the magistrate in the execution of such laws, as ought to be executed. The very supposition,” they say, “of an unwillingness in the people in general, that a law should be executed, carries with it the strongest presumption, that it is an unjust law, at least, that it is unsalutary. *It cannot be their law*; for by the nature of a free constitution, the *people* must *consent* to laws, before they can be obliged, in conscience, to obey them.”* In this situation, the house refused to do business, and the governor adjourned the assembly to Cambridge. Several very angry messages passed, between the governor and the house, during this session; the latter denying the power of the governor to adjourn the assembly from Boston.

The house again resumed the subject of their rights, and passed a number of resolutions, and among the rest, “that the establishment of a standing army in the colony, in time of peace, without the consent of the general assembly of the same, is an invasion of the *natural rights* of the people, as well as those which they claim, as free born Englishmen, confirmed by magna charta, the bill of rights, as settled at the revolution, and by the charter of the province.” With respect to transporting the Americans to England, for trial for offenses committed in the colonies, they concurred with the resolution passed by the Virginia house of burgesses.

Towards the close of the session, the governor transmitted to the house, two messages, requiring them to make provision, for the payment of expenses, already incurred for quartering the troops, and for similar expenses in future. The house, in a most peremptory manner, refused to comply; and the answers to these messages, show the temper, feelings and determined spirit of the house, as well as the people of Massachusetts, on this subject.

After commenting on the unreasonableness and severity of the mutiny act, and the unwarrantable proceedings of the governor under it, by making payments of money, without any appropri-

* Massachusetts State papers, pp. 170, 171.

tion by the assembly, they add,—“ We shall now, with your excellency’s leave, take a nearer view of the act of parliament. The whole continent has, for some years past, been distressed, with what are called acts for imposing taxes on the colonies, for the express purpose of raising a revenue, and that, without their consent, in person, or by representatives.”

“ This subject has been so fully handled, by the several assemblies, and in the publications, that have been made, that we shall be as brief as possible, on that head; but we take leave to observe, that in strictness all these may be rather called acts for raising a *tribute* in America, for the further purposes of dissipation among *placemen* and *pensioners*. And, if the present system of measures, shall be much further pursued, it will be soon difficult, if possible, to distinguish the case of widows and orphans in America, plundered by infamous informers, from those, who suffered under the administration of the most oppressive of the governors of the Roman provinces, at a period, when that once proud and haughty republic, after having subjugated the finest kingdoms in the world, and drawn all the treasures of the east, to imperial Rome, fell a sacrifice to the unbounded corruption and venality of its grandees. But of all the new regulations, the stamp act not excepted, this under consideration, is the most excessively unreasonable. For, in effect, the yet free representatives of the free assemblies of North America, are called upon to repay, of their own and their constituents’ money, such sum or sums as persons, over whom they can have no check or control, may be pleased to expend. As representatives, we are deputed by the people, agreeable to the royal charter and laws of this province. By that charter, and the nature of our trusts, we are only empowered to ‘ grant such aids, and levy such taxes for his majesty’s service, as are reasonable;’ of which, if we are not free and independent judges, we can no longer be free representatives, nor our constituents free subjects. If we are free judges, we are at liberty to follow the dictates of our own understandings, without regard to the *mandates* of another; much less can we be free judges, if we are, but blindly to give as much of our own and

our constituents' substance, as may be commanded, or thought fit to be expended, by those we know not. Your excellency, therefore, must excuse us, in the express declaration, that as we cannot, consistently with our honor, or interest, and much less with the duty we owe our constituents, so we shall *never* make provision for the purposes, in your several messages."* On the receipt of this answer, the governor prorogued the assembly, to the usual time of their winter session.

In the course of this session, governor Bernard informed the assembly, of his orders from the king, to repair to England, to lay before him the state of the colony; and before its close, the house prepared a petition to his majesty, to remove the governor *forever*, from the government of the province; alleging a variety of reasons, and among others, that he had endeavored to overthrow the constitution of government of that colony, and to deprive them of their charter rights. Some of the confidential letters of Bernard to the ministry, had been laid before parliament, in November, 1768, and printed. In these, he had recommended some material alterations in the charter of Massachusetts, particularly in the election of councillors, vesting their appointment in the crown. In August, Bernard, sailed for England, and Thomas Hutchinson, the lieutenant governor, was left the king's representative in the colony.

It is proper here to state, that during the session of parliament in the winter of 1769, an attempt was made to obtain a repeal of the act, imposing the new duties, but it was resisted as an improper time to yield to the unjust demands of the colonists. It would be time enough, it was said, to do this, when they had shown a disposition to submit to the authority of parliament. Lord North declared, that however prudence or policy might hereafter induce them to repeal the act, he hoped, they should never think of it, until America was *prostrate at their feet*.† The act however, had become somewhat unpopular in Great Britain; and notwithstanding the haughty declaration of one of the ministers, who was soon after placed at the head of the

* Massachusetts State papers, p. 106.

† Gordon, vol. 1, p. 176.

administration ; yet, on the 13th of May, 1769, after the close of the session, lord Hillsborough sent a circular letter to the colonial governors, in which he says, "I can take upon me to assure you, notwithstanding insinuations to the contrary from men with factious and seditious views, that his majesty's present administration have, at no time, entertained a design to lay any further taxes upon America, for the purpose of raising a revenue ; and that it is, at present their intention to propose, the next session of parliament, to take off the duties upon glass, paper and colors, upon consideration of such duties having been laid contrary to the *true principles of commerce*. These have always been, and still are, the sentiments of his majesty's present servants, and by which their conduct, in respect to America, has been governed. And his majesty relies upon your prudence and fidelity, for such an explanation of his measures, as may tend to remove the prejudices which have been excited, by the misrepresentations of those, who are enemies to the peace and prosperity of Great Britain and her colonies ; and to establish that mutual confidence and affection, upon which the glory and safety of the British empire depend." The governor of Virginia, lord Bottertout, in presenting this letter to the assembly of that colony says, "It is my opinion, that the plan which I have stated to you, will certainly take place, and that it will never be departed from, and so determined am I forever to abide by it, that I will be content to be declared infamous, if I do not, to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I am or ever shall be legally invested, in order to obtain and maintain, for the continent of America, that satisfaction, which I have been authorized to promise this day, by the confidential servants of our glorious sovereign, who to my certain knowledge, rates his honor so high, that he would rather part with his crown, than preserve it by deceit."

"We will not suffer our present hopes," say the assembly of Virginia, in their answer to this communication, "arising from the pleasing prospect, your lordship has so kindly opened and displayed to us, to be dashed by the bitter reflection, that any fu-

ture administration will entertain a wish, to depart from that plan, which affords the surest and most permanent foundation of public tranquility and happiness. No, my lord, we are sure our most gracious sovereign, under whatever changes may happen in his confidential servants, will remain immutable in the ways of truth and justice, and that he is incapable of deceiving his faithful subjects; and we esteem your lordship's information, not only, as warranted, but even sanctified by the royal word."

As the duty on tea, as well as the other revenue acts were still to continue, and the other duties were to be taken off, solely on the ground of commercial policy, this promise or declaration of the secretary did not satisfy the colonists. The merchants of Boston, at a meeting, unanimously declared, that the removal of the duties on the articles of glass, paper and colors, would not relieve the trade of the colonies, from the difficulties it was under; and they at the same time confirmed their former agreement, not to send for goods, unless the *revenue acts* should, also be repealed. The people of the town of Boston, at a meeting held on the 4th of October, 1769, published "an appeal to the world," in which they not only vindicated themselves from the "false, scandalous and infamous libels" upon them, contained, as they said, in some of the letters of governor Bernard, and others laid before parliament; but also, declared, "that the taking off the duties on paper, glass and colors, merely on commercial principles, would not be satisfactory; that it would not relieve trade from its burdens, much less remove the grounds of discontent, which prevailed through the continent, upon higher principles."

"Their rights," they said, "are invaded by those acts; therefore, until they are all repealed, the *cause* of their just complaints cannot be removed. In short, the grievances which lie heavily upon us, we shall never think redressed, till *every act*, passed by the British parliament, for the express purpose, of raising a revenue upon us, without our consent, is repealed; till the American board of commissioners of the customs, is *dissolved*, the *troops* recalled, and *things* are restored to the state they were in, before the late extraordinary measures of administration took place."

In the course of the year 1769, most of the colonial assemblies united in resolutions similar to those of Virginia and Massachusetts; and the merchants also united in non-importation agreements. The intelligent merchants of Philadelphia, in November of this year, in a letter to the merchants of London, not only vindicated themselves, and the colonists in general, from aspersions cast upon them, by governor Bernard and others; but on the subject of the right of parliament to impose taxes or duties upon them in any way, expressed themselves in bold and determined language. After stating the general reasonings of the colonists on this great question, they conclude by saying; "for this reason, we think ourselves obliged to inform you, that, though the merchants have confined their agreement to the repeal of the act laying a duty on tea, paper, glass, &c. yet nothing short of a repeal of all the *revenue acts*, and putting things on the footing they were, before the late innovations, can or will satisfy the minds of the people. Fleets and armies may overawe our towns, admiralty courts and boards of commissioners, with their swarms of underlings, may, by a vigorous execution of the same unconstitutional acts, ruin our commerce and render America of little use to the people of Britain; but while every *farmer is a freeholder*, the spirit of liberty will prevail, and every attempt, to divest them of their privileges of freemen, must be attended with consequences, injurious to the colonies and the mother country." This letter, so clearly manifesting the firmness and patriotism of the merchants of Philadelphia, was drawn by a committee, appointed for that purpose; and among this committee were the names of Robert Morris, Charles Thompson, and Thomas Mifflin, afterwards distinguished in the active scenes of the revolution.*

Parliament again met on the 9th of January, 1770, and soon after, the Duke of Grafton, first lord of the treasury, resigned, and the celebrated lord North was appointed in his room. Though the speech from the throne declared, that combinations still existed, to destroy the commercial connection, between Great Brit-

* Gordon, vol. 1, p. 180.

ain and her colonies, and though America was not yet prostrate at the feet of the ministry, lord North himself, on the 5th of March, 1770, introduced a bill taking off the duties imposed by the act of 1767, on all the articles except tea. This partial repeal, which took place the 12th of April, though not satisfactory, served in some measure, to tranquilize the minds of the Americans. The insignificant duty on tea, was continued for the purpose of maintaining the supremacy of parliament, and like a pepper corn rent, was reserved to show the tenure by which the colonists held their rights. The house of burgesses in Virginia, in a petition to the king, declared that a partial suspension of the duties, would not remove their too well grounded fears and apprehensions; while that on tea was retained "for the avowed purpose of establishing a precedent against them."* The troops were still continued at Boston, and the other revenue acts and the acts of trade were still enforced, by the new board of commissioners. This kept up a state of extreme irritation in Massachusetts, and collisions and quarrels, between the soldiers and the citizens of Boston were continued. These were carried to such a length, that, at last, a guard, under the command of a captain Preston, in a quarrel, fired upon the people of that town, and eleven persons were either killed or wounded.†

This tragical event happened on the evening of the 5th of March, 1770, and threw the town into a flame.

A meeting of the citizens was held the next morning, and a resolution passed; "that the town should be evacuated by the soldiers at all hazards;" and a committee was appointed, with Samuel Adams at their head, to demand their immediate removal. After some hesitation on the part of Hutchinson and Col. Dalrymple, the troops were removed to the castle, and the peace of the town preserved.‡

Captain Preston and others were indicted for murder, and were defended by the powerful talents and eloquence of John Adams and Josiah Quincy jr. and were all acquitted, except two, who were found guilty of manslaughter. Those who fell

* Gordon, vol. 1, p. 187.

† Bradford, vol. 1, pp. 208, 209.

‡ Otis' Life, p. 377.

on this occasion, were considered as martyrs in the cause of liberty, and the anniversary of this tragic event, usually called "the Boston massacre," was kept, for a long time afterwards, with great solemnity.

The event itself, was deeply felt throughout America, and served, among other things, to keep alive among the colonists their opposition to the exercise of parliamentary and royal authority over them.

This was particularly the case in Massachusetts, where opposition was increased by new causes of controversy. The commissioners and other officers of the customs, had been assessed in the towns where they resided, for the profits of their commissions; and like other citizens and inhabitants, had been called upon, for the payment of their proportion of taxes. Of this, they had complained to the king; and royal instructions were given to the governor, to assent to no tax bill, giving the assessors the power of thus taxing these officers. In consequence of these instructions, governor Hutchinson, in July, 1771, refused his assent to a tax bill. The house of representatives would not suffer the smallest infringement of what they deemed their rights, to pass unnoticed; and in their answer to the message of the governor, communicating the reasons of his dissent to the bill, expressed themselves in strong language, against being controlled in their legislative proceedings by royal instructions, as well as against the revenue acts themselves.

"The cause you are pleased to assign," they say, "for withholding your assent to the tax bill, is surprising and alarming. We know of no commissioners of his majesty's customs, nor of any *revenue* his majesty has a *right*, to establish, in North America; we know and feel a *tribute*, levied and extorted from those, who, if they have property, have a right to the absolute disposal of it." They, at the same time declare, that by their royal charter, the general assembly have full power and authority, to levy taxes on all the inhabitants of that province; and that they have an uncontrollable right, to *direct*, in what manner, and on *whom*, such taxes shall be levied: they also add, "that for the governor

to withhold his assent to bills, merely by force of his instructions, is vacating the charter, giving instructions the force of law, within the province. Such a doctrine," they said, "would render the representatives of a free people mere machines, and would reduce them to this fatal alternative, either to have no taxes levied and raised at all, or to have them raised and levied in such a manner, and upon *those* only, whom his majesty's ministers might please."* As neither the house nor governor would yield on this point, no tax bill was passed, during the session. The assembly was prorogued, till September, 1771, and then again till April 1772, an unusual length of time; and this arbitrary exercise of royal authority, served to increase the indignation of the people, and greatly to lessen their respect for the authority itself. The half-way measures of the administration, since the repeal of the stamp act, had not and could not satisfy the Americans. No half-way measures indeed, could avail. They might palliate, but could not cure the evil. The relinquishment of the *right*, as well as the *practice* of taxing, and of regulating the internal concerns of the colonies would alone satisfy them. While the declaratory act remained in force, no cordial union, no harmony could exist, between the colonies and the parent country. On these points no compromise was possible.

Every attempt to exercise this unlimited authority, affecting in the least degree, colonial rights, served only to increase irritation, and to widen the breach, between the two countries.

The provision made by the crown, for the support of the governor of Massachusetts, independent of the assemblies of that province, revived, with ten fold bitterness, the old dispute on that subject. Information that such provision had been made, and that the governor had received his salary from the crown, was officially announced to the assembly, in June, 1772.

The house of representatives immediately declared, that this was an infraction of their charter; that the governor's receiving his support, independent of the grants of the general assembly, was a dangerous innovation, destructive of those mutual

* Bradford, vol. 1, pp. 246, 247.

checks, which each branch of the legislature ought to have upon the other ; and against which they entered their solemn protest as an important change in their constitution, and exposing the province to a despotic administration of government. They requested the governor, to receive his salary, as heretofore, from the assembly ; but this he refused. Opposition to ministerial and parliamentary measures was not at this time, confined to Massachusetts alone, but was manifested in an open and daring manner, in the colony of Rhode Island, in the month of June, 1772. A British armed schooner, called the Gaspee, was stationed in that colony, to enforce the revenue and trade laws. The commander had rendered himself obnoxious to the people of that colony, particularly to the inhabitants of Providence, not merely from the nature of the duty assigned him, but by his conduct in obliging the masters of packets, navigating their favorite bay, to submit to the degradation of lowering their colors, as they passed the schooner ; and in case of refusal, by chasing and firing at them. The master of one of the Providence packets, having refused to submit to this act of servility, was fired upon ; and in the chase to compel submission, the schooner ran aground. Some of the bold and patriotic inhabitants of Providence, informed of this, with John Brown, a distinguished and opulent merchant at their head, immediately assembled, and in the night took possession of the royal vessel by force, and burnt her, with all her stores. Commissioners were appointed by the crown, to find and try the persons concerned in this transaction, but though a reward of five hundred pounds was offered for a discovery, no proof could be obtained against the offenders.

No measure of the British cabinet, since the stamp act, had excited so much dissatisfaction in Massachusetts, as the royal provision for the support of the governor, independent of the provincial assembly. The old contest on this subject was not yet forgotten, and the people, now greatly increased in numbers, were as little disposed, as their ancestors, to yield on this point. Opposition to this measure, was not confined to the assembly ; but numerous meetings of the people themselves in the various towns,

were held on the subject. At these meetings, not only this particular measure, but all the late ministerial and parliamentary proceedings, in relation to the colonies, were examined and discussed, with great freedom and boldness. These meetings commenced at Boston, on the 2d of November 1772.

On the motion of Samuel Adams, a committee consisting of twenty-one was appointed, "to state the rights of the colonies, and of this province in particular, as *men*, as *christians*, and as *subjects*."

This committee was, also, directed to publish the same to the several towns in the province, and to the *world*, as the sense of the town of Boston, on the subject of their rights, with the various infringements and violations thereof. The report made by this committee was accepted on the 19th of that month; and six hundred copies circulated through the colony, with a letter from the committee to the other towns, requesting their concurrence. In this report, drawn with great ability, they claimed those natural and unalienable rights of man, with which no government could interfere, without their consent. As British subjects, they claimed equal rights with their fellow subjects in England, rights secured to them by the constitution. The christian religion, they said, not only sanctioned their views of civil liberty, but in spiritual concerns, secured to them all the freedom, and self-direction, which they and their fathers had long enjoyed. After stating the many violations of their rights, they allude to the royal provision for the support of their governor, declaring, "it had been always held, that the dependence of the governor of this province, upon the general assembly for his support, was necessary for the preservation of their legislative equilibrium; nevertheless his majesty had been pleased to apply £1500 sterling, annually, out of the American revenue, for the support of the governor of this province independent of the assembly; whereby the ancient connection between him and this people is weakened, the confidence in the governor lessened, the equilibrium destroyed, and the constitution essentially altered." Nor did the framers of this report confine themselves to the more recent vio-

lations of colonial rights ; but adverted to the more ancient acts of parliament, restraining the manufactures of the colonists. The act prohibiting the erection of slitting mills, they declare to be “ an infringement of that right, with which *God* and *nature* had invested them, to make use of their *skill* and *industry*, in procuring the necessaries and conveniences of life.” The acts also, prohibiting the transportation of wool by water, and for restraining the manufacture of hats, they pronounced *unreasonable and grievous*.

After stating, that the establishment of a bishop in the colonies, (a measure supposed to be then in contemplation,) would be a grievance and a violation of their rights, they add, “ and we are further of opinion, that no power on earth, can justly give either *temporal or spiritual jurisdiction*, within this province, except the great and general court.”

In their letter to the several towns, the committee tell their fellow citizens, “ they had abundant reason to apprehend, that a plan of despotism had been concerted, and was hastening to a completion : that the late measures of administration, had a direct tendency to deprive them of every thing valuable as men, as christians, and as subjects, entitled to the rights of native Britons.”

If they concurred with them, with respect to their rights and the violation thereof, they called upon them, to stand firm, as men, to recover and support those rights ; and to take measures to rescue, from impending ruin, their happy and glorious constitution. If, however, they say, it should be the general voice of the province, that the rights they had stated did not belong to them, or had not been violated, or were not worth contending for, they could only forever lament the extinction of that generous ardor for civil and religious liberty, which in the face of every danger, and of death itself, induced their fathers to forsake the bosom of their native country, and begin a settlement on *bare creation*. They conclude—“ We are not *afraid of poverty* ; but we *disdain slavery*. Let us consider, we are struggling for our best birth rights and inheritance ; which, being infringed, renders all

our blessings precarious in their enjoyment, and trifling in their value." Most of the towns held meetings, appointed committees of correspondence, and passed resolutions, similar to those of Boston; and some of them even in bolder language. The inhabitants of Petersham, as well as Boston, did not confine themselves to the late violations of their rights, but declared, that parliament had unrighteously distressed their trade, denied them the privilege of *setting up and carrying on manufactures*, restricted and prevented their lawful intercourse and commerce with other states and kingdoms, had made laws touching life and limb, in disherison of the ancient common law of the land; and "in these latter times, had robbed and plundered the honest and laborious inhabitants of this extensive continent of their property, by mere force and power; and are now draining the people of the fruits of their toil, by thus raising a revenue from them, against the natural rights of man, and in open violation of the laws of God."* This is a specimen of the boldness and freedom with which, the independent freeholders of Massachusetts expressed themselves, on the general system of policy heretofore pursued by the parent country towards the colonies, as well as of the more recent exercise of parliamentary power over them.

These proceedings of the towns in Massachusetts, attracted the attention of governor Hutchinson; and in his speech, at the opening of the assembly, in January 1773, he declared them to be unwarrantable and of dangerous tendency; and he called upon the assembly, "to join in discountenancing such *irregularities and innovations*." Alluding to these proceedings and the disordered state of the province, he says, "at length the constitution has been called in question, and the authority of the parliament of Great Britain to make and establish laws for the inhabitants of this province, has been, by many, denied."

Referring to the various resolutions of the towns, he observes that "some of them deny the supreme authority of parliament, and so are repugnant to the principles of the constitution, and that others, speak of this supreme authority, of which the king is a constitu-

* These resolutions were prepared by Josiah Quincy, jr.

tional part, and to every act of which his assent is necessary, in such terms, as have a direct tendency, to alienate the affections of the people, from their sovereign, who has been ever tender of their rights, and whose person, crown, and dignity, we are under every possible obligation to defend and support.”* The governor, maintained in the most explicit manner, the supremacy of parliament over the colonies, agreeably to the principles of the declaratory act; and his speech was a challenge to the assembly, on the great question, between the two countries.

This drew answers from the council and house, in vindication of the proceedings of the towns, and of the rights of the colonies, and of Massachusetts in particular; to these the governor replied, and to this reply both the council and house rejoined. These state papers, as they may be justly called, were drawn with no ordinary abilities on both sides. The governor was a gentleman of talents, as well as research, and no one was better acquainted with the history of the province over which he presided. The answers of the council and house were prepared by committees composed of men of the first talents, in the assembly. They evinced not only a thorough knowledge of the rights of the colonists generally, but of their own provincial history, and the various controversies, that had subsisted between the parent country, and the people of Massachusetts, from their first settlement, as well as the views entertained and expressed, at different times, by their ancestors, on the subject of their rights.

These answers to the speeches of the governor, instead of agreeing that parliament had a right to bind the colonies in all cases whatsoever, clearly intimated that the legislative authority of Great Britain could constitutionally bind them in no case whatever. The answer of the house, after taking an extensive view of the sense and practice of their ancestors on this subject, under both charters, concludes by saying, “if there have been, any late instances of a *submission to acts of parliament*, it has been, in our opinion, rather from *inconsideration*, or a *reluctance* at the idea of contending with the parent state, than from a conviction

* Massachusetts State papers, 338.

or acknowledgment of the supreme legislative authority of parliament.”*

The assembly was informed by the governor, during this session, that the king, had allowed the justices of the superior court, in that province, salaries, independent of any provincial grant. This information increased the indignation of the people of Massachusetts, and on the 3d of March, the assembly declared, “that the making the judges of the land independent of the grants of the people, and altogether dependant on the crown, as they will be, if, while they thus hold their commissions during pleasure, they accept of salaries from the crown, is unconstitutional, and destructive of that security, which every good member of civil society, has a just right to be assured of, under the due execution of the laws; and is directly the reverse of the constitution, and appointment of judges in Great Britain.”†

The proceedings of the inhabitants of Boston in November 1772, as well as the proceedings of the assembly of Massachusetts, in the winter following, were transmitted to Virginia, in March.

Open opposition to the measures of the British government in relation to the colonies, had of late, been principally confined to Massachusetts.

The Bostonians, for two or three years past, had necessarily been brought in collision with the revenue officers, and the military force sent among them to enforce submission; and the late speech of governor Hutchinson on the subject of parliamentary supremacy, unavoidably elicited from the general assembly of that province, a full and explicit expression of their sentiments, on this great question. The other colonists, however, had not been idle or indifferent spectators of the scenes that had passed in Massachusetts. The leading patriots of America, no doubt, now began seriously to contemplate the mighty struggle, to which

* The Committee who drew the answers of the Council, were J. Bowdoin, H. Gray, J. Otis, S. Hall, Mr. Dexter, Col. Ward, and Mr. Spooner.

The Committee of the House, were S. Adams, Mr. Cushing, Mr. Hancock, Maj. Hawley, Col. Bowers, Mr. Hobson, Maj. Foster, Mr. Phillips, Col. Thayer, and Mr. Deming.

† Massachusetts State papers, p. 397.

the present state of things must finally lead. The parent country seemed determined not to relax, and the colonists were equally determined, not to submit.

To remain long in their present state, seemed impossible ; and in the event of an opposition by force, unity of action, as well as sentiment, was all important. With a view to this, no doubt, the house of burgesses in Virginia, on the 12th of March 1773, passed the following resolutions.

“ Whereas, the minds of his majesty’s faithful subjects in this colony have been much disturbed by various rumors and reports of proceedings, tending to deprive them of their ancient, legal and constitutional rights ; and whereas the affairs of this colony are frequently connected with those of Great Britain, as well as of the neighboring colonies, which renders a communication of sentiments necessary : In order, therefore, to remove the uneasiness, and to quiet the minds of the people, as well as for the other good purposes above mentioned.”

“ Be it resolved, that a standing committee of correspondence and inquiry be appointed, to consist of eleven persons, to wit: the honorable Peyton Randolph Esquire, Robert Carter Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr, Archibald Cary, and Thomas Jefferson, Esquires, any six of whom to be a committee, whose business it shall be to obtain the most early and authentic intelligence of such acts and resolutions of the British parliament, or proceedings of administration, as may relate to or affect the British colonies ; and to keep up and maintain a correspondence and communication with our sister colonies, respecting these important considerations, and the result of their proceedings from time to time, to lay before the house.”

“ Resolved, that it be an instruction to the said committee, that they do, without delay, inform themselves particularly of the principle and authority on which was constituted a court of inquiry, said to have been lately held in Rhode Island, with power to transport persons accused of offences committed in America, to places beyond the seas to be tried.”

“ Resolved, that the speaker of this house do transmit to the speakers of the different assemblies of the British colonies on this continent, copies of the said resolutions, and desire that they will lay them before their respective assemblies, and request them to appoint some person or persons, of their respective bodies, to communicate from time to time with the said committee.”*

These resolutions were introduced by Dabney Carr, a young lawyer of fine talents, but who, unfortunately for his country, did not long survive.

The request of Virginia was complied with by the different assemblies; and by this means, a confidential communication and interchange of opinions, was kept up between the colonies.

This overture, for mutual intercourse and correspondence, on the part of Virginia, received the marked approbation of the assembly of Massachusetts, which met on the last of May, and a committee of fifteen was appointed, in pursuance of the request.

The house of representatives of Massachusetts, also, addressed a letter to the speakers of the several houses of assemblies, in which, after adverting to the existing controversy between Great Britain and the colonies, they declared it to be “ of the utmost importance to the welfare of both, and particularly of the colonies, that the constitutional *powers* and *rights* of each, be enquired into, *delineated and fully ascertained* ;” and they added, that should the authority claimed by parliament, be fully supported by power or submitted to by the colonies, “ there would be an end to liberty in America; and that the colonists would then change the name of *freemen* for that of *slaves*.”†

The correspondence of these committees, if ever published, will, probably, more fully develop the secret causes and springs of many transactions now imperfectly known. In October, 1773, the committee of Massachusetts, in a letter to those of the other colonies, stated that the ministry, so far from radically redressing American grievances, had not proposed the least relaxation; and

* Burk's History of Virginia, pp. 372 and 373.

† Massachusetts State papers, p. 402.

that their resolution to pursue their plan of arbitrary power, was unaltered. They, therefore, suggested the importance of increased vigilance, and that the colonies should "be united in their sentiments of opposition necessary to be adopted; and that, in whichever of the colonies any infringements should be made on the common rights of all, *that* colony should have the united efforts of all, for its support."

The colonists, though unanimous in opposing the right of parliament to tax them, without their consent; found it more difficult to fix the precise limits of parliamentary authority, in the exercise of other acts of sovereignty over them. In the late contest with governor Hutchinson, on the subject of parliamentary supremacy, the assembly of Massachusetts had pushed their claims farther, than many of the other colonists, were yet prepared to go; and some of them were, no doubt, not a little jealous, that the people of that province, were not indisposed to become completely independent of the parent country.

Probably aware of this, the Massachusetts committee, in the letter just mentioned, call the attention of the other colonies to this subject, in the language of caution, but firmness. "With regard to the *extent of rights* which the colonies *ought to insist upon*," they say, "it is a subject which requires the greatest attention and deliberation. And this is a strong reason, why it should claim the earliest consideration of every committee; that we may be prepared, when *time and circumstances* shall give to our claim, the surest prospect of success."

"And when we consider, how one great event has hurried on after another, *such a time may come, sooner than we are aware*."

"There are certain *rights*, which every colony has explicitly asserted; and we trust, they will never give up. In particular, that they have the sole and unalienable right, to *give and grant* their own money, and appropriate it, to such purposes, as they judge proper, is justly deemed of the last importance. Whether this right, so essential to our freedom and happiness, can remain secure to us, while a right is claimed by the British parliament, to make laws, which shall be binding upon us, in all cases what-

ever, you will certainly consider, with great seriousness. It would be debasing to us, after such a manly struggle for our rights, to be contented with a mere *temporary* relief. We are far from desiring, that the connection, between Great Britain and America should be broken—'Esto perpetua' is our ardent wish; but upon terms only of equal liberty. If we cannot establish an agreement upon these terms, let us leave it to another and a wiser generation. But it may be worthy of consideration, whether the *work* is not more likely to be well done, at a time when the ideas of liberty and its importance are strong in men's minds. There is danger, that these ideas will grow faint and languid. Our posterity may be accustomed to bear the yoke; and being inured to servility, they may bow their shoulders to the burden. It can never be expected, that a people, however numerous, will form and execute a wise plan to perpetuate their liberties, when they have lost the spirit and feeling of it."

"We cannot close," they add, "without mentioning a fresh instance of the temper and design of the British ministry, in allowing the East India company, with a view of conciliating them, to ship their *teas* to America. It is easy to see, how aptly this scheme will serve, both to destroy the *trade* of the colonies and increase the *revenue*. How necessary, then, it is, that each colony should take *effectual methods*, to prevent this measure, from having its designed effects."* The appointment of Lord Dartmouth, in the room of Lord Hillsborough, secretary of state, for the American department, supposed to be more favorable to the colonies, revived the hopes of the colonists, for a reconciliation, on terms compatible with their rights.

Animated with these hopes, in June 1773, both houses of the Massachusetts assembly, addressed a letter to the new secretary, in which, they declare, they should "rejoice at the restoration of the harmony and good will, that once subsisted, between the parent state and them."

This happiness, however, they should expect in vain, they observed, during the continuance of their grievances, and while

* Bradford, vol. 1, pp. 278, 279, and 280.

their charter rights, one after another, were wrested from them. "If your lordship should condescend to ask," they say, "what are the measures of restoring the harmony so much desired, we should answer, in a word, that we are humbly of opinion, *if things were brought to the general state, in which they stood, at the conclusion of the late war, it would restore the happy harmony, which, at that time, subsisted.*" And, in conclusion, they most earnestly request his lordship's influence, in bringing about this happy event.* But to retrace their steps, was too humiliating to the pride of the British cabinet and nation. A change of men, did not produce a change of principles, or any permanent change of measures.

The hostility of the people of Massachusetts was increased, about this time, against Mr. Hutchinson and Mr. Oliver, by the discovery and publication of certain letters, which these gentlemen had sent to England, in the years 1768 and 1769, on the subject of American affairs.

These letters, addressed to Thomas Whately, a member of parliament and one of the joint secretaries of the treasury, were calculated to prejudice the ministry and parliament, against the people of Massachusetts, and to widen the breach between the two countries. They recommended coercive measures as absolutely necessary, to reduce the colonists, particularly those of Massachusetts, to order and obedience.

In one of January, 1769, Mr. Hutchinson says, "I never think of the measures necessary for the peace and good order of the colonies without pain. There *must* be an *abridgement*, of what are called English liberties." Mr. Oliver recommends a total alteration, in the mode of choosing the members of the council, in Massachusetts. These letters were sent to Mr. Thomas Cushing, speaker of the house of representatives, by Dr. Franklin, then agent of the colony, in England. They came into his hands in the following manner: Dr. Franklin, in conversation with a cer-

* The Committee who prepared this letter, were J. Bowdoin, and J. Winthrop of the Council, and S. Adams, T. Cushing, and R. T. Paine, of the House. Note 14.

tain gentleman; complained of the conduct of the administration towards the colonies, and particularly in sending a military force to Massachusetts. This gentleman informed him, that the ministers were not, solely to blame, that their conduct, had been influenced, and perhaps governed, by information obtained from individuals of high standing in America; and referred to letters of Mr. Hutchinson, Mr. Oliver, and others.

These letters were shown to Dr. Franklin, and he requested copies, to send to America. This, however, was refused by the gentleman, but his consent was at last obtained, that the originals might be transmitted confidentially, to be shown to few persons only, and on the express condition, that no copies be taken. Dr. Franklin transmitted them, to Mr. Cushing, on these express conditions.*

They soon became a subject of conversation and inquiry; and on the 2d of June, 1773, Samuel Adams, informed the house of representatives, (the galleries having been previously cleared,) "that the minds of the people were much agitated, by a report, that letters of an extraordinary nature, had been written, and sent to England, greatly to the prejudice of this province: that he had obtained certain letters, with different signatures, with the consent of the gentleman, from whom he received them, that they should be read in the house, under certain restrictions, that they be neither printed or copied, in whole or in part."†

The house ordered the letters to be read, and after taking the same, into consideration, declared that the design and tendency of them was, to overthrow the constitution of that government, and to introduce arbitrary power into the province. A committee was then appointed, to consider what was proper to be done in reference to them.

The contents of these letters were considered too interesting and important to be withheld from the public; and the house directed them to be published, on the pretence, that as copies

* Franklin's Works, vol. 1, p. 234.

† Massachusetts State papers, p. 402.

had, in some way, got into circulation, the consent of the person, from whom the originals were received, had been obtained, for that purpose.

The governor was not able to deny his signature, but informed the house that they were private, confidential letters, and that their tendency and design was not to subvert, but preserve the constitution entire. The house, however, declared, "that they contained aggravated accounts of facts, and misrepresentations; and that their manifest design was to present the matters they treat of, in a light, highly injurious to the province, and the persons against whom they were written."*

The contents of these letters so exasperated the members of the house, that they presented a petition to the king, for the removal of governor Hutchinson and lieutenant governor Oliver forever from their places. They stated in their petition, that the conduct of these officers had tended to interrupt and alienate the affections of his majesty from that province; to destroy the harmony and good will between the two countries, to defeat the exertions of their agents, to prevent their petitions from reaching the royal ear; and that they had been instruments in introducing fleets and armies into the province.

This petition was sent to their agent, Dr. Franklin, and on a hearing of the same, before the privy council, it was declared by the lords of the committee and by the council, that the petition was founded upon resolutions, formed on false and erroneous allegations; was *groundless, vexatious, and scandalous*; and calculated, only for the seditious purposes of keeping up a spirit of alarm and discontent in the province, and that nothing had appeared, in any manner or degree, to impeach the honor, integrity or conduct of the governor or lieutenant governor; and that the petition be dismissed.

The views and conduct of these gentlemen were too much in accordance with those of the administration; and the plans adopted by the ministry, in relation to the colonies, and particularly

* Massachusetts State papers, p. 405.

Massachusetts, had been too strongly recommended and supported by them, to meet with the royal censure.

If the letters of the governor, transmitted by Dr. Franklin, did not prove the allegations in the petition, those he afterwards wrote to the ministry and others, at various times, from 1770, to the close of 1773, substantiated them, beyond all doubt. His letter book was accidentally found in the spring of 1775, at his house in Milton, in an old trunk, among some useless papers; and copies of some of the letters were taken, and published in the newspapers of the day.* They clearly evinced not only his enmity to the charter government of Massachusetts, but his decided hostility to the claims and rights of the colonies in general. By these it appears, that in 1770, the ministry, (no doubt, at his suggestion, or that of Mr. Oliver,) contemplated an immediate change in the government of Massachusetts, particularly in the choice of councillors; and that Mr. Hutchinson was consulted on the subject. In his letter to Lord Hillsborough, of October, 1770, he says, "I shall now cover the *list of councillors*, which I could not complete, before I was obliged to close my letter of the 9th. I beg leave further to suggest to your lordship, that if it should be thought expedient, not to proceed to a final determination, this session, but to give opportunity for the province to be heard, a bill for *vacating and disannulling the charter in all its parts*, and leaving it to the king to settle the government by *royal commission*, might be more proper, than to settle the government in the bill, which may be taken up, when the objections to the bill shall come to be considered. Besides, the *unfitness* of the present constitution for so large a colony, so remote from the kingdom, and the conduct of the assembly, for so many years past, particularly, that when the governor had negatived any councillors, they have always neglected, and often refused to choose others in their stead; and the *doctrines* held forth, the last and present year concerning the *prerogative*, by the council and house, seem to be sufficient to ground such a bill

* Gordon, vol. 1, p. 344.

upon.”* In a letter of June 30th, 1772, referring to the destruction of the Gaspee, in Rhode Island, he observes, “I hope if there should be another like attempt, some concerned in it, may be taken prisoners and carried directly to England. A few punished at *execution dock*; would be the only effectual preventative of any further attempts. If it is passed over,” he says in another letter on the same subject, “without a full inquiry, and due resentment, our *liberty people* will think they may, with impunity, commit any acts of violence, be they ever so atrocious, and the friends to government will despond and give up all hopes of being able to withstand the faction. The persons, who were the immediate actors are men of estate and property in the colony. If ever the government of *that colony*,” he adds, “is to be reformed, this seems to be the time, and it would have a happy effect, in the colonies which adjoin it.”†

On the subject of *securing and maintaining the supremacy*, of parliament in the colonies, in a letter of August, 1772, he suggests, whether any thing less could be done by parliament, “than by affixing penalties and disqualifications, or incapacities upon all, who, by *word or writing*, shall deny the *supreme authority*, of parliament over all parts of the British dominions;” and “may not,” he asks, “the oaths of all jurors, grand and petit, be so framed, as to include *acts* of parliament as the rule of law, as well as *law* in general terms? and for assemblies or bodies of men, who shall deny the authority of parliament, may not all their subsequent proceedings be declared to be *ipso facto*, null and void, and every member who shall continue to act in such assembly, be subject to penalties and incapacities? I suggest these things,” he subjoins, “for consideration. Every thing depends upon the settlement of this grand point. We owe much of our troubles to the countenance given by some in England, to this doctrine of independence. If the people were convinced, that the nation with one voice, condemned the doctrine, or that parliament, at all events, was determined to *maintain its*

* Almon's Remembrancer, for 1776, part I, p. 158.

† Almon, for 1776, part II, p. 60.

supremacy, we should soon be quiet. The *demagogues*, who generally have *no property*, would continue their endeavors to influence the minds of the people, for some time, but the inhabitants, in general, have real estates, which they would not run the hazard of forfeiting by any treasonable measures.”*

These few extracts serve to show, not only the truth of the charges, brought by the Massachusetts assembly, against governor Hutchinson, but also, the false representations he either ignorantly or wilfully made to the British ministry, as to the *extent* and *character*, of the opposition in America.

From these and other representations, equally false and erroneous, the ministry were led to believe, though in the face of the almost unanimous representations of all the colonial assemblies, that opposition to their measures, in America, was confined to a comparatively few “*demagogues without property* ;” and that *unanimity* and *resolution* in Great Britain, would soon make all things “quiet” in the colonies.

During these transactions in America, the British ministry were devising a plan for introducing tea into the colonies. Though the duty on this article had been retained, yet the determination of the colonists, not to submit to the payment of it, had been so rigidly adhered to, that very little tea had been brought from Great Britain. Large quantities, however, had been smuggled into America, from Holland and other parts of Europe. In consequence of this, the teas of the East India company had accumulated in their warehouses ; and from this, and other causes, the affairs of that company were embarrassed, and became the subject of parliamentary inquiry.

The minister, in May, 1773, procured an act of parliament, permitting the company to export their teas to America, with a drawback of all the duties paid in England. This it was supposed, would in some measure relieve the company, and at the same time, by rendering the article cheaper in the colonies than in Great Britain, induce the Americans to pay the small duty upon it.

* Almon, for 1776, part II, p. 59.

In consequence of this act, the company shipped large quantities of tea, to different parts of the colonies, consigned to their particular friends, or the friends of government, to be sold for their benefit. The shipments were principally made, to Charleston, Philadelphia, New York, and Boston. The colonists at once perceived, that if the tea was permitted to be landed, the duty must be paid; and that it would be difficult, if not impossible, to prevent its sale and consumption. They attended to the suggestion contained in the letter of the Massachusetts committee of correspondence, before noticed, and came to the resolution, that the tea should not be landed in the colonies. On its arrival at Charleston, it was, indeed, landed and put into stores, but the consignees were not permitted to offer it for sale. Such was the determined opposition at Philadelphia and New York, that the consignees at these places, declined taking charge of it, and the vessels with the tea on board, returned to Great Britain, without an entry at the custom house. The leading patriots at Boston, had assured their friends at New York and Philadelphia, that the cargoes destined for that part, should not be landed; but found great difficulties in the execution of their determination. The consignees there, were either the relations or friends of the governor, and would not resign their trust. Several town meetings were held, and resolutions passed by the citizens, declaring that the tea should not be landed, or the duty paid, but be returned, in the same vessels, in which it came, without an entry; and they also declared they would support these resolutions, at the risque of life and property: and they directed the captains of the vessels not to land the same, but to apply for clearances, without an entry of the vessels or cargoes. The collector, however, refused a clearance, before an entry had been made, and the governor gave orders to admiral Montague, then in the harbor of Boston, to guard all the passes out; and also directed the commander of the castle, to suffer no vessel, except coasters, to pass without a permit signed by himself. In the mean time, the people of Boston, for many nights, kept a watch at the wharves, to prevent the landing of the tea. In this situation, the leaders,

came to the bold resolution of destroying the tea itself, in case clearances for the vessels, with their cargoes, could not finally be obtained. About the middle of December, many thousands of the inhabitants of Boston and its vicinity again met and confirmed their former resolutions, against the landing of the tea. During this meeting, the captain of one of the vessels was sent, for the last time, to the governor, then at his seat at Milton, to request a passport.

The patriotic leaders were fully aware of the momentous consequences of the refusal of the governor; and which they already anticipated. During the absence of the messenger, and while the people assembled on the occasion, were waiting his return with extreme solicitude, Josiah Quincy, jr. reminded them of the consequences of the contemplated proceedings of that day. "It is not, said Mr. Quincy, with his usual energy and eloquence, addressing himself to the moderator; "the spirit that vapours within these walls that must stand us instead. The exertions of this day, will *call forth events* which will make a very different spirit necessary for our salvation. Look to the end. Whoever supposes, that shouts and hosannas will terminate the trials of the day, entertains a childish fancy. We must be grossly ignorant of the importance and value of the prize for which we contend; we must be equally ignorant of the powers of those who have combined against us; we must be blind to that malice, inveteracy and insatiable revenge, which actuate our enemies, public and private, abroad and in our bosoms, to hope we shall end this controversy, without the sharpest, sharpest conflicts; to flatter ourselves, that popular resolves, popular harangues, popular acclamations, and popular vapour, will vanquish our fears. Let us consider the issue. Let us look to the end. Let us *weigh* and *consider*, before we advance to those measures which must bring on the *most trying* and *terrible struggle* this country ever saw."*

When it was announced, that the governor refused the passport, the meeting was dissolved; and immediately after, two or

* Memoirs of Quincy, pp. 266, 267.

three different parties of men, previously selected, no doubt, some of them dressed in the habit of indians, were seen running towards the wharves. There also the people repaired, and in a short time the tea was emptied from its chests, into the waters of the ocean, in the presence of thousands of spectators. This being done, the people returned quietly to their dwellings.

The news of these transactions in America, soon reached England, and on the 7th of March, 1774, the papers relating to the same, were laid before parliament by the king. In his message to the two houses, his majesty said that "upon information of the unwarrantable practices, which had been carried on in North America, and particularly of the violent and outrageous proceedings at the town and port of Boston, with a view to obstructing the commerce of this kingdom, and upon grounds and pretences, immediately subversive of the constitution thereof, he had thought fit to lay the whole matter before his two houses of parliament; fully confiding, as well in their zeal for the maintainance of his majesty's authority, as in their attachment to the common interest and welfare of all his dominions, that they will not only enable his majesty effectually to take such measures, as may be most likely to put an immediate stop to the present disorders, but will, also, take into their most serious consideration, what *farther provisions* may be necessary to be established, for *securing the execution of the laws*, and the just *dependence* of the colonies upon the crown and parliament of Great Britain."

Both houses in their answers assured his majesty, of their determination to make such provision as should secure the just dependence of the colonies, and due obedience to the laws, throughout all his dominions. The resentment of the ministry, was first directed against the town of Boston, and the colony of Massachusetts. On the 14th of March, a bill was introduced into the house of commons, interdicting all commercial intercourse with the town of Boston, and after the first of June following, prohibiting the landing or shipping, any goods at that port. This bill soon passed both houses, though not without opposition, and on the 31st of the same month, received the sanc-

tion of the king. The charter of the colony, so long the object of ministerial hatred, was the next victim. Soon after the passage of the Boston port bill, as it was called, the ministry presented a bill "for the better regulating the government of the province of Massachusetts bay." This bill, also, passed both houses, by large majorities; and on the 20th of May, became a law by the assent of the king.

By this act, the people of Massachusetts were, without a hearing, deprived of some of the most important rights and privileges, secured to them, by their charter; rights which they had enjoyed from the first settlement of the colony. The members of the council, heretofore, under the charter, chosen by the general assembly, were after the first of August, of that year, to be chosen by the king, to consist of not more than thirty-six, nor less than twelve; and to hold their office during his pleasure. After the first of July, the governor was authorized to *appoint* and *remove*, without the consent of the council, all judges of the inferior courts of common pleas, commissioners of oyer and terminer, the attorney general, provosts, marshals, justices of the peace, and other officers belonging to the council and courts of justice; and was also, empowered to *appoint* sheriffs, without the consent of the council, but not to *remove* them without such consent. The ministers did not confine themselves to these fundamental alterations in the charter of that province, but materially altered or totally repealed the laws relating to town meetings, and the election of jurors; laws which had been in existence from the commencement of the government, and deemed a part of the constitution of the colony.

The right of selecting jurors, by the inhabitants and freeholders of the several towns, was taken from them, and all jurors were by this act, to be summoned and returned by the sheriffs. No part of this act, however, or indeed, of any other act or measure of the British government, was more deeply felt, by every freeholder in Massachusetts, and by every inhabitant of New England, than that relating to town meetings. The people of New England, from the first settlement of the country, (with the short in-

terval during the despotic reign of Sir Edmund Andrus,) had been accustomed to meet in their respective towns, for purposes the most interesting to them, not merely as men, and as citizens, but as christians. Here they met, not only to make regulations for the ordinary internal police of their little communities, but for the great and important purposes of providing for the education of their children, electing their representatives, and freely expressing their sentiments on all subjects, in which they were interested, as members of the commonwealth; and what was of infinitely more importance, here they also met, to confer together, on the interesting subjects of settling and maintaining their clergy, and of supporting the great interests of religion.

The liberty of thus meeting, at pleasure, they considered as their birth right, inherited from their fathers, and which they held sacred. This act, however, deprived them of this privilege, declaring that after the first of August, no town meeting should be called by the selectmen, or at the request of any number of freeholders, without *leave* of the governor, *in writing*, expressing the special business of the meeting, except the annual meeting in March or May, for the choice of officers, or representatives, or to fill vacancies occasioned by the death or removal of such officers; and that at such annual meetings, "no other matter should be treated of," except the election of officers and representatives, or at any other meeting "except the business *expressed* in the *leave* given by the governor."

These meetings had long been the dread of the British administration, as the nurseries of rebellion and treason; and they were now resolved, to place them, under the control of the crown. The preamble to this extraordinary part of the act, declares, "that a great abuse had been made, of the power of calling such meetings, and that the inhabitants had, contrary to the design of their institution, been *mised to treat upon matters of the most general concern, and to pass many dangerous and unwarrantable resolves.*" The late proceedings of the towns in Massachusetts, relative to colonial and parliamentary rights, were, no doubt, here alluded to.

To secure the due execution of the laws in the colonies, some farther provision was deemed necessary. A third law, therefore, soon after passed, "for the impartial administration of justice in the cases of persons questioned, for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts bay."

By this act, persons informed against, or indicted for any act done, for the support of the laws of the *revenue*; or for the suppression of riots in Massachusetts, might, by the governor, with the advice of the council, be sent for trial, to any other colony, or to Great Britain.

These bills, however, did not pass without opposition, in both houses. Col. Barré, again addressed the ministry, on the last bill, in his bold and energetic language. "You have changed your ground. You are becoming the aggressors," he said, "and offering the last of human outrages to the people of America, by subjecting them to military execution. Instead of sending them the olive branch, you have sent the naked sword. By the olive branch, I mean a repeal of all the late laws, fruitless to you and oppressive to them. Ask their aid in a constitutional manner, and they will give it to the utmost of their ability. They never refused it, when properly required. Your journals bear the recorded acknowledgments of the zeal with which they have contributed to the general necessities of the state. What madness is it that prompts you to attempt obtaining that by force, which you may more certainly procure by requisition. They may be flattered into any thing, but they are too much like yourselves to be driven. Have some indulgence for your own likeness; respect their sturdy English virtue; retract your odious exertions of authority; and remember that the first step toward making them contribute to your wants, is to reconcile them to your government."

The people of Massachusetts, were gratified with the opinions of some noble lords, in relation to the act altering their charter. Lords Richmond, Rockingham, and others, dissented to it, "because a definitive legal offense, by which a forfeiture of the charter

is incurred, has not been clearly stated and fully proved, neither has notice of this adverse proceeding been given to the parties affected ; neither have they been heard in their own defense—because all the judges are to be nominated, not by the crown, but by the governor ; and all, except the judges of the superior court, are to be removeable at his pleasure, and expressly without the consent of that very council, which is to be nominated by the king ; the sheriff is made changeable by the governor and council, as often and for such purposes as they shall think expedient, whereby the governor and council are intrusted with powers, with which the British constitution has not trusted his majesty and privy council, and have the means of returning such a jury in each particular case, as may best suit with the gratification of their passions and interests, so that the lives and properties of the subjects are put into their hands without control.”*

Towards the close of the session, a law was, also, passed, “ making more effectual provision for the government of the province of Quebec, in North America.” By this act, the bounds of that province were extended to the river Ohio, with a view, no doubt, to restrict the limits and claims of some of the other colonies ; and greater privileges were granted to the Roman Catholics. A legislative council was formed, for all the affairs of the province, except taxation, to be appointed by the crown ; the French laws were established, and trials without a jury, permitted in civil cases.

The ministry and parliament, as well as the people in Great Britain in general, had little doubt, that these bold and decisive measures, would soon reduce the colonists to obedience and submission, and prevent all future disorders and disturbances in America. Little, however, were they acquainted, with the real character of the Americans.

To carry their plans into effect, general Gage was appointed governor of Massachusetts, ; and he arrived there about the middle of May, and took charge of the government of that colony.

* Gordon, vol. 1 .pp. 233, 234.

He was received by the inhabitants of Boston, with their usual politeness. The port bill was received at the same time ; and a meeting of the people of Boston was immediately held, to take the same into consideration.

Instead of quietly submitting to this act of ministerial oppression and tyranny, as their late governor had anticipated, they declared and resolved, among other things, " that the *impolicy, injustice, inhumanity, and cruelty* of the act, exceed all their powers of expression ; and therefore," they say, " we leave it, to the censure of others, and appeal to *God* and the *world*."

They, also, declared it as their opinion, that, " if the other colonies come into a joint resolution to stop all importation from, and exportation to Great Britain, and every part of the West Indies, till the act be repealed, the same would prove the salvation of North America and her liberties." These resolutions, with the act itself, were immediately circulated through the colonies ; and the severe interdict against the inhabitants of Boston, excited universal indignation throughout America.

To deprive a large sea port of its vast commerce, was at once productive of infinite distress. The measure did not escape the severest animadversions of the people of Massachusetts. " The Boston port bill," says Mr. Quincy, in his celebrated observations on the act, " condemns a whole town unheard, nay, uncited to answer ; involves thousands in ruin and misery, without the suggestion of any crime by them committed ; and it is so constituted, that enormous pains and penalties must ensue, notwithstanding the most perfect obedience to its injunctions. The destruction of the tea which took place without any illegal procedure of the town, is the only alleged ground of consigning thousands of its inhabitants to ruin, misery, and despair. Those charged with the most aggravated crimes are not punishable, till arraigned before disinterested judges, heard in their own defense, and found guilty of the charge. But here a whole people are accused, prosecuted by they know not whom, tried they know not when, proved guilty they know not how, and sentenced to suffer inevitable ruin. Their hard fate cannot be averted by the most servile submission,

the most implicit obedience to this statute. The first intimation of it was on the 10th of May, and it took place on the first of June, thence to continue in full force, till it shall sufficiently appear to his majesty, that full satisfaction hath been made by, or in behalf of the inhabitants of Boston, to the East India company, for the damage sustained by the destruction of their tea; and until it shall be certified to his majesty, by the governor or lieutenant governor of the province, that reasonable satisfaction has been made to the officers of the revenue and others, for the riots and insurrections mentioned in it. So short a space is given for staying the torrent of threatened evils, that the subject, though exerting his utmost energy, must be overwhelmed and driven to madness by terms of deliverance, which deny relief till his ruin is inevitable."

The other colonists, having been equally opposed to the importation and landing of the tea, did not hesitate, to make common cause with the people of Massachusetts; and in various ways expressed their sympathies, for the sufferings of the inhabitants of Boston. The house of burgesses in Virginia, being in session, appointed the first of June, the day the port of Boston was to be shut, as a day of "fasting, humiliation, and prayer, devoutly to implore the divine interposition for averting the heavy calamity, which threatened destruction to their civil rights, and the evils of a civil war; to give them *one heart and one mind*, to oppose, by all just and proper means, every injury to American rights." This resolution produced an immediate dissolution of that assembly. A great majority of the members, however, immediately convened, and signed an agreement, in which they declared, that the act shutting the port of Boston, was "a most dangerous attempt to destroy the constitutional liberty and rights of all North America," and "that an attack made on one of their sister colonies, to compel submission to arbitrary taxes, was an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied." The advantages of committees of correspondence, was perceived on this occasion. While the patriotic Virginians signed this agreement, they

at the same time recommended to their committee, to correspond with the committees of the other colonies, on the expediency of appointing representatives, from all the colonies, to meet annually in a general congress, to deliberate on those measures, which the united interests of America, might, from time to time, require.*

The assembly of Massachusetts, met on the last of May; and the new governor, after negating thirteen of the councillors, adjourned the assembly to meet at Salem, on the 7th of June.

Soon after their meeting at this place, the house of representatives, resolved, "that a meeting of committees from the several colonies, on this continent, is highly expedient and necessary, to consult upon the present state of the colonies, and the miseries to which they are and must be reduced, by the operation of certain acts of parliament, respecting America; and to deliberate and determine upon proper measures, to be by them recommended to all the colonies, for the recovery and establishment of their just rights and liberties, civil and religious, and the restoration of that union and harmony, between Great Britain and the colonies, most ardently desired by all good men."† The house immediately appointed a committee of five,‡ to meet similar delegates from the other colonies, at Philadelphia, or any other suitable place, on the first of the succeeding September. The governor having obtained information of what was doing in the house, sent his secretary to dissolve the assembly; but finding the doors closed, he was obliged, to read his proclamation, on the steps leading to the chamber, where the representatives, were convened for the last time, under royal authority. The members did not disperse, until they had finished their important business. By transferring the provincial government from Boston to Salem, and by the probable benefits, that town might receive from an addition to their trade, the governor, no doubt, expected to propitiate the people there, in favor of the royal government. The inhabitants of Sa-

* Gordon, vol. 1, p. 239, and Burk's History of Virginia, vol. 3, pp. 379, 380. Note 15.

† Holmes' Annals, vol. 2, p. 311.

‡ Thomas Cushing, Samuel Adams, R. T. Paine, James Bowdoin, and Jno. Adams.

lem, however, nobly refused to receive the proffered boon, at the expense of their brethren at Boston. On the 18th of June, the day after the dissolution of the assembly, the people of that town in an address to the governor, say, "we are most deeply afflicted with a sense of our public calamities; but the miseries that are now rapidly hastening on our brethren in the capital of this province, greatly excite our commiseration, and we hope your excellency will use your endeavors to prevent a further accumulation of evils, on that already sorely distressed people."

"By shutting up the port of Boston, some imagined that the course of trade might be turned hither, and to our benefit; but nature, in the formation of our harbor, forbids our becoming rivals in commerce, with that convenient mart; and were it otherwise, we must be dead to every idea of justice, and lost to all feelings of humanity, could we indulge one thought, to seize on wealth, and raise our fortunes, on the ruin of our suffering neighbors."* The expediency, and even the necessity of another general congress, and a more intimate union of the colonies was perceived by all; and in the course of the summer, delegates were appointed, either by the regular assemblies, or by conventions of the people, in all the colonies, except Georgia, to attend a congress, to be held in Philadelphia, in September. The convention of Virginia, composed of deputies from all parts of the colony, not only appointed some of her distinguished citizens, to attend this congress, but entered into a number of resolutions, and formed an association, in which they engaged, after the first day of November, 1774, they would not import from Great Britain, any goods whatever, (medicines excepted,) or from any other place, any British manufactures, or any article, which should have been brought into such place from Great Britain; and that if before the 10th of August, 1775, American grievances should not be redressed, they would not, after that day, export tobacco or any other article to that country. They, also, declared, that they would not import, or purchase any *slaves*, imported after the first of November, 1774. They, at the same time recommended

* This address was written by Col. Pickering.

to all the inhabitants of the colony, to make liberal contributions for the relief of their distressed fellow subjects at Boston.* The governor of Pennsylvania, having refused to convene the assembly of that Province, a convention of deputies, from the various counties, met at Philadelphia, in July. Thomas Willing was chairman, and Charles Thompson, secretary of this convention.

The members being satisfied, after they had convened, that the assembly would be called, and appoint delegates to the proposed congress, contented themselves with passing a number of resolutions, and framing instructions to be given to such delegates. These resolutions and instructions disclosed the views then entertained by the people of Pennsylvania, on the great questions pending between Great Britain and the colonies, as well as *the terms*, on which they were willing to settle the existing differences. They declared, the idea of independence to be abhorrent to their principles, and that they viewed the "unhappy differences between Great Britain and the colonies, with the deepest distress and anxiety of mind, as fruitless to her, grievous to them, and destructive of the best interests of both." They, therefore expressed their ardent desire, for a restoration of the ancient harmony between them, on the principles of the constitution; and for the continuance of an interchange of good offices, without the least infraction of their mutual rights. In their address to the assembly, the members of this convention observed—"The assumed parliamentary power of *internal legislation*, and the power of regulating trade, as of late exercised, and designed to be exercised, we are thoroughly convinced, will prove unfailing and plentiful sources of dissensions to our mother country and these colonies, unless some *expedient* can be adopted to render *her* secure of receiving from us, every emolument that can in justice and reason be expected, and *us* secure, in our lives, properties, and an equitable share of commerce."

"Manfully revolving in our minds," they added, "the calamities arising from these dissensions, that will, most probably, fall on us, and our children, we will now lay before you, the particular

* Note 16.

points we request you to procure, if possible, to be finally decided, and the measures that appear to us the most likely to produce such a desirable period of our distresses and dangers. We therefore desire of you—

“*First*, That the deputies you appoint may be instructed by you, strenuously to exert themselves, at the ensuing congress, to obtain a renunciation on the part of Great Britain, of all powers under the 35th of Henry VIII, chapter second—of all powers of *internal legislation*, of imposing taxes or duties internal or external, and of regulating trade, except with respect to any new articles of commerce, which the colonies may hereafter raise, as silk, wine, &c., reserving a right to carry these from one colony to another : a repeal of all statutes, for quartering troops in the colonies, or subjecting them to any expense, on account of such troops ; of all statutes imposing duties to be paid in the colonies, that were passed at the *accession* of his present majesty, or before his time, which ever period shall be judged most advisable ; of the statutes giving the courts of admiralty in the colonies, greater power than courts of admiralty have in England ; of the statutes of 5th George II, chapter 22, and of 23d of George II, chapter 29 ; of the statute for shutting up the port of Boston, and of every other statute, particularly affecting the province of Massachusetts bay, passed the last session of parliament.”

“ In case of obtaining these terms, it is our opinion that it will be reasonable for the colonies to engage their obedience to the acts of parliament, commonly called the acts of navigation, and to every other act of parliament declared to have force, at this time, in the colonies, other than those above mentioned, and to confirm such statutes by acts of the several assemblies. It is also, our opinion, that taking example from our mother country, in abolishing the ‘ acts of wards and liveries, tenure in capite, and by knights’ service and purveyance,’ it will be reasonable for the colonies to settle a certain *annual revenue*, on his majesty, his heirs and successors, subject to the control of parliament, and to satisfy all damages done to the East India company.”

“ *Secondly*, If all the terms above mentioned, cannot be obtained, it is our opinion, that the measures adopted by the congress for our relief, should never be *relinquished* or *intermitted*, until those relating to the *troops*, *internal legislation*, *imposition of taxes or duties hereafter*—the 35th of Henry VIII ; the *extension* of the courts of *admiralty*, the port of Boston, and the province of Massachusetts bay, are obtained. Every *modification* or *qualification* of these points, in our judgment, should be inadmissible. To obtain them, we think it may be prudent to settle some revenue, as above mentioned, and to satisfy the East India company.”

“ *Thirdly*, If neither of these plans should be agreed to, in congress, but some other of a similar nature should be framed, though on the terms of a revenue, and a satisfaction to the East India company, we desire your deputies may be instructed to concur with the other deputies in it ; and we will accede to, and carry it into execution, as far as we can.”

“ *Fourthly*, As to the regulation of trade, we are of opinion,” they said, “ that by making some few amendments, the commerce of the colonies, might be settled, on a firm establishment, advantageous to Great Britain and them ; requiring and subject to no future alterations, without mutual consent. We desire to have this part considered by congress, as they may judge proper.”

These instructions, with an able essay, which accompanied them, were drawn by John Dickinson, the celebrated author of the Farmer’s Letters.

Mr. Dickinson, as well as many other influential men, in Pennsylvania and the other colonies, though firmly opposed to the late claims of the parent country, were still extremely desirous of a reconciliation on terms mutually advantageous, and consistent with their rights. Nor were they without apprehension, that some of the most active and leading politicians in Massachusetts, might be willing immediately to push their opposition, to an extreme, before a fair attempt at reconciliation had been made.

Such, and so long had been the conflicts, between the people of Massachusetts and the administration, and so unjust and op-

pressive did they consider the Boston port bill, and other acts in direct violation of their rights, that some of the leading and intelligent patriots in that colony, no doubt, were now perfectly convinced, that force must decide the contest. They were willing however, to yield to their friends in the trial of other measures. John Adams, and Samuel Adams, were of this opinion. In conversation together, immediately after their appointment to the general congress, John Adams said, "I suppose we must go to Philadelphia, and enter into non-importation, non-consumption, and non-exportation agreements; but they will be of no avail; we shall have to resist by force."*

Mr. Quincy, in his well known "observations on the Boston port bill," calls the attention of the suffering people of Massachusetts, to the same final issue of the controversy. "Yet be not amused, my countrymen!" he says, "the extirpation of bondage and the re-establishment of freedom, are not of easy acquisition. The worst passions of the human heart, and the most subtle projects of the human mind, are leagued against you, and principalities and powers have acceded to the combination. Trials and conflicts you must therefore, endure; hazards and jeopardies of *life and fortune*, will attend the struggle. Such is the fate of all noble exertions, for public liberty and happiness. Enter not the list without thought and consideration, lest you arm with timidity, and combat with irresolution. Having engaged in the conflict, let nothing discourage your vigor, or repel your perseverance."†

It is not strange that few in the other colonies, were yet prepared to go the lengths with those in Massachusetts, who now severely felt the iron hand of oppression. Mr. Dickinson, in a letter to Mr. Quincy, of the 20th of June, after speaking of the sympathies of the Pennsylvanians, for the suffering people of Boston, observes—"doubt not that every thing bears a most favorable aspect. Nothing can throw us into pernicious confusion, but one colony's *breaking the line* of opposition, by advancing

* This declaration was made in the presence of John Trumbull, Esq. the celebrated author of *McFingal*, then in the office of Jno. Adams.

† *Memoirs of Mr. Quincy*, p. 467.

too hastily before the rest. The one which dares to betray the common cause, *by rushing forward*, contrary to the maxims of discipline, established by common sense and the experience of ages, will inevitably and utterly perish."

"Your sentiments," says Mr. Quincy, in his answer of the 20th of August, "relative to that colony, which shall advance too hastily before the rest, contrary to the maxims of discipline, &c., are no doubt just." "Yet permit me, sir, to use a freedom, which your partiality seems to invite, and observe that these maxims of discipline, are not universally known, in this early period of continental warfare, and are with great difficulty practised by a people under the *scourge* of public oppression. When time shall have taught wisdom, and past experience, have fixed boundaries to the movements of a single colony, its intemperate and over-hasty strides, will be more unpardonable. But if we should, unfortunately, see one colony, under a treble pressure of public oppression, rendered impatient by the refinements, delays, and experiments of the Philadelphians; of their less oppressed, and therefore more deliberate brethren; I say, if a colony thus insulted, galled from without, and vexed within, should seem to advance, and break the line of opposition, ought it to incur, the heavy censure of betraying the common cause? Though not to be justified, may not its fault, be considered venial."

"Believe me, dear sir, you know not all our patriotic trials, in this province. Corruption (which delay gives time to operate) is the destroying angel we have most to fear. Our enemies wish for nothing so much, as our tampering with the fatal disease. I fear much, that *timid* or *luke-warm* counsels, will be considered by our congress as prudent and politic. Such counsels will inevitably enslave *us*; *we* subjugated, how rapid and certain the fall of the rest."* While the people of Boston were suffering, from the loss of their commerce, the act arrived which deprived all the inhabitants of the province, of some of their dearest charter rights. Before bringing to the view of the reader the proceedings of the general congress, we shall briefly notice, some of the

* Memoirs of Quincy, pp. 171, 172.

transactions of the people of Massachusetts, in the trying and distressed situation in which they were placed. The act "for the better regulating the government of the Massachusetts bay," the outlines of which we have before mentioned, was to take effect on the first of August. To this act, however, the people determined never to submit. In many of the counties the citizens assembled by their deputies, and expressed this their determination; nor were they deterred from doing this, by the threats of the new governor, who in some instances, declared, "that if the citizens assembled, he should order the sheriff to disperse them; and that if the sheriff needed support, he himself would support him with his troops."* The resolutions of the delegates of the county of Suffolk, convened at Milton, on the 6th of September, drawn by that distinguished patriot, Dr. Joseph Warren, who afterwards, unfortunately for his country, fell at Bunker Hill, breathed a spirit of uncommon energy and firmness, and strongly marked the feelings of the people of that county at that trying period. "Whereas the power," they said, "but not the justice, the vengeance, but not the wisdom, of Great Britain, which of old persecuted, scourged and exiled our fugitive parents, from their native shores, now pursues us their guiltless children, with unrelenting severity; and whereas, this, *then* savage and uncultivated desert, was purchased by the toil and treasure, or acquired by the valor and blood of those our venerable progenitors: to us they bequeathed the dear-bought inheritance, to our care and protection they consigned it; and the most sacred obligations are upon us, to transmit the glorious purchase, unfettered by power, unclogged with shackles, to an innocent and beloved offspring. On the fortitude, on the wisdom of this important day," they added, "is suspended the fate of this new world, and of unborn millions."

"If a boundless extent of continent, swarming with millions, will tamely submit to live, move and have their being, at the arbitrary will of a licentious minister, they basely yield to voluntary slavery, and future generations shall load their memories with in-

* Bradford, vol. 1, pp. 345, 346.

cessant execrations." With this preamble, a part of which is only here given, and after referring to the late acts of parliament, they declared and resolved, that no obedience was due from the province to any part of these acts; but "they be rejected as the attempts of a wicked administration to enslave America." That the judges who were appointed and held their places, by any other tenure, than that which the charter and the laws of the province directed, were unconstitutional officers, and as such, no regard ought to be paid to them; and that if they should presume to sit and act, they would support and bear harmless all sheriffs, constables, jurors and other officers, who should refuse to carry their orders into execution. To prevent the inconveniences which might be occasioned, by a suspension of the courts, they earnestly recommended to creditors, a general forbearance to their debtors; and to debtors, to pay their just debts, with all possible speed; and in case of dispute, to submit the same to arbitration. They declared, that the persons, who, by virtue of the royal appointment, had accepted their seats, in the council, had given great and just offense to the people; and that those who refused to resign, should be considered obstinate and incorrigible enemies to their country. Nor were the members of this meeting unmindful of the probable future state of the province. They recommended that the best officers should be appointed in the militia, that the inhabitants use their utmost diligence, to acquaint themselves with the art of war, as soon as possible; and for that purpose, appear under arms, at least, once every week. They at the same time declared, their determination, to act merely on the defensive, so long as such conduct might be justified, by reason and the principles of self-preservation, and *no longer*. They proposed to their fellow citizens, that a provincial congress be held at Concord, on the second Tuesday of October, and recommended to all collectors of taxes, and all other officers, having public monies in their hands, to retain the same, until the government of the province should be placed on constitutional ground, or otherwise ordered, by the provincial congress.*

* Bradford, vol. 1, pp. 339, to 343.

These recommendations and proceedings of the inhabitants of the county of Suffolk, were in accordance with the views and feelings of the people of Massachusetts in general.

The royal councillors, were either obliged to resign or seek protection in Boston.

The grand and petit jurors, when summoned to attend the courts, under the new order of things, refused to take the oaths required, or to act. In some of the counties, the people would not permit the courts to be held, by unconstitutional judges. They assembled, on the days of the session of the courts in such numbers, as to fill the avenues to the court houses, and when the sheriffs commanded them to give place for the judges, they refused, declaring, "that they knew of no court, nor any other establishment, independent of the ancient laws and usages of their country, and to none other would they submit or give way on any account."*

* Gordon, vol. 1, p. 259.

CHAPTER VIII.

Congress of the Colonies in September, 1774—The conduct of Massachusetts approved—A Committee appointed to state the rights of the Colonies—Their violations and the means of redress—Suffolk resolutions approved—Declaration of the rights of the Colonies—Non-importation, non-consumption, and non-exportation agreement—Address to the King—To the people of Great Britain—To the inhabitants of the Colonies, and to the inhabitants of the Province of Quebec—Galloway proposes a plan of reconciliation—This postponed—Congress is dissolved in October—Proceedings of Congress approved by the Colonies—Lord Chatham's motion for the recall of the troops from Boston—His speech on this motion—His conciliatory Bill—Rejected by a large majority—Parliament determines to enforce obedience—Augments the Army and Navy—Restrains the trade and fisheries of the Colonies—Indirect negotiations with Dr. Franklin, as to terms of reconciliation—Lord North's conciliatory proposition—Its object—Disarming some of the Colonies contemplated—Preparations for defense in the Colonies—Hostilities commence in Massachusetts—Excite great alarm—Massachusetts Convention raise troops and prepare an address to the people of Great Britain.

ON the 5th of September, 1774, the second general congress, since the peace of 1763, met at Philadelphia, where all the colonies were represented except Georgia. Peyton Randolph, one of the delegates from Virginia, was elected president, and Charles Thompson, a citizen of Philadelphia, was chosen secretary.

The delegates from Massachusetts, were empowered "to deliberate and determine upon wise and proper measures, to be by them recommended to all the colonies, for the recovery and re-establishment of their just rights and liberties, civil and religious, and the restoration of union and harmony, so ardently desired by all good men."

The general instructions given to the delegates of Pennsylvania, directed them to meet in congress, "to consult together upon the present unhappy state of the colonies, and to form and adopt a plan for purposes of obtaining redress of American grievances, ascertaining American rights, upon the most solid and constitutional principles, and for establishing that union and harmony, which is indispensably necessary to the welfare and happiness of

both." The Virginia delegates were, "to consider of the most proper and effectual manner of so operating, on the commercial connection of the colonies with the mother country, as to procure redress, for the much injured province of Massachusetts Bay, to secure British America, from the ravage and ruin of arbitrary taxes, and speedily, to procure the return of that harmony and union, so beneficial to the whole empire, and so ardently desired by all British America."

One of the rules adopted by this congress, for the regulation of their proceedings, was, that "as congress were not then possessed of, or able to procure proper materials for ascertaining the *importance* of each colony, each colony or province should have one vote, in determining questions."

They, also, resolved, to sit with closed doors, and that every member consider himself under the strongest obligations of honor, to keep the proceedings secret, until a majority directed them to be made public.

One of the first acts of this body, was the appointment of a committee, consisting of two from each colony, to *state* the *rights* of the colonies in general, the *several instances*, in which those rights had been violated, and the *means* most proper to be pursued for obtaining a restoration of them.

Congress, at first, contemplated extending their enquiries, relative to the violation of American rights, to the several statutes, affecting "the *trade* and *manufactures* of the colonies;" and for this purpose, a committee of one from each colony was appointed.

A majority, however, afterwards determined to confine themselves, to the consideration of such rights, as had been infringed, by acts of parliament, since the year 1763. While these important subjects were before committees, the resolutions of the delegates of the county of Suffolk, to which we have before alluded, were laid before congress; and, thereupon, the following resolution was unanimously adopted, "that this assembly deeply feels the sufferings of their countrymen in the Massachusetts Bay, under the operation of the late unjust, cruel, and oppressive acts of the

British parliament—that they most thoroughly approve the wisdom and fortitude, with which opposition to these wicked ministerial measures, has hitherto been conducted, and they earnestly recommend to their brethren, a perseverance in the same firm and temperate conduct, as expressed in the resolutions, trusting that the effect of the united efforts of North America, in their behalf, will carry such conviction to the British nation, of the unwise, unjust, and ruinous policy of the present administration, as quickly to introduce better men, and wiser measures.”

They, also, recommended, the continuance of contributions for the relief of the sufferers at Boston.

During the session of this congress, a constant communication was kept up, by means of expresses, between Boston and Philadelphia. Informed by a letter from the committee of correspondence, of the conduct of general Gage, in raising fortifications round Boston, and in preventing a free communication with that town, congress not only addressed a letter to the general, requesting him to discontinue such fortifications, but, also, passed a resolution, approving of the opposition of the inhabitants of Massachusetts, to the execution of the late acts of parliament, and declaring that, “if the same shall be attempted to be carried into execution *by force*, in such case, all America ought to support them, in their opposition.” They still, however, recommended to the people of that province, “to conduct themselves peaceably towards his excellency general Gage, and his majesty’s troops stationed at Boston, as far as could possibly be consistent with their immediate safety and the security of the town; avoiding and discountenancing every violation of his majesty’s property, or any insult to his troops, and that they peaceably and firmly persevere in the line they were then conducting themselves, on the defensive.” They at the same time, unanimously declared, that every person, who should take, accept, or act under, any commission or authority, in any wise derived, from the act changing the form of government, and violating the charter of Massachusetts, “ought to be held in abhorrence, by all good men, and considered, as the wicked tools of that despotism, which was prepar-

ing to destroy those rights, which God, nature, and compact, have given to America.”

This unequivocal approbation of their conduct, by the united voice of America, was highly gratifying to the suffering people of Massachusetts.

To *ascertain and state* the *rights* of the colonies, as well as the *various instances* in which they had been violated, was a task much less difficult, than to provide the *means* of obtaining a restoration of them.

On the 14th of October, the members of this congress, with unexampled unanimity, declared; “That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following rights.

1. “That they are entitled to life, liberty, and property; and they have never ceded to any foreign power whatever, a right to dispose of either, without their consent.”

2. “That our ancestors, who first settled these colonies, were, at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural born subjects, within the realm of England.”

3. “That by such emigration, they by no means forfeited, surrendered, or lost, any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances, enable them to exercise and enjoy.”

4. “That the foundation of English liberty, and of all free governments, is a right in the people to participate in their legislative council: and, as the English colonists are not represented, and from their local and other circumstances, cannot properly, be represented in the British parliament, they are entitled to a free and *exclusive power of legislation*, in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of *taxation and internal policy*, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed. But from the *necessity* of the

case, and a regard to the mutual interest of both countries, we cheerfully consent, to the operation of such acts of the British parliament, as are, *bona fide*, restrained, to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire, to the mother country, and the commercial benefits of its respective members ; excluding every idea of taxation internal or external, for raising a *revenue*, on the subjects in America, without their consent."

5. "That the respective colonies, are entitled to the common law of England, and more especially, to the great and inestimable privilege, of being tried by their peers of the vicinity, according to the course of that law."

6. "That they are entitled, to the benefit of such of the English statutes, as existed at the time of their colonization ; and which they have, by experience, respectively found, to be applicable to their several local and other circumstances."

7. "That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them, by royal charters, or secured, by their several codes of provincial laws."

8. "That they have a right peaceably to assemble, consider of their grievances, and petition the king ; and that all prosecutions, prohibitory proclamations and commitments for the same, are illegal."

9. "That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law."

10. "It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature, be independent of each other ; that, therefore, the exercise of legislative power, in several colonies, by a council appointed during pleasure, by the crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation."

"All and each of which the aforesaid deputies, in behalf of themselves, and their constituents, do claim, demand, and insist

on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their consent, by their representatives in their several provincial legislatures."

"In the course of our enquiry," they proceed to say, "we find many infringements and violations of the foregoing rights, which, from an ardent desire, that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war, which demonstrate a system formed to enslave America."

"Resolved, that the following acts of parliament, are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and the American colonies, viz. the several acts of 4 Geo. III, ch. 15 and 34—5 Geo. III, ch. 25—6 Geo. III, ch. 52—7 Geo. III, ch. 41, and ch. 46—8 Geo. III, ch. 22, which impose duties for the purpose of raising a revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights."

"Also, 12 Geo. III, ch. 24, entitled 'an act for the better securing his majesty's dock yards, magazines, ships, ammunition, and stores,' which declares a new offense in America, and deprives the American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person, charged with the committing any offense described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm."

"Also, the three acts passed in the last session of parliament, for stopping the port and blocking up the harbor of Boston, for altering the charter and government of Massachusetts Bay, and

that which is entitled, 'an act for the better administration of justice, &c.' "

" Also, the act passed in the same session for establishing the Roman Catholic religion, in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger, (from so total a dissimilarity of religion, law, and government,) of the neighboring British colonies, by the assistance of whose blood and treasure, the said country was conquered from France."

" Also, the act passed in the same session, for the better providing suitable quarters for officers and soldiers in his majesty's service, in North America."

" Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony, in which such army is kept, is against law."

" To these grievous acts and measures, Americans cannot submit ; but in hopes their fellow subjects in Great Britain, will on a revision of them, restore us to that state, in which both countries found happiness and prosperity, we have for the present, only resolved to pursue the following peaceable measures : 1. To enter into a non-importation association. 2. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America : and 3. To prepare a loyal address to his majesty, agreeably to resolutions already entered into."*

The articles relating to American rights, received the unanimous assent of congress, with the exception of the fourth.

This article produced no little debate, and on the last clause of it, perfect unanimity did not prevail. The delegates from Massachusetts, it is believed, or at least some of them, had been too much engaged in the controversy with governor Hutchinson, on the great question of parliamentary power, to agree to this qualifying clause. This contest, had led them to a thorough examination of the subject ; and they were, no doubt, satisfied, that it was difficult if not impossible, to draw a satisfactory line, between a duty laid, for the regulation of commerce, and for revenue.

* Journals of Congress, vol. 1, pp. 28, 29, and 30.

And the great commercial interest of Massachusetts, would naturally bring that colony more in collision with the parent country, on this subject, than any other of the colonies.

Having resolved to stop all commercial intercourse with the parent country, as the best means of obtaining a restoration of their violated rights, an agreement for this purpose was prepared and signed by all the members of this congress. By this, they, for themselves and their constituents, agreed and associated "under the sacred ties of virtue, honor, and love of their country," not to import, after the first of December 1774, from Great Britain or Ireland, any goods whatever, or from any other place, any such goods as should have been imported from Great Britain or Ireland; nor any East India tea, from any part of the world, or any molasses, syrups, coffee, or pimento, from the British plantations, or from Dominica, nor wines from Madeira, or the Western Islands, nor foreign indigo. That they would not import, or purchase any slave imported, after the same time, nor after that period, be concerned in the slave trade.

They also, agreed, from the date of the association, not to consume any tea imported, on account of the East India company, or any, on which a duty had been, or should be paid, nor any goods, agreed not to be imported.

In case the acts complained of, should not be repealed by the 10th day of September 1775, they agreed not to export to Great Britain, Ireland, or the West Indies, any commodities or merchandise whatever, except rice to Europe.

They at the same time, agreed to encourage frugality, economy, and industry, and to promote agriculture, arts, and manufactures of this country, especially wool. Committees were to be appointed in every county, city, or town, to see that the agreement was observed; and the names of the violaters of it, were to be published, in the gazettes, as enemies to the rights of America, and in that case no dealings were to be had with them.

The following is the conclusion of this celebrated association: "And we do solemnly bind ourselves and our constituents, under the ties aforesaid, to adhere to this association, until such parts

of the several acts of parliament, passed since the close of the last war, as impose or continue duties on tea, wine, molasses, syrups, coffee, sugar, pimento, indigo, foreign paper, glass, and painter's colors, imported into America, and extend the powers of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, from a trial by his peers, require oppressive security from a claimant of ships or goods, seized, before he shall be allowed to defend his property, be repealed: and until that part of the act of the 12th George III, chapter 24, entitled, 'an act for the better securing his majesty's dock yards, magazines, ships, ammunition, and stores,' by which any person charged with committing any of the offenses therein described in America, may be tried in any shire or county within the realm, is repealed; and until the four acts passed the last session of parliament, viz. that for stopping the port and blocking up the harbor of Boston; that for altering the charter and government of Massachusetts bay; and that which is entitled, 'an act for the better administration of justice, &c.,' and that 'for extending the limits of Quebec, &c.,' are repealed. And we recommend it to the provincial conventions, and to the committees in the respective colonies, to establish such farther regulations, as they may think proper, for carrying into execution this association."

The gentlemen selected from the several colonies for this memorable congress, were no less distinguished for their talents, than their patriotism. They were not only acquainted with their rights but knew how to assert and maintain them.

Their addresses to the king, to the people of Great Britain, to the inhabitants of the colonies they represented, and to the inhabitants of the province of Quebec, can never be read without being admired, not merely for the firmness, with which the rights of their country were maintained, but for unexampled elevation and dignity of sentiment, as well as energy and elegance of diction. These state papers were drawn with an ability, which evinced the high standing of the members of that august assem-

bly, as scholars, as well as statesmen. Lord Chatham declared, that though he had studied and admired the free states of antiquity, the master spirits of the world, "yet for solidity of reasoning, force of sagacity and wisdom of conclusion, no body of men could stand in preference to this congress."*

Nor when perusing these state papers can any one fail to regret, that they are not accompanied with the speeches delivered on that occasion, by such distinguished statesmen and orators as John Adams, John Jay, Richard Henry Lee, Patrick Henry, John Dickinson, Samuel Chase, John Rutledge, and many others of that illustrious band of patriots.

In their address to the people of Great Britain,† after enumerating the several acts of parliament, deemed violations of their rights, they appeal, with peculiar force of language, to the generosity, to the virtue, to the justice of the nation, for relief. They not only remind the people of the parent country, of the immense benefits they had heretofore derived from a monopoly of colonial commerce; but call upon them to witness the loyalty and attachment of the colonists to the common interest of the empire.

"Did we not," they ask, "in the last war, add all the strength of this vast continent, to the force, which repelled our common enemy? Did we not leave our native shores and meet disease and death, to promote the success of British arms in foreign climates? Did you not thank us for our zeal; and even re-

* The celebrated author of *McFingal*, in his "Elegy on the times," published when this congress was in session, refers to this body in the following lines:

" Now meet the fathers of this western clime,
Nor names more noble grac'd the rolls of fame,
When Spartan firmness brav'd the wrecks of time,
Or Rome's bold virtues fann'd the heroic flame.

" Not deeper thought th' immortal sage inspired,
On Solon's lips when Grecian senates hung;
Nor manlier eloquence the bosom fired
When genius thundered from the Athenian tongue."

† This was drawn by Mr. Jay.

imburse us large sums of money, which you confessed we had advanced beyond our proportion, and far beyond our ability?" After these appeals, they repel the charges brought against them. "You have been told that we are seditious, impatient of government, and desirous of independency. Be assured," they said, "that these are not facts, but calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you, to be our greatest glory and our greatest happiness; we shall ever be ready, to contribute all in our power, to the welfare of the whole empire; we shall consider your enemies as our enemies, and your interest as our own."

In conclusion, referring to the ministerial proceedings towards the colonies, they say—"But if you are determined, that your ministers shall wantonly sport with the rights of mankind—if neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood, in such an impious cause, we must then tell you, that we will never submit to be hewers of wood or drawers of water, for any ministry or nation in the world."

"Place us in the same situation that we were at the close of the late war, and our former harmony will be restored."

"But lest the same supineness, and the same inattention to our common interest, which you have for several years shown, should continue, we think it necessary to anticipate the consequences."

"By the destruction of the trade of Boston, the ministry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur for subsistence, to the fertility and bounty of our native soil, which will afford us all the necessaries and some of the conveniences of life. We have suspended our importation from Great Britain and Ireland; and in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and the West Indies."

"It is with the utmost regret, however, that we find ourselves compelled, by the over-ruling principles of self preservation, to

adopt measures, detrimental in their consequences, to numbers of our fellow subjects in Great Britain and Ireland. But we hope the magnanimity and justice of the British nation will furnish a parliament of such wisdom, independence and public spirit, as may save the violated rights of the whole empire, from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony, friendship and fraternal affection, between all the inhabitants of his majesty's kingdoms and territories, so ardently wished for, by every true and honest American."*

The address to the king breathed a spirit of affection as well as loyalty. Nor did it contain the language of hypocrisy. They tell their sovereign their grievances and ask redress.

"Had our Creator," they say, "been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But, thanks be to his adorable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your royal ancestors, whose family was settled on the British throne, to rescue and secure a pious and gallant nation from the popery and despotism of a superstitious and inexorable tyrant. Your majesty, we are confident, justly rejoices, that your title to the crown, is thus founded on the title of your people to liberty; and, therefore, we doubt not but your royal wisdom must approve the sensibility, that teaches your subjects anxiously to guard the blessing, they received from divine Providence, and thereby to prove the performance of that compact, which elevated the illustrious house of Brunswick to the imperial dignity it now possesses."

"The apprehension of being degraded into a state of servitude, from the pre-eminent rank of English freemen, while our minds retain the strongest love of liberty, and clearly foresee the miseries preparing for us and our posterity, excites emotions in our breasts, which though we cannot describe, we should not wish to conceal. Feeling as men, and thinking as subjects, in the manner we do, silence would be disloyalty. By giving this faithful

* Note 17.

information, we do all in our power to promote the great objects of your royal cares, the tranquility of your government and the welfare of your people."

"Duty to your majesty, and regard for the preservation of ourselves and our posterity, the primary obligations of nature and society, command us to entreat your royal attention; and as your majesty enjoys the signal distinction of reigning over freemen, we apprehend the language of freemen cannot be displeasing. Your royal indignation, we hope, will rather fall on those designing and dangerous men, who daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your majesty's authority, misrepresenting your American subjects, and prosecuting the most desperate and irritating projects of oppression, have, at length, compelled us, by the force of accumulated injuries, too severe to be any longer tolerable, to disturb your majesty's repose by our complaints."

"These sentiments are extorted from hearts, that much more willingly would bleed in your majesty's service. Yet so greatly have we been misrepresented, that a necessity has been alleged of taking our property from us, without our consent, 'to defray the charge of the administration of justice, the support of civil government, and the defense, protection and security of the colonies.' But we beg leave to assure your majesty, that such provision has been, and will be made for defraying the two first articles, as has been and shall be judged, by the legislatures of the several colonies, just and suitable to their respective circumstances: and for the defense, protection and security of the colonies, their militia, if properly regulated, as they earnestly desire may immediately, be done, would be fully sufficient, at least in time of peace; and in case of war, your faithful colonists will be ready and willing, as they ever have been, when constitutionally required, to demonstrate their loyalty to your majesty, by exerting their most strenuous efforts in granting supplies and raising forces. Yielding to no British subjects in affectionate attachment to your majesty's person, family, and government; we too

dearly prize the privilege of expressing that attachment by those proofs, that are honorable to the prince who receives them, and to the people who give them, ever to resign it to any body of men upon earth."

"Had we been permitted to enjoy in quiet, the inheritance left us by our forefathers, we should, at this time, have been peaceably, cheerfully, and usefully employed in recommending ourselves, by every testimony of devotion, to your majesty, and of veneration to the state, from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress, by a contention with that nation, in whose parental guidance, on all important affairs, we have hitherto, with filial reverence, constantly trusted, and therefore can derive no instruction in our present unhappy and perplexing circumstances from any former experience; yet we doubt not, the purity of our intention, and the integrity of our conduct, will justify us, at that grand tribunal, before which all mankind must submit to judgment."

"We ask but for peace, liberty, and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favor. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavor to support and maintain."

"Filled with sentiments of duty to your majesty, and of affection to our parent state, deeply impressed by our education, and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions, we present this petition only to obtain redress of grievances, and relief from fears and jealousies, occasioned by the system of statutes and regulations adopted since the close of the late war, for raising a revenue in America; extending the powers of the courts of admiralty and vice admiralty; trying persons in Great Britain for offenses alleged to be committed in America; affecting the Massachusetts bay, and altering the government and extending the limits of Quebec, by the abolition of which system, the harmony between Great Britain and these colonies, (so necessary to the happiness of both, and so ardently desired by the latter,) and the usual intercourse will be immedi-

ately restored. In the magnanimity and justice of your majesty and parliament, we confide for a redress of our other grievances, trusting, that, when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard we have been accustomed to enjoy. In appealing to that Being who searches thoroughly the hearts of his creatures, we solemnly profess that our councils have been influenced by no other motive than a dread of impending destruction."

"Permit us then most gracious sovereign, in the name of all your faithful people in America, with the utmost humility, to implore you, for the honor of Almighty God, whose pure religion our enemies are undermining ; for your glory, which can be advanced only by rendering your subjects happy, and keeping them united, for the interests of your family depending on an adherence to the principles that enthroned it ; for the safety and welfare of your kingdoms and dominions, threatened with almost unavoidable dangers and distresses, that your majesty, as the loving father of your whole people, connected by the same bonds of law, loyalty, faith, and blood, though dwelling in various countries, will not suffer the transcendant relation formed by these ties to be further violated, in uncertain expectations of effects, that if obtained, never can compensate for the calamities, through which they must be gained."

"We, therefore, most earnestly beseech your majesty, that your royal authority and interposition may be used for our relief, and that a gracious answer may be given to this petition."

"That your majesty may enjoy every felicity through a long and glorious reign, over loyal and happy subjects, and that your descendants may inherit your prosperity and dominions till time shall be no more, is, and always will be our sincere and fervent prayer."*

* The committee first appointed to prepare an address to the king, consisted of Richard Henry Lee, John Adams, Mr. Johnson, Mr. Henry, and Mr. Rutledge—the draft first reported was from the pen of Mr. Lee—the language of it, however, was not deemed, by a majority of congress, sufficiently conciliatory, and it was recommitted. John Dickinson, who had just taken his seat in congress, was added to the committee, and the petition finally reported and adopted, was drawn by Mr. Dickinson. See No. 2, of the American Quarterly Review, p. 414.

Congress, in their address to the inhabitants of Quebec, endeavored to convince them, that the late act respecting that province, had deprived them of many of their rights and privileges, and to persuade them to unite in obtaining redress, as well as to join the confederacy.

To the inhabitants of the aggrieved colonies, their constituents, they present a detailed account of the violations of their rights, since the year 1763, as well as the reasons, for the pacific mode of redress adopted by them, and conclude by observing, "from the detail of facts herein before recited, as well as from authentic intelligence received, it is clear beyond a doubt, that a resolution is formed, and now carrying into execution, to extinguish the freedom of these colonies, by subjecting them to a despotic government."

"At this unhappy period, we have been authorized and directed to meet and consult together, for the welfare of our common country. We accepted the important trust with diffidence, but have endeavored to discharge it with integrity. Though the state of these colonies would certainly justify other measures than we have advised, yet weighty reasons determined us to prefer those which we have adopted. In the first place, it appeared to us a conduct becoming the character these colonies have ever sustained, to perform, even in the midst of the unnatural distresses and imminent dangers that surround them, every act of loyalty; and therefore, we were induced, once more to offer to his majesty, the petitions of his faithful and oppressed subjects in America. Secondly, regarding with the tender affection, which we knew to be so universal among our countrymen, the people of the kingdom, from which we derive our origin, we could not forbear to regulate our steps by an expectation of receiving full conviction, that the colonists are equally dear to them. Between these provinces and that body subsists the social bond, which we ardently wish may never be dissolved, until their minds shall become indisputably hostile, or their inattention shall permit those, who are thus hostile, to persist in prosecuting, with the powers of the realm, the destructive measures already operating against the colonists,

and in either case, shall reduce the latter to such a situation, that they shall be compelled to renounce every regard, but that of self-preservation. Notwithstanding the violence with which affairs have been impelled, they have not yet reached that point. We do not incline to accelerate their motion, already alarmingly rapid; we have chosen a method of opposition, that does not preclude a hearty reconciliation with our fellow citizens on the other side of the Atlantic. We deeply deplore the urgent necessity, that presses us to an immediate interruption of commerce, that may prove injurious to them. We trust they will acquit us of any unkind intentions towards them, by reflecting, that we are driven by the hand of violence, into unexperienced and unexpected public convulsions, and that we are contending for freedom, so often contended for by our ancestors."

"The people of England will soon have an opportunity of declaring their sentiments concerning our cause. In their piety, generosity, and good sense, we repose high confidence; and cannot, upon a review of past events, be persuaded, that they, the defenders of true religion, and the asserters of the rights of mankind, will take part against their affectionate protestant brethren in the colonies, in favor of our open and their secret enemies, whose intrigues, for several years past, have been wholly exercised in sapping the foundations of civil and religious liberty."

"Another reason, that engaged us to prefer the commercial mode of opposition, arose from an assurance, that the mode will prove efficacious, if it be persisted in with fidelity and virtue; and that your conduct will be influenced by these laudable principles cannot be questioned. Your own salvation, and that of your posterity, now depends upon yourselves. You have already shown that you entertain a proper sense of the blessings you are striving to retain. Against the temporary inconveniences you may suffer from a stoppage of trade, you will weigh in the opposite balance, the endless miseries you and your descendants must endure, from an established arbitrary power. You will not forget the honor of your country, that must, from your behavior, take its title in the

estimation of the world, to glory or to shame ; and you will, with the deepest attention, reflect, that if the peaceable mode of opposition, recommended by us, be broken and rendered ineffectual, as your cruel, and haughty, and ministerial enemies, from contemptuous opinion of your firmness, insolently predict will be the case, you must inevitably be reduced to choose, either a more dangerous contest, or a final, ruinous, and infamous submission."

" Motives thus cogent, arising from the emergency of your unhappy condition, must excite your utmost diligence and zeal, to give all possible strength and energy to the pacific measures calculated for your relief: but we think ourselves bound in duty, to observe to you, that the schemes agitated against these colonies, have been so conducted, as to render it prudent, that you should extend your views to mournful events, and be, in all respects prepared for every contingency. Above all things, we earnestly intreat you, with devotion of spirit, penitence of heart, and amendment of life, to humble yourselves and implore the favor of Almighty God ; and we fervently beseech his divine goodness, to take you into his gracious protection."*

During this interesting session, a plan of accommodation and union, between the colonies and the parent country, was submitted to congress, by Joseph Galloway, one of the delegates from Pennsylvania.

This plan produced warm and long debates in that body ; and was finally postponed by a majority of one colony ; and neither the plan itself, nor any of the proceedings upon it, were entered on the journals.

The principal features of it were, that a British and American legislature be established, including all the colonies, *for regulating the general affairs of America* ; each colony retaining the power of regulating its own internal concerns. The general government to be administered by a president general, to be appointed by the crown, and by a grand council, chosen by the several colonies, in proportion to their wealth and population. The president general to hold his office, during the pleasure of

* Journals of Congress, vol. 1, pp. 51, 52.

the crown, and to have a negative on all acts of the grand council.

The president general, by and with the advice and consent of the grand council, to have and exercise all "legislative rights, powers, and authorities, necessary for regulating and administering all the general police and affairs of the colonies, in which Great Britain and the colonies, or any of them, the colonies in general, or more than one colony were, in any measure, concerned, as well civil and criminal, as commercial."

"That the president general and grand council, should be *an inferior and distinct branch* of the British legislature, *united and incorporated* with it, for the aforesaid general purposes, and that any of the general regulations might originate, be formed and digested, either in the parliament of Great Britain, or in the grand council; and when prepared, be transmitted to the other, for their approbation or dissent; and that the assent of both should be requisite, to the validity of all such general acts or statutes."

With respect to taxes, it was proposed "that in time of war, all bills for granting aids to the crown, prepared by the grand council, and approved by the president general, should be valid and passed into a law, without the assent of the British parliament."

It will be perceived, that this plan bears a strong resemblance to the scheme of union formed at Albany in 1754; the union of the American legislature with the British parliament, however, each having a negative on the other, in all cases, except that of taxation, presented an essential difference; and this feature alone, was a sufficient objection to it.

After directing the address to the king, to be sent to the several colony agents in England, to be presented to his majesty, and recommending, that another congress be held on the 10th of May following, unless a redress of grievances, should before that time, be obtained, congress, on the 26th of October, dissolved.

The union of the members, and their firm determination to support the people of Massachusetts, in their opposition to the late acts of parliament, affecting that colony, was peculiarly gratifying to

the delegates of that province, and particularly to John and Samuel Adams, whose whole souls were engaged in the contest, and who had staked every thing on the issue. Being advised by one of his friends not to accept of his appointment as delegate to Philadelphia, alleging that Great Britain was determined to subdue America, and that her power was irresistible, John Adams, replied he well knew this, but that "as to his fate, the die was cast, the Rubicon was passed—and sink or swim, live or die, to survive or perish with his country, was his unalterable resolution."

Nor can we here refrain from noticing the character, conduct, and influence of Mr. Samuel Adams, during this session of congress, as given by Mr. Galloway, who, it is well known, afterwards joined the enemy, and went to England. In his "historical and political reflections on the rise and progress of the American rebellion," published in Great Britain in 1780, referring to Samuel Adams, and his character and conduct in the congress of 1774, and his talent at political management, he says, "he eats little, drinks little, sleeps little, thinks much, and is most indefatigable in the pursuit of his object. It was this man, who, by his superior application, managed, at once, the factions in congress, at Philadelphia, and the factions of New England."

A majority of the members of this congress, had little doubt, that the measures taken by them, if supported by the American people, would produce a redress of grievances.

Richard Henry Lee, said to Mr. Adams, "we shall undoubtedly carry all our points. You will be completely relieved; all the offensive acts will be repealed; the army and fleet will be recalled, and Britain will give up her foolish projects."

George Washington, was of opinion, that with the aid of both the non-importation and non-exportation system, America would prevail. Patrick Henry, concurred in opinion with Mr. Adams, that the contest must ultimately be decided by force.* The proceedings of congress, met with the almost unanimous approbation of the people of America. The non-importation agreement, entered into by their delegates, was adopted, as their own. Com-

* John Adams Letter to Mr. Tudor.

mittees of vigilance were appointed, in all the towns and districts, and the names of those, who disregarded it, were published, as the enemies of public liberty.

In those colonies, where meetings of the regular assemblies, depended on the will of the royal governors, conventions were held, by delegates voluntarily chosen by the people; and the recommendations of these conventions or provincial congresses, were generally regarded by them. Though the assembly of Pennsylvania had approved of the measures adopted by congress, yet a convention, held in that province, in January, 1775, declared, "that if the petition of the continental congress should be disregarded, and the British administration should determine, to effect by force a submission to the late arbitrary acts of the British parliament, in such a situation, we hold it our indispensable duty to resist such force, and at every hazard to defend the rights and liberties of America."

In Massachusetts, the new governor, in August issued writs for holding an assembly at Salem, on the 5th of October, but they were afterwards countermanded, by a proclamation, in consequence of the county meetings, and the proposition for a provincial congress.

Representatives, however, were chosen from the various towns, and met at Salem, at the time appointed; but the governor not appearing, they resolved themselves into a provincial congress, and adjourned to Concord. They presented an address to the governor, complaining, not only of the late acts of parliament, but of the fortifications erecting on Boston neck. The governor in his answer, justified these preparations, as necessary for the protection of the troops under his command; and among other things, requested them, to consider, whether, "while they complained of the alterations in their charter, by acts of parliament, their assembling, as they had done, was not a violation of their own constitution;" and he warned them to desist from such illegal proceedings. Regardless, however, of this warning, they proceeded to exercise the powers of government, and to take the necessary measures for placing the province in a state of defense.

Such was the distressed situation of the town of Boston, and of the whole province, in the summer of 1774, that it was deemed important that some person should go to England, to represent the true situation of the colonies, and particularly of Massachusetts, as well as to learn the real intentions of the administration in relation to them. Mr. Quincy, whose state of health was such, as to require a voyage, was selected for this purpose, and about the last of September, sailed for London.

We would here observe, that as the colonies increased in wealth, the desire of the parent country to secure to herself the benefits of that wealth, seemed to increase in the same proportion. The British merchant was still more anxious to retain the monopoly of the trade of the Americans, and the manufacturer, like the miser, whose love of wealth increases with the means of acquiring it, was not less eager, by preventing colonial manufactures to continue the monopolist of their consumption.

The views of the British merchants and manufacturers, on these subjects, were disclosed in their letter of Jan. 13th, 1766, to the merchants of Newport, in Rhode Island. After observing that the monopoly of the colonial trade, by adding to the resources of Great Britain, increased her power to protect and defend the colonies, they proceed to say, "We are therefore persuaded, that you will think it just and necessary, to prevent by every possible means, foreign states from sharing in the advantage of your commerce, and thereby depriving Great Britain of the means to afford you future instances of her parental protection."

"The consideration, that every degree of intercourse between the British colonies and the manufacturing countries of Europe, tends to strengthen their navigation and increase their manufactures, at the expense of our own, will, we are sure, be a sufficient motive to engage you heartily to carry into execution the clause of the navigation act, inhibiting that intercourse; this may effectually be done, if such trade is held by the principal merchants among you, to be dishonorable, the laws of reputation being stronger than any other; and we flatter ourselves, that

your friends here, will not, on any future occasion, be made to blush by instances of its violation."

On the subject of colonial manufactures, they in the same letter observe—"The prohibition of your exporting bar iron to foreign countries, (mentioned in the memorial from Pennsylvania,) is considered as beneficial to the iron manufactories of these kingdoms, to which, from good policy, reason and justice, a preference is due; and we beg leave, to recommend your avoiding hereafter any applications which may be construed into the most distant means of *interfering* with the manufactures of the mother country; either by furnishing her rivals with raw materials, or by the public encouragement of similar manufactures among yourselves; no small strength having arisen to your opponents, during the late struggle, from each of these topics."

"In a word," they add, "the system of Great Britain is, to promote a mutual interest, by supplying the colonies with her manufactures, by encouraging them to raise, and receiving from them all raw materials, and by granting the largest extension to every branch of their trade, not interfering with her own."*

Subsequent to the repeal of the stamp act, and before the meeting of the general congress, in 1774, numerous political publications, also appeared in Great Britain, evincing, that the old maxims of colonial policy still prevailed, and governed the councils of the British cabinet. These publications did not pass unnoticed by the colonists. Among these, a series of papers, styled "political essays," attracted attention in America. They manifested a continuance of the same jealousy, in relation to the growth and political power of the colonies, as had appeared since the days of Sir Josiah Child.

Referring to the first colonial settlements in North America, the author of these essays observes, "It appears, that the original and grand evil attending them, was the settlement of so considerable a part, in a climate incapable of yielding the commodities wanted in Britain. These northern colonies, long after their disadvantages were known, were continually increased by

* Letter published in the Newport Mercury, Sept. 1, 1766.

fresh emigrations from Europe ; which, as I have before observed, ought totally to have been prevented, and such emigrations have been encouraged only to the beneficial colonies."

" Since the late war, Britain laid the trade of the colonies under some very strict regulations, which certainly cut off many inlets, by which they formerly received much Spanish and Portuguese coin. The principle upon which such regulations were formed, of securing to the mother country *alone*, all matters of *commerce*, I have already attempted to prove *just* and *necessary*. Whenever these supernumeraries are become *manufacturers*, it will require more than British policy, to convert them into planters. I must think this point of such great importance, as to extend, probably, to the *annihilation* of *manufactures* in our colonies."

This and similar publications, were supposed to develop the views of the British cabinet ; and among other things served to convince some of the colonists, especially those at the north, whose interest was more immediately affected, that it would be impossible ever to compromise with the parent country, on any terms compatible with their rights or future prosperity. The great mass of the American people, however, had little doubt of the success of the measures of the general congress, and were induced to believe, that at the meeting of parliament, peace and harmony between the two countries would be restored.

A new parliament met, on the 29th of November, and the speech from the throne, evinced a determination still to pursue the same system of measures, and to enforce submission to the laws, in all his dominions.

The king informed his parliament, that a most daring resistance and disobedience to the law still prevailed in Massachusetts, and had broken out in fresh violences ; that these proceedings, had been countenanced and encouraged, in the other colonies, and that unwarrantable attempts had been made, to obstruct the commerce of the kingdom, by unlawful combinations ; and he expressed his firm determination, to withstand every attempt, to weaken or impair, the supreme authority of parliament over all the dominions of the crown.

Addresses in answer to the speech, concurring in the sentiments expressed by the king, were carried in both houses, by large majorities.

The ministry were either unprepared or unwilling, at this time, to disclose the particular measures, contemplated, with respect to America. When pressed on this subject, the first lord of the treasury, informed the house of commons, that after the usual recess, for the holidays, he should lay the American papers before them. In the mean time he procured the appointment of a committee to take the subject of colonial affairs into consideration at a future day.

The cabinet, however, had determined on coercive measures, in case the colonies persisted in their claims. Mr. Quincy, not long after his arrival in England, had an interview with Lord North, as well as Lord Dartmouth, at their special request.

The former, on the 19th of November, in conversation on the subject of American affairs, reminded Mr. Quincy of the *power* of Great Britain, and that they were determined "to exert it to the utmost, in order to effect the submission of the colonies."

"We must try," said he, "what we can do, to support the authority we claim, over America. If we are defective in power, we must sit down contented, and make the best terms we can; and nobody can blame us after we have done our utmost; but till we have tried what we can do, we can never be justified in receding."* Knowing the principle object of Mr. Quincy's visit to England, it was not to be expected, the minister would use the language of concession to him; but endeavor to impress him with the idea, that from the immense power of Great Britain, it would be impossible for the colonies to resist, with any prospect of success. Mr. Quincy, however, from this conversation with the prime minister, as well as information obtained from other sources, was convinced, that the Americans had nothing to hope, but from forcible resistance. This conviction was communicated to some of his particular friends in America.

* *Memoirs of Mr. Quincy*, p. 235.

In a letter to Joseph Reed, of Philadelphia, of the 17th of December, he says, "But by no means entertain an idea that commercial plans, founded on commercial principles, are to be engines of your freedom, or the security of your felicity."

"Far different are the weapons, with which oppression is repelled; far more noble the sentiments and actions, which secure liberty and happiness to man."

"I cannot forbear telling you, that I look to my countrymen with the feelings of one, who verily believes, they must yet seal their faith and constancy to their liberties, *with blood*."*

Parliament, after the recess, convened on the 20th of January, and on the same day, lord Chatham took his seat in the house of lords, and immediately moved—"That an humble address be presented to his majesty, most humbly to advise and beseech his majesty, that, in order to open the way towards our happy settlement of the dangerous troubles in America, by beginning to allay ferments and soften animosities there; and above all, for preventing in the mean time, any sudden and fatal catastrophe at Boston, now suffering under daily irritation of an army before their eyes, posted in their town; it may graciously please his majesty, that immediate orders may be dispatched to general Gage, for removing his majesty's forces from the town of Boston, as soon as the rigor of the season and other circumstances, indispensable to the safety and accommodation of the said troops, may render the same practicable."

This motion was supported by one of the most eloquent and impressive speeches, ever delivered by that distinguished statesman and orator, and we trust the reader will pardon us for bringing a part of it to his recollection.

"My lords," says Chatham, "these papers from America, now laid by administration for the first time, before your lordships, have been, to my knowledge, five or six weeks, in the pocket of the minister. And notwithstanding the fate of this kingdom, hangs upon the event of this great controversy, we are, but this moment called, to a consideration of this important subject."

* Memoirs of Mr. Quincy, p. 281.

“ My lords, I do not wish to look into one of these papers. I know their contents well enough already. I know that there is not a member in this house, but is acquainted with their purport, also. There ought, therefore, to be no delay in entering upon this matter. We ought to proceed to it immediately. We ought to seize the first moment to open the door of reconciliation. The Americans will never be in a temper or state, to be reconciled—they ought not to be, till the troops are withdrawn. The troops are a perpetual irritation to those people; they are a bar to all confidence, and all cordial reconciliation.”

“ The way,” he said, “ must be immediately opened for reconciliation. It will soon be too late. I know not who advised the present measures: I know not who advises to a perseverance and enforcement of them; but this I will say, that whoever advises them, ought to answer for it, at his utmost peril. I know that no one will avow that he advised, or that he was the author of these measures; every one shrinks from the charge. But somebody has advised his majesty to these measures, and if he continues to hear such evil counsellors, his majesty will be undone. His majesty may indeed wear his crown, but, the American jewel out of it, it will not be worth the wearing. What more shall I say? I must not say, the king is betrayed; but this I will say, the nation is ruined. What foundation have we for our claims over America? What is our right to persist in such cruel and vindictive measures, against that loyal, respectable people?”

“ They say, you have no right to tax them, without their consent. They say truly. Representation and taxation must go together; they are inseparable. Yet there is scarcely a man in our streets, though so poor, as scarcely to be able to get his daily bread, but thinks he is the legislator of America. ‘*Our American subjects*’ is a common phrase in the mouths of the lowest orders of our citizens; but property, my lords, is the sole and entire dominion of the owner: it excludes all the world besides the owner. None can intermeddle with it. It is an unity, a mathematical point. It is an atom; untangible by any but the proprietor. Touch it, and the owner loses his whole property. The touch

contaminates the whole mass, the whole property vanishes. The touch of another annihilates it ; for whatever is a man's own, is absolutely and exclusively his own."

After stating that the Americans had been "abused, misrepresented, and traduced, in the most atrocious manner, in order to give color, and urge on, the most precipitate, unjust, cruel, and vindictive measures, that ever disgraced a nation," he asks, "but how have this respectable people behaved, under their grievances? With unexampled patience, with unparalleled wisdom. They chose delegates, by their free suffrages ; no bribery, no corruption, no influence there, my lords. Their representatives meet, with the sentiments and temper, and speak the sense of the continent. For genuine sagacity, for singular moderation, for solid wisdom, manly spirit, sublime sentiments, and simplicity of language, for every thing respectable, and honorable, the congress of Philadelphia, shine unrivalled. This wise people speak out. They do not hold the language of slaves ; they tell you what they mean. They do not ask you to repeal your laws, as a *favor* ; they claim it, as a *right*—they demand it. They tell you they will not submit to them ; and I tell you, the acts must be repealed ; they will be repealed ; you cannot enforce them. The ministry are checkmated ; they have a move to make on the board ; yet not a move, but they are ruined. Repeal, therefore, my lords, I say. But bare repeal will not satisfy this enlightened, and spirited people. What ! repeal a bit of paper ! repeal a piece of parchment ! That alone will not do, my lords. You must go through the work—you must declare you have no right to tax—then they may trust you ; then they will have some confidence in you."

After adverting to the distinction, he had formerly made, on the repeal of the stamp act, between taxation and legislation, Lord Chatham thus concludes :

"My lords, deeply impressed with the importance of taking some healing measures, at this most alarming, distracted state of our affairs, though bowed down with a cruel disease, I have crawled to this house, to give you my best counsel, and experience ;

and my advice is, to beseech his majesty to withdraw his troops. This is the best I can think of. It will convince America, that you mean to try her cause, in the spirit, and by the laws of freedom and fair enquiry, and not, by codes of blood. How can she now trust you, with the bayonet at her breast? She has all the reason in the world, now to believe you mean her death or bondage. Thus entered on the threshold of this business, I will knock at your gates, for justice without ceasing, unless inveterate infirmities stay my hand. My lords, I pledge myself never to leave this business. I will pursue it to the end in every shape. I will never fail of my attendance on it, at every step and period of this great matter, unless nailed down to my bed, by the severity of disease. My lords, there is no time to be lost; every moment is big with dangers. Nay, while I am now speaking, the decisive blow may be struck, and millions involved in the consequences. The very first drop of blood will make a wound, that will not easily be skinned over. Years, perhaps ages, may not heal it. It will be immedicabile vulnus: a wound of that rancorous, malignant, corroding, festering nature, that in all probability, it will mortify the whole body. Let us then, my lords, set to this business in earnest! not take it up by bits and scraps, as formerly, just as exigencies pressed, without any regard to general relations, connections, and dependencies. I would not, by any thing I have said, my lords, be thought to encourage America to proceed beyond the right line. I reprobate all acts of violence by her mobility. But when her inherent constitutional rights are invaded, those rights she has an equitable claim to enjoy, by the fundamental laws of the English constitution, and which are engrafted thereon, by the unalterable laws of nature; then I own myself an American, and feeling myself such, shall, to the verge of my life, vindicate those rights against all men, who strive to trample upon or oppose them.'*

The motion of Lord Chatham, though supported by Lord Camden, Lord Shelburne, and the Marquis of Rockingham, was re-

* This extract is taken from Lord Chatham's Speech as given by Mr. Quincy, in his *Journal*, lately published, in his *Memoirs* by his son, and is the best abstract of Lord Chatham's Speech, on this occasion, we have ever seen.

jected by a large majority. The ministers, being now prepared to announce their determination to coerce obedience to the late acts of parliament, refused to listen to the prophetic voice of this experienced statesman. This, however, did not prevent him from presenting to the house, soon after, a bill, containing his favorite plan, "for settling the troubles, and for asserting the supreme legislative authority, and superintending power of Great Britain over the colonies."

The great outlines of this plan, were, in the first place, a general declaration, that the colonies of America were dependent on the imperial crown of Great Britain, and subordinate to the British parliament; and that parliament could make laws binding on them, in all cases touching the general weal of the British empire; the bill, then enacted and declared, that parliament could lay no tax or tallage, without common consent, by an act of an American provincial assembly, duly convened for that purpose. It provided, that a general congress be held in America, to recognize such general *superintending authority* in parliament; and that such congress be requested, to take into consideration, the making a free grant to the king, and his successors, of a certain *permanent revenue*, subject to the disposition of parliament, to the alleviation of the national debt. That the same congress apportion the quotas of this revenue, to each province. That the vice-admiralty courts be reduced to their ancient limits—that no person be sent to Great Britain, for crimes committed in America—that the acts complained of, passed since 1763, be suspended—that the judges hold their offices, during good behavior, and have their salaries from the crown; and the bill also, declared, that the colonies were justly entitled to the privileges and franchises granted by their charters, or constitutions, and that these charters could not be invaded or rescinded, unless for some legal ground of forfeiture. It asserted the right of the king, to send a legal army to any part of his dominions; but that no military force could lawfully be used, to destroy the just rights of the people.

Though this bill, as it contained a direct avowal of the *supreme authority* of parliament over the colonies, in all cases, except that

of taxation, could never have received the assent of the Americans, yet, as it expressly denied the parliamentary power of taxing the colonies, without the consent of their assemblies, and made other concessions, it was *rejected* by a large majority, on its first reading.

Lord Chatham had shown this bill to Dr. Franklin, before he submitted it to the house of lords, but the latter had not an opportunity of proposing certain alterations, which he had sketched. Dr. Franklin, however, at the special request of Lord Chatham, was present at the debates upon it.

Lord Dartmouth was at first disposed to have the bill lie upon the table, but Lord Sandwich opposed its being received, and moved, that it be immediately "rejected with the contempt it deserved. He could never believe," he said, "that it was the production of a British peer; that it appeared to him rather *the work of some American.*" Turning his face towards Dr. Franklin, then standing at the bar, "he fancied," he said, "he had in his eye the person, who drew it up, one of the bitterest and most mischievous enemies this country had ever known."

To this part of the speech of Lord Sandwich, the great Chatham replied, by saying "that it was entirely his own. This declaration," he said, "he thought himself the more obliged to make, as many of their lordships appeared to have so mean an opinion of it; for if it was so weak or so bad a thing, it was proper in him to take care that no other person should unjustly share in the censure it deserved. That it had been heretofore reckoned his vice not to be apt to take advice; but he made no scruple to declare, that if he were the first minister of this country, and had the care of settling this momentous business, he should not be ashamed of publicly calling to his assistance, a person so perfectly acquainted with the whole of American affairs as the gentleman alluded to, and so injuriously reflected on; one, whom all Europe held in estimation, for his knowledge and wisdom, and ranked with our Boyles and Newtons; who was an honor, not to the English nation only, but to human nature."*

* Franklin's Works, vol. 1, pp. 322, 323.

Soon after the meeting of parliament in January, petitions from the merchants of London and other trading towns, in favor of America, were presented to the house of commons. These petitions, instead of being referred, as the petitioners expected, to the committee on American affairs, were, on motion of the minister, referred to another committee, whose meeting was fixed at a more distant day.

This was considered by the petitioners as very unfair treatment, and the committee to which their petitions were referred, was called, the "*committee of oblivion.*" The petition of the American congress, to the king, had been sent to the house with other papers, but had been left entirely unnoticed. Dr. Franklin, Mr. Bollan, and Mr. Lee, colonial agents, to whom it had been entrusted, requested liberty to be heard upon it, before the house. This, however, was refused, the ministers giving, the old reason, that it came from an illegal assembly. Thus the humble supplication of three millions of people, could not be heard unless presented in a particular manner.

Immediately after the rejection of lord Chatham's bill, the minister proposed, in the house of commons, a joint address to the king, on American affairs. In this address, which was carried by large majorities, parliament declared, that Massachusetts was in a state of rebellion; and that this colony, had been supported by unlawful combinations and engagements entered into, by several of the other colonies, to the great injury and oppression of his majesty's subjects in Great Britain. Assuring his majesty of their determination never to relinquish the sovereign authority of the king and parliament over the colonies, they requested him to take the most effectual measures, to enforce obedience, to that authority; and promised him their support, at the hazard of their lives and property. In the long and pointed debates on this address, it was declared by ministers, and their supporters, that the Americans had long wished, to become independent, and only waited for ability and opportunity, to accomplish their design. To prevent this, they said, and to crush the monster in its birth, was the duty of every Englishman; and that this must be done,

at any price, and at every hazard. In the course of the debates, the Americans were branded with the epithets of cowards and paltrons; and some pretending to be well acquainted with their character, declared them incapable of military discipline or exertion, and that a small force would reduce them to obedience.

Opposition to the address, was made, in both houses, but in vain. The king in his answer, assured parliament, of his firm determination, in compliance with their request, to enforce obedience to the laws and authority of the supreme legislature of the empire. His answer was followed by a message, requesting an increase of his forces, by sea and land. The restriction of the trade of the colonies, and a prohibition of their use of the fisheries, was also, a part of the ministerial system of measures. The minister began this part of his system, with Massachusetts, Connecticut, New Hampshire and Rhode Island, as being the most obstinate and refractory. On the 10th of February, he presented a bill, which soon became a law, restricting the trade of these colonies, to Great Britain, Ireland, and the British West Indies, and prohibiting their carrying on any fisheries on the banks of New Foundland, and other places, for a limited time. The same restrictions were, soon after, extended to all the colonies represented in the congress at Philadelphia, with the exception of New York and North Carolina. These bills were opposed, by the minority in both houses, as unjust and cruel towards the colonists, involving the innocent with the guilty; and unwise and impolitic, in regard to the people of Great Britain. By the loss of their foreign trade and the fisheries, the colonists, it was said, particularly those of New England, would be unable to pay the large balances, due from them to the British merchants. But every argument however just or reasonable, was urged in vain, against the measures proposed by the minister. An idea prevailed in Great Britain, that the people of New England were dependent on the fisheries for subsistence, and that deprived of these, they would be starved into obedience and submission.

During this period, individuals in Great Britain, with the knowledge and consent of some of the ministry, were sounding

Dr. Franklin, in relation to terms of reconciliation between the two countries. Dr. Fothergill and Mr. Barclay, both friends to America, and very desirous of a settlement of differences, had frequent conversations with Dr. Franklin on this subject. They earnestly solicited him to suggest some plan of reconciliation, which might be submitted to the consideration of the ministry. They urged that this might be done immediately, before the breach was irreparable, as additional measures against the people of New England, were, at that time, in contemplation.

About the first of December, Dr. Franklin sketched and presented to them a plan, which he called, "Hints for conversation upon the subject of terms, that might probably, produce a durable union between Great Britain and the colonies."

These hints embraced the general matters in dispute between the two countries, and were as follows :

1. "The tea destroyed to be paid for."
2. "The tea duty act to be repealed, and all the duties that have been received upon it, to be repaid into the treasuries of the several provinces from which they have been collected."
3. "The acts of navigation to be all re-enacted in the colonies."
4. "A naval officer appointed by the crown, to reside in each colony, to see that those acts are observed."
5. "All the acts restraining manufactures in the colonies to be repealed."
6. "All duties arising on the acts for regulating trade with the colonies, to be for the public use of the respective colonies, and paid into their treasuries. The collectors and custom house officers to be appointed by each governor, and not sent from England."
7. "In consideration of the Americans maintaining their own peace establishment, and the monopoly Britain is to have of their commerce, no requisition to be made from them in time of peace."
8. "No troops to enter and quarter in any colony, but with the consent of its legislature."

9. "In time of war, on requisition made by the king, with the consent of parliament, every colony shall raise money by the following rules and proportions, viz. If Great Britain, on account of the war, raises three shillings in the pound, to its land tax, then the colonies to add to their last general provincial peace tax, a sum equal to one fourth thereof; and if Britain on the same account pays four shillings in the pound, then the colonies to add to their said last peace tax, a sum equal to half thereof; which additional tax is to be granted to his majesty, and to be employed in raising and paying men for land or sea service, furnishing provisions, transports, or for such other purposes as the king shall require and direct: and though no colony may contribute less, each may add as much by voluntary grant as they shall think proper."

10. "Castle William to be restored to the province of the Massachusetts bay, and no fortress built by the crown in any province, but with the consent of its legislature."

11. "The late Massachusetts and Quebec acts to be repealed, and a free government granted to Canada."

12. "All judges to be appointed during good behavior, with equally permanent salaries, to be paid out of the province revenues by appointment of the assemblies; or, if the judges are to be appointed during the pleasure of the crown, let the salaries be during the pleasure of the assemblies, as heretofore."

13. "Governors to be supported by the assemblies of each province."

14. "If Britain will give up its monopoly of the American commerce, then the aid abovementioned, to be given by America in time of peace, as well as in time of war."

15. "The extension of the act of Henry VIII, concerning treasons, to the colonies, to be formally disowned by parliament."

16. "The American admiralty courts reduced to the same powers they have in England, and the establishing them to be re-enacted in America."

17. "All powers of internal legislation in the colonies to be disclaimed by parliament."

Dr. Franklin stated to Mr. Barclay and Dr. Fothergill his reasons in favor of each of his propositions. To some they made strong objections. Restraining manufactures in the colonies, they said, was a favorite idea in Great Britain, and would not easily be relinquished; and they wished this article had been omitted. Dr. Franklin, however, insisted on the justice of allowing all subjects, in every country to make the most of their natural advantages; but at their earnest request, he consented to change the word *repealed* to *reconsidered*. With respect to sending or quartering troops in the colonies, this, they observed, would never be granted, as all would be of opinion, that the king, who was to defend all parts of his dominions, had a right, of course, to place his troops where they might best answer that purpose. Dr. Franklin, in support of it, said, that if the king could bring troops into the colonies, without the consent of the colonial legislatures, he might also, bring armies raised in America into England, without consent of parliament. That if troops were necessary in America, the consent of the local assemblies would no doubt always be obtained, and he refused to give up this article. Strong objections, they said, would be made against repealing the late laws relating to Massachusetts and Quebec. That the old colonists had nothing to do with that regarding Quebec, and that the act altering the charter of Massachusetts was deemed by the administration a valuable improvement in the government of that province.

Dr. Franklin replied, that the Americans had, at a great expense assisted in the conquest of Canada, and therefore had a right to object to the establishment of an arbitrary government there. "That as to amending the Massachusetts government," he told them, "though it might be shown, that every one of these pretended amendments were real mischiefs, yet that charters being compacts between two parties, the king and the people, no alteration could be made in them, even for the better, but by the consent of both parties. That the parliament's claim and exercise of a power to alter our charters, which had always been deemed inviolable but for forfeiture, and to alter laws made

in pursuance of those charters, which had received the royal approbation, and thenceforth deemed fixed and unchangeable, but by the powers that made them, had rendered all our constitutions uncertain, and set us quite afloat: that as by claiming a right to tax us *ad libitum*, they deprived us of all property; so by this claim of altering our laws and charters at will, they deprived us of all privilege and right whatever, but what we should hold at their pleasure: that this was a situation we could not be in, and must risk life and every thing rather than submit to it.”*

The monopoly of the colonial commerce, it was said, could never be given up, and that any proposition of this kind, would only give offense, without producing any good. The fourteenth article was, therefore, at last, totally omitted.

These propositions were to be communicated to lord Dartmouth, and some others, supposed to be friendly to an accommodation, but without mentioning the source from whence they came. In the mean time, Dr. Franklin was introduced to lord Howe, through Mrs. Howe, sister of his lordship. This introduction was sought by lord Howe himself, by means of his sister, with whom Dr. Franklin was acquainted. His lordship, at their first interview, expressed his great desire that some means might be devised for reconciling the differences with the colonies; and he therefore wished for an opportunity of obtaining the sentiments of one who was so well acquainted with American affairs. These differences, he saw, unless speedily settled, must lead to the most mischievous consequences. Though unconnected with the ministry, he informed Dr. Franklin, he had friends among them, with whom he would communicate any plan which might probably lead to a reconciliation.

In a subsequent interview, lord Howe showed him a paper, which on examination, appeared to be the “hints” he had furnished Mr. Barclay, and being asked whether he knew any thing of the paper, Dr. Franklin owned he had been consulted on the subject and had drawn it up.

Lord Howe expressed his regret to find the sentiments contained in it, were his, as it lessened the hopes he had formed of pro-

* Franklin's Works, vol. 1, pp. 283, 291.

moting, by his assistance, the reconciliation he wished, "since he had reason to think, there was no likelihood of the admission of these propositions."

The propositions themselves were, no doubt, under the consideration of some of the ministry and other gentlemen of influence in parliament; and on the 4th of February 1775, Dr. Fothergill and Mr. Barclay, had an interview with Dr. Franklin on the subject. Mr. Barclay assured the latter, that there was a good disposition in the administration towards the colonies, and hinted how much it was in the power of Dr. Franklin himself, to promote an agreement; and that in such an event he might expect, not only a restoration of his old place, but almost any other he might wish. To this Dr. Franklin replied, that the ministry, he was sure, would rather give him a *place* in a cart to Tyburn, than any other place whatever.

They again told him that conferences had been held upon the *hints*, and showed him a paper, containing the result, which was as follows.

1. "The first article was approved."
2. "The second agreed to, so far as related to the repeal of the tea-act. But repayment of the duties that had been collected, was refused."
3. "The third not approved, as it implied a deficiency of power in the parliament that made these acts."
4. "The fourth approved."
5. "The fifth agreed to, but with a reserve, that no change prejudicial to Britain was expected."
6. "The sixth agreed to, so far as related to the appropriation of the duties: but the appointment of the officers and their salaries, to remain as at present."
7. "The seventh, relating to aids in time of peace, agreed to."
8. "The eighth, relating to the troops, was inadmissible."
9. "The ninth could be agreed to, with this difference, that no proportion should be observed with regard to preceding taxes, but each colony should give at pleasure."

10. "The tenth agreed to, as to the restitution of castle William; but the restriction on the crown in building fortresses refused."

11. "The eleventh refused absolutely, except as to the Boston port bill, which would be repealed; and the Quebec act might be so far amended, as to reduce that province to its ancient limits. The other Massachusetts acts, being real amendments of their constitution, must for that reason, be continued, as well as to be a standing *example* of the power of parliament."

12. "The twelfth agreed to, that the judges should be appointed during good behavior, on the assemblies providing permanent salaries, such as the crown should approve of."

13. "The thirteenth agreed to, provided the assemblies make provision as in the preceding article."

15. "The fifteenth agreed to."

16. "The sixteenth agreed to, supposing the duties paid to the colony treasuries."

17. "The seventeenth inadmissible."

Not long after this, Mr. Barclay informed Dr. Franklin, that he had conversed with Lord Hyde, on the subject of articles of reconciliation, and hoped still to produce a satisfactory plan, and on the 16th of February, presented to him the following paper.

"A plan, which it is believed would produce a permanent union, between Great Britain and her colonies."

1. "The tea destroyed to be paid for; and in order that no time may be lost, to begin the desirable work of conciliation, it is proposed that the agent or agents, in a petition to the king, should engage that the tea destroyed shall be paid for; and in consequence of that engagement, a commissioner to have authority, by a clause in an act of parliament, to open the port, (by a suspension of the Boston port act,) when that engagement should be complied with."

2. "The tea duty act to be repealed, as well for the advantage of Great Britain as the colonies."

3. "Castle William to be restored to the province of Massachusetts Bay, as formerly, before it was delivered up by governor Hutchinson."

4. "As it is believed that the commencement of conciliatory measures will, in a considerable degree, quiet the minds of the subjects in America, it is proposed that the inhabitants of the province of Massachusetts Bay, should petition the king and state their objections to the said act. And it is to be understood, that the said act shall be repealed. Interim, the commissioner to have power to suspend the act, in order to enable the inhabitants to petition."

5. "The several provinces who may think themselves aggrieved by the Quebec bill, to petition in their legislative capacities; and it is to be understood, that so much of the act as extends the limits of Quebec beyond its ancient bounds, is to be repealed."

6. "The act of Henry VIII, to be formally disclaimed by parliament."

7. "In time of *peace*, the Americans to raise within their respective provinces, by acts of their own legislatures, a certain sum or sums, as *may be thought necessary* for a peace establishment, to pay governors, judges, &c.

8. "In time of war, on requisition made by the king, by consent of parliament, every colony shall raise such sums of money, as their legislatures may think suitable to their abilities and the public exigency, to be laid out in raising and paying men for land or sea service, furnishing provisions, transports, or such other purposes as the king shall require and direct."

9. "The acts of navigation to be re-examined, in order to see whether some alterations might not be made therein, as much for the advantage of Great Britain, as the colonies."

10. "A naval officer to be appointed by the crown to reside in each colony, to see those acts observed."

11. "All duties arising on the acts for regulating trade with the colonies, to be for the public use of the respective colonies, and paid into their treasuries, and an officer of the crown to see it done."

12. "The admiralty courts to be reduced to the same powers as they have in England."

13. "All judges in the king's colony governments, to be appointed during good behavior, and to be paid by the province, agreeable to article 7th."

N. B. "If the king chooses to add to their salaries, the same to be sent from England."

14. "The governors to be supported in the same manner."*

The remarks of Dr. Franklin on these propositions, closed this indirect and secret negotiation. In these remarks, among other things, the doctor said, that as none of the late acts relating to the province of Massachusetts Bay, were to be repealed, except the Boston port bill, "Massachusetts must suffer all the hazards and mischiefs of war, rather than admit the alteration of their charters and laws by parliament. They who can give up liberty to obtain a little temporary safety, deserve neither liberty nor safety."†

This detailed view of the secret negotiation between Dr. Franklin and some of the British ministry, a negotiation, which embraced the principal subjects which were in dispute between the parent country and the colonies, and some of which had been of long standing, evinced a disposition on the part of the British government, still to retain the colonies, in a state of complete dependence. The regulation of their commerce, the restraining their manufactures, and the alteration of their constitutions and laws at pleasure, were still favorite objects with the British ministry; nor would they give up the right of imposing internal taxes, as in the 7th proposition, they had reserved to themselves by the words "*may be thought necessary*," the right of ultimately deciding, whether the sums, which might be granted by the colonial legislatures, were sufficient or not.

Soon after the close of this negotiation, and while parliament were engaged in augmenting the military and naval force, and declaring the colonists in a state of rebellion, Lord North surprised both his political friends and enemies, with a proposition, called his *conciliatory plan*, in relation to the colonies.

* Franklin's Works, vol. 1, p. 328. † Do. p. 333.

This proposition was submitted to the house of commons, by the minister, on the 20th of February, 1775, and was finally adopted. It declared, "that when the governor, council and assembly, or general court of any of his majesty's colonies in America, shall propose to make provision, according to the condition, circumstances, and situation of such province or colony, for contributing their proportion for the common defense, (such proportion to be raised under the authority of the general court or assembly of such colony and *disposable by parliament*,) and shall engage to make provision, also, for the support of the civil government and the administration of justice, in such colony, it will be proper, if such proposal shall be *approved* by his *majesty*, and the two *houses* of parliament, and for so long as such provision shall be made accordingly, to *forbear*, in respect to such colony, to levy any duty, tax or assessment, except only such duties, as it may be expedient to levy or impose, for the regulation of commerce; the net proceeds of the duties last mentioned, to be carried to the account of such colony respectively."

This unexpected proposition was, at first opposed, by those who usually acted with the minister, as totally inconsistent with the course of measures just adopted; and they would probably have voted against it, had they not been quieted, by explanations, as to its real object, made by his particular friends. By these explanations, to which the minister, whatever might have been his original intentions assented, it appeared that the object was to cause a division among the colonies; or if this should not be the effect, and the reasonable terms offered should be rejected by them, to unite the people of England in strong coercive measures. The minister stated, that it would be an infallible touch stone to try the *sincerity* of the Americans. That he intended by them to separate the grain from the chaff. If rejected, "we shall then," he observed, "know how to act; after having shown our wisdom, and our humanity, by giving them an opportunity of redeeming their past faults, and holding out to them fitting terms of accommodation, if they reject them, we shall stand justified, in taking the most coercive measures, and

they must be answerable to God and man for the consequences."**

The adoption of lord North's conciliatory scheme, did not prevent Mr. Burke and Mr. Hartley from presenting to the house, their respective plans of reconciliation. That of the former, founded on the principle of expediency, was, to permit the colonies to tax themselves in their assemblies, according to ancient usage, and to repeal all acts of parliament, imposing duties in America. Mr. Hartley proposed that, at the request of parliament, the secretary of state should require a contribution from the colonies, for the general expense of the empire, leaving the *amount and application*, to the colonial assemblies.

These propositions, though supported by all the eloquence and powerful talents of Mr. Burke, were rejected by the usual ministerial majorities.

During this session, a letter was laid before parliament, from general Gage, to lord Dartmouth, disclosing the extraordinary fact, that the propriety of *disarming* some of the provinces, had been suggested to him. This letter bore date the 15th of December, 1774, and the general informs the secretary, that the idea of *disarming* certain provinces, would be consistent with *prudence and safety*; but that it neither was, nor had been practicable, "without having recourse to *force*, and being *master* of the country."† The people of America, indeed, would not *tamely* surrender their arms to their invaders.

The assembly of New York met on the 10th of January, 1775, and though a small majority refused to approve of the non-importation association adopted by congress, and also declined appointing new delegates, to meet the other colonies in congress in May following; yet, in a full house, they agreed upon a list of grievances, substantially in accordance with the bill of rights adopted at Philadelphia.

Towards the close of the session, in the absence of some of the patriotic members, petitions to the king, lords, and commons

*Annual Register for 1775, and Bissett, vol. 1. p. 412.

†Journals of Congress, vol. 1 p. 75.

were prepared, which did not precisely agree with the principles contained in their list of grievances; and in which they disapproved "of the violent measures, that had been pursued in some of the colonies;" they, at the same claimed an exemption from *internal taxation*, and the exclusive right of providing for the support of their own civil government, and the administration of justice, as their undoubted and unalienable rights, as Englishmen.

The people of New-York, however, in general, conformed to the non-importation agreement, recommended by congress; and on the 20th of April met in convention, and appointed delegates to represent that province in the congress to be held in May, with instructions "to concert and determine upon such matters, as shall be judged most advisable, for the preservation and re-establishment of American rights and privileges."*

From the apparent defection of New York, the ministry had high expectations, that the confederacy of the colonies was broken; still, however, when the agent of that province, on the 15th of May, presented the petition of the assembly, to the house of commons, it was refused a hearing, because it denied or called in question, the right of parliament to tax them. The colonists were duly informed of the proceedings of parliament, during this interesting session; and convinced that no alternative was now left but unconditional submission or forcible resistance, did not hesitate in their choice. The circular letter of the British Secretary of state, forbidding the election of delegates to the congress in May, was disregarded. This letter of lord Dartmouth, was addressed to the governors of the several States, and bore date January 4th, 1775, and declared that "certain persons *styling themselves* delegates of his majesty's colonies in America, having presumed, without his majesty's authority or consent, to assemble together at Philadelphia, in the months of September and October last; and having thought fit, among other unwarrantable proceedings, to resolve that it will be necessary, that another congress should be held in the same place, on the 10th

* Records of the state of New York, and Alexander McDougall's letter, in memoirs of Mr. Quincy, pp. 306, 307.

day of May next, unless redress for certain *pretended grievances* be obtained before that time, and to recommend, that all the colonies in North America, should choose deputies to attend such congress, I am commanded by the king to signify to you his majesty's pleasure that you do use his majesty's endeavors to prevent any such appointment of deputies, within the colony under your government, and that you do exhort all persons to desist from such unwarrantable proceedings, which cannot but highly displease the king."

Notwithstanding this royal recommendation, delegates were chosen from all the colonies, to attend the congress in May; except Georgia, whose delegates were chosen in the summer of 1775.

The preparations of the colonists for defense increased with the increase of danger. The manufacture of gunpowder, arms and ammunition of every kind, was encouraged. In Massachusetts, in particular, all was vigilance and activity. Every person capable of bearing arms, was to be ready at a moment's warning; and arms and provisions were collected and deposited at the towns of Worcester and Concord. Though a desperate conflict seemed inevitable, the people of Massachusetts, as well as the other colonies, were determined not to be the first to commence the attack; but were resolved, to repel by force, the first hostile aggression, on the part of the British commander. An opportunity soon offered, to bring their resolution as well as courage to the test. On the 18th of April, 1775, a detachment of troops moved from Boston, to destroy the warlike and other stores, deposited at Concord; and the next day, the battle of Lexington and Concord followed, in which the British first commenced actual hostilities, by firing on the militia collected at the former place.

The people of Massachusetts redeemed the pledge, they had often given, to defend their rights, at the hazard of their lives. The British were repulsed and compelled, with no inconsiderable loss, to return to Boston. The news of this engagement soon spread through the colonies. All New England was in arms, and thousands moving towards the scene of action.

The provincial congress of Massachusetts immediately resolved that an army of thirteen thousand men, should be raised and

the other New England colonies were requested to furnish an additional number, for the defense of the country. The treasurer was directed to borrow £100,000 for the use of the province; and they declared that the citizens were no longer under any obligations of obedience to governor Gage. They immediately dispatched to Dr. Franklin, their agent in England, an account of this hostile attack, accompanied with an address to the people of Great Britain; in which after a statement of the commencement of hostilities, they add, "These, brethren, are marks of ministerial vengeance against this colony, for refusing, with her sister colonies, a submission to slavery; but they have not yet detached us from our royal sovereign. We profess to be his loyal and dutiful subjects, and so hardly dealt with as we have been, are still ready, with our lives and fortunes, to defend his person, family, crown and dignity. Nevertheless, to the persecution and tyranny of his cruel ministry, we will not tamely submit; appealing to heaven for the justice of our cause, we determine to die or be free."

"We cannot think that the honor, wisdom, and valor of Britons will suffer them to be long inactive spectators of measures, in which they themselves are so deeply interested; measures pursued in opposition to the solemn protest of many noble lords, and expressed sense of conspicuous commoners, whose knowledge and virtue have long characterized them as some of the greatest men in the nation; measures executing contrary to the interest, petitions and resolves of many large, respectable, and opulent counties, cities and boroughs, in Great Britain; measures highly incompatible with justice, but still pursued with a specious pretence of easing the nation of its burdens; measures which if successful, must end in the ruin and slavery of Britain, as well as the persecuted American colonies."

"We sincerely hope, that the great sovereign of the Universe, who hath so often appeared for the English nation will support you in every rational and manly exertion with these colonies, for saving us from ruin; and that in a constitutional connection with the mother country, we shall soon be altogether a free and happy people."

CHAPTER IX.

Congress again meet in May, 1775—Place the Colonies in a state of defense—Raise an Army and appoint George Washington Commander in Chief—Publish a manifesto declaring the causes of their taking up arms—Prepare a second petition to the King and an address to the people of Great Britain—Congress not unanimous in again petitioning the King—Proceedings on Lord North's conciliatory proposition—The terms of the proposition rejected—Terms of reconciliation proposed by the Convention of New York—Substance of terms sketched by Dr. Franklin—Massachusetts Convention ask the advice of Congress about the establishment of civil government in that Colony—Fort at Ticonderoga taken—Congress send an army into the Province of Canada—Paper money issued—Views of the Convention of New York, on the subject of a paper medium—Colonists in general in favor of reconciliation—Their various declarations on the subject—Second petition to the King rejected—The Colonies declared by Parliament in a state of rebellion—All trade with the Colonies prohibited, and the Colonists declared open enemies—Their vessels and persons made liable to seizure—Royal Commissioners appointed—Their powers—Reprisals ordered by Congress—American ports opened to all the world except Great Britain—Congress recommend to the Colonies to form governments for themselves—Independence seriously contemplated—Delegates of Pennsylvania instructed against it—Recommended by North Carolina—Delegates of Virginia specially instructed to propose it in Congress—proposed by Richard Henry Lee—Subject postponed—Measures taken to procure the assent of all the Colonies—Declaration of Independence unanimously agreed to and signed by Delegates from all the Colonies—Produces a new political state in America—Allegiance now transferred to the States—Persons adhering to the King, or to the enemies of the States, or giving them aid, considered as guilty of treason—Royal Commissioners request a conference with some of the members of Congress—Committee appointed—The result of the conference—Terms rejected—Commissioners issue addresses and proclamations to the people of America—Counter address of the Convention of New York—Campaign of 1776 unfortunate for America—General Washington invested with unlimited military powers—Capture of the Hessians at Trenton and the battle of Princeton revive the drooping spirits of the Americans.

IN this state of public affairs the general congress again convened at Philadelphia, on the 10th of May. Dr. Franklin, having returned from England, in the spring of this year, he, together with Thomas Willing and James Wilson were, on the 6th of May, added to the delegation of Pennsylvania. Peyton Randolph was again unanimously elected president, and Charles

Thompson secretary. The parish of St. Johns, in Georgia, having acceded to the proceedings of the last congress, sent a delegate, and he was admitted to a seat. An official account of the hostilities at Lexington and Concord, with an address from the provincial congress of Massachusetts, was laid before this general meeting of the colonies, early in the session. The people of Massachusetts stated the measures, taken for their defense, and requested the direction and assistance of congress, in the truly alarming state of their affairs. The people of the city and county of New York, at the same time, asked the advice of congress, how to conduct themselves, towards the troops soon expected there. Congress recommended, that on the arrival of the troops at New York, the colony should act on the defensive, so long as it should be consistent with their safety and security; that the troops be permitted to remain in their barracks, while they behaved peaceably and quietly. That they be not suffered to erect fortifications, or cut off the communication between town and country; and in case they should commit hostilities, or invade private property, the inhabitants should repel force by force. They also, recommended, that warlike stores be removed from the city, and a place of retreat, in case of necessity, be provided, for the women and children of the city, and that a sufficient number of men be kept in constant readiness, to protect the inhabitants from insult and injury. The actual commencement of hostilities in Massachusetts required and received the immediate attention of congress. On the 26th of May, after stating the dangerous and critical situation of the colonies, from the attempts to carry into execution by force, several unconstitutional and oppressive acts of parliament, from the actual hostilities committed in Massachusetts, and from the large reinforcements of troops expected with the same hostile views, congress unanimously determined, "that, for the express purpose of securing and defending these colonies, and preserving them in safety, against all attempts to carry said acts into execution, by force of arms, the colonies be placed in a state of defense." They at the same time, expressed a most ardent wish, for a restoration of

former harmony, and as a means of effecting this object, they resolved to present another humble and dutiful petition to the king; and to make it a part of the petition, "that measures be entered into, for opening a *negociation*, in order to accommodate the unhappy disputes, between Great Britain and the colonies."

On the question of again addressing the king, the members were, at first, divided. Convinced, from the repeated and contemptuous rejection of their former petitions, without a hearing, as well as from the late conduct of the administration, that every other application, would receive a similar treatment, some of the members were unwilling, again to place themselves in the humiliating posture of supplication, at the foot of the throne; and the question was warmly debated. As many were extremely desirous, that another attempt at reconciliation should be made, by a solemn appeal to the king; for the sake of harmony, at such a critical period, the opponents of the measure finally yielded their assent. Nor did congress confine themselves to a petition to his majesty; they again addressed the people of Great Britain and the province of Quebec; and also sent an address to the inhabitants of Ireland, and a letter to those of the island of Jamaica.*

These papers breathed the same ardent love of liberty, contained the same dignified sentiments, evinced the same determined purpose of soul, and the same consciousness of the justice of their cause, as those of the former session. Nor were they couched in language, less bold and energetic, on the subject of their rights, or less affectionate towards those, to whom they were addressed.

The endearing appellation of "friends, countrymen, and brethren," was used towards the people of Great Britain; and they were entreated by these, and every other appellation, that might designate the *ties* which bound them together, seriously to *attend* to their second attempt, to prevent their dissolution.

After again recapitulating former injuries, and stating the recent acts of hostility by the wanton destruction of their lives, as well as property, they seriously ask, "whether the descendants of

* Note 19.

Britons could tamely submit to this? No," they add, "we never will—while we revere the memory of our gallant and virtuous ancestors, we never can surrender those glorious privileges, for which they fought, bled, and conquered." "Admit," they tell them, "that your fleets and armies can destroy our towns, and ravage our coasts; these are inconsiderable objects, things of no moment to men, whose bosoms glow with the ardor of liberty. We can retire beyond the reach of your navy, and without any sensible diminution of the necessaries of life, enjoy a luxury, which, from that period, you will want, the luxury of being free." They again repel the charge of aiming at independence.

"Our enemies charge us with sedition. In what does it consist? In our refusal to submit to unwarrantable acts of injustice and cruelty? If so, show us a period in your history, in which you have not been equally seditious."

"We are accused of aiming at independence; but how is this accusation supported? By the allegations of your ministers, not by our actions. Abused, insulted, and contemned, what steps have we pursued to obtain redress? We have carried our dutiful petitions to the throne. We have applied to your justice for relief. We have retrenched our luxury, and withheld our trade."

"The advantages of our commerce were designed as a compensation for your protection: when you ceased to protect, for what were we to compensate?"

"What has been the success of our endeavors? The clemency of our sovereign is unhappily diverted; our petitions are treated with indignity; our prayers answered by insults. Our application to you remains unnoticed, and leaves us the melancholy apprehension of your wanting either the will, or the power to assist us."

"Even under these circumstances, what measures have we taken that betray a desire of independence? Have we called in the aid of those foreign powers, who are the rivals of your grandeur? When your troops were few and defenseless, did we take advantage of their distress and expel them our towns? Or have we permitted them to fortify, to receive new aid and to acquire additional strength?"

“ Let your enemies and ours persuade you, that in this we were influenced by fear or any other unworthy motive. The lives of Britons are still dear to us. They are the children of our parents, and an uninterrupted intercourse of mutual benefits had knit the bonds of friendship. When hostilities were commenced, when, on a late occasion we were wantonly attacked by your troops, though we repelled their assaults and returned their blows, yet we lamented the wounds they obliged us to give ; nor have we yet learned to rejoice at a victory over Englishmen.”

“ As we wish not to color our actions, or disguise our thoughts, we shall, in the simple language of truth, avow the measures we have pursued, the motives upon which we have acted, and our future designs.”

“ When our late petition to the throne produced no other effect than fresh injuries, and votes of your legislature, calculated to justify every severity ; when your fleets and your armies were prepared to wrest from us our property, to rob us of our liberties or our lives ; when the hostile attempts of general Gage evinced his designs, we levied armies for our security and defense. When the powers vested in the governor of Canada, gave us reason to apprehend danger from that quarter ; and we had frequent intimations, that a cruel and savage enemy was to be let loose upon the defenseless inhabitants of our frontiers ; we took such measures as prudence dictated, as necessity will justify. We possessed ourselves of Crown Point and Ticonderoga. Yet give us leave most solemnly to assure you, that we have not lost sight of the object we have ever had in view, a reconciliation with you on constitutional principles, and a restoration of that friendly intercourse, which to the advantage of both, we till lately maintained.”

After reminding them, that the loss of liberty in America, would be only a prelude to its loss in Great Britain, they conclude, “ a cloud hangs over your head and ours—ere this reaches you, it may probably burst upon us ; let us then, (before the remembrance of former kindness is obliterated,) once more repeat these appellations, which are ever grateful to our ears ; let us entreat heaven, to avert our ruin, and the destruction, that threatens our

friends, brethren, and countrymen on the other side of the Atlantic."* To the king, they again spoke the language of loyalty and affection.† "Attached," they say, "to your majesty's person, family, and government, with all the devotion that principle and affection can inspire; connected with Great Britain by the strongest ties that can unite societies, and deploring every event that tends, in any degree, to weaken them; we solemnly assure your majesty, that we, not only, most ardently desire the former harmony between her and these colonies, may be restored; but that a concord may be established between them, upon so firm a basis, as to perpetuate its blessings, uninterrupted by any future dissensions, to succeeding generations in both countries, and to transmit your majesty's name to posterity, with that signal and lasting glory, that has attended those illustrious personages, whose virtues and abilities have extricated states from dangerous convulsions, and by securing happiness to others, have created the most noble and durable monuments to their own fame."

Assuring his majesty, they required no terms inconsistent with the dignity or welfare of the British empire, they conclude, by earnestly submitting to him the expediency, of directing some mode, by which a happy and permanent reconciliation might be effected. This address was sent by the hands of Mr. Penn.

Having thus made their last appeal to the king, and their fellow subjects in Great Britain, the members of the national legislature, with singular unanimity, proceeded to place their country in a state of defense, by raising and organizing an army, and appointing the necessary military officers. On the 15th of June, George Washington, by the united voice of congress, was appointed commander in chief of the army then raised, or to be raised for the defense of American liberty. This appointment he the next day accepted, standing in his place, in the hall of congress, with his characteristic modesty, diffidence, and disinterestedness, in the following address to the president.

* This address, it is said, was from the pen of R. H. Lee.

† This address was drawn by Mr. Dickinson. Note 20.

“Though I am truly sensible of the high honor done me, in this appointment, yet I feel great distress, from a consciousness that my abilities and military experience may not be equal to the extensive and important trust : However, as the congress desire it, I will enter upon the momentous duty, and exert every power I possess in their service, and for the support of the glorious cause. I beg they will accept my most cordial thanks for this distinguished testimony of their approbation.”

“But lest some unlucky event should happen, unfavorable to my reputation, I beg it may be remembered, by every gentleman in the room, that I this day declare with the utmost sincerity, I do not think myself equal to the command I am honored with.”

“As to pay, sir, I beg leave to assure the congress, that as no pecuniary consideration could have tempted me to accept this arduous employment, at the expense of my domestic ease and happiness, I do not wish to make any profit from it. I will keep an exact account of my expenses. These I doubt not, they will discharge, and that is all I desire.”

Having thus placed one of their own body, a gentleman of ample fortune, and great distinction, in a situation so new, so replete with difficulties and dangers ; having called him to be principal, in support of a cause, in which, in case of failure, not only his fortune, but his life, must be the certain forfeiture ; those patriots did not leave him, without the most solemn pledge of their support. With his commission, they presented him a resolution, declaring, that they would *maintain* him, and *assist* him, and *adhere* to him, with their *lives* and *fortunes*, in the same cause. With respect to instructions for the conduct of the commander ; in the untried scenes before them congress could do little more than direct him, as the Roman senate formerly did their consuls, in times of danger, to take care “that the republic should receive no detriment.” In their letter to him on this subject, they say, “And whereas all particulars cannot be foreseen, nor positive instructions for such emergencies, so before hand given, but that many things must be left to your prudent and discreet management, as occurrences may arise upon the place, or from time

to time befall—you are therefore, upon all occasions that may happen, to use your best circumspection; and advising with your council of war, to order and dispose of the army under your command, as may be most advantageous for attaining the end, for which these forces have been raised, making it your special care, in the discharge of the great trust committed unto you, *that the liberties of America receive no detriment.*”*

The novel situation, in which the people of America were now placed, rendered it peculiarly proper for them, to declare to the world, the causes which led them, to take up arms. This was done by their representatives on the 6th of July.

Having stated the various acts of the British parliament, in violation of their rights, and the hostile proceedings of the administration to enforce them, they observe, “We are reduced to the alternative of choosing between unconditional submission to the tyranny of irritated ministers, or resistance by force. The latter is our choice. We have counted the cost of this contest, and find nothing so dreadful, as voluntary slavery. Honor, justice and humanity forbid us, tamely to surrender that freedom, which we received from our gallant ancestors; and which our innocent posterity have a right to receive from us. We cannot endure the infamy and guilt of resigning succeeding generations to that wretchedness, which inevitably awaits them, if we basely entail hereditary bondage upon them.”

“Our cause is just—our union is perfect—our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. We gratefully acknowledge, as signal instances of the divine favor towards us, that his providence would not permit us to be called into this severe controversy, until we were grown to our present strength, had been previously exercised, in warlike operations, and possessed of the means of defending ourselves. With hearts, fortified with these animating reflections, we most solemnly, before God and the world, declare, that exerting the utmost energy of those powers, which the beneficent creator, hath graciously bestowed upon us, the arms we have been com-

* Secret Journals of Congress, vol. 1, p. 18.

pelled, by our enemies, to assume, we will in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved, to die freemen, rather than to live slaves. Lest this declaration shall disquiet the minds of our friends and fellow subjects, in any part of the empire, we assure them, that we mean not to dissolve that union, which has so long and so happily subsisted between us, and which we sincerely wish to see restored. Necessity has not yet driven us to that desperate measure, or induced us to excite any other nation to war against them. We have not raised armies, with ambitious designs, of separating from Great Britain, and establishing independent states. We fight not for glory or for conquest. We exhibit to mankind, the remarkable spectacle of a people, attacked by unprovoked enemies, without any imputation or even suspicion of offense. They boast of their privileges and civilization, and yet proffer no milder conditions, than servitude or death. In our own native land, in defense of the freedom, that is our birth right, and which we ever enjoyed till the late violation of it, for the protection of our property, acquired solely by the honest industry of our forefathers and ourselves, against violence actually offered, we have taken up arms. We shall lay them down, when hostilities shall cease, on the part of the aggressors, and all danger of their being renewed, and not before."

"With an humble confidence in the mercies of the supreme and impartial judge and ruler of the universe, we most devoutly implore his divine goodness, to protect us happily, through this great conflict, to dispose our adversaries to reconciliation, on reasonable terms, and thereby relieve the empire from the calamities of civil war."*

General Washington¹ arrived at Cambridge near Boston, on the 2d of July, and took command of the American army. On his way there, he was received with the congratulations of the people, in all the places through which he passed, and on his arrival, was welcomed by an affectionate address from the provincial

* This was drawn, it is said, by John Dickinson.

convention of Massachusetts. Congress not only prepared for defense, by regular enlistments, but recommended, that all effective men in every colony, between sixteen and fifty, be formed into a regular militia, be well armed and disciplined, and that one fourth part of them, be selected for minute men, to be ready to march at the shortest notice. They, also, recommended, to each colony, to appoint a committee of *safety*, to superintend and direct all matters necessary, for the security and defense of the respective colonies, in the recess of the assemblies or conventions.

These recommendations had the force of laws. The militia were formed, armed and disciplined, and committees of safety appointed, with ample powers. Congress, likewise, prohibited all exportations to Quebec, Nova Scotia, the islands of St. John and Newfoundland, Georgia, and East and West Florida; and ordered, that no provisions of any kind, be furnished the British fisheries on the American coasts. The conciliatory plan of lord North, did not pass unnoticed by congress.

This plan was sent to the colonies, accompanied by a circular from lord Dartmouth, of the 3d of March, in which, its object as well as the views of the ministry in relation to it, are explained. "The resolution," says the British Secretary, "neither points out what the civil establishment should be, nor demands any specific sum in aid of the public burdens. In both these respects it leaves full scope for that justice and liberality, which may be expected from colonies, that under all their prejudices have never been wanting for expressions of an affectionate attachment to the mother country and a zealous regard for the general welfare of the British empire; and, therefore, the king trusts that the provision they will engage to make for the support of civil government, will be adequate to the rank and station of every necessary officer, and that the sum to be given in contribution to the common defense, will be offered on such terms, and proposed in such a way as to *increase* or *diminish* according as these public burdens consist of taxes or duties, which are not a security for the national debt. By such a mode of contribu-

tion, the colonies will have full security, that they can never be required to tax themselves, without parliament's taxing the subjects of this kingdom, in a far greater proportion. And there can be no doubt, that any proposition of this nature, made by any of the colonies, and accompanied with such a state of their *faculties and abilities* as may evince the *equity* of the proposal, will be received with every possible indulgence; provided it be, at the same time, *unaccompanied* with any declarations, and *unmixed* with any *claims*, which will make it impossible for the king, consistent with his own dignity, or for parliament consistent with their constitutional rights, to receive it."

The secretary in the same letter, after stating that a compliance on the part of the colonies, was presumed as an evidence of their loyalty, &c. thus concludes—"at the same time, his majesty considers himself as bound by every tie, to exert those means the constitution has placed in his hands, for preserving that constitution, and to resist with firmness every attempt to violate the rights of parliament, to distress and obstruct the lawful commerce of his subjects, and to encourage in the colonies, ideas of independence inconsistent with their connection with this kingdom."*

The assemblies to which this plan was submitted, and some of which, particularly the assembly of Virginia, expressly disapproved of it, referred the same to the ultimate decision of congress. Lord North desirous to convince the members of that body, that the terms contained in his proposition, were safe for the colonies, and that no other, could be expected; and yet unwilling to have any direct communication, with such an illegal assembly, drew up a sort of diplomatic statement, which he sent, by a private hand, with a request that it might be laid before congress. This statement, which was in the hand writing of Grey Cooper, an under secretary of the treasury, was placed in the hands of one of the delegates, and on the 30th of May, was by him submitted to congress, was read, and ordered to lie on the table. The purport of it, was, "that it is earnestly hoped, by all the real friends of the Americans, that the terms expressed in the

* Governor Trumbull's Papers.

resolutions of the 20th of February last, will be accepted by all the colonies, who have the least affection for their king and country, or a just sense of their own interest."

"That these terms, are honorable for Great Britain, and safe for the colonies."

"That if the colonies are not blinded by faction, these terms will remove every grievance, relative to taxation, and be the basis of a compact between the colonies and the mother country. That the people in America, ought, on every consideration, to be satisfied with them."

"That no further relaxation can be admitted. The temper and spirit of the nation are so much against *concessions*, that if it was the intention of *administration*, they could not carry the question. But the administration have no such intention, as they are fully persuaded that further concessions would be injurious to the colonies, as well as to Great Britain. That there is not the least probability of a change of administration. That they are perfectly united in opinion, and determined, to pursue the most effectual measures, and to use the whole force of the kingdom, if it be found necessary, to reduce the rebellious and refractory provinces and colonies. There is so great a spirit in the nation, against the *congress*, that the people will bear the temporary distresses of a stoppage of the American trade. They may depend on this to be true."*

This diplomatic communication from the prime minister, did not convince the American senate, that it was consistent with the interest or safety of the colonies, to accept the offered terms; nor were they intimidated, by the threats of the administration, in case of refusal. The offer was alluded to, in their declaratory manifesto, as an insidious measure, calculated to divide the colonies.

The subject was afterwards referred to a committee, consisting of four of the most distinguished men in congress, Dr. Franklin, Mr. Jefferson, John Adams, and Mr. Lee. On the report of this committee, congress, on the 31st of July, rejected the terms, as

* Journals of Congress, vol. 1, p. 103.

unreasonable, insidious, and unsatisfactory. They declared, ' that the colonies of America are entitled to the sole and exclusive privilege of giving and granting their own money : that this involves a right of deliberating whether they will make any gift, for what purposes it shall be made, and what shall be its amount ; and that it is a high breach of this privilege, for any body of men, extraneous to their constitutions, to prescribe the purposes for which money shall be levied on them, to take to themselves the authority of judging of their conditions, circumstances, and situations, and of determining the amount of the contribution to be levied."

" That as the colonies possess a right of appropriating their gifts, so are they entitled at all times to inquire into their applications, to see that they be not wasted among the venal and corrupt for the purpose of undermining the civil rights of the givers, nor yet be diverted to the support of standing armies, inconsistent with their freedom and subversive of their quiet. To propose, therefore, as this resolution does, that the monies given by the colonies shall be subject to the disposal of parliament alone, is to propose that they shall relinquish this right of inquiry, and put it in the power of others to render their gifts ruinous, in proportion as they are liberal."

" That this privilege of giving or of withholding our monies, is an important barrier against the undue exertion of prerogative, which, if left altogether without control, may be exercised to our great oppression ; and all history shows how efficacious is its intercessions for redress of grievances and re-establishment of rights, and how improvident it would be to part with so powerful a mediator."

" We are of opinion that the proposition contained in this resolution is unreasonable and insidious : unreasonable, because, if we declare we accede to it, we declare, without reservation, we will purchase the favor of parliament, not knowing at the same time at what price they will please to estimate their power ; it is insidious, because, individual colonies, having bid and bidden again, till they find the avidity of the seller too great for all their

powers to satisfy ; are then to return into opposition, divided from their sister colonies whom the minister will have previously detached by a grant of easier terms, or by an artful procrastination of a definitive answer."

"That the suspension of the exercise of their pretended power of taxation being expressly made commensurate with the continuance of our gifts, these must be perpetual to make that so. Whereas no experience has shown that a gift of perpetual revenue secures a perpetual return of duty, or of kind disposition. On the contrary, the parliament itself, wisely attentive to this observation, are in the established practice of granting their supplies from year to year only."

"Desirous and determined, as we are, to consider, in the most dispassionate view, every seeming advance towards a reconciliation made by the British parliament, let our brethren of Britain reflect, what would have been the sacrifice to men of free spirits, had even fair terms been proffered, as these insidious proposals were with circumstances of insult and defiance. A proposition to give our money, accompanied with large fleets and armies, seems addressed to our fears rather than to our freedom. With what patience would Britons have received articles of treaty from any power on earth when borne on the point of the bayonet by military plenipotentiaries? We think the attempt unnecessary to raise upon us by force or by threats our proportional contributions to the common defense, when all know, and themselves acknowledge, we have fully contributed, whenever called upon to do so in the character of freemen."

"We are of opinion, it is not just that the colonies should be required to oblige themselves to other contributions, while Great Britain possesses a monopoly of their trade. This of itself lays them under heavy contribution. To demand, therefore, additional aids in the form of a tax, is to demand the double of their equal proportion—if we are to contribute equally with the other parts of the empire, let us equally with them enjoy free commerce with the whole world. But while the restrictions on our trade shut to

us the resources of wealth, is it just we should bear all other burdens equally with those to whom every resource is open?"

"We conceive that the British parliament has no right to intermeddle with our provisions for the support of civil government or administration of justice. The provisions we have made, are such as please ourselves, and are agreeable to our own circumstances: they answer the substantial purposes of government and of justice, and other purposes than these should not be answered. We do not mean that our people shall be burdened with oppressive taxes, to provide sinecures for the idle or the wicked, under color of providing for a civil list. While parliament pursue their plan of civil government within their own jurisdiction, we also hope to pursue ours without molestation."

"We are of opinion the proposition is altogether unsatisfactory, because it imports only a suspension of the mode, not a renunciation of the pretended right to tax us: because, too, it does not propose to repeal the several acts of parliament, passed for the purpose of restraining the trade, and altering the form of government of one of our colonies; extending the boundaries and changing the government of Quebec; enlarging the jurisdiction of the courts of admiralty and vice admiralty; taking from us the right of trial by a jury of the vicinage, in cases affecting both life and property; transporting us into other countries to be tried for criminal offenses; exempting, by mock trial, the murderers of colonists from punishment; and quartering soldiers on us in times of profound peace."

"Nor do they renounce the power of suspending our own legislatures, and for legislating for us themselves in all cases whatsoever. On the contrary, to show they mean no discontinuance of injury, they pass acts, at the very time of holding out this proposition, for restraining the commerce and fisheries of the provinces of New England, and for interdicting the trade of other colonies with all foreign nations, and with each other. This proves unequivocally, they mean not to relinquish the exercise of indiscriminate legislation over us."

"Upon the whole, this proposition seems to have been held up to the world, to deceive it into a belief that there was nothing in

dispute between us but the mode of levying taxes ; and that the parliament having now been so good as to give up this, the colonies are unreasonable if not perfectly satisfied : whereas, in truth, our adversaries still claim a right of demanding *ad libitum*, and of taxing us themselves to the full amount of their demand, if we do comply with it. This leaves us without any thing we can call property. But what is of more importance, and what in this proposal they keep out of sight, as if no such point was now in contest between us, they claim a right to alter our charters and establish laws, and leave us without any security for our lives or liberties. The proposition seems also to have been calculated more particularly to lull into fatal security, our well affected fellow subjects on the other side the water, till time should be given for the operation of those arms, which a British minister pronounced would instantaneously reduce the 'cowardly' sons of America to unreserved submission. But when the world reflects, how inadequate to justice are these vaunted terms ; when it attends to the rapid and bold succession of injuries, which, during the course of eleven years, have been aimed at these colonies ; when it reviews the pacific and respectful expostulations, which, during that whole time, were the sole arms we opposed to them ; when it observes that our complaints were either not heard at all, or were answered with new and accumulated injuries ; when it recollects that the minister himself, on an early occasion, declared, 'that he would never treat with America till he had brought her to his feet,' and that an avowed partisan of ministry has more lately denounced against us the dreadful sentence, '*delenda est Carthago*;' that this was done in presence of a British senate, and being unreprieved by them, must be taken to be their own sentiment ; (especially as the purpose has already, in part, been carried into execution, by their treatment of Boston and burning of Charlestown ;) when it considers the great armaments with which they have invaded us, and the circumstances of cruelty with which these have commenced and prosecuted hostilities ; when these things, we say, are laid together, and attentively considered, can the world be deceived in-

to an opinion that we are unreasonable, or can it hesitate to believe us, that nothing but our own exertions may defeat the ministerial sentence of death or abject submission."

Though few, if any, in America, would have accepted the terms offered by the British ministry; yet it was still the general wish of the Americans, that some terms of accommodation, mutually satisfactory, might prevent a civil war.

The provincial convention of New York, in June of this year, drew up a *plan of conciliation*, which they sent to their delegates in congress.

In communicating it, they declared, it should not be obligatory on them, "the same being," as they observed, "to testify their sense of a mode, by which the unhappy differences, between Great Britain and America, may be finally accommodated, and of the propriety of an *overture* for that purpose."

They informed their delegates, at the same time, that "deeply impressed with the importance, the utility, and necessity of an accommodation with their parent state, and conscious that the best service they could render, to the present and future generations, consisted in promoting it, they had labored, without intermission, to point out such moderate terms, as might tend to reconcile the unhappy differences, which threatened the whole empire with destruction."

The plan of this convention, which we have never yet seen published, was contained in eight articles, and the substance of it was—

That all the statutes and parts of statutes of parliament, which were mentioned in the non-importation agreement of congress, and all the statutes, passed since then, restraining the *trade* and *fisheries* of the colonies, should be repealed.

That from the necessity of the case, Great Britain should regulate the trade of the whole empire, for the general benefit of the whole, but not for the separate interest of any particular part.

That the powers of taxation should be confined to the colonial legislatures.

That the monies raised, as duties upon the regulations of trade, should be paid, into the colony treasuries, and be subject to the disposal of the colonial assemblies.

That in those colonies, whose representatives in general assemblies, were chosen for a greater term than three years, such assemblies, should not in future, in their duration exceed that time.

That the colonists were willing and ready to support civil government, within their respective colonies; and on requisitions, to assist, in the general defense of the empire, in as ample manner as their respective abilities would admit.

That the colonies were willing to assent to a general congress, deputed by the several colonies, to meet with a president, appointed by the crown, for the purpose of raising and apportioning the general aids; upon application made by the crown, according to the advice of the British parliament, to be judged by the congress.

That the colonies respectively, were entitled to a free and exclusive power of legislation in all cases of internal polity whatsoever, and subject only to the negative of the sovereign, in such manner as had been heretofore accustomed.*

This plan was never submitted to congress, by the delegates from New York; but the same, with others of a similar tendency were subjects of conversation, among individual members.

During this session, Dr. Franklin, also, sketched a plan of reconciliation, which was shown to many of the delegates, though it never came under the consideration of congress. The purport of it was, that while Great Britain retained the monopoly of American commerce, no taxes or aids should be required, in time of peace; but in time of war, the colonies to grant aids, as usual. But, in case Great Britain would abolish her commercial monopoly, and permit the colonies, a free trade with all the world, that the colonies should pay into the sinking fund, one hundred thousand pounds sterling, per annum, for one hundred years. If Great Britain did not think fit to accept of this, to avoid all fu-

* Records of the Convention of New York.

ture disputes, about the right of passing navigation acts and other acts, for regulating American commerce, and to remove her jealousies that the colonists aimed at independence, the colonies should enter into a covenant with Great Britain, that she should possess and exercise that right, for one hundred years to come ; the same being *bona fide* used, for the common benefit ; and in case of such agreement, that every assembly confirm it, by acts of their own.

Massachusetts had now been, without a regular government, about twelve months ; and yet during this time, the people of that colony, had been called upon from their peculiar situation, to raise an army, borrow money, emit bills of credit, and to exercise many other acts of sovereignty.

Sensible of the importance and necessity of a more regular and stable government, the convention of that colony, on the 16th of May, requested. " the explicit advice of congress, respecting the taking up and exercising the power of civil government," declaring their readiness to submit to such form as they might direct. In answer to this request, congress, on the 9th of June, recommended to the convention, to call upon the inhabitants of the several places, which were entitled to be represented in the assembly, to choose representatives ; and that the assembly, when chosen, elect councillors ; and that such assembly and council, exercise the powers of government, until a governor of his majesty's appointment, would consent to govern the colony, according to its charter. This advice was followed, until a regular state constitution was adopted.

It was necessary to provide means for defraying the expenses, to be incurred in their preparations for defense ; and this subject claimed the early attention of congress. Deprived, in a great measure, of all commercial intercourse with other parts of the world, a paper medium was their only resource.

To place this upon a footing, to command public confidence, and to secure it from depreciation, was an object of no less importance than difficulty. And we think proper here to state, that this subject, did not escape the notice of the Convention of New-

York, the members of which were well acquainted with financial as well as commercial concerns. Aware that recourse must be had to a paper currency to be issued by congress, or by the colonies, the convention of that province, on a report of a committee appointed on this subject, about the last of May, suggested three modes of issuing this paper. First, that each colony should issue, for itself, the sum, which might be apportioned to it by congress—the second, that the united colonies, should issue the whole sum necessary, and each colony become bound, to sink its proportionable part—and the third, that congress should issue the whole sum, every colony to be bound to discharge its proportion, and the united colonies, be obligated to pay that part, which any colony should fail to discharge. The last mode was preferred by the convention, “as affording higher security to those who should receive it, and of consequence obtain a more ready, general and confidential circulation;” and also “because it would be a new bond of union to the associated colonies.”*

This last mode, was substantially adopted by congress, and in the course of the session, three millions of dollars were issued in bills of credit; for the redemption of which, the faith of the confederated colonies, was pledged. This sum was apportioned among the colonies, according to the supposed number of inhabitants, including negroes and mulattoes, and each colony was to pay its proportion, in four equal annual payments, the first, by the last day of November 1779, and the fourth by the last of November 1782. The several colonial assemblies or conventions were to provide by taxes, for sinking their proportions of the bills; and the bills themselves to be received, in payment for such taxes.

Two general treasurers were appointed, and it was recommended to each colony to appoint a treasurer.

The association of the colonies was complete, by the accession of Georgia, in July of this year.

During this session, Dr. Franklin, no doubt aware from his knowledge of the views of the British cabinet, that there was

* Records of the New York Convention.

little or no prospect of an accommodation, submitted to the consideration of congress, articles of confederation and union among the colonies. These, though not acted upon definitively by congress, were made public and have been considered by some, who have given an account of the American revolution, as containing the plan of union adopted by congress, and submitted to the colonies, for their approbation.*

On the first of August, congress adjourned, to meet on the 5th of the following September.

After the commencement of hostilities in Massachusetts, the disputes between the royal governors and the colonists, became more serious. In most of the royal governments, the people took possession of the public arms and ammunition, and even the public money; and assumed the powers of government. Conventions were held, and in addition to committees of safety, associations were entered into, and signed by the inhabitants, for the security and preservation of their rights, and for the maintenance of peace and good order among them; and in all the colonies measures of defense were adopted.

Notwithstanding these proceedings, the views of the colonists did not yet extend to a separation from Great Britain, or the establishment of independent governments, except in the last extremity.

This is evinced, not only by the declarations of congress, but from the proceedings and declarations of the colonial assemblies and conventions, in the course of this year. Some of these, we shall bring to the notice of the reader. In August, the plan of confederacy, submitted to congress by Dr. Franklin, in the preceding July was, also, laid before the convention of North Carolina—they declared, “that a confederation of the colonies, was not, at present, eligible; that the present association, ought to be further relied on, for bringing about a reconciliation with the parent country, and a further confederacy, ought only to be adopted, in case of the last extremity.” In September following, the same convention, in an address to the inhabitants of the

* See Otis's Botta vol. I p. 224.

British empire, used still stronger language, on this subject. "We again declare," they say, "that we invoke that Almighty Being, who searches the recesses of the human heart, and knows our most secret intentions, that it is our most earnest wish and prayer, to be restored, with the other united colonies, to that state, in which we and they were placed, before the year 1763; disposed to *glance* over any regulations, which Britain had made, previous to this, and which seem to be injurious and oppressive to those colonies; hoping, that at some future day, she will willingly interpose, and remove from us, any cause of complaint."

While the convention of Virginia, which met on the 18th of July, proceeded to place that colony in a state of defense, and to give their reasons for this measure; they "before God and the world," made the following declaration, "We do bear faith and true allegiance to his majesty, and will, so long as it may be in our power, defend him and his government, as founded on the laws and well known principles of the constitution: we will, to the utmost of our power, endeavor, by every honorable means, to promote a restoration of that friendship and amity, which so long and so happily subsisted between our fellow subjects in Great Britain, and the inhabitants of America; and as on the one hand, we are determined to defend our lives and property, and maintain our just rights and privileges, at even the extremest hazard, so, on the other hand, it is our fixed and unalterable resolution, to disband such forces, as may be raised in this colony, whenever our dangers are removed, and America is restored, to its former state of tranquility and happiness."

"We declare," said the members of the South Carolina convention, in their address to their new governor, lord William Campbell, "that no love of innovation, no desire of altering the constitution of government, no lust of independence, have had the least influence upon our counsels; but alarmed and roused, by a long succession of arbitrary proceedings, by wicked administrations, impressed with the greatest apprehensions of instigated insurrections, and deeply affected by the commencement of hostilities, by the British troops against this continent; solely for the preservation and in defense of our lives, liberties, and property

we have been impelled, to associate and take up arms. We only desire the same enjoyment of our invaluable rights, and we wish for nothing more ardently, than a speedy reconciliation with our mother country, upon constitutional principles."

"Conscious," they added, "of the justice of our cause, and the integrity of our views, we readily profess our loyal attachment to our sovereign, his crown and dignity; and trusting the event to Providence, we prefer death to slavery."*

Though the assembly of Pennsylvania, in the instructions to their delegates to congress, in November, declared that the oppressive measures of the British parliament and administration, had compelled them to resist their violence, by force of arms; yet they strictly enjoined them, in behalf of that colony, "to dissent from, and reject any proposition, should such be made, that may cause or lead to a *separation* from the mother country, or a change in the form of their government."

The delegates of Maryland, were, also, instructed not to assent, without the previous knowledge and approbation of the convention of that province, to any proposition, to declare these colonies independent of the crown of Great Britain, unless a majority of them, should judge it absolutely necessary, for the preservation of the liberties of the united colonies.† The governor of New Jersey, having, in his address to the assembly, declared, "that sentiments of independency were, by some, of present consequence, openly avowed, and that essays were already appearing, in the public papers, to ridicule the people's fears of that horrid measure;" the house in answer said, "there is nothing we desire with greater anxiety, than a reconciliation with our parent state, on constitutional principles. We know of no sentiments of independency, that are, by men of any consequence, openly avowed; nor do we approve of any essays, tending to encourage such a measure."

"We have already expressed our detestation of such opinions, and we have, so frequently and freely, declared our sentiments, on this subject, that we should have thought ourselves, as at

* Ramsay's South Carolina, vol. 1, p. 240.

† Life of Stone, in Biography of the Signers to Declaration of Independence, vol. 2, 158.

present, we really deserve to be exempt from all suspicion of this nature.”

The provincial convention of New York, in December, declared, that “the turbulent state of that colony, did not arise from a want of attachment to the king, from a desire to become independent of the British crown, or a spirit of opposition, to the ancient and established form of government to which they had been subjected; but solely from the oppressive acts of the British parliament, directed to enslaving the colonies, and the hostile attempts of the ministry, to carry these acts into execution.”* The people of New Hampshire, in establishing a new government, in January 1776, declared, “we conceive ourselves *reduced to the necessity* of establishing a new form of government, to continue during the present unhappy, and unnatural contest with Great Britain; protesting and declaring, that we never sought to throw off our dependence on Great Britain, but felt ourselves happy, under her protection, whilst we could enjoy our constitutional rights and privileges; and that we shall rejoice, if such a reconciliation between us and our parent state, can be effected, as shall be approved by the continental congress, in whose prudence and wisdom we confide.†”

The proceedings and resolutions of a number of persons, in the county of Mecklenburgh, North Carolina, in May, 1775, were, indeed of a different character, from those we have just mentioned, and ought not to pass unnoticed. Two delegates from every company of militia in that county, met at Charlotte, on the 19th of May, to take into consideration the existing state of things, and in the two following resolutions, anticipated congress on the great question of independence:—

“*Resolved*, That we the citizens of Mecklenburgh county, do hereby dissolve the political bands, which have connected us to our mother country, and hereby absolve ourselves from all allegiance to the British crown, and abjure all political connection, contract or association, with a nation which has wantonly trampled on our rights and liberties, and inhumanly shed the innocent blood of American patriots at Lexington.”

* New York State Records.

† Belknap's New Hampshire, vol. 2, p. 402.

“ *Resolved*, That we do hereby declare ourselves a free and independent people, are and of right ought to be, a sovereign and self-governing association, under the control of no power, other than that of God, and the general congress ; to the maintenance of which independence, we solemnly pledge to each other our mutual co-operation, our lives, our fortunes and our most sacred honor.”* This was the boldest measure taken by any set of men, at that period of the contest. But neither the rest of the people of North Carolina, nor those of any other colony, were yet prepared to take this last decisive step. The declarations of the various assemblies or conventions, above mentioned, clearly evince, that the colonists were, at that time, willing to return to their ancient political state, prior to 1763 ; but were determined to resist by force, the execution of all the oppressive and unconstitutional acts passed since that period.

To resist with effect, arms were necessary, and to procure a partial supply of these, as well as to secure an important military post in their country, early in May 1775, an enterprise was planned in Connecticut, to take the fort at Ticonderoga by surprise, and secure the military stores at that place, for the benefit of the colonies ; and was immediately carried into execution. The party for that purpose from Connecticut, was joined, by a Col. Allen and others, then inhabiting the country, now Vermont, and by Arnold, from the camp at Boston. The garrison, consisting of about forty men, was surprised early in the morning of the 10th of May. The commandant being ordered to surrender the fort, asked by what authority ; Col. Allen, with his characteristic originality and boldness, answered, “ in the name of the great Jehovah, and the continental congress.” A large number of cannon, a quantity of small arms and ammunition, fell into the hands of the Americans. When the news of this transaction reached congress, they recommended, to the committees of New York and Albany, to remove the cannon and stores, to the south end of lake George ; and to erect a strong post at that place. They also, directed an exact inventory of the cannon and military

* North American Review, vol. 12, pp. 36, 37.

stores to be taken, "in order that they may be safely returned, when the restoration of harmony, between Great Britain and the colonies, so ardently desired by the latter, should render it prudent and consistent, with the over-ruling law of self-preservation."

About the last of May, Generals Howe, Clinton and Burgoyne, with reinforcements, arrived at Boston, with fresh orders, to compel the submission of the colonists; a work, they believed, to be easily accomplished. The battle of Breed's Hill, soon convinced them, that they had to meet bold and determined spirits; and that they must be engaged in other scenes than those of fishing and fowling, in which, they had flattered themselves, they should be principally employed in America.* After this battle, the enemy were so closely shut up in Boston, by the army under the command of General Washington, that they were compelled, during the remainder of the campaign, to limit their military operations, to predatory excursions, to the islands in Boston Bay and along the coasts of Massachusetts; and the burning of Falmouth, as well as Charlestown, evinced, in what manner, this predatory warfare was carried on.

Congress again met, on the 5th of September, and entered on the arduous duties assigned them. They were now joined by delegates from Georgia. Aware of the intention of the British ministry to attack the colonies, by the way of Canada, congress resolved, if possible, to prevent this, by possessing themselves of the fortresses in that province, before they were strengthened, by reinforcements from England.

Though late in the season, two detachments of troops were employed to enter Canada, one by the way of lake Champlain, under the command of General Montgomery, the other under Arnold, by the river Kennebec, and through the wilderness. Gen. Montgomery, after a severe action at St. Johns, took possession of Montreal, and early in December, arrived before the walls of Quebec. He here met Arnold, with a part of his troops, who had suffered incredible hardships, from hunger and fatigue on their march through a trackless wilderness. The brave Montgom-

* Gordon, vol. 1, p. 841.

ery fell, in a desperate assault upon Quebec ; and a part of his troops were made prisoners, and the other part repulsed.

During these hostile proceedings, in Canada, the American army before Boston, was unable to undertake offensive operations, to any considerable extent, for want of ammunition ; and great exertions were necessary to procure a supply.

The people of New England, and a majority of Congress, were very desirous, that an attempt should be made, to take possession of Boston. To encourage the army in this hazardous enterprise, congress authorised general Washington, to promise one month's extra pay, in case of success ; and in case of failure, the same extra pay, to the heirs of those who should fall in the attempt.* In answer to the wishes of congress on this subject, the general informed that body, that the attempt should be made, as soon as there was a probability of success ; if that should not happen so soon as they might wish, he requested them to believe, that circumstances, and not want of inclination, were the causes of delay ; and he added, in the same communication, "it is not in the pages of history, perhaps, to furnish a case like ours ; to maintain a post within musket shot of the enemy, for six months together, *without powder* ; and at the same time, to disband one army and recruit another, within that distance of twenty odd British regiments, is more, probably, than was ever attempted."† During the time of these military operations by land, privateers were fitted out, from the ports in Massachusetts, and were active at sea. Many of the ammunition and victualling ships, as well as transports, and West India men, fell into the hands of the Americans. During this session of congress, Peyton Randolph the president, suddenly died at the seat of government, and John Hancock was elected president, in his room.

Congress now deemed it necessary, to provide against the machinations of domestic, as well as foreign enemies. In October, therefore, they recommended to the colonists, to arrest and secure every person, whose going at large, should, in their opinion, endanger the safety of the colonies, or the liberties of America.

* Secret Journals of Congress, vol. 1, p. 28.

† Washington's Letters, vol. 1, p. 71.

To secure fidelity in their own body, they, soon after, thought it necessary, to agree that every member should consider himself, under the ties of virtue, honor, and love of his country, not to divulge, directly or indirectly, any matter agitated, or debated in congress, before the same shall have been determined, without leave of congress; nor any matter determined, which a majority of congress, should order to be kept secret. If any member violated such agreement, he was to be expelled, and deemed an enemy to the liberties of America, and liable to be treated as such; and every member was to signify his assent, to such agreement, by signing the same.*

The want of more regular and stable governments, was now felt in those colonies where royal governments had existed; and New Hampshire was the next after Massachusetts, to apply to congress, for their advice and direction on this subject. In November, congress advised the convention of that colony, to call a full and free representation of the people; and that the representatives, if they thought it necessary, establish such a form of government, as in their judgment, would best promote the happiness of the people, and most effectually secure peace and good order during the continuance of the dispute between Great Britain and the colonies.

On this question the members of congress were not unanimous, It was viewed by some, as a step necessarily leading to independence; and by some of its advocates, was, probably, intended as such. To render the resolution less exceptionable, the duration of the government was limited to the continuance of the dispute with the parent country. Soon after this, similar directions and advice were given to South Carolina and Virginia.

The last hopes of the colonists for reconciliation, rested on the success of their second petition to the king; and the answer of their sovereign to this their last application, was expected, with extreme solicitude.

Information was soon received, from Mr. Penn, who was entrusted with the petition, that no answer would be given. This

was soon followed by an early call of parliament, and great additional preparations, to subdue the American rebels.

The king in his speech at the opening of parliament, in October, not only accused the colonists of revolt, hostility, and rebellion, but declared, that the rebellious war, carried on by them, was for the purpose, of establishing, an *independent empire*.

To prevent this, he said, the most decisive and vigorous measures were necessary. That he had increased his naval establishment, augmented his land forces, and had, also, taken measures to procure the aid of foreign troops. He at the same time, declared his intention, of appointing certain persons, with authority, to grant pardons to individuals, and to receive the submission of whole colonies, disposed to return to their allegiance.

Large majorities in both houses, assured the king of their firm support in his measures of reducing the colonists to obedience. The addresses, however, in answer to the speech, were opposed with great ability. The project of employing foreign troops, to destroy American subjects, was reprobated by the minority, in the strongest terms.

The plans of the ministry, however, were not only approved by parliament, but by a large majority of the nation. The idea of relieving their own burdens, at the expense of the colonists, could not easily be relinquished by the people of Great Britain ; and national pride, would not permit them, to yield the point of supremacy.

War was now to be waged against the colonies, and a force sent out sufficiently powerful to compel submission, even without a struggle ; and commissioners were to be ready to grant pardon to the suppliants. For these purposes, the aid of parliament was requisite. About the last of December, an act was therefore passed, prohibiting all *trade and commerce* with the colonies, and authorizing the *capture and condemnation*, not only, of all American vessels with their cargoes, but all other vessels, *found trading*, in any port or place, in the colonies, as if the same were the vessels and effects of *open enemies* ; and the vessels and property thus taken, were vested in the captors, and the crews were to be treated, not as prisoners, but as slaves.

By a most extraordinary clause in the act, it was made lawful, for the commander of a British vessel to take the masters, crews, and *other persons*, found in the captured vessels, and to put them on board any other British armed vessel, enter their names on the books of the same ; and from the time of such entry, such persons were to be considered, in the service of his majesty, to all intents and purposes, as though they had entered themselves voluntarily, on board of such vessel. By this means, the Americans might be compelled to fight even against their own friends and countrymen. This clause in the act excited the indignation of many in both houses of parliament, and drew from them, the strongest epithets of reprobation. This treatment of prisoners, they declared, not only unjust, but a refinement in cruelty, unknown among savage nations. No man, they said, could be despoiled of his goods, as a *foreign enemy*, and at the same time, compelled to serve the *state* as a citizen. That such a compulsion upon prisoners, was unknown in any case of war or rebellion ; and that the only example of the kind, that could be produced, must be found among pirates, the outlaws and enemies of human society.

Some of the lords, in their protest against the act, described it, "as a refinement in cruelty," which, "in a sentence worse than death, obliged the unhappy men, who should be made captives in that predatory war, to bear arms against their families, kindred, friends, and country ; and after being plundered themselves, to become accomplices, in plundering their brethren." The ministry, on the other hand, viewed this treatment of American prisoners, rather an act of grace and favor, than of injustice or cruelty.

If they are considered, the ministers said, as alien enemies, they were liable to close imprisonment, during the continuance of the war ; if rebels, to punishment for treason. By putting them on board the king's ships, they were placed on the same footing with the great body of his subjects ; suffering no inconvenience, to which they were not always liable, of being impressed into his majesty's service.*

* Annual Register for 1776.

The same act also, empowered the king, agreeably to the suggestion in his speech, to appoint commissioners, with authority to grant pardon on submission, to individuals, and to colonies; and on such submission, to exempt them from the operation of the act.

The ministers said, that the commissioners would go to America, with the sword in one hand, and the olive branch in the other, and the Americans must take their choice. If they accepted the terms, they would at once, liberate themselves from the supposed injustice and cruelty of the measure.

The passage of this act, shut the door against the application of the colonies for a reconciliation. The last petition of congress to the king, had indeed been laid before parliament, but both houses refused to hear it, or even to treat, upon any proposition coming from such an unlawful assembly, or from those who were then in arms against their lawful sovereign.

In the house of lords, on motion of the duke of Richmond, Mr. Penn was examined on American affairs. He stated, among other things, that the colonists were desirous of reconciliation, and did not aim at independence; that they were disposed to conform to the acts regulating their trade, but not to taxation; that on this point, a spirit of resistance was universal. After this examination, the duke of Richmond moved a resolution, declaring that the petition of congress to the king, was a ground for a reconciliation of the differences between the two countries. This motion was negatived, after a warm debate, eighty six to thirty three.* These proceedings of the king and parliament, with the employment of sixteen thousand foreign mercenaries, convinced the leading men in each colony, that the sword alone must decide the contest; and that the colonists must now declare themselves totally independent of Great Britain.

Time, however, was *still* requisite, to convince the great mass of the American people, of the necessity of a complete separation from their parent country, and the establishment of independent governments. The ablest pens were employed through-

* Annual Register for 1776.

out America, in the winter of 1776, on this momentous subject. The propriety and necessity of the measure, was enforced in the numerous gazettes, and in pamphlets. Among the latter, *Common Sense*, from the popular pen of Thomas Paine, produced a wonderful effect in the different colonies, in favor of independence. Influential individuals, in every colony, urged it as a step absolutely necessary, to preserve the rights and liberties, as well as to secure the happiness and prosperity of America. Reconciliation, they said, on any terms, compatible with the preservation and security of these great and important objects, was now impossible. These sentiments were disseminated among the people, by distinguished individuals, in a variety of ways. The chief justice of South Carolina, Willam Henry Drayton, appointed under the new form of government just adopted, in his charge to the grand jurors in April, after justifying the proceedings of that colony in forming a new government, on the principles of the revolution in England in 1688, thus concludes, "I think it my duty to declare, in the awful seat of justice, and before Almighty God, that in my opinion, the Americans can have no safety, but by the divine favor, their own virtue, and their being so prudent, as not to leave it, in the power of the British rulers, to injure them. Indeed, the ruinous and deadly injuries, received on our side, and the jealousies entertained, and which in the nature of things must daily increase against us, on the other, demonstrate, to a mind, in the least given to reflection, that true reconciliation never can exist, between Great Britain and America, the latter being in subjection to the former." And in still bolder language he added, "The Almighty created America to be independent of Great Britain: let us beware of the impiety of being backward, to act as instruments, in the Almighty hand, now extended to accomplish his purpose; and by the completion of which alone, America, in the nature of human affairs, can be secure against the crafty and insidious designs of her enemies, who think her power and prosperity already by far too great. In a word, our piety and political safety are so blended, that to refuse our labors in this divine work, is to refuse to be a great, a

free, a pious and a happy people.”* Soon after the prohibitory act reached America, congress justly viewing it as a declaration of war, directed reprisals to be made, both by public and private armed vessels, against the ships and goods of the inhabitants of Great Britain, found on the high seas, or between high and low water mark.† They, also, burst the shackles of commercial monopoly, which had so long kept them in bondage, and opened their ports to all the world, except the dominions of Great Britain. In this state of things, it was preposterous for the colonists, any longer to consider themselves, as holding or exercising the powers of government, under the authority of Great Britain. Congress, therefore on the 10th of May, recommended to the assemblies and conventions of the colonies, where no sufficient government had been established, “to adopt such government, as should, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general.”

In the preamble to this resolution, adopted five days after, congress, among other things, declared it to be irreconcilable to reason and good conscience, for the colonists to take the oaths required for the support of the government under the crown of Great Britain. They also declared it necessary, that the exercise of every kind of authority under the crown, should be suppressed; and all the powers of government exerted “under the authority of the people of the colonies, for the preservation of internal peace, virtue and good order, as well as for the defense of their lives, liberties, and properties, against the hostile invasions and cruel depredations of their enemies.”

This was a preliminary step to a general declaration of independence.

Some of the colonial assemblies and conventions, about the same time, began to express their opinions on this great question.

On the 22d of April, the convention of North Carolina, empowered their delegates in congress, “to concur with those in the other colonies in declaring independency.”‡ This, it is be-

* Note 21.

† Note 22.

‡ Life of Hewes, in Biography of the Signers to Declaration of Independence, vol. 7, p. 332.

lieved, was the first direct public act of any colonial assembly or convention, in favor of the measure.

On the 15th of May, the convention of Virginia went still farther, and unanimously *instructed* their delegates in the general congress, "to propose to that respectable body, to declare the united colonies, free and independent states, absolved from all allegiance or dependence upon the crown or parliament of Great Britain; and to give the *assent* of that colony, to such declaration, and to whatever measures might be thought proper and necessary, by congress, for forming foreign *alliances*, and a *confederation* of the colonies, at such time, and in such manner, as to them should seem best: provided the power of forming governments for, and the regulation of the internal concerns of, each colony, be left to the respective colonial legislatures." They, at the same time, appointed a committee, "to prepare a declaration of rights, and such a plan of government, as would be most likely to maintain peace and order in the colony, and secure substantial and equal liberty to the people." On the 10th of May, the general assembly of Massachusetts, directed that the people of that colony, at the then approaching election of new representatives, should give them instructions on the subject of independence.* In consequence of this, the inhabitants of Boston, on the 23d of May, instructed their representatives, to use their endeavors, that their delegates in congress be advised, "that in case congress should think it necessary, for the safety of the united colonies, to declare themselves independent of Great Britain, the inhabitants of that colony, with their lives and the *remnants* of their fortunes, would most cheerfully support them in the measure." The assembly of Rhode Island, during their session in May, not only directed the oath of allegiance to be taken to the colony; but also, instructed their delegates in congress to join with the other colonies, "upon the most proper measures, for promoting and confirming the strictest *union and confederation*, between the colonies, for exerting their whole strength and force to annoy the common enemy, and to secure to the said colonies, their rights

* Bradford, vol. 2, p. 104.

and liberties, both civil and religious ; whether by entering into *treaties* with any prince, state, or potentate ; or by such other prudent and effectual *ways* and *means*, as should be devised and agreed upon ; and, in conjunction with the delegates, from the united colonies, to enter upon and attempt all such measures—taking the greatest care, to secure to this colony, in the most perfect manner, its present forms, and all the powers of government, so far as relates to its internal police, and conduct of affairs, civil and religious.”*

The great question of independence was brought *directly* before congress, by Richard Henry Lee, one of the delegates from Virginia. On the 7th of June 1776, he submitted a resolution, declaring, “that the united colonies are and 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.” The resolution was postponed until the next day, and every member enjoined to attend, to take the same into consideration. On the 8th it was debated, in committee of the whole.

No question of greater magnitude, was ever presented to the consideration of a deliberative body, or debated with more energy, eloquence, and ability.

Mr. Lee the mover, and Mr. John Adams were particularly distinguished in supporting, and Mr. John Dickinson, in opposing the resolution. On the 10th it was adopted in committee, by a bare majority of the colonies. The delegates from Pennsylvania and Maryland, were instructed to oppose it ; and the delegates, from some of the other colonies, were without special instructions on the subject. To give time for greater unanimity, the resolution was postponed in the house, until the first of July. In the mean time, a committee, consisting of Mr. Jefferson, John Adams, Dr. Franklin, Mr. Sherman, and R. R. Livingston, was appointed to prepare a declaration of independence. During this interval, measures were taken, to procure the assent of all the

* Rhode Island Records, and Mr. Hunter's Oration, 4th of July, 1826.

colonies. On the 8th of June, the delegates from New York wrote by an express, to the convention of that colony, for their advice on the question of independence, which they informed them, would soon be agitated in congress. The convention, however, did not consider themselves, or their delegates, authorized to declare the colony independent; but recommended that the people, who were then about to elect new members of the convention, should give instructions on the subject.*

On the 15th of June, the representatives of New Hampshire, unanimously instructed their delegates, to join the other colonies on this question.

A special assembly was called in Connecticut on the 14th of June; and by an unanimous vote, the delegates of that colony were instructed to give "their assent to a declaration of independence, and to unite in measures for forming foreign alliances, and promoting a plan of union among the colonies." On the 21st of the same month, new delegates to the general congress were elected by the convention of New Jersey, and they were directed, "in case they judged it necessary and expedient for supporting the just rights of America, to join in declaring the united colonies independent, and entering into a confederation for union and defense." The assembly of Pennsylvania, held in June, removed the restrictions laid upon their delegates, by instructions of the preceding November, and authorized them "to concur with the other delegates in Congress, in forming such further compacts between the united colonies, concluding such treaties with foreign kingdoms and states, and in adopting such other measures as, upon a view of all circumstances, shall be judged necessary for promoting the liberty, safety and interests of America; reserving to the people of this colony, the sole and exclusive right of regulating the internal government and police of the same. The happiness of these colonies," they added, "has, during the whole course of this fatal controversy, been our first wish; their reconciliation with Great Britain our next. Ardently have we prayed for the accomplishment of both. But,

* Records of the Convention of New York.

if we must renounce the one or the other, we humbly trust in the mercy, of the Supreme Governor of the universe, that we shall not stand condemned before his throne, if our choice is determined by that over-ruling law of self-preservation, which his divine wisdom has thought fit to implant in the hearts of his creatures.[†] The assembly were not unanimous in this vote, nor did the vote itself expressly instruct the delegates of that colony to assent to a declaration of independence. It was deemed important, that the sense of the people of Pennsylvania, on this great question, should be taken. For this purpose, a convention or conference, consisting of committees chosen by each county, was called and met at Philadelphia, on the 24th of June. The members of this meeting passed a resolution, in which, as the representatives of the people of Pennsylvania, they expressed "their willingness to concur in a vote of congress, declaring the united colonies free and independent states." They, at the same time, asserted, that this measure did not originate in ambition or in an impatience of lawful authority, but that they were driven to it, in obedience to the first principles of nature, by the oppressions and cruelties of the king and parliament, as the only measure left to preserve and establish their liberties, and transmit them inviolate to posterity.* The delegates from Maryland, though personally in favor of the measure, were bound by their instructions. Through their influence, another convention was held in that colony; and on the 28th of June, following the example of Pennsylvania, the members of this convention recalled their former instructions, and empowered their delegates, "to concur with the other colonies in a declaration of independence, in forming a union among the colonies, in making foreign alliances, and in adopting such other measures, as should be judged necessary for securing the liberties of America." These new instructions were immediately sent by express to Philadelphia, and on the first of July were laid before congress. On the same day, the resolution relating to independence was resumed in that body, referred to a committee of the

* Life of Taylor, Biography of the Signers of declaration of Independence, vol. 9, pp. 85, 86.

whole, and was assented to by all the colonies, except Pennsylvania and Delaware.

The delegates from the former then present were seven, and four voted against it. The number present from Delaware were only two, Thomas McKean and George Read, and they were divided, McKean in favor, and Read against the resolution. Being reported to the house, at the request of a colony, the proposition was postponed until the next day, when it passed, and was entered on the journals. The declaration of independence was reported by the special committee on the 28th of June, and on the 4th of July came before congress, for final decision, and received the vote of every colony.

Two of the members from Pennsylvania, Morris and Dickinson, were absent; of the five who were present, Franklin, Wilson and Morton were in favor, and Willing and Humphrey against it. Mr. McKean, to secure the vote of Delaware, sent an express for Mr. Rodney the other delegate from that colony, who, although at the distance of eighty miles from Philadelphia, arrived in time on the 4th to unite with him in the vote, and thus complete the union of the colonies, on this momentous question.* The committee appointed to prepare a declaration of independence selected Mr. Adams and Mr. Jefferson a sub-committee, and the original draft was made by Mr. Jefferson.

This draft, without any amendment by the committee, was reported to congress, and after undergoing several amendments, received their sanction.

This declaration, which gave birth to a new empire, was as follows.

“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.”

* Niles’s Register, vol. 12, p. 305, and Thomas McKean’s Letter to John Adams.
VOL. I.

“ We hold these truths to be self-evident ; that all men are created equal ; that they are endowed by their creator, with certain unalienable 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 a 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 has shewn, 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, 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 alter their former systems of government. The history of the present king of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these States. To prove this, let facts be submitted to a candid world.

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.

He has dissolved representative houses, repeatedly, 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 mean time, 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.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made 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, and sent hither swarms of officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, standing armies, 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 constitution, 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, in many cases, of the benefits of trial by jury:

For transporting us beyond the seas to be tried for pretended offenses :

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 colonies :

For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the powers of our government :

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatever.

He has abdicated government here, by declaring us out of his protection and waging war against us.

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, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

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.

He has excited domestic insurrections amongst us, and 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.

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 injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

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 an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and consanguinity. We must therefore acquiesce in the necessity, which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace friends.

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 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 connections 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."

This declaration was directed to be engrossed, and on the 2d of August, 1776, was signed by all the members then present, and by some, who were not members on the 4th of July. The following are the members who signed this memorable instrument:—

John Hancock.

NEW HAMPSHIRE.

*Josiah Bartlett,
William Whipple,
Matthew Thornton.*

MASSACHUSETTS BAY.

*Samuel Adams,
John Adams,
Robert Treat Paine,
Elbridge Gerry.*

RHODE ISLAND, &C.

Stephen Hopkins,
William Ellery.

CONNECTICUT.

Roger Sherman,
Samuel Huntington,
William Williams,
Oliver Wolcott.

NEW YORK.

William Floyd,
Philip Livingston,
Francis Lewis,
Lewis Morris.

NEW JERSEY.

Richard Stockton,
John Witherspoon,
Francis Hopkinson,
John Hart,
Abraham Clark.

PENNSYLVANIA.

Robert Morris,
Benjamin Rush,
Benjamin Franklin,
John Morton,
George Clymer,
James Smith,
George Taylor,
James Wilson,
George Ross.

DELAWARE.

Cæsar Rodney,
Thomas McKean.

MARYLAND.

Samuel Chase,
William Paca,
Thomas Stone,
Charles Carroll, of Car-
rolton.

VIRGINIA.

George Wythe,
Richard Henry Lee,
Thomas Jefferson,
Benjamin Harrison,
Thomas Nelson, jr.
Francis Lightfoot Lee,
Carter Braxton.

NORTH CAROLINA.

William Hooper,
Joseph Hewes,
John Penn.

SOUTH CAROLINA.

Edward Rutledge,
Thomas Heyward, jr.
Thomas Lynch, jr.
Arthur Middleton.

GEORGIA.

Button Gwinnett,
Lyman Hall,
George Walton.

Copies of the declaration were immediately sent to all the states, and to the commander of the American troops, and was publicly proclaimed in each state, and at the head of the army. The great mass of the people were now prepared for this event, and the declaration was received with acclamation. The con-

vention of New York, on the 9th of July, unanimously resolved, that the reasons assigned by congress, for declaring the united colonies free and independent states, were cogent and conclusive ; and that, while they lamented the cruel necessity, which rendered the measure unavoidable, they approved of the same, and expressed their determination, at the risk of their lives and fortunes, to join in its support.

Perfect unanimity among the Americans themselves, could not be expected, in so complete a revolution.

Many individuals, from various causes, still adhered to the parent state. Persons of this description, were denominated tories and enemies to their country ; and some of them became so obnoxious to the people, that, without the semblance of authority, they were seized by force, and subjected to personal abuse, in a manner unjustifiable. Such conduct towards this description of inhabitants, was disapproved by congress ; and on the 13th of June, they resolved, that no person charged with being a tory, or unfriendly to the cause of American liberty, should be injured in his person or property, or in any manner disturbed, unless the proceedings against him, be founded on an order of congress, or the assembly, convention, council, or committee of safety of the colony, or committee of inspection and observation of the district, where he resided ; unless he should be found in the commission of some act destructive of American liberty, or justly suspected of a design to commit such act and intending to escape, in which case, he might be apprehended, and brought before proper authority for examination and trial.*

Congress having passed the resolution, declaring the Americans absolved from their allegiance to the British crown and nation ; their allegiance was considered as transferred and due to the colonies, in which they resided ; and they were deemed liable to punishment, for a violation of the duties, necessarily arising from their new political situation. On the 24th of June, therefore, congress declared, that " all persons abiding within any of the united colonies, and deriving protection from the laws of the

* Journals of Congress, vol. 2, p. 212.

same, owed allegiance to the said laws, and were members of such colony ; and that all persons passing through, or making a temporary stay in any of the colonies, being entitled to the protection of the laws, during the time of such passage, visitation, or temporary stay, owed, during the same, allegiance thereto."

Also, declaring, " that all persons, members of, or owing allegiance to any of the united colonies, who should levy war against any of the said colonies, *within the same* ; or be adherent to the king of Great Britain, or other enemies of the said colonies, or any of them, *within the same*, giving to him or them aid or comfort, were guilty of *treason* against such colony." And it was recommended to the legislatures of the several colonies, to pass laws for the punishment of persons, who should be found guilty of such treasons. In the new political state in which the Americans were placed, self-defense rendered this course absolutely necessary. The determination of a large majority, to sever the ties between the two countries, and to resist by force, the hostile aggressions of those, they now esteemed their open enemies, was considered binding on all residing in the colonies. War in fact, existed between America and Great Britain. To join the enemies of their country, therefore, or to give them aid or comfort in the colonies, in which they resided, and from which they received protection, was justly deemed such a violation of duty, as must subject them to the usual punishments in such cases. In pursuance of this recommendation, the states passed the laws requisite for self-protection, and inflicted the punishment of death, on such as were found guilty of treason. And in most, if not all the states, the property of those who left their country, and joined the enemy, was declared forfeited, and confiscated for the benefit of the states.

The declaration of independence placed the people of the states, in a situation, which rendered the organization of new governments, and a confederacy among themselves, absolutely necessary ; and enabled them, also, with confidence to invite foreign connections and alliances. Before entering, however, on this important and interesting portion of American history, we shall call the at-

tention of the reader, to the proceedings of the British commissioners, appointed under the act of the last parliament, to which we have before alluded. On the 6th of May, admiral Howe, and general William Howe, were appointed by the king, to be the bearers of what the ministry called the olive branch, as well as the sword to America. On the 20th of June following, admiral Howe, when off the coast of Massachusetts, on his way to join his brother at New York, with a fleet and reinforcements, addressed a circular letter to the governors of the American colonies, accompanied by an offer of pardon to all, who, "in the tumult and disorder of the times," had deviated from their just allegiance, and were willing, by a speedy return to their duty, to reap the benefits of the royal favor. This letter and declaration were not sent on shore, until about the 12th of July, and were immediately forwarded to congress, by general Washington. On the 19th, congress directed them to be published in the several gazettes; "that the good people of the United States, might be informed of what nature are the commissions, and what the terms, with the expectations of which, the insidious court of Great Britain, has endeavored to *amuse and disarm* them; and that the few, who still remain suspended by a hope founded, either in the justice or moderation of their *late* king, may now, at length, be convinced, that the valor alone of their country, is to save their liberties." Lord Howe, at the same time, addressed a note to his old acquaintance and friend Dr. Franklin, in which he reiterates the wishes he formerly expressed, for an accommodation of differences, and the establishment of lasting peace and union with the colonies. In this note, lord Howe alludes to one cause of hostile measures, on the part of Great Britain, not generally openly avowed; and which might tend, he said, to keep them a divided people; this was the *necessity* of preventing the American *trade*, from passing into *foreign* channels. Dr. Franklin, in his answer of the 30th of July, to this note, referring to the object of the mission, as being merely to offer pardon, on submission to royal authority, laments, that his lordship had been sent, so far, on so hopeless a business. "It is impossible," he informs his lordship, "we should think of sub-

mission to a government, that has, with the most wanton barbarity and cruelty, burnt our defenseless towns, in the midst of winter ; excited the savages to massacre our peaceful farmers, and our slaves to murder their masters, and is now bringing foreign mercenaries to deluge our settlements with blood. Long," Dr. Franklin subjoins, "did I endeavor, with unfeigned and unwearied zeal to preserve from breaking, that fine and noble China vase, the British empire ; for I knew that being once broken, the separate parts could not retain even their *share* of the strength and value that existed in the whole ; and that a perfect re-union could scarce ever be hoped for." In conclusion, he says, "I know your great motive in coming hither, was the hope of being instrumental in a reconciliation ; and I believe, when you find that to be impossible, on any terms given you to propose, you will then relinquish so odious a command, and return to a more honorable private station."

Notwithstanding this, immediately after the battle on Long Island, in August, in which the British were victorious, an American general, Sullivan, who was there taken prisoner, was sent on his parole to congress, with a message from lord Howe. The purport of the message from his lordship, was, "that he could not at present, treat with congress as such ; yet he was very desirous of having a conference with some of the members, whom he would consider, for the present, only as private gentlemen, and meet them himself as such, at such place, as they should appoint."

"That he, in conjunction with general Howe, had full powers to compromise the dispute between Great Britain and America, upon terms advantageous to both ; the obtaining of which delayed him near two months in England, and prevented his arrival at this place, before the declaration of independency took place. That he wished a *compact* might be settled at this time, when no *decisive blow* was struck, and neither party could say, that they were compelled to enter into such agreement. That, in case congress were disposed to treat, many things, which they had not, as yet, asked, might and ought to be granted them ; and

that, if, upon the conference, they found any probable ground of an accommodation, the authority of congress must be afterwards acknowledged, otherwise the compact would not be complete."

General Sullivan was requested to inform lord Howe, that, being the representatives of free and independent states, they could not send any of their members, to confer with him, in their private character; but they would send a committee of their body, "to know whether he had any authority to treat with persons authorised by congress, for that purpose, in behalf of America, and what that authority was, and to hear such propositions as he should think proper to make, respecting the same." Dr. Franklin, John Adams and Edward Rutledge were appointed a committee on the part of congress. They had a conference with lord Howe, on Staten Island, and on the 17th of September, reported the result to congress. His lordship would not receive them, as a committee of congress, but would confer with them, as private gentlemen.

The committee informed lord Howe, that, as their business was to hear, he might consider them in what light he pleased, in communicating his propositions; but, that they would consider themselves in no other light, than that in which congress had placed them. In the conference, which ensued, no explicit proposition for peace was made by the British commissioner, except one, that the colonies should return to their allegiance and obedience to the British government, and that, on such submission, there was a good disposition in the king and his ministers, to make their government easy, and to redress their grievances.

The committee, in reporting the result of this conference to congress, say; "We gave it as our opinion to his lordship, that a return to the domination of Great Britain, was not to be expected. We mentioned the repeated humble petitions of the colonies to the king and parliament, which had been treated with contempt, and answered only by additional injuries; the unexampled patience we had shown under this tyrannical government; and that it was not till the last act of parliament which denounced war against us, and put us out of the king's protection, that

we declared our independence. That this declaration had been called for by the people of the colonies in general; that every colony had approved of it, when made; and all now considered themselves as independent states, and were settling or had settled their governments accordingly; so that it was not in the power of congress to agree for them, that they should return to their former dependent state. That there was no doubt of their inclination to peace, and their willingness to enter into a treaty with Britain that might be advantageous to both countries. That though his lordship had at present no power to treat with them as independent states, he might, if there was the same good disposition in Britain, much sooner obtain fresh powers from thence, than powers could be obtained by congress from the several colonies, to consent to a submission."

The committee were satisfied, that the British commissioner had no authority, but to grant pardon to the Americans, on submission to their former government; and the conference ended. These proceedings were published, for the information of the American people.

The royal commissioners, immediately after, issued a proclamation to the people themselves, in which they say, that "although the congress, whom the *misguided* Americans suffer to direct their opposition to the establishment of the constitutional government of these provinces, have disavowed every purpose of reconciliation not consonant with their extravagant and inadmissible claims of independency, the king's commissioners think fit to declare, that they are equally desirous to confer with his majesty's well affected subjects upon the means of restoring the public tranquility, and establishing a permanent union with any colony as a part of the British empire."

To induce a compliance, they informed the American people, that the king had directed a revision of such of his royal instructions, as might be construed to lay an improper restraint upon the freedom of legislation, in any of the colonies, and would, also, concur in the revival of all acts, by which his subjects might think themselves aggrieved: and they recommended to the in-

habitants at large, to reflect seriously on their condition, and judge, whether they should offer their lives a sacrifice to the unjust and precarious cause, in which they were engaged, or return to their allegiance. This proclamation, and the disasters of the campaign of 1776, induced many individuals in the city of New York, and its vicinity, to join the British, and accept the offered terms. On the 16th of October, about nine hundred and fifty persons of the city and island of New York, presented a petition to the commissioners, declaring their allegiance to the British government, acknowledging the constitutional power of parliament, and praying that the city and county of New York might be restored to his majesty's peace and protection. The national legislature now deemed it requisite to provide an American oath of allegiance. On the 21st of October, congress resolved, that every officer, who then held, or should thereafter hold any commission or office from them, should acknowledge the thirteen United States, free, independent and sovereign states, and declare, that the people thereof owed no allegiance or obedience to the king of Great Britain, and that he renounced and abjured all allegiance to him; and should, also, become bound by oath, to the utmost of his power, to support, maintain and defend the United States, against the king of Great Britain, his heirs, successors and abettors, and to serve the United States with fidelity and honor.

As the affairs of America assumed a more gloomy aspect, the commissioners assumed higher and bolder ground.

On the 30th of November, they issued a third proclamation, in which, in his majesty's name, they *charged* and *commanded* all persons assembled together in arms, against his majesty's government, to disband themselves and return to their dwellings, there to remain in a peaceable and quiet manner. They, also, commanded all such other persons, as were assembled together, under the name of general or provincial congresses, conventions, committees, or other associations, by whatever name known, or who, under the name and authority of any congress, convention, committee, or association, took upon them to execute orders, for

levying money, raising troops, fitting out armed vessels, and imprisoning or molesting his majesty's subjects, "to desist and cease from all such treasonable actings and doings, and to relinquish all such usurped power and authority." They, at the same time, engaged, that all such as should, within sixty days from the date of the proclamation, appear before any governor or lieutenant governor, or commander in chief of the British army in America, or any officer commanding a detachment of the same, and claim the benefit of the proclamation, and *subscribe* a declaration that they would remain in a peaceable obedience to his majesty, and would not take up arms, or encourage others to take up arms against his authority, should obtain a full and free pardon of all treasons or misprisions of treason."

Taking advantage of this proclamation, many Americans in the vicinity of the British troops, and among these Joseph Galloway, who was a member of congress in 1774 from Pennsylvania, abandoned their country and joined the British standard. The commander of the American army deemed it necessary, soon after, to issue a counter proclamation, in which, in pursuance of the powers committed to him by congress, he strictly commanded all persons, who had subscribed the declaration, taken the oaths, and accepted the protections mentioned in the declaration of the British commissioners, to repair to head quarters, or to the quarters of the nearest general officer of the continental army, or militia, and there deliver up such protection and take the oath of allegiance to the United States; granting liberty, however, to such as preferred "the interest and protection of Great Britain to the freedom and happiness of their country," to withdraw themselves and families, within the enemy's lines. He, also, declared, that all those who should neglect or refuse to comply with his order, within thirty days from its date, should be deemed adherents to the king of Great Britain, and be treated as common enemies to the American States.

We would here state, that the campaign of 1776, was truly disastrous for the Americans. The scene of military operations,

during this year, was transferred from Massachusetts to New York. General Howe and his army evacuated Boston, in great haste, on the 17th of March, and retired to Halifax. He, with his troops, arrived in the harbor of New York, about the last of June, and on the 2d of July, took possession of Staten Island, where he was soon joined by his brother, lord Howe, with a fleet and reinforcement of troops. The British army being about thirty thousand, was more numerous, and better disciplined than the American. The latter, composed of militia, or troops enlisted for a year only, were unaccustomed to a military life or discipline.

Soon after the battle on Long Island, in August, the American commander abandoned the city of New York; and the strong places in its vicinity were taken by, or given up, to the enemy. All that had been gained in Canada the preceding year, was lost in the course of this campaign. After an indecisive engagement at the White Plains, the Americans, now greatly reduced by the return of the militia, by sickness and other casualties of war, crossed the North river into New Jersey. On the 22d of November, the whole force under the command of general Washington, did not exceed three thousand five hundred. With this small number, the American general was obliged to fly, before a superior force, under lord Cornwallis; and even this remnant of an army, was diminished on its march to the Delaware, by the expiration of the term of enlistment of the Jersey and Maryland brigades. On crossing the Delaware, about the 10th of December, general Washington had only about seventeen hundred men. The object of the enemy was to get possession of Philadelphia, as soon as the ice would enable them to pass the Delaware; and the loss of that city seemed inevitable.

Congress, then sitting at Philadelphia, for greater safety, on the 12th of December, removed to Baltimore.

In this gloomy and almost desperate state of public affairs, the great mass of the Americans remained firm and determined, in the cause of independence.

The convention of the State of New York, being in session, at this critical period, with a view to counteract "the false sug-

gestions, artful misrepresentations and insidious promises of protection," made by the enemy, as well as to animate their constituents, at that trying period, published a well timed and spirited address. They called upon the people of the State of New York, by every thing they held dear in life, to support and maintain their rights, and save their country. Alluding to the depressed state of their affairs, their country invaded by a numerous and well disciplined army, flushed with victory, and in possession of their commercial capital, they reminded them of the noble conduct of the citizens of Rome, when placed in a situation somewhat similar. "After the armies of Rome," they say, "had been repeatedly defeated by Hannibal, that imperial city was besieged by this brave and experienced general, at the head of a numerous and victorious army. But so far were her glorious citizens from being discouraged by the loss of so many battles, and of all their country; so confident of their own virtue and the protection of heaven, that the very land on which the Carthaginians were encamped, was sold at public auction, for more than the usual price."

"These heroic citizens disdained to receive his protection or to regard his proclamations. They remembered, that their ancestors had left them free; ancestors, who had bled, in rescuing their country from the tyranny of kings. They invoked the protection of the Supreme Being, they bravely defended their city, with undaunted resolution, they repelled the enemy, and recovered their country."*

This address was not only approved by congress, and earnestly recommended to the serious attention and perusal of all, but ordered by them to be translated into German, and printed at the expense of the United States.

Congress had now become sensible of the impolicy of short enlistments, and a dependence on the irregular services of the militia. They, therefore, determined to raise eighty eight battalions, to serve during the war.

A bounty of twenty dollars was given to all non-commissioned officers and soldiers; and in addition to this, lands were promis-

* This Address was drawn by Mr. Jay.

ed to those officers and soldiers, who should continue in service to the close of the war.

After their retreat to Baltimore, the members of congress, instead of despairing of the commonwealth, took the most effectual mode for its preservation. At a distance from the commander in chief, and the scenes of military operations, they deemed it necessary to invest him with unlimited military powers for a short period. On the 27th of December, therefore, after declaring that "the unjust, but determined purpose of the British court to enslave these free States, obvious through every insinuation to the contrary, having placed things in such a situation, that the very existence of civil liberty now depends on the right exercise of military powers; and the vigorous and decisive conduct of these being impossible to distant, numerous and deliberative bodies;" they passed the following resolve—"That general Washington shall be, and he is hereby vested with full, ample and complete powers to raise and collect together in the most speedy and effectual manner, from any or all of these United States, sixteen battalions of infantry, in addition to those already voted by congress; to appoint officers for the said battalions of infantry; to raise, officer and equip three thousand light horse; three regiments of artillery, and a corps of engineers, and to establish their pay; to apply to any of the States for such aid of the militia, as he shall judge necessary; to form such magazines of provisions, and in such places as he shall think proper; to displace and appoint all officers under the rank of brigadier general, and to fill all vacancies in every other department of the American armies; to take wherever he may be, whatever he may want for the use of the army, if the inhabitants will not sell it, allowing a reasonable price for the same; to arrest and confine persons, who refuse to take the continental currency, or are any otherwise disaffected to the American cause; and return to the States, of which they are citizens, their names, and the nature of their offenses, together with the witnesses to prove them."

These powers were vested in general Washington, for the term of six months, unless sooner determined by congress. The gen-

eral assured congress that all his faculties should be employed, to direct properly the powers they had been pleased to vest him with, to advance those objects and those only, which had given rise to so honorable a mark of distinction.

“If my exertions,” he said, “should not be attended with the desired success, I trust the failure will be imputed to the true cause,—the peculiarly distressed situation of our affairs, and the difficulties I have to combat,—rather than to a want of zeal for my country, and the closest attention to her interests, to promote which has ever been my study.”*

General Washington was sensible of the necessity of some immediate favorable turn in his military operations, not only to save the city of Philadelphia, but to rouse the spirit of the nation, and to secure an army for the succeeding campaign. He, therefore, boldly resolved, even with his small force, to attempt a surprise on a body of Hessians, encamped at Trenton. This he carried into complete effect, on the morning of the 26th of December, after suffering great hardships in his march, and in crossing the Delaware, in a cold stormy winter night. Many of the Hessians, under the command of Col. Rahl, were killed, and more than nine hundred taken prisoners. With these, in the evening of the same day, he recrossed the Delaware in safety. This bold and successful enterprise elevated the hopes of the Americans, and excited no little astonishment in the British, who considered the American army annihilated. Being soon after joined by a number of militia, the American commander again crossed the Delaware, at Trenton, where he was met by a superior force, under lord Cornwallis ; and the fate of the country seemed suspended on the issue of a battle, which appeared unavoidable. In this situation of the American army, it was equally hazardous to fight or retreat. From this dilemma, general Washington extricated himself, by one of those bold measures, which none but great minds, conceive and execute. He came to the resolution of leaving the enemy, in their encampment, marching to Princeton, by a circuitous route, and surprising the British troops, at that place.

* Washington's Official Letters, vol. 2, p. 1.

This he effected in the night, and in so secret a manner, that the noise of the cannon at Princeton, early the next morning, gave lord Cornwallis the first notice of his movement.

The battle at Princeton was decidedly in favor of the Americans. The British troops, after suffering no inconsiderable loss, were compelled to retreat to Brunswick. The British general immediately returned from Trenton, but not in time to aid in the engagement, or to molest the American army. He immediately retired to Brunswick, his head quarters; and general Washington, with his army, took a position at Morristown; where, with an inferior force, during the rest of the winter, he kept the enemy in check.

By these bold and successful enterprises, with the smiles of heaven, a great part of New Jersey was recovered from the enemy, public confidence restored, and a new impulse given to the recruiting service.

In February, congress returned and resumed their deliberations in Philadelphia.

CHAPTER X.

Committee of Secret correspondence appointed by Congress—Direct a Letter to be sent to a gentleman in Holland—Send Silas Deane to France, in March 1776, as a Commercial and Political Agent—His instructions—Arrives in Paris in July 1776—Has an interview with the French Minister, Count de Vergennes—Is well received and promised protection in his commercial arrangements—French ports open to the Americans—Mr. Deane was to appear in the character of a merchant only—Congress prepare a commercial treaty to be proposed to France—Dr. Franklin, Mr. Deane, and Arthur Lee, appointed commissioners to the French Court—Their instructions—Meet at Paris in Dec. 1776—France not prepared openly to join the Americans—A paper signed by the King himself, is read to the Commissioners in January 1777—He declines entering into a treaty, but promises them protection, and gives two millions of livres—This to be kept a secret—Congress offer to France and Spain more favorable terms—These terms insufficient—Capture of Burgoyne creates consternation in England—Lord North declares his intention to offer the Americans terms of reconciliation—France accepts the offers of the American Commissioners, and enters into treaties—Reasons for this given by the French Monarch in a letter to the King of Spain—Policy of France in relation to America explained—She affords secret aid to the Americans—For this purpose, secretly puts money and arms into the hands of an Agent, by the name of Beaumarchais—The Agent sends arms to America, under the name of Hortales & Co.—American Commissioners send despatches by Capt. Folger—They are secretly taken out by some one, and blank papers substituted—Folger suspected and is imprisoned, but afterwards released—Beaumarchais sends an Agent to America, to demand payment for the articles furnished by him—Divisions in Congress on the subject—Congress agree to pay Beaumarchais—Deane recalled—Thomas Paine publishes some of the secret despatches—Displeases the French Minister—He applies to Congress to disavow the publication—Arthur Lee's letters relating to the claim of Beaumarchais—The officers of the Treasury charge him with one million of livres paid to him by France, for the use of the Americans—He disputes this, and applies to Congress for relief.

AT an early stage of the contest with Great Britain, the attention of congress had been drawn, to the subject of securing foreign aid, in case of necessity. This interesting portion of American history, now claims our notice. On the 29th of November 1775, a committee, consisting of Mr. Harrison, Dr. Franklin, Mr. Johnson, Mr. Dickinson, and Mr. Jay, was appointed for the sole purpose of holding a secret correspondence, with the friends of

America, in Great Britain, Ireland, and other parts of the world.* The principal object of this committee, was, to sound indirectly some of the principal powers of Europe, and particularly France and Spain, on American affairs. With this view, Dr. Franklin soon after the appointment of the committee, wrote to a gentleman in Holland, by the name of Dumas, who was friendly to the American cause.

“ We are threatened from England,” says Dr. Franklin to this gentleman, “ with a very powerful force, to come next year against us. We are making all the provision in our power here to oppose that force, and we hope we shall be able to defend ourselves. But as the events of war are always uncertain, possibly, after another campaign, we may find it necessary to ask aid of some foreign power. It gives us pleasure to learn from you that *toute l' Europe nous souhaite le plus heureux succès pour le maintien de nos libertés*. But we wish to know, whether any one of them, from principles of humanity, is disposed magnanimously to step in for the relief of an oppressed people, or whether, if, as it seems likely to happen, we should be obliged to break off all connection with Britain, and declare ourselves an independent people, there is any state or power in Europe, who would be willing to enter into an alliance with us for the benefit of our commerce, which amounted before the war, to near seven millions sterling per annum, and must ultimately increase, as our people increase most rapidly. Confiding, my dear friend, in your good will to us and in your sagacity and abilities for business, the committee of congress, appointed for the purpose of establishing and conducting a correspondence with our friends in Europe, of which committee I have the honor to be a member, have directed me to request of you, that, as you are situated at the Hague, where ambassadors from all the courts reside, you would make use of the opportunity that situation affords you, of discovering the disposition of the several courts with respect to such assistance or alliance, if we should apply for the one or the other. As it may possibly be necessary, in particular instances, that you should, for

* Secret Journals of Congress, vol. 2, p. 1.

this purpose, confer directly with some great ministers, and show them this letter as your credential, we only recommend it to your discretion, that you proceed therein with such caution, as to keep the same from the knowledge of the English ambassador, and prevent any public appearance, at present, of your being employed in any such business, as thereby, we imagine, many inconveniences may be avoided, and your means of rendering us service, increased."

"That you may be better enabled to answer some questions, which will probably be put to you, concerning our present situation, we inform you, that the whole continent is very firmly united—the party for the measures of the British ministry being very small, and much dispersed—that we had on foot the last campaign, an army of near twenty thousand men, wherewith we have been able, not only to block up the king's army in Boston, but to spare considerable detachments for the invasion of Canada, where we have met with great success, as the printed papers sent herewith will inform you, and have now reason to expect the whole province may be soon in our possession—that we purpose greatly to increase our force for the ensuing year; and thereby we hope, with the assistance of a well-disciplined militia, to be able to defend our coast, notwithstanding its great extent—that we already have a small squadron of armed vessels, to protect our coasting trade, who have had some success in taking several of the enemy's cruisers, and some of their transport vessels and stores."

After the passage of the prohibitory act, which took place soon after the date of this letter, the committee, seeing little prospect of an accommodation, and well aware that France would be disposed to make great sacrifices, to reduce the power of Great Britain, by the severance of her North American colonies, sent Silas Deane, one of the delegates in congress, from Connecticut, as a commercial and *political agent*, to the French court. The instructions to Mr. Deane bear date the 2d of March 1776, and were signed by Dr. Franklin, Robert Morris, Mr. Jay, Mr. Harrison and Mr. Dickinson. He was to appear in the character of a merchant, and was directed, among other things, immediately

after his arrival at Paris, to solicit an interview with the Count de Vergennes, the French minister, and to inform him, that congress being unable to obtain for America, the quantity of arms and ammunition necessary for its defense, had despatched him to apply to some of the European powers for a supply. That he was instructed to make his first application to France, from an opinion, that, in case of a total separation of America from Great Britain, which every circumstance seemed to indicate, it would be most proper to obtain and cultivate her friendship. That in such case, the commercial advantages formerly enjoyed by Great Britain would be transferred to France. That the Americans were in want of *clothing* and *arms* for 25,000 men, with a suitable quantity of ammunition, and 100 field pieces. Mr. Deane was, also, directed to sound the French minister, with regard to forming an alliance with the colonies, in case they should be forced to declare themselves independent.

“ If at a future conference, ” they say, “ he [the French minister] should be more free, and you find a disposition to favor the colonies, it may be proper to acquaint him, that they must necessarily be anxious to know the disposition of France, on certain points, which, with his permission, you would mention, such as whether, if the colonies should be forced to form themselves into an independent state, France would, probably, acknowledge them as such, receive their ambassadors, enter into any treaty or alliance with them for commerce or defense, or both? If so, on what principal conditions? Intimating, that you should speedily have an opportunity of sending to America, if you do not immediately return, and that he may be assured of your fidelity and secrecy, in transmitting carefully any thing he would wish conveyed to congress, on that subject.” In case the supplies could not be obtained from the French Court, Mr. Deane was to obtain permission for purchasing them, or for so many, as he could obtain credit for; was to keep a daily journal of all his material transactions, and particularly of what passed in conversations “ with great personages:” and transmit to the committee, by every opportunity, all important information.*

* Note 23.

Mr. Deane arrived in Paris, about the first of July, and was indefatigable in pursuing the objects of his mission. His arrival at Paris was immediately known in London, and lord Stormont was sent express to Paris, to watch his movements. Through Dr. Dubourg, a friend to America, he was introduced to Vergennes, a few days after he reached Paris.

He stated to the French minister the objects of his mission, agreeably to his instructions, and in this first conference he touched upon the subject of forming treaties with the Americans, in case of their declaring themselves independent. The American agent was favorably received by the French minister, and was asked many questions, in relation to American affairs. Vergennes informed Mr. Deane, that the importance of American commerce was well known, and that no country could so well supply the American colonies, and in return receive their produce, as France; that an uninterrupted intercourse was therefore, for the interest of both; and for this reason, the court had already ordered their ports to be kept open, and equally free to America, as to Britain. That considering the good understanding between the courts of Versailles and London, they could not *openly* encourage the shipping of warlike stores, but no obstructions, of any kind, he said, would be given; if there should, as the custom houses were not fully in their *secrets* in this matter, such obstructions should be removed, on the first application—That he might consider himself perfectly free, to carry on any kind of commerce in the kingdom, which any subject of any other state in the world might, as the court had resolved their ports should be equally free to both parties. That he might consider himself, as under his immediate protection; if he should meet with any difficulty either from their *police*, or from any other quarter, on application to him every thing should be settled.

On the subject of independency he said, that was an event in the womb of time, and it would be highly improper for him to say any thing on that point, until it had actually taken place. Vergennes, at the same time, informed Mr. Deane, that the British ambassador knew of his arrival; and he advised him, not to as-

sociate with Englishmen, more than necessity obliged him, as he would, no doubt, have many *spies* on his conduct. To prevent discovery, Mr. Deane was directed by the French minister to apply to his first secretary, Mr. Gerard, for advice and direction, except in matters of general importance.* This first conference with the French minister, ended much to the satisfaction of the American agent.

Of the subsequent proceedings of Mr. Deane, at Paris, and of the manner in which a supply of arms and ammunition was voluntarily offered to the Americans, through their agent in London, before Mr. Deane's arrival in France; and of the *secret mode* by which these supplies were sent to America, more particular notice will be taken hereafter. In the mean time, we would inform the reader, that as soon as the question of independence, in committee of the whole, was decided in the affirmative, congress took the subject of foreign affairs into their own hands; and on the 11th of June, appointed a committee, to prepare a plan of treaties with foreign powers. This important committee consisted of Mr. Dickinson, Dr. Franklin, John Adams, Mr. Harrison, and Robert Morris.† On the 10th of July this committee reported a plan, which, after being amended, was, on the 27th of August, recommitted, and Richard Henry Lee and Mr. Wilson added to the committee: and on the 17th of September, the amended plan was adopted by congress. Immediately after, congress appointed Dr. Franklin, Mr. Deane and Mr. Jefferson commissioners to proceed to France. Mr. Jefferson, on account of the situation of his family, being unable to accept the appointment, Arthur Lee, then in London, was substituted.

This appointment was to be kept a secret, and no member was permitted to say any thing more on the subject, than that congress had taken such steps as they judged necessary, for the purpose of obtaining foreign alliances. Special instructions were prepared for these commissioners, in which, after some particular directions relative to the treaty to be proposed to the French court, congress observed—"It is highly probable,

* Note 24.

† Secret Journals of Congress, vol. 2, p. 475, supplement.

that France means not to let the United States *sink*, in the present contest. But as the difficulty of obtaining true accounts of our condition, may cause an opinion to be entertained, that we are able to support the war, on our own strength and resources longer than, in fact, we can do, it will be proper for you to press for the immediate and explicit declaration of France in our favor, upon a suggestion, that a *re-union* with Great Britain, may be the consequence of a delay. Should Spain be disinclined to our cause, from an apprehension of danger to her dominions in South America, you are empowered to give the strongest assurances, that that crown will receive no molestation from the United States, in the possession of those territories."

" You will solicit the court of France for an immediate supply of twenty or thirty thousand muskets and bayonets, and a large supply of ammunition and brass field-pieces, to be sent under a convoy by France. The United States engage for the payment of the arms, artillery and ammunition, and to indemnify France for the convoy."

" You are desired to obtain, as early as possible, a public acknowledgment of the independency of these States, of the crown of Great Britain, by the court of France."*

In October following, the commissioners were instructed to procure from the court of France, at the expense of the United States, either by purchase or loan, eight line of battle ships of 74 and 64 guns, well manned and fitted for service; and to expedite this, with all possible diligence.

Dr. Franklin and Mr. Lee arrived at Paris, in December, and the objects of their mission were soon made known to the French court.

The court was not yet prepared to acknowledge the independence of the United States, to form treaties with them or *openly* espouse the cause of the Americans.

On the 13th of January, 1777, a paper signed by the king himself, was read to the commissioners, by Mr. Gerard, secretary to the council of state. The king, informed the American en-

* Secret Journals of Congress, vol. 2, p. 80.

voys, in answer to their application, that, with respect to ships of war, he should be happy to comply with their request, and would do it without expecting any return; but, in the present state of things, he was endeavoring to strengthen his marine, and therefore could not venture to detach any; neither could he think it would be of any use to the United States, as it would necessarily draw after it, a stronger force from England, which would render it ineffectual. The giving of convoys, he said, would be a cause of war, when it ought only to be the consequence. It was not his intention, nor becoming his dignity, to draw on a war, by such indirect means. Being determined to take no advantage of the situation which the United States were in, he thought it not a proper time, to form a lasting union, which, however, he very much desired. That the American commissioners should be at liberty, to make their purchases, in private, saving to him an observance of treaties, which he was determined not to be the first to break. To prove his good wishes towards the United States, he had ordered two millions of livres to be paid to them by quarterly payments, which should be augmented as the state of his finances would permit. The most profound secrecy, in relation to this donation, was enjoined.* The course of policy France intended to pursue, in the contest between Great Britain and her colonies, was now obvious; and with her views of the subject, was perhaps, as it regarded herself at least, a very natural as well as wise course. She entertained serious doubts, whether the States would be able to form a lasting union among themselves, or persevere in maintaining their independence. The French minister, in his first conference with Mr. Deane, inquired, with seeming interest, whether if the colonists should become independent, they would not differ among themselves.

The disastrous state of American affairs, at the close of the year 1776, induced congress to attend more seriously to the subject of securing foreign aid.

On the 24th of December, a committee, consisting of Mr. Gerry, Mr. Witherspoon, Richard Henry Lee, Mr. Clarke, and

* Arthur Lee's MSS. papers.

Samuel Adams, was appointed to prepare and report a plan for obtaining foreign assistance.

The report of this committee was a subject of much debate. Some of the members were disposed to make great sacrifices, to obtain the aid of France, and were almost prepared to offer her the same monopoly of American commerce, as had been enjoyed by Great Britain.

On the 30th of December, congress came to the resolution of sending commissioners to the courts of Vienna, Spain, and Prussia, and to the grand duke of Tuscany. These commissioners were instructed to assure the courts, to which they were sent, that the Americans were determined to maintain their independence, notwithstanding the insidious suggestions of the British to the contrary. They were, also, directed to use every means in their power, to procure the assistance of the emperor of Germany, and the kings of France, Spain, and Prussia, to prevent German and other foreign troops being sent to America, for hostile purposes, and to obtain the recall of those already sent.

To induce France to embark in the war, the American envoys were authorized to stipulate, that all the trade between the United States and the West India islands, should be carried on, either in French or American vessels; and were specially instructed to assure the French king, that, if, by their joint efforts, the British should be excluded from any share in the cod-fishery of America, by the reduction of the islands of Newfoundland and Cape Breton, and ships of war should be furnished, at the expense of the United States, to reduce Nova Scotia, that the fishery should be enjoyed equally between them, to the exclusion of all other nations; and that one half of Newfoundland should belong to France, and the other half with Cape Breton and Nova Scotia to the United States. Should these proposals be insufficient to induce France to join in the war; and the commissioners were convinced that the open cooperation of France could not otherwise be obtained, they were directed to assure his most christian majesty, that such of the West India Islands, as might, in the course of the war, be re-

duced, should be yielded to him in absolute property ; and the United States were to engage to furnish, at their expense, and deliver, at some convenient port in the United States, provisions for carrying on expeditions against those islands, to the amount of two millions of dollars, and also six frigates, mounting not less than twenty four guns each, manned and fitted for sea, and to render any other assistance in their power, as should become good allies.

The envoys to France and Spain were instructed to prepare a treaty between America and the latter nation, similar to the one proposed to France ; and to induce the king of Spain to unite in the contest, were to propose, " that if his Catholic majesty would join with the United States in the war against Great Britain, they would assist in reducing to the possession of Spain, the town and harbor of Pensacola ; provided that the citizens and inhabitants of the United States, should have the free and uninterrupted navigation of the Mississippi, and use of the harbor of Pensacola ; and would, provided it be true that his Portuguese majesty has insultingly expelled the vessels of these states from his ports, or hath confiscated any such vessels, declare war against the said king, if that *measure* should be agreeable to, and be supported by the courts of France and Spain."*

William Lee was appointed commissioner to the courts of Vienna and Berlin, Ralph Izard to the duke of Tuscany, and Dr. Franklin to Spain.† Arthur Lee, was afterwards appointed, in the room of Dr. Franklin, to the Spanish court.

After receiving the additional instructions, their American envoys again pressed the French and Spanish courts, openly to acknowledge the independence of the states, and join in the war. In communicating their new instructions to the French minister, the American commissioners informed him, that " congress, though firmly determined to maintain, as long as possible, their independence, whether assisted or not by any other power, yet for the sake of humanity, wishing universal peace, they would

* Secret Journals of Congress, vol. 2, pp. 38, 39, 40. † Note 25.

not, for the advantage of America *only*, desire to kindle a war in Europe, the extent and direction of which cannot be foreseen."

" They, therefore, as well for reasons of respect to the king, whose character they venerate, do not presume to propose, that France should enter into a war, merely on their account. But if France, to obtain satisfaction from Britain, for the injuries received in the last war, commenced by that nation, in a manner contrary to the law of nations, or from any other just cause, should think it right to make use of the present occasion, in declaring war against Britain, we are directed to offer the following advantageous additions, to those of commerce already proposed." After stating the new propositions, they conclude, "but if it be determined by his most christian majesty, to remain in peace with Great Britain ; the congress, do then pray, that his majesty would be pleased to use his influence in Europe, for preventing the further transportation of foreign troops into America, to serve against the United States, and to obtain a recall of those already there ; and having unbounded confidence in the king's goodness and wisdom, they pray his advice in their present circumstances, whether to apply to any of the other powers of Europe for auxiliary aids, or to *make offers of peace to Great Britain*, on condition of their independence being acknowledged. In neither of these points," they say, " would the congress take a step, without consulting his majesty's ministers, and we hope for a favorable answer."*

These new offers, were still insufficient to induce France to depart from the line of policy, she had adopted. The French court evidently waited for events, evincing beyond all doubt, the determination and ability of the Americans to maintain their independence ; and was unwilling *openly* to afford assistance, until perfectly satisfied, that such assistance, would render reconciliation impossible. The American commissioners, however, were secretly permitted to fit out a number of vessels from French ports, to cruise against the British ; and prizes were brought in and sold in France.

* Deane's MSS. Papers.

The British minister, lord Stormont, loudly complained of this proceeding ; and the French court issued orders to prevent it ; but these orders were not rigidly enforced. Lord Stormont, also, complained, of the shipments of arms and ammunitions from French ports directly to America, and demanded a prohibiton of all such shipments. The French minister engaged to prohibit the exportation of warlike stores ; and vessels laden with arms and ammunition, were actually detained for some time, but at length permitted to depart. The British minister again complained of these shipments, and of a breach of the engagement. These complaints were made, at a particular time, in so menacing a tone, to the count de Vergennes, that the latter said to him, " if this, Mr. Ambassador, is a declaration of war, which you have announced to me, permit me to announce it to the king." Upon this the ambassador softened down, and was sensible he had gone too far.*

The American envoys experienced great difficulty and embarrassment in their negociations, from reports, industriously circulated in Europe, in the year 1777, by the emissaries of Great Britain, that a reconciliation between the two countries would soon take place, in pursuance of negociations between congress and the British commissioners, sent to America. Great Britain had likewise taken measures, to secure the favor of the European powers, or at least, their neutrality in the contest with her colonies.

In the summer of 1777, Arthur Lee went to Berlin, to sound the Prussian court, on the subject of American affairs. Mr. Lee was not received in a public character ; and was informed by the Prussian minister, " that his majesty had pledged his honor to the king of Great Britain, not to interfere in the dispute, and was determined not to commit himself."

The Prussian minister, therefore, desired Mr. Lee to confine himself to the subject of trade, as he could hear no other propositions.

While Mr. Lee was at Berlin, his papers were stolen from his lodgings, in a most extraordinary manner ; and the British en-

* *Historie, &c. de la diplomatic francaise, by Flassan.*

voy, at the Prussian court, was implicated in this transaction. Mr. Lee himself, gives this account of it, in a letter to the secret committee of congress. "While I was at dinner one day, some person contrived to get into my chamber, which was locked, and broke open my desk, from whence he took all my papers. I soon discovered the robbery, and alarming the police, the English envoy, who happened to be in the hotel when the alarm was given, immediately went home, and in a few minutes, the papers, apparently unopened, were returned. The envoy went to the king next day, to excuse himself, but was refused admittance. It appeared, upon examination, that his servant had frequently offered a large sum, to the servants of the house, if they would steal my papers. But as I never went out of my room, upon the most trifling occasion, without locking them up, they were obliged to have recourse to violence."

An extreme jealousy in regard to the objects of Mr. Lee, and perhaps a distrust of the Prussian court, led to this outrageous act.

To counteract the false reports, circulated throughout Europe, relative to a reconciliation between Great Britain and America; congress, on the 22d of November 1777, instructed their commissioners, to declare to the respective courts, to which they were sent, that all proposals for a treaty, between the king of Great Britain and the United States, inconsistent with their independence, or with such treaties or alliances, as might be formed under their authority, would be rejected by congress. This declaration, however, was not to be made, until, upon a general consultation of all the commissioners, a majority should deem it necessary.* Such was the political state of American affairs abroad, when the news of the capture of general Burgoyne and his army reached Europe. Fortunately for the United States, the force of the enemy was divided in the campaign of 1777. General Howe, by the way of the Chesapeake, advanced into the state of Pennsylvania; and on the 26th of September, took possession of Philadelphia; while general Burgoyne, with a well ap-

* Note 26.

pointed army, advanced from Canada towards Albany, in the state of New York.

As the highest hopes of the British nation, as well as of the ministry, rested on the success of the army under general Burgoyne during this campaign, the news of their capture, not only disappointed the expectations, but mortified the pride of the people of Great Britain. This unfortunate intelligence was announced, in parliament, then in session, on the 3d of December ; and drew from the members in opposition, a powerful and pointed attack upon the ministry. They were accused of incapacity and ignorance, in the formation and in the execution of their plans for subduing America. Lord North, with his usual adroitness, acknowledged they had been unfortunate ; but denied, that any blame could be attached to the ministers themselves. Unprepared for so unexpected an event, he soon moved for an adjournment of parliament, to the 20th of January.

This was opposed as an extraordinary measure, at a time, which called for the immediate attention of parliament, to repair the loss the nation had sustained. In reply to objections of this kind to so long an adjournment, the minister stated that it would afford an opportunity, after the events of the campaign were fully known, to prepare a *plan of reconciliation*. Lord North said, " he hoped the campaign had produced events, which would enable us to prepare and enforce terms of conciliation with the colonies, on true constitutional grounds, with respect to both. "

" It would be absurd," he said, " to propose American plans, which depend upon the state of America ; when we could, at best, pretend to a very partial knowledge of it. The events of the campaign would be known, at the time proposed for their meeting ; and then, when the whole of the *military operations*, and of the *intended* measures, could come properly together before them, he would move the house to consider of the *concessions* which it might be proper for them to lay down, as the *basis* of a *treaty* ; and he yet trusted, that their endeavors would prove effectual in bringing about a *permanent peace*, and a lasting union between both countries."*

* Annual Register for 1778, p. 74.

The motion of the minister prevailed, and on the 11th of December, parliament adjourned to the 20th of January following.

The success of the arms of the United States, by the capture of so fine an army, unassisted by foreign troops, gave a new aspect to their political affairs, not only in England, but in France, and indeed throughout Europe.

The American commissioners at Paris, now stood on commanding ground. The French court, aware of the views of the British ministry, in relation to the colonies, no longer hesitated about accepting the propositions of the American envoys.

On the 16th of December, Mr. Gerard informed the American commissioners, by order from the king, "that after a long and mature deliberation upon their propositions, his majesty had determined to *recognize* the *independence* of, and to enter into a treaty of commerce and alliance, with the United States of America; and that he would not only *acknowledge* their independence, but actually *support* it, with all the means in his power; that perhaps he was about to engage himself in an expensive war, upon this account, but that he did not expect to be reimbursed by them; in fine, the Americans were not to think, that he had entered into this resolution, solely with a view of serving them, since independently of his real attachment to them and their cause, it was evidently the interest of France to diminish the power of England, by severing her colonies from her."*

By the principles of the family compact, the king of Spain was to be consulted before the treaties were concluded. The subject was deemed of sufficient importance, to induce the king of France to send a letter to his uncle the king of Spain, under his hand, giving the reasons for his final acceptance of the overtures of the Americans, and requesting his concurrence in the measure. This is one of those interesting and curious state papers, which the French revolution brought to light; and as it discloses not only the *policy* pursued by the French court, from the commencement of the contest between Great Britain and her colonies, but also the *reasons* which induced the king finally to

* Franklin's Works, vol. 1, p. 382.

accede to the overtures of the Americans, we presume it will not be unacceptable to the reader. It bore date the 8th of January, 1778.

“The sincere desire,” said the French king to his uncle, the king of Spain, “which I feel of maintaining the true harmony and unity of our system of alliance, which must always have an imposing character for our enemies, induces me to state to your majesty, my way of thinking, on the present condition of affairs.”

“England, our common and inveterate enemy has been engaged for three years, in a war with her American colonies. We had agreed not to intermeddle with it, and viewing both sides as English, we made our trade free to the one, that found most advantage in a commercial intercourse. In this manner, America provided herself with arms and ammunition, of which she was destitute; *I do not speak of the succors of money and other kinds, which we have given her, the whole ostensibly on the score of trade.*”

“England has taken umbrage, at these succors, and has not concealed from us that she will be revenged, sooner or later. She has already, indeed, seized several of our merchant vessels, and refused restitution. We have lost no time on our part. We have fortified our most exposed colonies, and placed our fleets upon a respectable footing, which has contributed to aggravate the ill humor of England.

“Such was the posture of affairs in November last. The destruction of the army of Burgoyne, and the straitened condition of Howe, have lately *changed* the face of things. America is triumphant, and England cast down; but the latter has still a great, unbroken maritime force, and the *hope of forming a beneficial alliance with the colonies*, the impossibility of their being subdued by arms being now demonstrated. All the English parties agree on this point. Lord North has himself announced in full parliament, a plan of pacification for the first session, and all sides are assiduously employed upon it.

“Thus it is the same to us, whether this minister, or any other be in power. From different motives, they join against us, and

do not forget our bad offices. They will fall upon us, in as great strength, as if the war had not existed. This being understood, and our grievances against England notorious, I have thought, after taking the advice of my council, and particularly that of M. D'Ossune, and having consulted upon the propositions which the insurgents make, to treat with them, *to prevent their reunion with their mother country.*

"I lay before your majesty my views of the subject. I have ordered a memorial to be submitted to you, in which they are presented in more detail. I desire, eagerly, they should meet your approbation; knowing the weight of your probity, your majesty will not doubt the lively and sincere friendship, with which I am yours, &c."*

The king of Spain, for reasons which will be stated hereafter, refused to join with France, in her negotiations with the American commissioners. The French king, however, still proceeded, and on the 6th of February, 1778, a treaty of commerce was signed by Franklin, Deane, and Lee, on the part of the United States, and by Mr. Gerard, on the part of France, together with a treaty of defensive alliance, in case war should be the consequence of this commercial connection.

By the terms of the treaty of alliance, if war should break out between France and Great Britain, during the continuance of that between the United States and England, the allies were to make it a common cause; and to aid each other, with their good offices, counsel and forces, according to the exigence of circumstances.

The essential and direct end of the alliance was, "to maintain the liberty, sovereignty, and independence, absolute and unlimited, of the United States, as well in matters of government, as of commerce." In case Canada and the other provinces, in the power of Great Britain, or the islands of Bermudas, should be conquered, the same were to belong to the United States; and all conquests, that might be made in the West Indies, were to appertain to the crown of France.

* *Histoire, &c. de la Diplomatic Francaise, vol. 7.*

Neither party was to conclude either truce, or peace, without the consent of the other ; and the parties mutually engaged, not to lay down their arms, until the independence of the United States should be formally or tacitly assured by the treaty or treaties, that should terminate the war.

The United States guarantied to France, her possessions in America, together with those she might acquire, by the treaty of peace ; and France guarantied to the United States, their independence, and their possessions, with those they might obtain, by conquest, from Great Britain.

Each party was to fulfil its part of the treaty, according to its own power and circumstances, and no after-claim of compensation was to be made on either side, whatever might be the cost of the war.

To this treaty of alliance there was annexed a secret article, that the king of Spain might accede to both treaties, at such time as he should judge proper ; or with such alterations, as might be agreed upon by him, and the American commissioners, to the court of Spain.

Though France was thus slow, in openly espousing the cause of America, she had kept a watchful eye on the progress of the disputes between Great Britain and her colonies from their commencement, and had secretly and voluntarily furnished aid to the latter ; and to this portion of American political history, we now beg leave to call the attention of the reader.

In 1767, the French Minister at the court of London, was very attentive to Dr. Franklin, made him many visits, and was very inquisitive in relation to American affairs. Alluding to these circumstances, and to what might be the views of the French, Dr. Franklin, in a letter to his son, observes, " I fancy that intriguing nation, would like very well to meddle, on this occasion, and blow up the coals between Great Britain and her colonies, but I hope we shall give them no opportunity."* As the contest became serious, it claimed the particular attention of the French Minister, who, in April 1776, presented a memorial to the king,

* Franklin's Works, vol. 1, p. 220.

on the subject. This memorial and the reflections of Mr. Turgot upon it, developed the views and policy of the French court, in relation to America at that period of the contest. Hostility was to be avoided, on the part of France, but aids in arms and ammunition, and even money were to be furnished, but in the most secret manner. "An offensive war, on our part," says Mr. Turgot; "would unite the mother country to her colonies, by giving to the minister a pretext for yielding, and to the colonies a motive for acceding to his propositions, in order to obtain time to consolidate themselves, to ripen their projects, and to multiply their means." The principal measures to be pursued by the French court, as stated by Mr. Turgot were,

1. "To endeavor to be informed of what is passing in the English colonies, avoiding in the mean time, any thing, which might create an opinion, that we have there any direct and authorised agent."

2. "To facilitate to the colonists, the means of procuring, *in the way of commerce*, the articles and even the money, which they need; but without departing from neutrality, and without giving them *direct succors*."

3. "To re-establish, without *eclat*, our marine; to fill our magazines, repair our vessels, and put ourselves in a condition to fit out, with despatch, when it shall be necessary, a squadron at Toulon, another at Brest, while Spain shall fit out one at Ferrol."

4. "If we shall have just cause to fear still more imminent danger, actually fit out the squadrons, but detain them in port. To precipitate nothing, unless the conduct of England shall afford real cause to believe, that she had determined to commence hostilities."*

The French court having determined to assist the Americans, but in the most secret manner, so as not to compromit the neutrality of the nation, in the spring of 1776, sent an agent to London, by the name of Beaumarchais, to make arrangements for that purpose. He was there introduced to Arthur Lee, the agent of the secret committee of Congress. Beaumarchais informed Mr. Lee, that the French court desired to send to America,

* Life of Washington, G. Marshall, vol. 3, pp. 409, 410.

200,000 louis d'ors, in arms, ammunition and specie, but in a secret manner. It was agreed between them, that the remittance should be made, by the way of cape Francois, in the fictitious name of Hortales.

He requested of Mr. Lee, to give the earliest intelligence of this to congress; and that a small quantity of tobacco, or some other production of America, might be returned, to give it the air of a *mercantile transaction*; declaring, that it was for a *cover* only, not for payment, as the remittance was gratuitous on the part of the French court. This was the commencement of a transaction, which for a long time was involved in mystery, and in its progress, connected with the claim made upon the American government, by Beaumarchais himself, greatly divided the national councils. The following facts may throw some light on this curious and not uninteresting part of the secret political history of the American revolution. Mr. Lee, by a captain Storey, made a verbal communication of this important intelligence, [for he dare not trust it in writing,] to the secret committee, who judged it necessary to conceal it, even from the members of congress.*

While Beaumarchais was in London, he no doubt informed Vergennes of the arrangement made with Mr. Lee, and the minister immediately took measures to carry it into effect.

On the 2d of May 1776, he submitted the subject to the king, in the following note.

"I have the honor of submitting to your majesty the paper which is to authorise me to *furnish a million of livres for the English colonies*, if you should deign to ratify it, with your signature. I add, too, Sire, the draft of the *reply* which I mean to make to Mr. Beaumarchais, if your majesty shall approve of it; I beg it may be returned to me without delay. It shall not go forth in my hand writing, nor in that of any of my clerks or secretaries; I will employ that of my son, which cannot be known, and although he is in his fifteenth year, I can answer positively for his discretion. As it is of consequence, that this operation

* Note 26.

should not be *detected*, or, at least, not *imputed* to the *government*, I propose, if your majesty consents, to call hither the Sieur Montaudoin; the ostensible motive will be to ask an account of his correspondence with the Americans, and the real one, to charge him with the *transmission* to them, of the *funds*, which your majesty is pleased to *grant them*, directing, at the same time, all the precautions to be taken as if he *advanced the funds on his own account*.

“On this head, also, I take the liberty of requesting the orders of your majesty. That being done, I will write to the marquis Grimaldi.* I will inform him in detail, of our operations, and propose to him [de la doubler] to do the same.†

The king immediately gave his prime minister the authority required; and M. de Harvelay, keeper of the royal treasury, was directed to hold this million of livres, subject to the *particular order* of Vergennes. This order was afterwards given, and on the 10th of June 1776, the same was paid into the hands of Beaumarchais at Paris, and for which he gave his receipt to Vergennes.

Beaumarchais returned from London to Paris, sometime in May, and this million was placed in his hands, as the secret agent of the French government, to be applied by him, “for the English colonies,” in the manner directed in the minister’s note above mentioned. The particular manner, in which this receipt was obtained by the American government, will be stated hereafter. As this “operation” was to be managed, in such a mode, as “not to be detected, or at least, not to be imputed to the government,” it was to assume the appearance of a private commercial transaction, as arranged between Mr. Lee and Beaumarchais at London.

After the latter returned to Paris, a correspondence was carried on between him and Mr. Lee; and, in order more completely to elude discovery, and to conceal the nature of the transaction, this was done, in a mysterious manner, partly in cypher, and under fictitious names. Mr. Lee assumed the name of Mary John-

* Secretary of Foreign Affairs in Spain.

† Flassan, vol. 7.

son, and Beaumarchais, that of Roderique, Hortales & Co. These transactions took place, before Mr. Deane arrived at Paris.

Immediately after Mr. Deane's first interview with Vergennes, which we have before noticed, Beaumarchais, with a recommendation from the minister, called upon him and made proposals to furnish every thing he might want.

Dr. Dubourg, who was particularly friendly to the American cause, made serious objections to Mr. Deane's trusting to the promises of Beaumarchais, who, though a man of abilities, was a man of pleasure, and not of business. This produced another interview with Vergennes, in which the latter informed Mr. Deane, that he might *rely on* whatever Beaumarchais should *engage* in the *commercial way of supplies*. During this conference, Mr. Deane furnished Vergennes with a copy of that part of his instructions relative to procuring arms and ammunition ; and when Mr. Deane pressed upon him the critical situation of the United States, and their great want of an immediate supply of arms, the minister assured him, no delay should be made in their shipment, by any officers of the customs, or others.

Mr. Deane now understood, how this business was to be managed by the French court ; and negociations between him and Beaumarchais commenced, and arrangements made accordingly. In one of his first communications, Beaumarchais says to Mr. Deane, " I have already tried several means to open a *secret* and sure correspondence between the general congress and a *house*, which I am about to establish, on that occasion ; I shall exert my endeavors to provide the continent, either by the way of the West Indies, or straight from hence, if possible, all such articles, which the Americans shall be in need of, and which they cannot any more get from England. I have already mentioned my *plan*, to a gentleman in London, who pretends to be much attached to America ; but our correspondence, since I left England, having been carried on with difficulty and in cyphers, I have received no answer to my last, in which I tried to fix some terms for that great and important affair."

In conclusion he informs Mr. Deane, that he would renew the negotiations with him.

The execution of the plan required no little management on the part of the French court and its secret agent. Every movement in France, was viewed with extreme jealousy, by the English minister. Mr. Deane's mission was known to the British court, before his arrival in France; and soon after his arrival, a demand was made by the British minister, that the French government, should deliver him up as a rebel. This demand, however, was refused. Immediately after Deane's second conference with the count de Vergennes, an arrangement was made by him with Beaumarchais, for a large supply of cannon, arms, and clothing; and in fact, the cannon and arms were taken from the king's arsenals.

The American commissioners were given to understand, that the supplies, furnished by Beaumarchais, or the most of them, were a free gift from the French court; but they were strictly charged to keep this a *dead secret*, even from the members of congress. Allusions, however, were made to the origin of these supplies, in some of the first letters of the commissioners. Mr. Deane, in a note of the first of December 1776, informs the secret committee, that he had been credited with two hundred brass cannon, and with arms, and ammunition to a large amount, "*not ostensibly by the court, but by a private company.*" And in one of a subsequent date, he says, "that Beaumarchais furnished the supplies *ostensibly*, but that they really came from a higher source."*

Mr. Lee, in a letter of the 3d of January 1777, also, refers to this subject. "The politics of this court," he tells the secret committee, "are in a kind of trembling hesitation. It is, in consequence of this, that the promises made to me, by the French agent in London, and which I stated to you, by Mr. Storey and others, have not been entirely fulfilled. The changing the mode of conveying what they promised, was settled with Mr. Deane, whom Hortales or Beaumarchais found here, on his return from London, and with whom all the arrangements were made."

* Report of the board of Treasury in 1788, on the claim of Beaumarchais.

As early as the 18th of August 1776, Beaumarchais himself, under the assumed name of Roderique, Hortales & Co., addressed a letter to the secret committee. This, together with despatches from Deane of the same date, were sent by the hands of Mr. McCreary, an American merchant; who had strict orders to destroy both, in case of his capture by the enemy. The vessel, in which Mr. McCreary returned to America, was captured off the capes of Delaware; and in pursuance of his orders, the despatches were sunk. A duplicate of Beaumarchais' letter afterwards came to hand. It disclosed the real character in which he acted. He informed the secret committee, that the respectful esteem he had towards a brave people, who so well defended their liberty, had induced him to *form a plan* concurring in that great work, "by establishing," as he said, "an extensive commercial house, solely for the purpose of serving you in Europe; thence to supply you with necessaries of every sort, to furnish you *expeditiously and certainly* with all articles, clothes, linen, powder, ammunition, muskets, cannon, or *even gold* for the payment of your troops, and in general, every thing that can be useful for the honorable war, in which you are engaged. Your *deputies*, gentlemen, will find in me a sure *friend*, an asylum in my house, money in my coffers, and every means of facilitating their *operations*, whether of a public or secret nature. I will, if possible, remove all obstacles that may oppose your wishes from the *politics* of Europe."

With respect to the conduct of the French court, he says, "notwithstanding the *open opposition* which the king of France, his ministers, and the agents of administration *show, and ought to show* to every thing that carries the least appearance of violating foreign *treaties*, and the internal *ordinances* of the kingdom, I dare promise you, gentlemen, that my indefatigable zeal shall never be wanting to clear up difficulties, *soften prohibitions*, and in short, facilitate all operations of a commerce, which my advantage, much less than yours, has made me undertake with you."

"What I have just informed you of, gentlemen, is only a general sketch, subject to all the augmentations and restrictions,

which events may point out to us. One thing can never vary or diminish, 'tis the avowed and ardent desire I have of serving you to the utmost of my power. You will recollect my *signature*; that one of your friends in London some time ago informed you of my favorable disposition towards you, and my attachment to your interest. Look upon my house then, gentlemen, from hence forward, as the chief of all useful operations to you, in *Europe*, and my person as one of the most zealous partizans of your cause, the *soul* of your *success*, and a man the most deeply impressed with respectful esteem, &c." In a postscript, he subjoins, "I ought, also, to intimate to you, that from the *nature of my connection*, 'tis to be wished you would use discretion, even in the accounts, that you give to the general congress."

"Every thing that passes in your great assemblies is known, I cannot tell how, at the court of Great Britain; some indiscreet or perfidious citizen sends an exact account of your proceedings to the palace of St. James."

"In times of great exigency, gentlemen, Rome had a dictator; and in a state of danger, the more the executive power is brought to a point, the more certain will be its effect, and there will be less to fear from indiscretion. It is to your wisdom, I make this remark; if it seems to you just and well planned, look upon it as a *mark of my ardor* for your rising republic."*

This letter was intended, no doubt, to convey to the Americans, the feelings and views of the French court, towards their cause, as well as the secret and indirect manner, in which his most christian majesty was disposed to afford them every aid in his power, without departing from a neutral position.

That commerce alone, was not the object of establishing this imaginary company, is apparent, also, from a second letter written by Beaumarchais, to the same committee, on the 15th of the following month, after the news of the American declaration of independence had reached France. "In addition to the offers of what I possess, I shall presume," he says, "to make another of those reflections, which I think may be useful to you. Living in

* Note 27.

Europe, and being better able than you to unfold the *secret springs*, which give motion to states in this part of the world, and above all, persuaded, that you have only shaken off the yoke of one of the people that compose it, to become a more certain friend to the rest, I will venture to reason with you, upon your present situation. Whatever haughty confidence, gentlemen, your enemies may affect, your declaration of independence has thrown them into consternation; flattering themselves no more to regain you by their adroitness, they begin to fear they will not be able to subdue you by force. Their finances shattered, their commerce lessened, their force exhausted, plainly indicate that the present great effort is the last thing they will be able to make against you; and if your courage, is only sufficiently fortunate to bear the weight of the present campaign, it is almost impossible that they will dare to undertaké another.

“But whilst you are fighting in America, to free yourselves from this yoke, the events of Europe concur to hasten the moment of your delivery. The blunder Portugal has lately fallen into, of shutting her ports, with still more imprudence than haughtiness, seems to be an act of heaven in your favor, of which you cannot too soon avail yourselves. From the resentment which Spain has long borne for Portugal, and if I had the honor of presiding in your committee, gentlemen, I would not hesitate to persuade you, immediately to declare war against Portugal, and without delay to send a fleet to Brazils. This unexpected and bold measure would be productive of many good effects; the first would be certainly to interest Spain in your success, and perhaps engaging her to make a like declaration against Portugal. From that moment, united with Spain in resentment, you become in some sort, her allies; for the enemies of our enemies are more than half our friends. Don't entertain a doubt but that power will then open her American ports to your armed vessels, and send a private order to receive in them your privateers and the prizes they may make upon the Portuguese.”

“And if your declaration is fortunate enough to draw Spain in openly, as I scarce have a doubt but it will, so great a diver-

sion will soon oblige the English to divide their force, and fly to the assistance of Portugal; unless they choose to lose also, this sort of a colony, at the same time, that you are openly renouncing their authority, which is not probable. And what immense advantage would this division of their forces give to a collection of yours; and your force and success will be continually increasing, if Spain declares itself openly for the assistance of vessels.

“Troops and money, which France cannot refuse to that power, when she enters into a war, according to the spirit and letter of the *family compact*, will render it necessary for England to supply Portugal with more considerable support. Then all the reproaches of England, cannot prevent France from opening her ports to you without reserve, and permitting you to draw from thence, by way of trade, plentiful supplies of every sort. What do you require of us, the minister of France would say to the English ambassador?

“The king, our master, furnishes assistance to Spain, much less from a desire of making war, than from faithfully observing his treaties. If he had any other motive than a regard to his engagements, what should hinder him, at present from making use of so fine an opportunity to make war upon yourselves; and if he does not make it, upon his rivals and almost his enemies, ought he to provoke any of your people to declare it against him? See what has happened to Portugal; do you wish that in shutting our ports to the Americans, with whom we have no dispute, we should suggest to them an inclination of attacking our American possessions, or seducing and detaching from us our colonies, by a hope of associating with them? Do you wish they should desolate our islands, by the multitude of their cruisers, against which the whole force of England, at this time, can do nothing? To oblige the English, shall we fall into the absurdity of making war against the Americans on the one hand, whilst on the other, in assisting Spain, we shall be forced, perhaps, to act in concert with the same Americans, against the Portuguese. This, gentlemen, is what our minister would say, and this appears to me unanswerable—and who knows how far things may be

carried in Europe, from interests so different, so remote, and at the same time, so confounded together. Now all this may, and probably will be the fruit of your declaring war against Portugal.

“ I have taken this second opportunity,” he adds, “ to transmit this advice to you ; it seemed to strike your deputy, whose good sense immediately perceives whatever has force or propriety in it. I doubt not but he will write to the same purpose. It is therefore my opinion, gentlemen, that you cannot too soon weigh the importance of this idea and come to some resolution thereupon worthy of your bravery. Lay hold of the encouragements which fortune offers, and which my respectful attachment to you points out.”*

The suggestions or advice contained in this letter, did not pass unnoticed by congress. The American commissioners were afterwards instructed as before stated, to assure the king of Spain that if his Portuguese majesty had expelled the vessels of the United States, from his ports or had confiscated their vessels, they would declare war against him, if such a measure should be “ agreeable to and supported by the courts of France and Spain.”

We would here state that the king of Spain furnished a part of the supplies sent to America, through the agency of Beaumarchais. It will be remembered that the count de Vergennes, in his note to the king of the 2d of May, intimates that he should write to the marquis de Grimaldi, the Spanish secretary of foreign affairs, and request a grant of a million of livres also, from his court, for the use of the Americans. This request was, no doubt, made by the French minister, and complied with, on the part of the king of Spain.

Arthur Lee went to Spain in March, 1777, on American affairs ; and in his first conference with the Spanish secretary, the latter “ hinted to him, that Spain had contributed part of what had been given in France.” In August of the same year, Mr. Lee ascertained, as a certain fact, that Spain sent to France, a

* State Papers at Washington.

million of livres, for the Americans, more than a year previous to that time.*

This will serve to explain that part of his most christian majesty's letter of the 8th of January, 1778, to the king of Spain, before mentioned, in which, after referring to the general commerce, both had permitted America to enjoy, in their respective ports, he says, "I do not speak of the *succors* of money and other kinds, which *we have given her*, the whole *ostensibly* on the score of trade." The king of Spain, as well as of France, was therefore, a secret partner in this mysterious commercial house of Roderique, Hortales & Co. the name of which, so often appears on the journals of congress, and in the records of the general government.

The American commissioners, particularly Dr. Franklin, and Mr. Lee, in the latter part of the year 1777, thought it necessary, notwithstanding the injunction of secrecy imposed upon them, to be more explicit in their communications, on the subject of these supplies. On the 16th of August, Mr. Lee, in a letter to the secret committee, referring to the cargoes of arms, ammunition, &c., sent to America, by Beaumarchais, said "M. de Vergennes the minister, and his secretary, have repeatedly assured us, that no *return* was to be expected for these cargoes, or *for what M. de Beaumarchais furnished us*. This gentleman is not a merchant, but is known as a *political agent*, employed by the French court. Remittances, therefore, to him, so far from covering the business, would create suspicions, or rather satisfy the British court, these suspicions were just. At the same time his circumstances and situation, forbid one to hope, that your property being once in his hands, could be recovered; and as an attempt to force him to account, would hazard a *discovery of the whole transaction*, this government would, of course, *discountenance*, or forbid it. These are the facts, which I thought it my duty to state to you."* This letter, unfortunately, never reached the committee. The subject was mentioned by the commissioners, in their joint letter of the 7th of October, 1777, to the secret

* Arthur Lee's MSS. Papers.

committee. After speaking of a memorial they had just presented to the courts both of France and Spain, and of the receipt of five hundred thousand livres, part of the two millions given, as before noticed, in the preceding January, the commissioners say—“But we are continually charged to keep the *aids* that are or may be afforded us, a *dead secret*, even from congress, whence they suppose England has some intelligence; and they wish she may have no *certain proofs* to produce against them, with the other powers of Europe. The *apparent necessity* of your being informed of the true state of your affairs, obliges us to dispense with this injunction.”

“But we intreat, that the greatest care may be taken, that no part of it shall transpire; nor of the assurances we have received, that no *re-payment* will ever be required from us, of what has already been *given*, either in money, or *military stores*. The great desire here seems to be, that England should strike first, and not be able to give her allies a good reason.”*

It may be observed, that the military stores here spoken of, could be only those sent through Beaumarchais, as no articles of that kind were given to the commissioners, or sent to America, through any other channel.

On the day preceding the date of this joint letter, Mr. Lee, also, addressed a note to the committee, which as it shows explicitly the origin of the supplies sent by Beaumarchais, is presented to the reader.

“Upon the subject of returns,” he says, “I think it my duty to state to you some facts, relative to demands of this kind from Hortales. The gentleman who used this name came to me, about a year and a half ago, in London, as an agent from this court wishing to communicate something to congress.”

“At our first interview, he informed me, that the court of France wished to send an aid to America of 200,000 louis d'ors, in specie, arms and ammunition, and that all they wanted, was to know, through which Island it was best to make the remittance, and that congress should be apprised of it. We settled the cape

* Note 28.

as the place ; and he urged me, by no means, to omit giving the earliest information, that it would be remitted in the name of Hortales. At our next meeting, he desired me to request, that a small quantity of tobacco, or some other production might be sent to the cape, to give it the air of a mercantile transaction ; repeating over and over again, that it was for a *cover* only, and not for payment, as the remittance was *gratuitous*. Of all this I informed Dr. Franklin, chairman of the committee, by sundry opportunities ; at the same time I stated to Mr. Hortales, that if his court would despatch eight or ten ships of the line to our aid, it would enable us to destroy all the British fleet, and decide the war, at a stroke. I repeated this to him, in a letter, after his return to Paris ; to which the answer was, that there was not spirit enough in his court, for such an exertion, but that he was hastening the principal succors. Upon Mr. Deane's arrival, the business went into his hands, and the aids were, at length, embarked, in the Amphitrite, Mercury and Seine. The minister has repeatedly *assured us*, and that in the most *explicit terms*, that no return is expected for these *subsidies*."

A packet, containing these two important letters, was intrusted to an American captain, by the name of Folger, with orders to deliver it, with his own hand, to the president of congress.

Captain Folger arrived at a port in North Carolina, about the first of January 1778, and on the 11th of that month, delivered the packet to Mr. Hancock the president. The packet, on opening it, was found to contain nothing but blank papers.

Congress, had, for a long time, remained without any information from their commissioners in France, and were not a little disappointed at the blank contents of the packet ; nor were they able in any manner to explain this extraordinary circumstance. The captain himself was suspected of fraud, and was strictly examined by a committee of congress, appointed for that purpose.

He, in the most solemn manner, protested his innocence, and declared, that he had delivered the packet, in the same state in which he had received it.

The governor of North Carolina was requested to examine the persons, who came in the ship, with Folger ; but no satisfactory

information could be obtained from them. With a hope of finding some clue which might lead to a discovery of this mysterious affair, congress directed the board of war, to confine captain Folger, in a close prison, until further orders. In consequence of this order, he was kept a close prisoner, until May 8th, 1778, when, on the report of the committee of congress, declaring that nothing was found against him, he was released, and his expenses paid.*

In the mean time, Beaumarchais sent an agent to America, by the name of de Francey, to demand of congress, payment for all the military stores and other articles transmitted through the house of Hortales & Co. This agent arrived in America, about the first of December 1777, and in the winter following repaired to the seat of the general government, on the business of his mission. He was introduced to the secret committee, by a letter from Mr. Deane, very briefly explaining his object. The committee were not a little surprised at this unexpected demand; and this surprise was increased, from the circumstance, that the other commissioners had not joined with Mr. Deane, in a letter to them on so important a subject. For many months, the committee as well as congress, had been without any intelligence from France; and they were unable even to conjecture why Dr. Franklin and Mr. Lee had omitted to send despatches by the agent of one, who had made such strong professions in favor of the cause of America. All was doubt and uncertainty.

“We think it strange,” say the committee in a letter to the envoys in France, “that the commissioners did not *jointly* write by Mr. Francey, considering the important design of his coming over here to settle the mode of payment for the past cargoes, sent by Roderique Hortales & Co., and to make contracts for the future. It is certain that much eclaircissement is, at this moment, wanting.”†

In this state of extreme perplexity and doubt, and pressed for payment by de Francey, congress, on the 23d of March 1778,

* Journals of Congress, vol. 4, pp. 19, 196.

† Gordon, vol. 2, p. 209.

thought proper to pay him 20,000 dollars, and soon after to enter into a contract to pay for all the articles already sent through this mysterious house. By the same contract it was agreed, that congress might draw on the same house, for twenty four millions of livres annually. This last stipulation was not binding unless ratified by the American commissioners at Paris, and by the house of Hortales & Co. Soon after this contract was completed, the treaties made with France arrived, and with them came duplicates of the despatches sent by Capt. Folger, and the mystery relative to the blank paper, was explained.

De Francey and Folger, sailed from France about the same time, and some person acquainted with the contents of the despatches entrusted to the latter, contrived, by some means, to withdraw the original letters, and to substitute blank papers. In what manner, and by whom this was done, has never yet been ascertained. The mission of de Francey was concealed from Dr. Franklin and Mr. Lee; although it was known to Mr. Deane, nearly a month before the date of the despatches sent by the hands of Folger. When Dr. Franklin and Mr. Lee heard of the mission of de Francey, they wrote to the secret committee, under date of the 16th of February 1778, "We hear that he [Beaumarchais] has sent on a person to demand a great sum of you, on account of arms, ammunition, &c. We think it will be best for you, to leave that demand to be settled by us here, as there is a mixture in it, of *public and private concern, which you cannot so well develope.*" This letter, in which Mr. Deane joined with his colleagues, came, also, with the treaties. In consequence of the intimation contained in this letter, a copy of the agreement made with Hortales & Co. was sent to the American commissioners, with instructions to settle the accounts of that house, and in such settlement to distinguish the articles furnished by the king of France, and those by individuals. In pursuance of these instructions, the commissioners, in September 1778, addressed a note to the French minister, enclosing a copy of the agreement with Hortales & Co. and requesting information concerning the

same. "With regard to what is past," they say, "we know not, who the persons are, who constitute the house of Roderique Hortales & Co.; but we have understood, and congress have understood, and so have the people in America in general, that they were under obligations to his majesty's good will, for the greatest part of the merchandise and war-like stores heretofore furnished under the firm of Roderique Hortales & Co. We cannot discover that any written contract was ever made between congress or any agent of theirs and the house of Roderique Hortales & Co.; nor do we know of any living witnesses, or any other evidence, whose testimony can ascertain to us, who constituted the house of Roderique Hortales & Co., or what were the terms, upon which the merchandise and munitions of war, were supplied, neither as to the price, nor the time or conditions of payment."

"We have said," they subjoined, "we apprehend the United States hold themselves under obligations to his majesty, for all those supplies; and we are sure it is their wish and their determination to discharge the obligations to his majesty, as soon as Providence should put it in their power. In the mean time, we are ready to settle and liquidate the accounts, according to our instructions, at any time, and in any manner, which his majesty shall point out." The minister was, also, requested to inform them, whether congress could depend on future supplies, from the same house.

Reasons of state had hitherto induced the French court, when pressed on the subject by the British minister at Paris, to deny all knowledge of the transactions of Beaumarchais, in supplying the Americans with arms and ammunition, and even to issue orders, prohibiting all such supplies by him or any other person. Under these circumstances, the French minister, in answer to this note, declared, that the king had furnished nothing, that he had simply permitted Beaumarchais, to provide himself from his majesty's arsenals, on condition of replacing the articles, and that he would, with pleasure, interfere, to prevent congress, from being pressed for the reimbursement of the articles of a military nature.

He, also, very gravely told the American envoys, he did not know the house of Hortales & Co., and, therefore, could form no opinion of their solidity or punctuality, in fulfilling their engagements.

Congress were dissatisfied with the conduct of Mr. Deane, in France, and in November 1777, he was recalled, and John Adams appointed in his room.

Mr. Deane arrived in the United States, in July 1778, and was soon after requested by congress, to give a statement of his transactions in France. His statements were far from being satisfactory, and he himself, was highly displeased with the proceedings of congress towards him. In this situation, he published, in the gazettes of the day, an address to the public; not only complaining of some of his colleagues in France, but of the treatment he had received from congress; and in vindication of himself, alluded to his great services in France, in procuring, even without being furnished with funds, large supplies of military stores and other articles, for the use of the United States. In answer to this address, Thomas Paine, then secretary of the committee of foreign affairs, published, through the same channel, a series of pieces, entitled, "common sense to the public, on Mr. Deane's affairs." In these, Paine alluded to some of the secret documents, in the department, of which he was secretary; and particularly, the letters, sent by Capt. Folger, and from which he took some extracts, which showed, as Paine declared, "that the supplies, he (Deane) so pompously plumed himself upon, were *promised and engaged*, and that, as *a present*, before he ever arrived in France; and that these aids were sent in the Amphitrite, Mercury, and Seine; and that France thus prefaced her alliance, with an early and general friendship." On seeing these statements, the French minister Gerard, considering the honor of the king to be implicated, presented two memorials to congress, requiring a disavowal and contradiction of them. To quarrel with France, or her minister, at that time, was impossible.

Paine being called before congress, declared himself the author of the publications complained of; and the next day resigned his

office. After various propositions on this delicate subject, the members of the national council, in January 1779, deemed it necessary, to direct their president, to assure the French minister, "that congress do fully, and in the clearest and most explicit manner, disavow the publications referred to, in his memorials; and as they are convinced, by indisputable evidence, that the supplies shipped in the Amphitrite, Mercury, and Seine, were not a present, and that his most christian majesty, the great and generous ally of these United States, did not preface his alliance with any supplies whatever sent to America, so they have not authorized the writer of the said publications, to make any such assertions as are contained therein, but on the contrary, do highly disapprove of the same."*

Thus by the imprudence of Paine, congress were compelled, to save the honor of the French court, to make a declaration, which, to say the least, they had strong reasons for believing was not true.

Having thus been drawn in, by the most unwarrantable suppression of important despatches, to sanction the claim of Beaumarchais *in full*, and by the indiscretion of Paine, to confirm it, congress were again pressed, by his agent, for payment. The amount of the claim, as exhibited in June 1779, was about two hundred thousand louis d'ors, or four millions and a half of livres; † and on the 18th of the same month, in part payment, congress directed bills to be drawn, on their minister in France, in favor of Beaumarchais, for two million four hundred thousand livres, payable in three years, and also, for the interest on this sum, to the time of payment. Congress were not, without expectation, that before the bills fell due, some measure would be taken by the French court, to prevent their payment. The bills, however, were immediately sold by Beaumarchais, were accepted by Dr. Franklin in favor of the assignees, and as they became due, were of course, paid by him.

* Journals of Congress, vol. 4, and Gordon, vol. 2, p. 405.

† Journals of Congress, vol. 5, p. 189.

When the news of their payment reached America, congress in November 1782, directed that no further remittances or payments be made to Beaumarchais, by virtue of any former resolution, until his accounts should be settled, by an agent sent to France for that purpose, and such settlement reported to that body.*

At this time, and long after, the members of the national legislature, were ignorant, that Beaumarchais, in June 1776, had received a million of livres for the use of the United States, and had given his receipt for the same, as before stated; and, in order to preserve a connected view of the whole of this extraordinary transaction, we think proper, in this place, though not in order of time, to present to the reader, the manner in which these facts came to the knowledge of the American government, a copy of the receipt obtained, and the claim finally adjusted at the treasury department.

By a contract or settlement between Dr. Franklin and the count de Vergennes, in February, 1783, it appeared, that three millions of livres were furnished by France, to the United States, prior to the treaties of 1778, as "aids and subsidies," under the title of "gratuitous assistance, from the free generosity of the king." Two millions of this was paid directly to the American commissioners at Paris, and was accounted for, by them, or their bankers. No one had ever accounted for the other million, nor was it known, for a long time, to whom it had been paid. In 1786, the secretary of congress was directed to make inquiry of Dr. Franklin on the subject. The Doctor requested the French government to inform him, to whom this million had been paid. In answer to his inquiry, he was informed that it was paid, from the royal treasury, on the 10th of June 1776; but the count de Vergennes, refused to give the name of the person, to whom it was paid, or to furnish a copy of the receipt given for it; declaring that this would be of no importance to the United States, as the million was a free gift to them, and no repayment was expected.

* Secret Journals of Congress, vol. 3, p. 254.

Doctor Franklin communicated to the secretary of congress the result of his inquiries, in a letter of January, 1787, in which he says, "by the ministers refusing a copy of the receipt, I *conjecture*, it must be money advanced, *for our use*, to Beaumarchais, and that it is a *mystère du cabinet*, which perhaps, should not be further inquired into, unless necessary to guard against more demands, than may be just, from that agent. For it may well be supposed," he subjoins, "that if the court furnished him, with the means of supplying us, they may not be willing to furnish *authentic proof* of such a transaction, *so early* in our dispute with Great Britain. Pray tell me, has he dropt his demands, or does he still continue to worry you with them?" Dr. Franklin might well suppose, from a conversation, which passed in his presence, between Vergennes and the British minister, Grenville, at the commencement of negotiations for peace, in 1782, that if such proof existed, the French minister would be unwilling to produce it. In this conversation, Grenville intimated, that if the independence of the United States should be acknowledged by Great Britain, every thing else, should be placed upon the footing of the peace of 1763. To this intimation Vergennes answered, it would not be reasonable, that a nation, after making an unprovoked and unsuccessful war upon its neighbor, should expect to sit down whole, and have every thing restored, which she had lost in such a war. Grenville remarked, that the war had been provoked, by the encouragement given by France to the Americans, to revolt. The French minister grew warm, at this remark, and declared, "that the breach was made, and independence declared by the Americans *long before* they received the least encouragement from France, and he defied the world to prove it."*

Beaumarchais still continued to press for the payment of the residue of his demands; and in 1788, his claim was referred to the board of treasury. The members of this board, in their report of September of that year, declared, that the million in

* Franklin's Works, vol. 3, p. 282.

question, if paid to Beaumarchais, agreeably to the suggestion of Dr. Franklin, ought to be charged against his claim.

That this million was received by him, rested in conjecture, until 1794, when Gouverneur Morris, the American minister at Paris, was directed to apply to the then government of France, for the name of the person to whom this million had been paid. The officers of the government, readily complied with his request, and furnished him with a copy of Beaumarchais' receipt before mentioned, for the million in question, dated the 10th of June, 1776; the original being found among a set of papers filed "United States."

The accounting officers of the treasury of the United States, after receiving this information, charged this million with interest against the claim of Beaumarchais, and paid him the balance. Against this charge he and his heirs have complained and applied to congress for relief.

APPENDIX—NOTES.

NO. 1.

Articles of confederation between the plantations under the government of the Massachusetts, New Plymouth, Connecticut, New Haven, in New England, with the plantations in combination with them.

Whereas, we all came into these parts of America with one and the same end and aim, namely, to advance the kingdom of our Lord Jesus Christ, and to enjoy the liberties of the gospel in purity with peace ; and whereas in our settling, (by the wise providence of God,) we are further dispersed from the sea coast and rivers, than was at the first intended, so that we cannot according to our desire, with convenience communicate in one government and jurisdiction ; and whereas, we live encompassed with people of several nations and strange languages, which hereafter may prove injurious to us and our posterity ; and forasmuch as the natives have committed sundry insolences and outrages upon several plantations of the English, and have of late combined themselves against us, and seeing, by reason of the sad distractions in England, (which they have heard of, or by which they know,) we are hindered, both from the humble way of seeking advice, and reaping those comfortable fruits of protection, which at other times we might well expect ; we therefore do conceive it our bounden duty, without delay, to enter into a present consociation amongst ourselves, for mutual help and strength in all future concerns ; that as in nation and relation, so in other respects we be, and continue one, according to the tenor and true meaning of the ensuing articles.

1. Wherefore, it is fully agreed and concluded, between the parties and jurisdictions above named, and they jointly and severally do by these presents agree, and conclude that they all be, and henceforth be called by the name of the United Colonies of New England.

2. The said United Colonies, for themselves and their posterities, do jointly and severally, hereby enter into a firm and perpetual league of friendship and amity, for offense and defense, mutual advice and succor, upon all just occasions, both for preserving and propagating

the truths and liberties of the gospel, and for their own mutual safety and welfare.

3. It is further agreed that the plantations which at present are, or hereafter shall be, settled within the limits of the Massachusetts, shall be forever under the government of the Massachusetts, and shall have peculiar jurisdiction amongst themselves, in all cases, as an entire body. And that Plymouth, Connecticut, and New Haven, shall each of them, in all respects, have peculiar jurisdiction and government, within their limits; and in reference to the plantations which are already settled, or shall hereafter be erected, and shall settle within any of their limits respectively; provided that no other jurisdiction shall be taken in, as a distinct head or member of this confederation, nor shall any other, either plantation or jurisdiction in present being, and not already in combination, or under the jurisdiction of any of their confederates, be received by any of them, nor shall any two of these confederates, join in one jurisdiction without consent of the rest, which consent to be interpreted, as in the sixth ensuing article is expressed.

4. It is also by these confederates agreed, that the charge of all just wars, whether offensive or defensive, (upon what part or member of this confederation soever they shall fall,) shall both in men and provisions, and all other disbursements, be borne by all the parts of this confederation, in different proportions, according to their different abilities, in the manner following, viz: That the commissioners for each jurisdiction, from time to time, as there shall be occasion, bring account and number of all the males in each plantation, or any way belonging to or under their several jurisdictions, of what quality or condition soever they be, from sixteen years old to sixty, being inhabitants there; and that according to the different numbers, which from time to time shall be found in each jurisdiction, upon a true and just account, the service of men, and all charges of the war be borne by the poll. Each jurisdiction or plantation being left to their own just course or custom of rating themselves and people, according to their different estates, with due respect to their qualities and exemptions among themselves; though the confederates take no notice of any such privilege, and that according to the different charge of each jurisdiction and plantation, the whole advantage of the war, (if it pleased God so to bless their endeavors,) whether it be in land, goods, or persons, shall be proportionably divided amongst the said confederates.

5. It is further agreed, that if any of these jurisdictions or any plantation under, or in combination with them, be invaded by any enemy whatsoever, upon notice and request of any three magistrates of that jurisdiction so invaded, the rest of the confederates, without any further notice or expostulation, shall forthwith send aid to confederates in danger, but in different proportions, viz: the Massachusetts, an hundred men, sufficiently armed and provided for such a service and journey; and each of the rest forty-five men, so armed and provided, or any less number, if less be required, according to this proportion. But if such a confederate in danger, may be supplied by their next confederate, not exceeding the number hereby agreed, they may crave help thence, and seek no further for the present; the charge to be borne, as in this article is expressed; but at their return to be victualled and supplied with powder and shot, (if there be need,) for their journey, by that jurisdiction, which employed or sent for them. But none of the jurisdictions to exceed those numbers, till by a meeting of the commissioners for this confederation, a greater aid appear necessary; and this proportion to continue, till upon knowledge of numbers in each jurisdiction, which shall be brought to the next meeting, some other proportion be ordered: but in any such case of sending men for present aid, (whether before or after such order or alterations,) it is agreed, that at the meeting of the commissioners, for this confederation, the cause of such war or invasion be duly considered. And if it appear that the fault lay in the party invaded, that then the jurisdiction or plantation make just satisfaction, both to the invaders whom they have injured, and bear all the charge of the war themselves, without requiring any allowance from the rest of the confederates, toward the same. And further, that if any jurisdiction see danger of an invasion approaching, and there be time for a meeting, that in such case three magistrates of that jurisdiction may summon a meeting at such convenient place, as themselves think meet, to consider and provide against the threatened danger. Provided, when they are met, they may remove to what place they please; only when any of these four confederates have but three magistrates in their jurisdiction, a request or summons from any two of them shall be accounted of equal force, with the three mentioned in both the clauses of this article, till there be an increase of magistrates there.

6. It is also agreed and concluded, that for the managing of all affairs, proper to, and concerning the whole confederation, two commis-

sioners shall be chosen by and out of each of those jurisdictions, viz. : two for the Massachusetts, and so for the other three, (all in church fellowship with us,) which shall bring full power from their several general courts respectively, to hear and examine, weigh and determine, all affairs of war or peace, leagues, aid, charges, numbers of men of war, disvision of spoil, or whatsoever is gotten by conquest, receiving of more confederates or plantations into combination with any of these confederates, and all things of like nature, which are the proper concomitants and consequents of such a confederation, for amity, offense and defense, (not intermeddling with the government of any of the jurisdictions, which by the 3d article is preserved entirely by them ;) but if these eight commissioners, when they meet, shall not agree, yet it is concluded that any six of the eight agreeing, shall have power to determine and settle the business in question. But if six do not agree, that then such propositions, with their reasons, (so far as they have been debated,) be sent and referred to the four general courts, viz.: the Massachusetts, Plymouth, Connecticut, and New Haven, and if at all the said general courts, the business so referred be concluded, then to be prosecuted by the confederates and all their members. It is further agreed, that these eight commissioners shall meet every year, (besides extraordinary meetings, according to the 5th article,) to consider, treat, and conclude of all affairs, belonging to this confederation ; which meeting shall ever be the first Thursday in September, and that the next meeting after the date of these presents, (which shall be accounted the second meeting,) shall be at Boston in the Massachusetts ; the third, at Hartford ; the fourth, at New Haven ; the fifth, at Plymouth ; the sixth and seventh, at Boston ; and then at Hartford, New Haven, and Plymouth, and so on in course successively ; if, in the mean time, some middle place be not found out, and agreed upon, which may be commodious for all the jurisdictions.

7. It is further agreed, that at each meeting of these eight commissioners, (whether ordinary or extraordinary,) they all, or any six of them, agreeing as before, may choose their president, out of themselves, whose office and work shall be, to take care and direct for order, and a comely carrying on of all proceedings in their present meeting: But he shall be invested with no such power or respect, as by which he shall hinder the propounding or progress of any business, or any way cast the scales otherwise, than in the preceding article is agreed.

8. It is also agreed, that the commissioners for this confederation hereafter, at their meetings, (whether ordinary or extraordinary,) as they may have commission or opportunity, do endeavor to frame and establish agreements and orders in general cases of a civil nature, wherein all the plantations are interested for preserving peace among themselves, and preventing, (as much as may be,) all occasions of war or differences with others; as about free and speedy passage of justice in every jurisdiction to all the confederates equally as to their own; receiving those that remove from one plantation to another without due certificates; how all the jurisdictions may carry it towards the Indians, that they neither grow insolent nor be injured without due satisfaction, lest war break in upon the confederates through such miscarriages. It is also agreed, that if any servant run away from his master, into any of the confederate jurisdictions, that in such case, (upon certificate from one magistrate in the jurisdiction out of which the said servant fled, or upon other due proof,) the said servant shall be either delivered to his master, or any other that pursues, and brings such certificate and proof. And that upon the escape of any prisoner, or fugitive, for any criminal cause, whether breaking prison or getting from the officer, or otherwise escaping; upon the certificate of two magistrates of the jurisdiction out of which the escape is made, that he was a prisoner or such an offender at the time of the escape, the magistrate, or some of them of that jurisdiction, where for the present the said prisoner or fugitive abideth, shall forthwith grant such a warrant as the case will bear, for the apprehending of any such person, and the delivery of him into the hand of the officer, or other person who pursueth him. And if there be help required, for the safe returning of any such offender, then it shall be granted unto him that craves the same, he paying the charges thereof.

9. And for that the justest wars may be of dangerous consequence, (especially to the smaller plantations in these united colonies,) it is agreed, that neither the Massachusetts, Plymouth, Connecticut nor New Haven, nor any of the members of any of them, shall at any time hereafter begin, undertake or engage themselves, or this confederation, or any part thereof, in any war whatsoever, (sudden exigencies, with the necessary consequences thereof excepted, which are also to be moderated as much as the case will permit,) without

the consent and agreement of the forenamed eight commissioners, or at least six of them, as in the sixth article is provided. And that no charge be required of any of the confederates, in case of a defensive war, till the said commissioners have met, and approved the justice of the war, and have agreed upon the sums of money to be levied; which sum is then to be paid by the several confederates, in proportion according to the fourth article.

10. That in extraordinary occasions, when meetings are summoned by three magistrates of any jurisdiction or two, as in the fifth article, if any of the commissioners come not, (due warning being given or sent,) it is agreed that four of the commissioners shall have power to direct a war which cannot be delayed, and to send for due proportions of men, out of each jurisdiction, as well as six, might have done, if all had met; but not less than six shall determine the justice of war, or allow the demands or bills of charges, or cause any levies to be made for the same.

11. It is further agreed, that if any of the confederates shall hereafter break any of these present articles, or be other way injurious to any of the other jurisdictions such breach of agreement or injury shall be duly considered and ordered by the commissioners of the other jurisdictions, that both peace and this present confederation may be entirely preserved without violation.

12. Lastly, this perpetual confederation and the several articles and agreements thereof being read, and seriously considered, both by the general court for the Massachusetts, and the commissioners for the other three; were subscribed presently by the commissioners, (all save those of Plymouth, who, for want of sufficient commission from their general court, deferred their subscription till the next meeting, and then they subscribed also,) and were to be allowed by the general courts of the several jurisdictions, which accordingly was done, and certified at the next meeting, held at Boston, September 7, 1643.

Boston, May 29th, 1643.

NO. 2.

The commissioners of the colonies, who formed a plan of union at Albany, in June, 1754.

New York.

JOSEPH MURRAY,
WILLIAM JOHNSON,
JOHN CHAMBERS,
WILLIAM SMITH.

New Hampshire.

THEODORE ATKINSON,
RICHARD WILLARD,
MESHECH WEARE,
HENRY SHERBURNE.

Massachusetts.

SAMUEL WELLES,
JOHN CHANDLER,
OLIVER PARTRIDGE,
THOMAS HUTCHINSON,
JOHN WORTHINGTON.

Connecticut.

WILLIAM PITKIN,
ROGER WOLCOTT,
ELISHA WILLIAMS.

Rhode Island.

STEPHEN HOPKINS,
MARTIN HOWARD.

Maryland.

BENJAMIN FRASHER,
BENJAMIN BARNES.

Pennsylvania.

JOHN PENN,
ISAAC NORRIS,
BENJAMIN FRANKLIN,
RICHARD PETERS.

NO. 3.

Plan of a proposed union of the several colonies of Massachusetts Bay, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, and South Carolina, for their mutual defense and security, and for extending the British settlements in North America:

It is proposed—That humble application be made for an act of parliament of Great Britain, by virtue of which one general government may be formed in America, including all the said colonies, within and under which government each colony may retain its present constitution, except in the particulars wherein a change may be directed by the said act as hereafter follows:—

That the said general government be administered by a president general, to be appointed and supported by the crown; and a grand council to be chosen by the representatives of the people of the several colonies met in their respective assemblies.

That within — months after the passing such act, the house of representatives that happen to be sitting within that time, or that shall be especially for that purpose convened, may and shall choose members for the grand council, in the following proportion, that is to say—

Massachusetts Bay,	-	-	-	-	-	7
New Hampshire,	-	-	-	-	-	2
Connecticut,	-	-	-	-	-	5
Rhode Island,	-	-	-	-	-	2
New York,	-	-	-	-	-	4
New Jersey,	-	-	-	-	-	3
Pennsylvania,	-	-	-	-	-	6
Maryland,	-	-	-	-	-	4
Virginia,	-	-	-	-	-	7
North Carolina,	-	-	-	-	-	4
South Carolina,	-	-	-	-	-	4

 48

who shall meet for the first time at the city of Philadelphia, in Pennsylvania, being called by the president general as soon as convenient may be, after his appointment.

That there shall be a new election of the members of the grand council every three years; and on the death or resignation of any member, his place shall be supplied by a new choice at the next sitting of the assembly of the colony he represented.

That after the first three years, when the proportion of money arising out of each colony to the general treasury can be known, the number of members to be chosen for each colony, shall from time to time, in all ensuing elections, be regulated by that proportion, (yet so as that the number to be chosen by any one province be not more than seven, nor less than two.)

That the grand council shall meet once in every year, and oftener if occasion require, at such time and place as they shall adjourn to at the last preceding meeting, or as they shall be called to meet at by the president general, on any emergency; he having first obtained in meeting the consent of seven of the members to such call, and sent due and timely notice to the whole.

That the grand council have power to choose their speaker; and shall neither be dissolved, prorogued, nor continue sitting longer than six weeks at one time; without their own consent or the special command of the crown.

That the members of the general council shall be allowed for their service ten shillings sterling per diem, during their session and journey to and from the place of meeting; twenty miles to be reckoned a day's journey.

That the assent of the president general be requisite to all acts of the grand council; and that it be his office and duty to cause them to be carried into execution. •

That the president general, with the advice of the grand council, hold or direct all Indian treaties, in which the general interest of the colonies may be concerned; and make peace or declare war with Indian nations.

That they make such laws as they judge necessary for regulating all Indian trade.

That they make all purchases from Indians for the crown, of lands not now within the bounds of particular colonies, or that shall not be within their bounds when some of them are reduced to more convenient dimensions.

That they make new settlements on such purchases, by granting lands in the king's name, reserving a quit rent to the crown for the use of the general treasury.

That they make laws for regulating and governing such new settlements, till the crown shall think fit to form them into particular governments.

That they raise and pay soldiers and build forts for the defense of any of the colonies, and equip vessels of force to guard the coasts and protect the trade upon the ocean, lakes, or great rivers; but they shall not impress men in any colony without the consent of the legislature.

That for these purposes they have power to make laws, and lay and levy such general duties, imposts, or taxes, as to them shall appear most equal and just, (considering the ability and other circumstances of the inhabitants in the several colonies,) and such as may be collected with the least inconvenience to the people; rather discouraging luxury, than loading industry with unnecessary burdens.

That they may appoint a general treasurer and particular treasurer in each government when necessary; and from time to time may order the sums in the treasuries of each government into the general treasury; or draw on them for special payments, as they find most convenient; yet no money to issue but by joint orders of the president general and grand council; except where sums have been appropriated to particular purposes and the president general is previously empowered by an act to draw for such sums.

That the general accounts shall be yearly settled and reported to the several assemblies.

That a quorum of the grand council empowered to act with the president general, do consist of twenty five members; among whom there shall be one or more from a majority of the colonies.

That the laws made by them for the purposes aforesaid shall not be repugnant, but as near as may be, agreeable to the laws of England, and shall be transmitted to the king in council for approbation as soon as may be after their passing; and if not disapproved within three years after presentation, to remain in force.

That in case of the death of the president general, the speaker of the grand council for the time being shall succeed, and be vested with the same powers and authorities, to continue till the king's pleasure be known.

That all military commission officers, whether for land or sea service to act under this general constitution, shall be nominated by the president general; but the approbation of the grand council is to be obtained, before they receive their commission. And all civil officers are to be nominated by the grand council, and to receive the president general's approbation before they officiate.

But in case of vacancy by death, or removal of any officer, civil or military, under this constitution, the governor of the province in which such vacancy happens, may appoint till the pleasure of the president general and grand council can be known.

That the particular military as well as civil establishments in each colony remain in their present state, the general constitution notwithstanding; and that on sudden emergencies any colony may defend itself and lay the accounts of expense thence arising before the president general and general council, who may allow and order payment of the same as far as they judge such accounts just and reasonable.

NO. 4.

Stamp Act.

Whereas, by an act made in the last session of parliament, several duties were granted, continued, and appropriated, towards defraying the expenses of defending, protecting, and securing the British colonies and plantations in America: and whereas, it is first necessary, that provision be made for raising a further revenue within your majesty's dominions in America, towards defraying the said expenses; we, your majesty's most dutiful and loyal subjects, the commons of Great Britain, in parliament assembled, have therefore resolved, to give and grant unto your majesty the several rites and duties hereinafter mentioned; and do most humbly beseech your majesty that it may be enacted, And be it enacted, by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That from and after the first day of November, one thousand seven hundred and sixty five, there shall be raised, levied, collected and paid, unto his majesty, his heirs and successors, throughout the colonies and plantations in America, which now are, or hereafter may be, under the dominion of his majesty, his heirs and successors,

1. For every skin of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any declaration, plea, replication, rejoinder, demurrer, or other pleading, or any copy thereof, in any court of law within the British colonies and plantations in America, a stamp duty of three pence.

2. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any special bail, and appearance upon such bail in any such court, a stamp duty of two shillings.

3. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which may be engrossed, written or printed, any petition, bill, or answer, claim, plea, replication, rejoinder, demurrer, or other pleading, in any court of chancery or equity, within the said colonies and plantations, a stamp duty of one of shilling and six pence.

4. For every skin or piece of vellum, or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any

copy of any petition, bill, answer, claim, plea, replication, rejoinder, demurrer, or other pleading, in any such court, a stamp duty of three pence.

5. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any monition, libel, answer, allegation, inventory, or renunciation; in ecclesiastical matters, in any court of probate, court of the ordinary, or other court exercising ecclesiastical jurisdiction within the said colonies and plantations, a stamp duty of one shilling.

6. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any copy of any will, (other than the probate thereof,) monition, libel, answer, allegation, inventory, or renunciation, in ecclesiastical matters, in any such court, a stamp duty of six pence.

7. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any donation, presentation, collation or institution, of or to any benefice, or any writ or instrument for the like purpose, or any register, entry, testimonial or certificate of any degree taken in any university, academy, college, or seminary of learning, within the said colonies and plantations, a stamp duty of two pounds.

8. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any monition, libel, claim, answer, allegation, information, letter of request, execution, renunciation, inventory, or other pleading, in any admiralty court within the said colonies and plantations, a stamp duty of one shilling.

9. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any copy of any such monition, libel, claim, answer, allegation, information, letter of request, execution, renunciation, inventory or other pleading, shall be engrossed, written or printed, a stamp duty of six pence.

10. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any appeal, writ of error, writ of dower, *ad quod damnum*, certiorari, statute merchant, statute staple, attestation, or certificate, by any officer, or exemplification of any record or proceeding, in any court whatsoever within the said colonies and plantations, (except appeals,

writs of error, certiorari, attestations, certificates, and exemptions, for, or relating to the removal of any proceedings from before a single justice of the peace,) a stamp duty of ten shillings.

11. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any writ of covenant for levying fines, writ of entry for suffering a common recovery, or attachment issuing out of, or returnable into any court within the said colonies and plantations, a stamp duty of five shillings.

12. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any judgment, decree, or sentence, or dismissal, or any record of nisi prius or postea, in any court within the said colonies or plantations, a stamp duty of four shillings.

13. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any affidavit, common bail, or appearance, interrogatory, deposition, rule, order or warrant of any court, or any *dedimus potestatem*, *capias*, *subpœna*, summons, compulsory citation, commission, recognisance, or any other writ, process, or mandate, issuing out of, or returnable in to, any court, or any office belonging thereto, or any other proceeding therein whatsoever, or any copy thereof, or of any record not herein before charged, within the said colonies and plantations, (except warrants relating to criminal matters, and proceedings thereon, or relation thereto,) a stamp duty of one shilling.

14. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any note or bill of lading, which shall be signed for any kind of goods, wares, or merchandize, to be exported from, or any docket or clearance granted within the said colonies and plantations, a stamp duty of four pence.

15. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, letters of mart or commission for private ships of war, within the said colonies and plantations, a stamp duty of twenty shillings.

16. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any grant, appointment, or admission of or to any public beneficial office

or employment, for the space of one year, or any lesser time, of or above twenty pounds per annum, sterling money, in salary, fees, and perquisites, within the said colonies and plantations, (except commissions and appointments of officers of the army, navy, ordnance, or militia, of judges, and of justices of the peace,) a stamp duty of ten shillings.

17. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any grant of any liberty, privilege, or franchise, under the seal or sign manual, of any governor, proprietor, or public officer, alone, or in conjunction with any other person or persons, or with any council, or any council and assembly, or any exemption of the same, shall be engrossed, written, or printed, within the said colonies and plantations, a stamp duty of six pounds.

18. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any license for retailing of spirituous liquors, to be granted to any person who shall take out the same, within the said colonies and plantations, a stamp duty of twenty shillings.

19. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any license for retailing of wine, to be granted to any person who shall not take out a license for retailing of spirituous liquors, within the said colonies and plantations, a stamp duty of four pounds.

20. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any license for retailing of wine, to be granted to any person who shall take out a license for retailing of spirituous liquors, within the said colonies and plantations, a stamp duty of three pounds.

21. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any probate of wills, letters of administration, or of guardianship for any estate above the value of twenty pounds sterling money, within the British colonies plantations upon the continent of America, the islands belonging thereto, and the Bermuda and Bahama islands, a stamp duty of five shillings.

22. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any such probate, letters of administration or of guardianship, within all

other parts of the British dominions in America, a stamp duty of ten shillings.

23 For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any bond for securing the payment of any sum of money, not exceeding the sum of ten pounds sterling money, within the British colonies and plantations upon the continent of America, the islands belonging thereto, and the Bermuda and Bahama islands, a stamp duty of six pence.

24. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any bond for securing the payment of any sum of money above ten pounds, and not exceeding twenty pounds sterling money, within such colonies, plantations and islands, a stamp duty of one shilling.

25. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any bond for securing the payment of any sum of money above twenty pounds, and not exceeding forty pounds sterling money, within such colonies, plantations and islands, a stamp duty of one shilling and six pence.

26. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any order or warrant for surveying or setting out any quantity of land, not exceeding one hundred acres, issued by any governor, proprietor, or any public officer, alone, or in conjunction with any other person or persons, or with any council, or any council and assembly, within the British colonies and plantations in America, a stamp duty of six pence.

27. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any such order or warrant for surveying or setting out any quantity of land above one hundred and not exceeding two hundred acres, within the said colonies and plantations, a stamp duty of one shilling.

28. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any such order or warrant for surveying or setting out any quantity of land above two hundred and not exceeding three hundred and twenty acres, and in proportion for every such order or warrant for surveying or setting out every other three hundred and twenty acres, within

the said colonies and plantations, a stamp duty of one shilling and six pence.

29. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any original grant or deed, mesne conveyance, or other instrument whatever, by which any quantity of land, not exceeding one hundred acres, shall be granted, conveyed, or assigned, within the British colonies and plantations upon the continent of America, the islands belonging thereto, and the Bermuda and Bahama islands (except leases for any term not exceeding the term of twenty-one years) a stamp duty of one shilling and six pence.

30. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land, above one hundred and not exceeding two hundred acres, shall be granted, conveyed, or assigned, within such colonies, plantations and islands, a stamp duty of two shillings.

31. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land, above two hundred, and not exceeding three hundred and twenty acres, shall be granted, conveyed, or assigned, and in proportion for every such grant, deed, mesne conveyance, or other instrument, granting, conveying or assigning every other three hundred and twenty acres, within such colonies, plantations and islands, a stamp duty of two shillings and six pence.

32. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land, not exceeding one hundred acres, shall be granted, conveyed, or assigned, within all other parts of the British dominions in America, a stamp duty of three shillings.

33. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written or printed, any such original grant, or any such deed, mesne conveyance, or other

instrument whatsoever, by which any quantity of land, above one hundred and not exceeding two hundred acres, shall be granted, conveyed, or assigned, within the same parts of the said dominions, a stamp duty of four shillings.

34. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any such original grant, or any such deed, mesne conveyance, or other instrument whatsoever, by which any quantity of land, above two hundred and not exceeding three hundred and twenty acres, shall be granted, conveyed, or assigned, and in proportion for every such grant, deed, mesne conveyance, or other instrument, granting, conveying, or assigning every other three hundred and twenty acres, within the same parts of the said dominions, a stamp duty of five shillings.

35. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any grant, appointment, or admission, of or to any beneficial office or employment, not herein before charged, above the value of twenty pounds per annum sterling money, in salary, fees, or perquisites, or any exemption of the same, within the British colonies and plantations upon the continent of America, the islands belonging thereto, and the Bermuda and Bahama islands, (except commissions of officers of the army, navy, ordnance, or militia, and of justices of the peace,) a stamp duty of four pounds.

36. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any such grant, appointment, or admission, of or to any such public beneficial office or employment, or any exemption of the same, within all other parts of the British dominions in America, a stamp duty of six pounds.

37. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any indenture, lease, conveyance, contract, stipulation, bill of sale, charter party, protest, articles of apprenticeship or covenant, (except for the hire of servants not apprentices, and also except such other matters as herein before charged,) within the British colonies and plantations in America, a stamp duty of two shillings and six pence.

38. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any warrant or order for auditing any pub-

lic accounts, beneficial warrant, order, grant, or certificate, under any public seal, or under the seal or sign manual of any governor, proprietor, or public officer, alone, or in conjunction with any other person or persons, or with any council, or any council and assembly, not herein before charged, or any passport or letpass, surrender of office, or policy of assurance, shall be engrossed, written, or printed, within the said colonies and plantations, (except warrants or orders for the service of the army, navy, ordnance, or militia, and grants of offices under twenty pounds per annum, in salary, fees, and perquisite,) a stamp duty of five shillings.

39. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any notarial act, bond, deed, letter of attorney, procuration, mortgage, release, or other obligatory instrument, not herein before charged, within the said colonies and plantations, a stamp duty of two shillings and three pence.

40. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any register, entry, or enrolment of any grant, deed, or other instrument whatsoever, herein before charged, within the said colonies and plantations, a stamp duty of three pence.

41. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be engrossed, written, or printed, any register, entry, or enrolment of any grant, deed, or other instrument whatsoever, not herein before charged, within the said colonies and plantations, a stamp duty of two shillings.

42. And for and upon every pack of playing cards, and all dice, which shall be sold or used within the said colonies and plantations, the several stamp duties following: (that is to say,)

43. For every pack of such cards, one shilling.

44. And for every pair of such dice, ten shillings.

45. And for and upon every paper called a *pamphlet*, and upon every newspaper, containing public news, or occurrences, which shall be printed, dispersed, and made public, within any of the said colonies and plantations, and for and upon such advertisements as are hereinafter mentioned, the respective duties following; (that is to say,)

46. For every such pamphlet and paper, contained in a half sheet, or any lesser piece of paper, which shall be so printed, a stamp duty of one half penny for every printed copy thereof.

47. For every such pamphlet and paper, (being larger than half a sheet, and not exceeding one whole sheet,) which shall be so printed, a stamp duty of one penny for every printed copy thereof.

48. For every pamphlet and paper, being larger than one whole sheet, and not exceeding six sheets in octavo, or in a lesser page, or not exceeding twelve sheets in quarto, or twenty sheets in folio, which shall be so printed, a duty after the rate of one shilling for every sheet of any kind of paper which shall be contained in one printed copy thereof.

49. For every advertisement to be contained in any gazette, newspaper, or other paper, or any pamphlet which shall be so printed, a duty of two shillings.

50. For every almanac or calendar, for any one particular year, or for any time less than a year, which shall be written or printed on one side only of any one sheet, skin, or piece of paper, parchment, or vellum, within the said colonies and plantations, a stamp duty of two pence.

51. For every other almanac, or calendar, for any one particular year, which shall be written or printed within the said colonies and plantations, a stamp duty of four pence.

52. And for every almanac or calendar, written or printed in the said colonies and plantations, to serve for several years, duties to the same amount respectively shall be paid for every such year.

53. For every skin or piece of vellum or parchment, or sheet or piece of paper, on which any instrument, proceeding, or other matter or thing aforesaid, shall be engrossed, written, or printed, within the said colonies and plantations, in any other than the English language, a stamp duty of double the amount of the respective duties before charged thereon.

54. And there shall be also paid, in the said colonies and plantations, a duty of six pence for every twenty shillings, in any sum not exceeding fifty pounds sterling money, which shall be given, paid, contracted, or agreed for, with or in relation to any clerk or apprentice, which shall be put or placed to or with any master or mistress, to learn any profession, trade, or employment. 2. And also a duty of one shilling

for every twenty shillings, in any sum exceeding fifty pounds, which shall be given, paid, contracted, or agreed for, with, or in relation to, any such clerk or apprentice.

55. Finally, the produce of all the aforementioned duties shall be paid into his majesty's treasury; and there held in reserve, to be used, from time to time, by the parliament, for the purpose of defraying the expenses necessary for the defense, protection, and security of the said colonies and plantations.

NO. 5.

Circular Letter of Massachusetts.

Boston, June, 1776.

SIR,—The house of representatives of this province, in the present session of the general court, have unanimously agreed to propose a meeting, as soon as may be, of committees, from the house of representatives or burgesses of the several British colonies on this continent, to consult together on the present circumstances of the colonies, and the difficulties to which they are, and must be reduced, by the operation of the acts of parliament for levying duties and taxes on the colonies; and to consider of a general, and united, dutiful, loyal, and humble representation of their condition, to his majesty and the parliament, and to implore relief. The house of representatives of this province have also voted to propose, that such meeting be at the city of New York, on the first Tuesday in October next; and have appointed a committee of three of their members to attend that service, with such as the other houses of representatives, or burgesses, in the several colonies, may think fit to appoint to meet them. And the committee of the house of representatives of this province, are directed to repair to said New York, on said first Tuesday in October next, accordingly.

If, therefore, your honorable house should agree to this proposal, it would be acceptable, that as early notice of it as possible, might be transmitted to the speaker of the house of representatives of this province.

SAMUEL WHITE, *Speaker.*

NO. 6.

State of Rhode Island and Providence Plantations.

In General Assembly, September Session, 1765.

This assembly taking into the most serious consideration an act passed by the parliament of Great Britain at their last session, for levying stamp duties and other internal duties in North America, do resolve,

1. That the first adventurers, settlers of this his majesty's colony and dominion of Rhode Island and Providence plantations, brought with them and transmitted to their posterity, and all other his majesty's subjects since inhabiting in this his majesty's colony, all the privileges and immunities that have at any time been held, enjoyed and possessed by the people of Great Britain.

2. That by a charter granted by king Charles the second, in the fifteenth year of his reign, the colony aforesaid is declared and entitled to all the privileges and immunities of natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

3. That his majesty's liege people of this colony, have enjoyed the right of being governed by their own assembly, in the article of taxes and internal police; and that the same hath never been forfeited, or any other way yielded up, but hath been constantly recognized by the king and people of Britain.

4. That therefore the general assembly of this colony, have, in their representative capacity, the only exclusive right to lay taxes and imposts upon the inhabitants of this colony; and that every attempt to vest such power in any person or persons whatever, other than the general assembly aforesaid, is unconstitutional, and hath a manifest tendency to destroy the liberties of the people of the colony.

5. That his majesty's liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance, designed to impose any internal taxation whatsoever upon them, other than the laws or ordinances of the general assembly aforesaid.

6. That all the officers of this colony, appointed by the authority thereof, be, and they are hereby directed to proceed in the execution of their respective offices, in the same manner as usual: and that this

assembly will indemnify and save harmless all the said officers, on account of their conduct agreeable to this resolution.

True copy—Witness,

HENRY BOWEN, *Secretary.*

Same Session.

It is voted and resolved that the following be the instructions to the commissioners who shall be appointed by this assembly to meet commissioners of the other governments at New York.

Gentlemen—This assembly taking into consideration the late act of the parliament of Great Britain, for levying stamp duties upon the colonies of North America, and extending the jurisdiction of the courts of admiralty, are humbly of opinion, that the said act is oppressive and injurious, and deprives us of some of our most essential rights and liberties, which we have enjoyed ever since the first settlement of the colony; which have been confirmed by a royal charter, and have never been forfeited nor contested, but have ever been recognized by the king and parliament of Great Britain.

The house of representatives of the province of the Massachusetts Bay, have proposed a meeting of committees appointed by the several British colonies on this continent, at New York, on the first Tuesday in October next, to consult together upon the present circumstances of the colonies, and the difficulties to which they are, and must be reduced by the operation of the said act of parliament; and to consider of a general and united, dutiful, loyal, and humble representation to his majesty and the parliament; and to implore relief. *

This assembly willing to exert themselves to the utmost for the preservation of their inestimable rights and liberties; and having the pleasure to be informed, that the inhabitants of the other colonies are actuated by the same principle, that some of them have and others are about appointing commissioners for the aforesaid purpose: have and do hereby appoint you to be commissioners in behalf of this colony, to meet those that are or shall be appointed by the other colonies, at the proposed congress: and do give you the following instructions and directions to be observed by you in discharging your trust, viz.:

You are directed to repair to New York, in such season as to proceed upon business with the other commissioners on the first Tuesday in October next.

You are also directed, and fully empowered and authorized, to unite with the other commissioners, or the major part of them, in preparing such an humble, dutiful, and loyal representation and address as is above mentioned; and to sign the same in behalf of this colony: and also to join with the other commissioners in taking the proper measures for laying the said representation and address before his majesty and the parliament, at the first opening of the session.

This assembly have hearts filled with the sincerest affection and loyalty to his majesty; and have the highest sense of their subordination to that august assembly the British parliament: nevertheless they would assert their rights and privileges with becoming freedom and spirit: and therefore you are directed to use your endeavors that the said representation and address express these sentiments in the strongest manner.

You are further directed to assure the other commissioners, that this general assembly will give their agent in London, all necessary orders and power to enable him to co-operate with the agents of the other colonies, in every necessary measure for procuring relief in these important affairs.

The general decay of trade and commerce, which is so severely felt in all the plantations upon this continent, induces us further to direct you, that if a majority of the other commissioners, shall think it prudent to make any representation to his majesty and the parliament upon that subject, you join with them in an humble, dutiful address, to procure the restrictions and burdens laid upon commerce to be alleviated.

And further, if any other measures shall be proposed and agreed upon by the majority of the commissioners who shall meet upon this occasion, for obtaining relief, you are hereby empowered to join and unite with them in such measures, if they shall appear to you reasonable, and probable to answer the desired end.

To you gentlemen, this assembly have committed concerns of the last consequence to themselves, to their constituents, and to posterity: and we hope that the just sense you entertain of the importance of the trust we have placed in you, will induce you to exert all your capacities to discharge it in such manner as to do honor to yourselves, and service to the colony.

True copy—Witness,

HENRY BOWEN, *Secretary.*

NO. 7.

Commissioners composing the Congress at New York, in 1765

Massachusetts.

TIMOTHY RUGGLES,
JAMES OTIS,
OLIVER PARTRIDGE.

Rhode Island.

HENRY WARD,
METCALF BOWLER.

Connecticut.

ELIPHALET DYER,
WM. SAMUEL JOHNSON,
DAVID ROWLAND.

New York.

ROBERT R. LIVINGSTON,
JOHN CRUGER,
PHILIP LIVINGSTON,
WILLIAM BAYARD,
LEONARD LISPENARD.

Pennsylvania.

JOHN DICKINSON,
JOHN MORTON,
GEORGE BRYAN.

Delaware.

CESAR RODNEY,
THOMAS MCKEAN.

Maryland.

WILLIAM MURDOCK,
EDWARD TILGHMAN,
THOMAS RINGOLD.

South Carolina.

CHRISTOPHER GADSDEN,
THOMAS LYNCH,
JOHN RUTLEDGE.

New Jersey.

ROBERT OGDEN,
HENDRICK FISHER.

NO. 8.

Declaration of Rights by the Congress at New York, in October, 1765.

“ The members of this congress, sincerely devoted, with the warmest sentiments of affection and duty, to his majesty’s person and government, inviolably attached to the present happy establishment of the protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered, as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion, respecting the most essential rights and liberties of the colonists, and of the grievances under which they labor, by reason of several late acts of parliament.

1. That his majesty’s subjects in these colonies, owe the same allegiance to the crown of Great Britain, that is owing from his sub-

jects born within the realm, and all due subordination to that august body the parliament of Great Britain.

2. That his majesty's liege subjects in these colonies, are entitled to all the inherent rights and liberties of his natural born subjects, within the kingdom of Great Britain.

3. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives.

4. That the people of these colonies are not, and from their local circumstances, cannot be represented in the house of commons of Great Britain.

5. That the only representatives of these colonies are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed upon them, but by their respective legislatures.

6. That all supplies to the crown being free gifts from the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution, for the people of Great Britain to grant to his majesty the property of the colonists.

7. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

8. That the late act of parliament entitled, 'an act for granting and applying certain stamp duties, and other duties, in the British colonies and plantations in America,' &c. by imposing taxes on the inhabitants of these colonies; and the said act, and several other acts, by extending the jurisdiction of the court of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

9. That the duties imposed by several late acts of parliament, from the peculiar circumstances of these colonies, will be extremely burdensome and grievous; and from the scarcity of specie, the payment of them absolutely impracticable.

10. That as the profits of the trade of these colonies ultimately center in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted to the crown.

11. That the restrictions imposed by several late acts of parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

12. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyment of their rights and liberties, and an intercourse with Great Britain mutually affectionate and advantageous.

13. That it is the right of the British subjects in these colonies to petition the king, or either house of parliament.

14. That it is the indispensable duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavor, by a loyal and dutiful address to his majesty, and humble application to both houses of parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other acts of parliament, whereby the jurisdiction of the admiralty is extended as aforesaid, and of the other late acts for the restriction of American commerce.

NO. 9.

Report of a committee on the subject of Colonial Rights, in the Congress held at New York in October, 1765.

The committee to whom was referred the consideration of the rights, of the British colonies—Report, as their opinion, that the primary, absolute, natural rights of Englishmen as frequently declared, in Acts of parliament from magna charta to this day are the rights of personal security, personal liberty and private property—it is a fundamental principle of the British constitution, that the supreme power cannot take from any man, any part of his property without his consent, in person or by representation, that is, taxes are not to be laid on the people but by their consent in person or by deputy. It seems to be agreed on all hands that the common law of England, and the grand leading principles of the British constitution, have their foundation in the laws of nature, and universal reason; it is also certain, that the British American subjects by charters from the crown and other royal instruments, are declared entitled to all the rights and privileges of natural born subjects within the realm, to all intents, constructions, and purposes. This is also the voice of the common law, and agree-

able to the decision of the judges, ancient and modern. By the 13. George II, even foreigners, having resided seven years in the colonies, on taking the oaths of allegiance, &c. are declared to be his majesty's natural born subjects of the kingdom of Great Britain, to all intent, construction and purpose, as if any of them had been born within the kingdom. The preamble of that act runs thus. "Whereas the increase of the people is the means of advancing the wealth and strength of any nation and country, and that many foreigners and strangers, from the purity of our religion, the benefit of our laws, the advantages of our trade, and the security of our property, might be induced to come and settle in some of his majesty's colonies in America, if they were made partakers of the advantages the natural born subjects there enjoy." The colonies are by this act considered as natural born subjects, and entitled to all the essential rights of such, unless it could be supposed, that foreigners naturalized by this act are entitled to more than the natives. For foreigners so naturalized are to all intents, constructions, and purposes declared to be natural born subjects, as if born within the realm, and consequently entitled to personal security, personal liberty, and the free disposal of their private property, the grand security of all which is that the last shall not be taken away without the consent of the owner. The house of commons have long claimed and exercised a right of originating all money bills; hence it is plain the commons of Great Britain are in effect the sole judges in person or by their representatives, what part of their property shall be appropriated to the service of the public. It is remarkable that the stamp act for America has this clause, viz. "We your majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, have resolved to give and grant unto your Majesty the several rates and duties following," &c. Is this a gift of the property of the members of the house of commons and of their constituents, or of that of the colonists? If the latter, it seems hard that they should not be allowed the honor of making a free gift and grant of their own for his majesty's service. It is also observable, that in the act 1. James I. wherein the parliament recognized their most constant faith, obedience and loyalty to his majesty, and his royal progeny, as in that high court of parliament, where all the whole body of the realm and every particular member thereof, either in person or by representation upon their own free election,

are by the laws of this realm, deemed to be personally present, there is not a word of any virtual representation of Ireland or any other of the dominions, nor is there in the bill of rights; and yet as no man can doubt but that all the dominions were bound by those acts, and that king James and king William were kings *de jure* in the dominions as well as in the realm, so it is equally clear that the declaration of the ancient indubitable rights and liberties of the subject mentioned and confirmed in the last act are also the essential rights and privileges of the subject in the British dominions. It is also observable that the clause cited from the act of James the I. shows how equitable and reasonable it is, that all the subjects within the realm, should be deemed to be present in parliament because they are in fact all there as the act expresses it, in person or by representation *upon their own free election*, can it be said that the colonists, or any of them, are thus there, while this whole continent, containing millions of his majesty's subjects, have neither the return of one member of parliament, nor a single vote in the election of one? Are the cases of Birmingham, Manchester, and a few other places who send no members to parliament, reasonable precedents for taxing all America, especially when it is considered that all counties return members, and all freeholders have a vote in their election. There is not one act or resolution of parliament, nor any law book that we have seen, that declares the colonists to be in any sense represented in the house of commons. Yet it is acknowledged, that the parliament, collectively considered as consisting of king, lords and commons, are the supreme legislature of the whole empire, and as such have an undoubted jurisdiction over the colonies, *so far as is consistent with our essential rights*, of which also they are and must be the final judges, and even the applications and petitions to the king and parliament to implore relief in our present difficulties, will be an ample recognition of our subjection to, and dependence on that legislature.

It is to be apprehended that an undue bias may some time or other take place in the house of commons, were it only from this single consideration that they must ever lighten their own taxes in proportion as they are pleased to give and grant to his majesty, taxes on our freeholds and other property. It seems evident from these and other obvious considerations, that the British American colonies are well entitled to all the essential rights and privileges of natural born sub-

jects within the realm. The whole may be reduced to this single question—How can they be availed of the actual enjoyment of those rights and privileges, especially in the great article of taxation, at their distance from the mother country. Their various circumstances have rendered it necessary for the enjoyment of those rights and privileges, that several colony jurisdictions should be erected, all of them however, subordinate to and controlable by the supreme power of Great Britain, so far as is consistent with civil liberty and happiness. The wisdom of ages has dictated this practice hitherto, what requires that it should now be so essentially altered, is hard to conceive. Under these subordinate jurisdictions, and with an idea of being at least as free in America as they or their forefathers were at any time in Europe, the British colonists have settled the finest part of America with little or no assistance from the crown till the late war. Some of these colonies have been settled more than a century and an half; they have from the beginning exercised a full and free legislative power, in levying taxes and impositions on their own property uncontrolled and unquestioned by the parliament, till very lately. The conduct of the crown and of the parliament towards the colonies, particularly in the late war, strongly imply an exclusive right of taxation here. The requisitions of the crown for aids of men and money seem always to have been made on this principle; the governors of the several colonies were directed from time to time to use their interest and influence with the several assemblies to grant such aids as were required; this must have been on the supposition that the power and liberty of granting or refusing was vested in those assemblies. The several acts of parliament for granting to the king sums of money to enable him to reimburse to his faithful colonies part of their expenses, (which paternal favors are held in grateful remembrance,) suppose that those aids so granted by the colonies were voluntary and free gifts, and that the right of granting them was vested in the several provincial legislatures. It is certain the colonies made very strenuous efforts in the common cause, during the late war, and some of them are now deeply in arrears for debts contracted in that war, which was not so much a dispute about boundaries as a contest between Great Britain and France, for the empire of North America, and the commerce of one half the world. This constant exercise of the right of taxation as it is the best security of

property that a people can have, has been one great inducement to the inhabitants to settle on this continent, and has been ever conceived by them to be an essential part of the compact or social tie between Great Britain and her colonies. The tenure of our lands are as free here as in England, and land being the most valuable and permanent property, and the possession that most firmly attaches the owner to the interest of the country in which it lies, a share of the legislative authority has been annexed to this kind of property, and great regard has ever been had to the freehold. On this principle the constitution of England appears to have been founded, it being evident the parliament in its original form consisted only of the greater barons, that held lands. Many of the baronies being afterwards divided into lesser ones, in process of time the number of the lesser barons became so great that they could not all assemble with convenience; they therefore chose some of their body to represent them. The extension of commerce and the increase of wealth at length rendered it necessary to admit those who carried it on, to a representation and share in the national councils, though they were not entitled to it by holding lands. Thus no person can at this day vote for the election of members of parliament in Great Britain, unless he is qualified by virtue of some franchise, freehold, or other estate held in that kingdom; and it is worthy of remark, that for the preservation of the original constitution, it has been found necessary to recur and adhere to its first principle, by providing that none can be legally chose members of parliament, even by those who do not vote as land holders, unless the persons chosen are entitled to considerable estates in lands. The power of imposing taxes upon a people without their consent, must in the end deprive them of their liberty, be such power in the hands of one, the few, or the many; an absolute power had as good be in, nay in the opinion of some, had better be in the hands of one than of many. That after all, supposing we may be rightly deemed to be virtually represented in the house of commons, and that they represent not only the commons of the realm but those of all the dominions, as they would the inhabitants of the whole globe should the empire ever be extended all *over*, as it now is all *round* the world. Let it also be believed that *their* property is none of *ours*, but that all *ours* is *theirs*, to give and grant to his majesty, freehold and all, at pleasure; yet it is humbly conceived that very strong reasons,

from inconvenience, from the principles of true policy, and the real interests of Great Britain as such, may be adduced to show that the late regulations should be rescinded and the late acts imposing duties and taxes in America repealed.

1st. Money is already become very scarce in America, and is every day decreasing by the exportation of specie from this continent to Great Britain, to discharge our debts to the merchants there.

2d. An immensely heavy debt is yet due from the colonies, for her manufactures imported in larger quantities than usual during the war, by reason of the money then circulating here for a few years, and the extraordinary credit obtained thereby at home.

3d. The balance of trade, as it ever has been, so it probably will ever continue against America and in favor of Britain, unless the necessities of the people arising from regulations similar to those now complained of, shall prevent the colonists from purchasing the manufactures of Britain, and force them to make for themselves; an event that no British freeholder, manufacturer or merchant who knows his own interest can wish to see.

4th. Although the due subordination of the colonies to the crown and parliament, and the dependency of the colonies on Great Britain, are what every intelligent American may wish; as under this system, established with the protestant succession in his majesty's royal person and family, we derive our greatest temporal blessings, the security of our privileges, civil and religious; in consideration of which our lives and fortunes are, and ever have been, devoted to his majesty's service in every constitutional way—yet it is most humbly conceived, that this subordination and dependency is sufficiently secured by the common law, by our allegiance, by the negative of the crown on the laws of most of the provinces, but above all by the general superintending power and authority of the whole empire indisputably lodged in that august body, the parliament of Great Britain, which authority is clearly admitted here, so far as in our circumstances is consistent with the enjoyment of our essential rights as freemen and British subjects—and we further humbly conceive that by the constitution it is no further admissible in Great Britain itself. It is also submitted whether there is not a vast difference between the exercise of parliamentary jurisdiction in general acts for the amendment of the common law, or even in general regulations of trade and commerce

through the empire, and the actual exercise of that jurisdiction in levying external and internal duties and taxes, on the colonists, while they neither are nor can be represented in parliament. The former may very well consist with a reasonable measure of civil liberty in the colonies, but we must beg leave to say, that how the latter is consistent with any degree of freedom we are wholly at a loss to comprehend. Be that as it may, while the restrictions on the trade, commerce, and manufactures of America, are every day increasing, that duties and taxes external or internal, should be required of us seems to be a case of singular hardship.

5th. From the nature of American business, circumstances of our affairs, the multiplicity of suits and papers used in a country where freeholds are so minutely divided, a stamp duty, especially as this act is constructed, must be very unequal and burdensome.

6th. All the penalties and forfeitures mentioned in this and other late acts, are determinable in a court of admiralty at the mere election of an informer, and so at his will and pleasure the subject may be deprived of the inestimable privilege of being tried by his peers, which the common law considers as one of the best birthrights of an Englishman. This is not all, for by the constitution of the newly erected court of admiralty with a general jurisdiction over all his majesty's dominions in America, the subject, according to the residence of the judge which has hitherto been at Halifax, in Nova Scotia, may be carried from one end of a continent of two thousand miles extent to the other.

7th. We think it much in favor of the colonies, that as it is a well grounded general maxim in the doctrine of taxes, that the consumer ultimately pays them, and all the riches of America are as naturally pouring into Britain as the rivers into the sea, and all the manufactures must, by the acts of trade and navigation, come to us from them, as we are allowed to go no where else for them, and that at an advanced price it is said, fifty or sixty per cent, above what they otherwise might be, by reason of the heavy duties and taxes at home, it is clear to a demonstration that as America takes off and consumes one half the British manufactures, that we eventually pay our full proportion to every branch of our sovereigns revenues as now established and collected at home.

8th. And lastly, the high honor and lucrative places and employments for which every good and loyal subject at home, is or may be a candidate, if his abilities will admit of it, the colonists and their posterity must by their great distance from their prince, the fountain, be ever excluded from any reasonable hopes of. We neither ask nor desire more than what every ordinary commoner and freeholder in Britain boasts of, viz. Quiet possession and free disposal of our property, being ever ready freely and cheerfully as our duty and loyalty require, to contribute to the utmost of our abilities to the support of the common cause and his majesty's service, when his just requisitions as heretofore shall be made known.

NO. 10.

A Representation of the Lords Commissioners for Trade and Plantations, touching the Proceedings and Resolutions of the House of Representatives of Massachusetts Bay, with respect to the Act for levying a Duty upon Stamps in America, and to other Acts of the Parliament of Great Britain.

TO THE KING'S MOST EXCELLENT MAJESTY.

May it please your majesty—The house of representatives of your majesty's province of Massachusetts Bay, having, last year, printed and published, in the journals of their proceedings, a letter from a committee of that house to their agent here; in which letter the acts and resolutions of the parliament of Great Britain were treated with the most indecent disrespect, and principles tending to a denial of the right of parliament to levy taxes upon your majesty's subjects in the colonies, were openly avowed; our predecessors in office thought it their duty to transmit this transaction to your majesty's consideration, to the end that such directions might be given, as the nature and importance of the matter should appear to require.

Since this, and since the passing the act of parliament for levying a stamp duty in America, the grounds of which act gave rise to the reflections contained in the abovementioned letter, the same spirit that dictated the sentiments it expresses, has appeared throughout the whole proceedings of the said house of representatives.

Upon the election of counsellors, who, by the constitution of this colony, are annually chosen by the house of representatives, the

strongest endeavors were used to preclude your majesty's secretary of state, who has always been a member of the council from his seat at that board; and this, as your majesty's governor represents, merely on account of his having received an appointment (unsolicited) to be a distributor of the stamps: and the motion made in that house, to discontinue the annual salary allowed for the support of your majesty's governor, upon which proceeding we have this day made a separate representation to your majesty, seems to have arisen from the same motives.

These, however, being only attempts of individuals in the community, would not either have required or deserved your majesty's attention, in the light in which we view them; but it further appears, from the journals of the house of representatives in their last session, that "this assembly, having thought fit to make the propriety and expediency of the stamp act, and of other acts of parliament, a subject of open question and discussion," came to several resolutions and proceedings thereupon, which they kept secret till the last day of their session, when they published them in their printed journals. (Then follow the resolutions.) Then the board of trade proceeds thus; the object of the resolutions and proceedings of the house of representatives of Massachusetts Bay, is to recommend to, and induce, the rest of your majesty's colonies in America, to join in a general congress of committees from the several assemblies, independent of the other branches of the legislature, and without any previous application to your majesty, to consider and deliberate upon the acts of the parliament of this kingdom. As this appears to us to be the first instance of a general congress, appointed by the assemblies of the colonies without the authority of the crown; a measure which we conceive of dangerous tendency in itself, and more especially so, when taken for the purposes expressed in the abovementioned resolution, and connected with the spirit that has appeared throughout the whole conduct of this particular assembly; we therefore think it our indispensable duty to submit this matter to your majesty's consideration, for such directions as your majesty, with the advice of your council, may think proper and expedient to give thereupon.

All which is most humbly submitted, &c.

Whitehall, October 1st, 1765.

NO. 11.

Resolutions introduced into the House of Commons by General Conway, in February 1766, and which passed, before the repeal of the Stamp Act.

1. *Resolved*, That the king's majesty, by and with the advice and consent of the lords spiritual and temporal, and commons of Great Britain, in parliament assembled, had, hath, and of right ought to have, full power and authority to make laws and statutes, of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great Britain, *in all cases whatsoever*.

2. *Resolved*, That it appears to this committee, that tumults and insurrections, of the most dangerous nature, have been raised and carried on in several of the North American colonies, in open defiance of the power and dignity of his majesty's government, and in manifest violation of the laws and legislative authority of this kingdom.

3. *Resolved*, That it appears to this committee, that the said tumults and insurrections have been encouraged and enflamed, by sundry votes and resolutions, passed in several of the assemblies of the said provinces, derogatory to the honor of his majesty's government, and destructive of the legal and constitutional dependency of the said colonies on the imperial crown and parliament of Great Britain.

4. *Resolved*, That it is the opinion of this committee, that an humble address be presented to his majesty, to desire that his majesty would be graciously pleased to give instructions to the governors of the several provinces, where the abovementioned tumults and insurrections have happened, that they should, in his majesty's name, require of the assemblies of the said provinces, to make proper recompense to those who have suffered in their persons or properties, in consequence of the aforesaid tumults and insurrections; and to assure his majesty, that this house will, upon this, and all other occasions, support the lawful authority of his crown, and the rights of parliament.

5. *Resolved*, That it is the opinion of this committee, that all his majesty's subjects residing in the said colonies, who have manifested their desire to comply with, or to assist in, carrying into execution the act for laying a duty on stamps, or any other act of parliament in the British colonies, in North America, have acted as dutiful and loyal subjects, and are therefore entitled to, and will assuredly have, the favor and protection of this house.

NO. 12.

Circular letter of the House of Representatives of Massachusetts.

Province of the Massachusetts Bay, February 11, 1768.

SIR,—The house of representatives of this province have taken into their consideration the great difficulties that must accrue to themselves and their constituents, by the operation of the several acts of parliament imposing duties and taxes on the American colonies.

As it is a subject in which every colony is deeply interested, they have no reason to doubt but your house is duly impressed with its importance : and that such constitutional measures will be come into as are proper. It seems to be necessary, that all possible care should be taken that the representations of the several assemblies, upon so delicate a point, should harmonize with each other : the house, therefore, hope, that this letter will be candidly considered in no other light, than as expressing a disposition freely to communicate their mind to a sister colony, upon a common concern, in the same manner as they would be glad to receive the sentiments of your or any other house of assembly on the continent.

The house have humbly represented to the ministry their own sentiments ; that his majesty's high court of parliament is the supreme legislative power over the whole empire : that in all free states the constitution is fixed : and, as the supreme legislative derives its power and authority from the constitution, it cannot overleap the bounds of it, without destroying its foundation : that the constitution ascertains and limits both sovereignty and allegiance ; and, therefore his majesty's American subjects, who acknowledge themselves bound by the ties of allegiance, have an equitable claim to the full enjoyment of the fundamental rules of the British constitution : that it is an essential, unalterable right in nature, ingrafted into the British constitution as a fundamental law, and ever held sacred and irrevocable by the subjects within the realm, that what a man hath honestly acquired is absolutely his own, which he may freely give, but cannot be taken from him without his consent : that the American subjects may therefore, exclusive of any consideration of charter right, with a decent firmness adapted to the character of freemen and subjects, assert this natural and constitutional right.

It is moreover their humble opinion, which they express with the greatest deference to the wisdom of the parliament, that the acts made

there, imposing duties on the people of this province, with the sole and express purpose of raising a revenue, are infringements of their natural and constitutional rights; because as they are not represented in the British parliament, his majesty's commons in Britain by those acts grant their property without their consent.

This house further are of opinion, that their constituents, considering their local circumstances, cannot by any possibility be represented in the parliament; and that it will forever be impracticable that they should be equally represented there, and consequently not at all, being separated by an ocean of a thousand leagues; that his majesty's royal predecessors, for this reason, were graciously pleased to form a subordinate legislative here, that their subjects might enjoy the unalienable right of a representation. Also, that, considering the utter impracticability of their ever being fully and equally represented in parliament, and the great expense that must unavoidably attend even a partial representation there, this house think, that a taxation of their constituents, even without their consent, grievous as it is, would be preferable to any representation that could be admitted for them there.

Upon these principles, and also considering that were the right in the parliament ever so clear, yet for obvious reasons it would be beyond the rule of equity, that their constituents should be taxed on the manufactures of Great Britain here, in addition to the duties they pay for them in England, and other advantages arising to Great Britain from the acts of trade; this house have preferred a humble, dutiful and loyal petition to our most gracious sovereign, and made such representation to his majesty's ministers, as they apprehend would tend to obtain redress.

They have also submitted to consideration, whether any people can be said to enjoy any degree of freedom, if the crown, in addition to its undoubted authority of constituting a governor, should appoint him such a stipend as it shall judge proper, without the consent of the people, and at their expense; and whether, while the judges of the land, and other civil officers, hold not their commissions during good behaviour, their having salaries appointed for them by the crown, independent of the people, hath not a tendency to subvert the principles of equity, and endanger the happiness and security of the subject.

In addition to these measures, the house have written a letter to

their agent Mr. de Berdt, the sentiments of which he is directed to lay before the mipistry; wherein they take notice of the hardships of the act for preventing mutiny and desertion, which requires the governor and council to provide enumerated articles for the king's marching troops, and the people to pay the expense, and also the commission of the gentlemen appointed commissioners of the customs, to reside in America, which authorizes them to make as many appointments as they think fit, and to pay the appointees what sums they please, for whose mal-conduct they are not accountable; from whence it may happen, that officers of the crown may be multiplied to such a degree, as to become dangerous to the liberties of the people, by virtue of a commission which doth not appear to this house to derive any such advantages to trade as many have been led to expect.

These are the sentiments and proceedings of the house, and, as they have too much reason to believe that the enemies of the colonies have represented them to his majesty's ministers and the parliament as factious, disloyal, and having a disposition to make themselves independent of the mother country, they have taken occasion in the most humble terms, to assure his majesty and his ministers, that, with regard to the people of this province, and, as they doubt not, of all the colonists, the charge is unjust.

The house is fully satisfied, that your assembly is too generous and enlarged in sentiment to believe, that this letter proceeds from an ambition of taking the lead, or dictating to the other assemblies; they freely submit their opinion to the judgment of others; and shall take it kind in your house to point out to them any thing further that may be thought necessary.

This house cannot conclude without expressing their firm confidence in the king, our common head and father, that the united and dutiful supplications of his distressed American subjects will meet with his royal and favorable acceptance.

Message from Governor Sharpe to the house of representatives of the province of Maryland.

Gentlemen of the lower house of assembly—

The king our most gracious sovereign, having been informed that a circular letter, a copy of which hath been communicated to his min-

isters, was in February last sent by the speaker of the house of representatives of the colony of Massachusetts to the speakers of other houses of assembly in North America, hath been pleased to order it to be signified to me, that he considers such measure to be of a most dangerous and factious tendency, calculated to inflame the minds of his good subjects in the colonies, to promote an unwarrantable combination, to excite and encourage an open opposition to and denial of the authority of parliament, and to subvert the true principles of the constitution; but while I notify to you his majesty's sentiments with respect to this matter, I am also to tell you, that the repeated proofs which have been given by the assembly of this province of their reverence and respect for the laws, and of their faithful attachment to the constitution, leave little room for his majesty to doubt of their shewing a proper resentment of such an unjustifiable attempt to revive those distractions which have operated so fatally to the prejudice of both the colonies and the mother country, and I flatter myself that in case such a letter has been addressed to the speaker of your house, you will confirm the favorable opinion his majesty at present entertains of his Maryland subjects, by taking no notice of such letter, which will be treating it with the contempt it deserves.

HORATIO SHARPE.

June 20th, 1768.

Address of the house of delegates to Governor Sharpe, occasioned by the above message.

To his Excellency Horatio Sharpe, Esq, governor and commander in chief in and over the province of Maryland.

May it please your Excellency—

In answer to your excellency's message of the 20th, we must observe, that if the letter from the speaker of the house of representatives of the colony of Massachusetts bay, addressed to and communicated by our speaker to this house, be the same with the letter, a copy of which you are pleased to intimate, hath been communicated to the king's ministers, it is very alarming to find that at a time when the people of America think themselves aggrieved by the late acts of parliament imposing taxes on them for the sole and express purpose of raising a revenue, and in the most dutiful manner are seeking redress from the throne, any endeavors to unite in laying be

fore their sovereign what is apprehended to be their just complaint, should be looked upon "as a measure of most dangerous and factious tendency, calculated to inflame the minds of his majesty's good subjects in the colonies, to promote an unwarrantable combination, to excite and encourage an open opposition to, and denial of the authority of parliament, and to subvert the true principles of the constitution." We cannot but view this as an attempt in some of his majesty's ministers to suppress all communication of sentiments between the colonies, and to prevent the united supplications of America from reaching the royal ear. We hope the conduct of this house will ever evince their reverence and respect for the laws and faithful attachment to the constitution; but we cannot be brought to resent an exertion of the most undoubted constitutional right of petitioning the throne, or any endeavors to procure or preserve an union of the colonies as an unjustifiable attempt to revive those distractions which it is said have operated so fatally to the prejudice of both the colonies and the mother country. We have the warmest and most affectionate attachment to our most gracious sovereign, and shall ever pay the readiest and most respectful regard to the just and constitutional power of the British parliament, but we shall not be intimidated by a few sounding expressions, from doing what we think is right. The house of representatives of the colony of Massachusetts bay in their letter to us, have intimated that they have presented an humble, dutiful and loyal petition to the king, and expressed their confidence that the united and dutiful supplications of his distressed American subjects will meet with his royal and favorable acceptance; and we think they have asserted their rights with a decent respect to their sovereign, and a due submission to the authority of parliament. What we shall do upon this occasion, or whether in consequence of that letter we shall do any thing, it is not our present business to communicate to your excellency: but of this be pleased to be assured, that we cannot be prevailed on to take no notice of, or to treat with the least degree of contempt a letter so expressive of duty and loyalty to the sovereign, and so replete with just principles of liberty; and your excellency may depend that whenever we apprehend the rights of the people to be affected, we shall not fail boldly to assert and steadily endeavor to maintain and support them, always remembering, what we could wish never to be forgot, that by the bill of rights

it is declared, "that it is the right of the subject to petition the king, and all commitments and prosecutions for such petitioning are illegal."

By order of the lower house of assembly,

ROBERT LLOYD, *Speaker*.

June 23d, 1768.

NO. 13.

Resolutions of the House of Lords, December 1768, respecting the proceedings and conduct of the Assembly and people of Massachusetts.

1. Resolved, by the lords spiritual and temporal, in parliament assembled, that the votes, resolutions, and proceedings, of the house of representatives of Massachusetts Bay, in the month of January and February last, respecting several late acts of parliament, so far as the said votes, resolutions, and proceedings, do import a denial of, or to draw into question, the power and authority of his majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, to make laws and statutes of sufficient force and validity, to bind the colonies and people of America, subjects to the crown of Great Britain, in all cases whatsoever, are illegal, unconstitutional, and derogatory of the rights of the crown and parliament of Great Britain.

2. Resolved, by the lords spiritual and temporal, in parliament assembled, that the resolution of the said house of representatives of the province of Massachusetts Bay, in January last, to write letters to the several houses of representatives of the British colonies in the continent, desiring them to join with the said house of representatives of the province of Massachusetts Bay, in petitions, which do deny or draw into question the right of parliament to impose duties and taxes upon his majesty's subjects in America; and, in pursuance of the said resolution, the writing such letters, in which certain late acts of parliament, imposing duties and taxes, are stated to be infringements of the rights of his majesty's subjects of the said province, are proceedings of a most unwarrantable and dangerous nature, calculated to inflame the minds of his majesty's subjects in the other colonies, tending to create unlawful combinations repugnant to the laws of Great Britain, and subversive of the constitution.

3. Resolved, by the lords spiritual and temporal, in parliament assembled, that it appears, that the town of Boston, in the province of

Massachusetts Bay, has, for sometime past, been in a state of great disorder and confusion; and that the peace of the said town has, at several times, been disturbed by riots and tumults of a dangerous nature, in which the officers of his majesty's revenue there, have been obstructed by acts of violence, in the execution of the laws, and their lives endangered.

4. Resolved, by the lords spiritual and temporal, in parliament assembled, that it appears, that neither the council of the said province of Massachusetts Bay, nor the ordinary civil magistrates, did exert their authority for suppressing the said riot and tumults.

5. Resolved, by the lords spiritual and temporal, in parliament assembled, that, in these circumstances of the province of Massachusetts Bay, and of the town of Boston, the preservation of the public peace, and the due execution of the laws, became impracticable, without the aid of a military force to support and protect the civil magistrates, and the officers of his majesty's revenue.

6. Resolved, by the lords spiritual and temporal, in parliament assembled, that the declarations, resolutions, and proceedings, in the town meeting at Boston, on the fourteenth of June, and twelfth of September, were illegal and unconstitutional, and calculated to excite sedition and insurrections in his majesty's province of Massachusetts Bay.

7. Resolved, by the lords spiritual and temporal, in parliament assembled, that the appointment at the town meeting, on the twelfth of September, of a convention to be held in the town of Boston, on the twenty-second of that month, to consist of deputies from the several towns and districts in the province of Massachusetts Bay, and the issuing a precept, by the selectmen of the town of Boston, to each of the said towns and districts, for the election of such deputies, were proceedings subversive of his majesty's government, and evidently manifesting a design, in the inhabitants of the said town of Boston, to set up a new and unconstitutional authority, independent of the crown of Great Britain.

8. Resolved, by the lords spiritual and temporal, in parliament assembled, that the elections, by several towns and districts in the province of Massachusetts Bay, of deputies to sit in the same convention, and the meeting of such convention in consequence thereof, were daring insults offered to his majesty's authority, and audacious usurpations of the powers of government.

NO. 14.

Letter of the Assembly of Massachusetts to Lord Dartmouth.

Province of the Massachusetts Bay, June 29, 1773.

MY LORD,—The re-establishment of the union and harmony that formerly subsisted between Great Britain and her colonies is earnestly to be wished by the friends of both. As your lordship is one of them, the two houses of the assembly of this province beg leave to address you. The original causes of the interruption of that union and harmony may probably be found in the letters sent from hence to administration, and to other gentlemen of influence in parliament, since the appointment of Sir Francis Bernard to the government of this province; and there is great reason to apprehend, that he and his coadjutors originally recommended and laid the plans for the establishing the American revenue, out of which they expected large stipends and appointments for themselves, and which, through their instrumentality, has been the occasion of all the evils that have since taken place.

When we had humbly addressed his majesty, and petitioned both houses of parliament, representing our grievances, and praying for the repeal of the revenue acts, the like instruments, and probably the same, exerted themselves to prevent those petitions being laid before his majesty and the parliament, or to frustrate the prayer of them. Of this we have just had some new and unexpected evidence from original letters from governor Hutchinson and lieutenant governor Oliver; in which the former particularly and expressly, by his letter of the 10th of December 1768, endeavored, in co-operation with Governor Bernard, to frustrate a petition of a number of the council for the repealing those acts, and to procure his majesty's censure on the petitioners; and the letters of the latter, by the disadvantageous idea conveyed by them of the two houses of assembly, manifestly tended to create a prejudice against any petitions coming from a body of of such a character; and his letter of the 11th of May 1768 in particular, mentions the petition of the house of representatives to his majesty, and their letters to divers noble lords, with such circumstances as had a tendency to defeat the petition, and render the letters of no effect.

It is now manifest, my lord, what practices and arts have been used to mislead administration, both in the first proposal of American revenue acts, and in the continuance of them; but when they had lost their force, and there appeared, under the influence of your lordship, a disposition in parliament to repeal those acts, his excellency governor Hutchinson, in his speech at the opening of the last session of the general court, was pleased to throw out new matter for contention and debate, and to call on the two houses, in such a pressing manner as amounted to little short of a challenge to answer him. Into such a dilemma were they brought by the speech, that they were under a necessity of giving such answers to it as they did, or having their conduct construed into an acquiescence with the doctrines contained in it, which would have been an implicit acknowledgment, that the province was in a state of subjection differing very little from slavery. The answers were the effect of necessity, and this necessity occasioned great grief to the two houses. The people of this province, my lord, are true and faithful subjects of his majesty, and think themselves happy in their connection with Great Britain.

They would rejoice at the restoration of the harmony and good will that once subsisted between the parent state and them; but it is in vain to expect this happiness during the continuance of their grievances, and while the charter rights, one after another, are wrested from them. Among these rights is the supporting of the officers of the crown by grants from the assembly; and in an especial manner, the supporting of the judges in this same way, on whose judgment the province is dependent in the most important cases, of life, liberties, and property. If warrants have not yet been, or if they already have been issued, we earnestly beg the favor of your lordship's interposition to suppress or recal them. If your lordship should condescend to ask what are the means of restoring the harmony so much desired, we should answer in a word, that we are humbly of opinion, if things were brought to the general state in which they stood at the conclusion of the late war, it would restore the happy harmony which at that time subsisted.

Your lordship's appointment to be principal secretary of state for the American department, has given the colonies the highest satisfaction. They think it a happy omen, and that it will be productive of American tranquility, consistent with their rights as British subjects.

The two houses humbly hope for your lordship's influence to bring about so happy an event, and in the mean time they can with full confidence rely on your lordship, that the machinations of Sir Francis Bernard, and other known enemies of the peace of Great Britain and her colonies, will not be suffered to prevent or delay it.

This letter, which has been agreed on by both houses, is in their name, and by their order, signed and transmitted to your lordship, by, my lord, your lordship's most obedient, and very humble servant,

THOS. FLUCKER, *Secretary.*

NO. 15.

Address of the members of the House of Burgesses in Virginia, to the people of that State, relative to the Boston port bill, after the dissolution of the Assembly, by the Governor, in May 1774.

We, his majesty's most dutiful and loyal subjects, the late representatives of the good people of this country, having been deprived, by the sudden interposition of the executive part of this government, from giving our countrymen the advice we wished to convey to them in a legislative capacity, find ourselves under the hard necessity of adopting this, the only method we have left, of pointing out to our countrymen such measures as, in our opinion, are best fitted to secure our dearest rights and liberty from destruction, by the heavy hand of power now lifted against North America. With much grief we find that our dutiful applications to Great Britain for security of our just, ancient, and constitutional rights, have been not only disregarded, but that a determined system is formed and pressed for reducing the inhabitants of British America to slavery, by subjecting them to the payment of taxes, imposed without the consent of the people or their representatives; and that in pursuit of this system we find the act of the British parliament, lately passed, for stopping the harbor and commerce of Boston, in our sister colony of Massachusetts Bay, until the people there submit to such unconstitutional taxes, and which act most violently and arbitrarily deprives them of their property, in wharves erected by private persons, at their own great and proper expense; which act is, in our opinion, a most dangerous attempt to destroy the constitutional liberty and rights of all North America. It is farther our opinion, that as tea, on its importation to America, is

charged with a duty, imposed by parliament for the purpose of raising a revenue, without the consent of the people, it ought not to be used by any person who wishes well to the constitutional rights and liberty of British America. And whereas the India company have ungenerously attempted the ruin of America, by sending many ships loaded with tea into the colonies, thereby intending to fix a precedent in favor of arbitrary taxation, we deem it highly proper, and do accordingly recommend it strongly to our countrymen, not to purchase or use any kind of East India commodity whatsoever, except saltpetre and spices, until the grievances of America are redressed. We are farther clearly of opinion, that an attack made on one of our sister colonies, to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied. And for this purpose it is recommended to the committee of correspondence, that they communicate with their several corresponding committees on the expediency of appointing deputies from the several colonies of British America, to meet in general congress, at such place annually, as shall be thought most convenient; there to deliberate on those general measures which the united interests of America, may from time to time require.

A tender regard for the interests of our fellow subjects, the merchants and manufacturers of Great Britain, prevent us from going farther at this time; most earnestly hoping that the unconstitutional principle of taxing the colonies without their consent, will not be persisted in, thereby to compel us, against our will, to avoid all commercial intercourse with Britain. Wishing them and our people free and happy, we are their affectionate friends, the late representatives of Virginia.

The above was immediately signed by the honorable the speaker and all the members of the late house of burgesses, as well as by a number of clergymen and other inhabitants of the colony, who, after having maturely considered the contents of the association, did most cordially approve and accede thereto.

NO. 16.

Non-importation, &c. association and agreement entered into by the Delegates of the people of Virginia, in August 1774.

At a very full meeting of delegates from the different counties in the colony and dominion of Virginia, begun in Williamsburg the first day of August, in the year of our Lord 1774, and continued by several adjournments to Saturday the sixth of the same month, the following Association was unanimously resolved upon and agreed to.

We, his majesty's dutiful and loyal subjects, the delegates of the freeholders of Virginia, deputed to represent them at a general meeting in the city of Williamsburg, avowing our inviolable and unshaken fidelity and attachment to our most gracious sovereign, our regard and affection, for all our friends and fellow subjects in Great Britain and elsewhere, protesting against every act or thing which may have the most distant tendency to interrupt, or in any wise disturb, his majesty's peace, and the good order of government within this his ancient colony, which we are resolved to maintain and defend at the risk of our lives and fortunes; but at the same time, affected with the deepest anxiety, and most alarming apprehensions, of those grievances and distresses by which his majesty's American subjects are oppressed; and having taken under our most serious deliberation the state of the whole continent, find that the present unhappy situation of our affairs is chiefly occasioned by certain ill advised regulations, as well of our trade as internal polity, introduced by several unconstitutional acts of the British parliament, and at length attempted to be enforced by the hand of power. Solely influenced by these important considerations, we think it an indispensable duty which we owe to our country, ourselves, and latest posterity, to guard against such dangerous and extensive mischiefs by every just and proper means.

If, by the measures adopted, some unhappy consequences and inconveniences should be derived to our fellow subjects, whom we wish not to injure in the smallest degree, we hope and flatter ourselves that they will impute them to their real cause, the hard necessity to which they are driven.

That the good people of this colony may, on so trying an occasion, continue steadfastly directed to their most essential interests, in hopes

that they will be influenced and stimulated by our example to the greatest industry, the strictest economy and frugality, and the exercise of every public virtue; persuaded that the merchants, manufacturers, and other inhabitants of Great Britain, and above all, that the British parliament will be convinced how much the true interest of that kingdom must depend on the restoration and continuance of that mutual friendship and cordiality which so happily subsisted between us; we have unanimously and with one voice, entered into the following resolutions and association, which we do oblige ourselves by those sacred ties of honor and love to our country, strictly to observe: and farther declare, before God and the world, that we will religiously adhere to, and keep the same inviolate in every particular, until redress of all such American grievances as may be defined and settled at the general congress of delegates from the different colonies shall be fully obtained, or until this association shall be abrogated or altered by a general meeting of the deputies of this colony, to be convened as is herein after directed.* And we do, with the greatest earnestness, recommend this our association to all gentlemen, merchants, traders, and other inhabitants of this colony, hoping that they will cheerfully and cordially accede thereto.

1st, We do hereby resolve and declare, that we will not either directly or indirectly, after the first day of November next, import from Great Britain any goods, wares, or merchandise whatever, medicines excepted; nor will we, after that day, import any British manufactures, either from the West Indies or any other place, nor any article whatever which we shall know, or have reason to believe, was brought into such countries from Great Britain; nor will we purchase any such articles so imported of any person or persons whatsoever, except such as are now in the country, or such as may arrive on or before the said 1st day of November, in consequence of orders already given, and which cannot now be countermanded in time.

2nd. We will neither ourselves import, nor purchase, any slave or slaves, imported by any person after the first day of November next, either from Africa, the West Indies, or any other place.

3d. Considering the article of tea as the detestable instrument which laid the foundation of the present sufferings of our distressed friends in the town of Boston, we view it with horror; and therefore resolve, that we will not from this day, either import tea of any kind

whatever, nor will we use, or suffer even such of it as is now on hand to be used, in any of our families.

4th. If the inhabitants of the town of Boston, or any other colony, should by violence or dire necessity be compelled to pay the East India company for destroying any tea, which they have lately by their agents unjustly attempted to force into the colonies, we will not directly or indirectly import or purchase any British India commodity whatever, till the company, or some other person on their behalf, shall refund and fully restore to the owners all such sum or sums of money as may be so extorted.

5th. We do resolve, that unless American grievances are redressed before the 10th day of August, 1775, we will not, after that day, directly or indirectly, export tobacco, or any other article whatever, to Great Britain; nor will we sell any such articles as we think can be exported to Great Britain with a prospect of gain to any person or persons whatever, with a design of putting it into his or their power to export the same to Great Britain, either on our own, his, or their account. And that this resolution may be the more effectually carried into execution, we do hereby recommend it to the inhabitants of this colony to refrain from the cultivation of tobacco, as much as conveniently may be; and in lieu thereof, that they will, as we resolve to do, apply their attention and industry to the cultivation of all such articles as may form a proper basis for manufactures of all sorts, which we will endeavor to encourage throughout this colony to the utmost of our abilities.

6th. We will endeavor to improve our breed of sheep, and increase their number to the utmost extent, and to this end we will be as sparing as we conveniently can in killing of sheep, especially those of the most profitable kind; and if we should at any time be overstocked, or can conveniently spare any, we will dispose of them to our neighbors, especially the poorer sort of people, upon moderate terms.

7th. *Resolved*, That the merchants, and other venders of goods and merchandizes, within this colony, ought not to take advantage of the scarcity of goods that may be occasioned by this association, but that they ought to sell the same at the rates they have been accustomed to, for twelve months past; and if they shall sell any such goods on higher terms, or shall in any manner, or by any device

whatever, violate or depart from this resolution, we will not, and are of opinion that no inhabitant of this colony ought, at any time thereafter to deal with any such persons, their factors or agents, for any commodity whatever. And it is recommended to the deputies of the several counties, that committees be chosen in each county, by such persons as accede to this association, to take effectual care that these resolves be properly observed, and for corresponding occasionally with the general committee of correspondence in the city of Williamsburg. Provided, that if exchange should rise, such advances may be made in the price of goods as shall be approved by the committee of each colony.

8th. In order the better to distinguish such worthy merchants and traders, who are well wishers to the colony from those who may attempt, through motives of self interest, to obstruct our views, we do hereby resolve, that we will not, after the first day of November next, deal with any merchant or trader who will not sign this association, nor until he hath obtained a certificate of his having done so, from the county committee, or any three members thereof. And if any merchant, trader, or other person, shall import any goods or merchandize after the first day of November, contrary to this association, we give it as our opinion that such goods and merchandize should be either forthwith reshipped or delivered up to the county committee, to be stored at the risk of the importer, unless such importer shall give a proper assurance to the said committee that such goods or merchandizes shall not be sold within this colony during the continuance of this association; and if such importer shall refuse to comply with one or the other of these terms, upon application and due caution given to him, or her, by the said committee, or any three members thereof, such committee is required to publish the truth of the case in the gazettes, and in the county where he or she resides, and we will thereafter consider such person or persons as inimical to this country, and break off every connection and all dealings with them.

9th. *Resolved*, That if any person or persons shall export tobacco or any other commodity, to Great Britain, after the 10th day of August, 1775, contrary to this association, we shall hold ourselves obliged to consider such person or persons as inimical to the community, and as an approver of American grievances; and give it as our

opinion, that the public should be advertised of his conduct, as in the 8th article is desired.

10th. Being fully persuaded that the united wisdom of the general congress may improve these endeavors to preserve the rights and liberties in British America, we decline enlarging at present; but do hereby resolve, that we will conform to and strictly observe, all such alterations or additions, assented to by the delegates for this colony, as they may judge necessary to adopt, after the same shall be published and made known to us.

11th. *Resolved*, that we think ourselves called upon by every principle of humanity and brotherly affection, to extend the utmost and speediest relief to our distressed fellow subjects in the town of Boston; and therefore most earnestly recommend it to all the inhabitants of this colony to make such liberal contributions as they can afford, to be collected and remitted to Boston in such manner as may best answer a desirable purpose.

12th, and lastly, *Resolved*, That the moderator of this meeting, and in case of his death, Robert Carter Nicholas, Esq. be empowered on any future occasion that may in his opinion require, to convene the several delegates of this colony, at such time and place as he may judge proper; and in case of the death or absence of any delegate, it is recommended that another be chosen in his place.

NO. 17.

An Address to the people of Great Britain, September, 1774.

To the people of Great Britain, from the delegates appointed by the several English colonies of New Hampshire, Massachusetts bay, Rhode Island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, the lower counties on Delaware, Maryland, Virginia, North Carolina, and South Carolina, to consider of their grievances in general congress, at Philadelphia, September 5th, 1774.

Friends and Fellow Subjects—

When a nation, led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends and childrens, and instead of giving support to freedom, turns

advocate for slavery and oppression, there is reason to suspect she has either ceased to be virtuous, or been extremely negligent in the appointment of her rulers.

In almost every age, in repeated conflicts, in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies, and the more dangerous treachery of friends, have the inhabitants of your island, your great and glorious ancestors, maintained their independence, and transmitted the rights of men, and the blessings of liberty, to you their posterity.

Be not surprised, therefore, that we who are descended from the same common ancestors; that we, whose forefathers participated in all the rights, the liberties, and the constitution, you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of government and the most solemn compacts with British sovereigns, should refuse to surrender them to men, who found their claims on no principles of reason, and who prosecute them with a design, that by having our lives and property in their power, they may, with the greatest facility, enslave you. The cause of America is now the object of universal attention: it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented; and the duty we owe to ourselves and posterity, to your interest, and the general welfare of the British empire, leads us to address you on this very important subject.

Know then, that we consider ourselves, and do insist that we are and ought to be, as free as our fellow subjects in Britain, and that no power on earth has a right to take our property from us, without our consent.

That we claim all the benefits secured to the subject by the English constitution, and particularly that inestimable one of trial by jury.

That we hold it essential to English liberty, that no man be condemned unheard, or punished for supposed offenses, without having an opportunity of making his defense.

That we think the legislature of Great Britain is not authorized, by the constitution, to establish a religion, fraught with sanguinary and impious tenets, or, to erect an arbitrary form of government, in any quarter of the globe. These rights, we, as well as you, deem sacred; and yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

Are not the proprietors of the soil of Great Britain, lords of their own property? can it be taken from them, without their consent? will they yield it to the arbitrary disposal of any man, or number of men whatever? You know they will not.

Why then are the proprietors of the soil of America less lords of their property than you are of yours? or why should they submit it to the disposal of your parliament, or any other parliament, or council in the world, not of their election? Can the intervention of the sea, that divides us, cause disparity in rights, or can any reason be given, why English subjects, who live three thousand miles from the royal palace, should enjoy less liberty than those who are three hundred miles distant from it?

Reason looks with indignation on such distinctions, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the parliament assert, that they have a right to bind us, in all cases, without exception, whether we consent or not; that they may take and use our property when and in what manner they please; that we are pensioners on their bounty, for all that we possess, and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in English politics, and which can no more operate to deprive us of our property, than the interdicts of the pope can divest kings of sceptres, which the laws of the land and the voice of the people have placed in their hands. At the conclusion of the late war—a war rendered glorious by the abilities and integrity of a minister, to whose efforts, the British empire owes its safety and its fame: at the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a minister, of principles, and of a family unfriendly to the protestant cause, and inimical to liberty: We say, at this period, and under the influence of that man, a plan, for enslaving your fellow-subjects in America, was concerted, and has ever since been pertinaciously carrying into execution.

Prior to this era you were content with drawing from us the wealth produced by our commerce. You restrained our trade in every way that could conduce to your emolument. You exercised unbounded sovereignty over the sea. You named the ports and nations, to which alone our merchandize should be carried, and with whom alone we should trade; and though some of these restrictions were grievous,

we nevertheless did not complain; we looked up to you as to our parent state, to which we were bound by the strongest ties, and were happy in being instrumental to your prosperity and your grandeur.

We call upon you yourselves, to witness our loyalty and attachment to the common interest of the whole empire: did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy? did we not leave our native shores, and meet disease and death, to promote the success of British arms in foreign climates? did you not thank us for our zeal, and even reimburse us large sums of money, which, you confessed, we had advanced beyond our proportion, and far beyond our abilities? You did. To what causes, then, are we to attribute the sudden change of treatment, and that system of slavery which was prepared for us at the restoration of peace?

Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money, by the oppressive stamp act. Paint, glass, and other commodities, which you would not permit us to purchase of other nations, were taxed; nay, although no wine is made in any country, subject to the British state, you prohibited our procuring it of foreigners, without paying a tax, imposed by your parliament, on all we imported. These and many other impositions were laid upon us most unjustly and unconstitutionally, for the express purpose of raising a revenue. In order to silence complaint, it was, indeed, provided, that this revenue should be expended in America for its protection and defence. These exactions, however, can receive no justification from a pretended necessity of protecting and defending us; they are lavishly squandered on court favorites and ministerial dependents, generally avowed enemies to America, and employing themselves by partial representations, to traduce and embroil the colonies. For the necessary support of government here, we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money. To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power, has been violently thrown down in America; and the inestimable right of trial by jury taken away in cases that touch both life and property. It was

ordained, that whenever offenses should be committed in the colonies against particular acts, imposing various duties and restrictions upon trade, the prosecutor might bring his action for the penalties in the courts of admiralty; by which means the subject lost the advantage of being tried by an honest uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law, which exempts the prosecutor from the trouble of proving his accusation, and obliges the defendant either to evince his innocence, or to suffer. To give this new judicatory the greater importance, and as if with design to protect false accusers, it is further provided, that the judge's certificate of there having been probable causes of seizure and prosecution, shall protect the prosecutor from actions at common law for recovery of damages.

By the course of our law, offenses committed in such of the British dominions, in which courts are established, and justice duly and regularly administered, shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility, to be given to their testimony, can be ascertained.

In all these colonies, justice is regularly and impartially administered, and yet, by the construction of some, and the direction of other acts of parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in a distant land, by a jury of strangers, and subject to all the disadvantages that result from want of friends, want of witnesses, and want of money.

When the design of raising a revenue from the duties imposed on the importation of tea into America, had in a great measure been rendered abortive, by our ceasing to import that commodity, a scheme was concerted by the ministry with the East India company, and an act passed, enabling and encouraging them to transport and vend it in the colonies. Aware of the danger of giving success to this insidious manœuvre, and of permitting a precedent of taxation, thus to be established among us, various methods were adopted to elude the stroke. The people of Boston, then ruled by a governor, whom, as well as his predecessor, Sir Francis Bernard, all America considers as her enemy, were exceedingly embarrassed. The ships, which had arrived with the tea, were, by his management, prevented from re-

turning. The duties would have been paid; the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers. While the town was suspended by deliberations on this important subject, the tea was destroyed. Even supposing a trespass was thereby committed, and the proprietor of the tea entitled to damages, the courts of law were open, and judges, appointed by the crown, presided in them. The East India company, however, did not think proper to commence any suits, nor did they even demand satisfaction, either from individuals, or from the community in general. The ministry, it seems, officiously made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated *ex parte* evidence were laid before them; neither the persons who destroyed the tea, nor the people of Boston, were called upon to answer the complaint. The ministry, incensed by being disappointed in a favorite scheme, were determined to recur from the little arts of finesse, to open force and unmanly violence. The port of Boston was blocked up by a fleet, and an army placed in the town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke, and consent to become slaves, by confessing the omnipotence of parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

Let justice and humanity cease to be the boast of your nation! consult your history, examine your records of former transactions; nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and shew us a single instance of men being condemned to suffer for imputed crimes, unheard, unquestioned, and without even the specious formality of a trial; and that, too, by laws made expressly for the purpose, and which had no existence at the time of the fact committed. If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous, when we call upon our ministerial enemies to justify, not only condemning men untried, and by hearsay, but involving the innocent in one common punishment with the guilty, and for the act of thirty or forty, to bring poverty, distress and calamity, on thirty thousand souls, and those not your enemies, but your friends,

brethren, and fellow-subjects. It would be some consolation to us, if the catalogue of American oppressions ended here. It gives us pain to be reduced to the necessity of reminding you, that under the confidence reposed in the faith of government, pledged in a royal charter from a British sovereign, the fore-fathers of the present inhabitants of the Massachusetts Bay, left their former habitations, and established that great, flourishing, and loyal colony. Without incurring or being charged with forfeiture of their rights, without being heard, without being tried, without law, and without justice, by an act of parliament; their charter is destroyed, their liberties violated, their constitution and form of government changed; and all this upon no better pretence, than because in one of their towns, a trespass was committed on some merchandize, said to belong to one of their companies, and because the ministry were of opinion, that such high political regulations were necessary, to compel due subordination and obedience to their mandates.

Nor are these the only capital grievances under which we labor. We might tell of dissolute, weak, and wicked governors having been set over us; of legislatures being suspended for asserting the rights of British subjects: of needy and ignorant dependents on great men advanced to the seats of justice, and to other places of trust and importance; of hard restrictions on commerce, and a great variety of lesser evils, the recollection of which is almost lost under the weight and pressure of greater and more poignant calamities.

Now mark the progression of the ministerial plan for enslaving us. Well aware that such hardy attempts to take our property from us, to deprive us of that valuable right of trial by jury, to seize our persons and carry us for trial to Great Britain, to blockade our ports, to destroy our charters, and change our forms of government, would occasion, and had already occasioned, great discontent in the colonies, which might produce opposition to these measures; an act was passed to protect, indemnify, and screen from punishment, such as might be guilty even of murder, in endeavoring to carry their oppressive edicts into execution; and by another act the dominion of Canada is to be so extended, modelled and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices, that by their numbers daily swelling with catholic emigrants from Europe, and by their devotion to administration, so friend-

ly to their religion, they might become formidable to us, and on occasion, be fit instruments, in the hands of power, to reduce the ancient, free protestant colonies to the same state of slavery with themselves.

This was evidently the object of the act; and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it, as hostile to British America. Superadded to these considerations, we cannot help deploring the unhappy condition to which it has reduced the many English settlers, who, encouraged by the royal proclamation, promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned, cannot claim the benefit of the habeas corpus act, that great bulwark and palladium of English liberty:—Nor can we suppress our astonishment, that a British parliament should ever consent to establish in that country, a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world. This being a true state of facts, let us beseech you to consider to what end they lead. Admit that the ministry, by the powers of Britain, and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery: Such an enterprize would doubtless make some addition to your national debt, which already presses down your liberties, and fills you with pensioners and placemen. We presume, also, that your commerce will somewhat be diminished. However, suppose you should prove victorious, in what condition will you then be? What advantages or what laurels will you reap from such a conquest?

May not a ministry with the same armies enslave you?—it may be said, you will cease to pay them,—but remember the taxes from America, the wealth, and we may add the men, and particularly the Roman Catholics of this vast continent, will then be in the power of your enemies; nor will you have any reason to expect, that after making slaves of us, many among us should refuse to assist in reducing you to the same abject state.

Do not treat this as chimerical.—Know that in less than half a century, the quit-rents reserved to the crown, from the numberless grants of this vast continent, will pour large streams of wealth into the royal coffers, and if to this be added, the power of taxing America at pleas-

ure, the crown will be rendered independent of you for supplies, and will possess more treasure than may be necessary to purchase the remains of liberty in your island. In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much justice, and much public spirit in the English nation.—To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies.—Permit us to be as free as yourselves, and we shall ever esteem a union with you, to be our greatest glory and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire; we shall consider your enemies as our enemies, and your interest as our own.

But, if you are determined that your ministers shall wantonly sport with the rights of mankind—if neither the voice of justice, the dictates of the law, the principles of the constitution, or the suggestions of humanity, can restrain your hands from shedding human blood, in such an impious cause, we must then tell you, that we will never submit to be hewers of wood, or drawers of water, for any ministry or nation in the world.

Place us in the same situation that we were at the close of the last war, and our former harmony will be restored.

But, lest the same supineness, and the same inattention to our common interest, which you have for several years shown, should continue, we think it prudent to anticipate the consequences.

By the destruction of the trade of Boston, the ministry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur, for subsistence, to the fertility and bounty of our native soil, which will afford us all the necessaries, and some of the conveniences of life. We have suspended our importations from Great Britain and Ireland; and, in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and the West Indies.

It is with the utmost regret, however, that we find ourselves compelled, by the over-ruling principles of self-preservation, to adopt measures detrimental, in their consequences, to numbers of our fellow subjects in Great Britain and Ireland. But, we hope, that the mag-

nanimity and justice of the British nation will furnish a parliament of such wisdom, independence, and public spirit, as may save the violated rights of the whole empire, from the devices of wicked ministers and evil counsellors, whether in or out of office ; and thereby restore that harmony, friendship, and fraternal affection, between all the inhabitants of his majesty's kingdoms and territories, so ardently wished for, by every true and honest American.

NO. 19.

Address of Congress to the oppressed inhabitants of Canada, in the year 1775.

Friends and countrymen—Alarmed by the designs of an arbitrary ministry, to extirpate the rights and liberties of all America, a sense of common danger conspired with the dictates of humanity, in urging us to call your attention, by our late address, to this very important object.

Since the conclusion of the late war, we have been happy in considering you as fellow subjects, and from the commencement of the present plan for subjugating the continent, we have viewed you as fellow sufferers with us. As we were both entitled by the bounty of an indulgent Creator to freedom, and being both devoted by the cruel edicts of a despotic administration, to common ruin, we perceived the fate of the Protestant and Catholic colonies to be strongly linked together, and therefore invited you to join with us in resolving to be free, and in rejecting, with disdain, the fetters of slavery, however artfully polished.

We most sincerely condole with you on the arrival of that day, in the course of which, the sun could not shine on a single freeman in all your extensive dominions. Be assured, that your unmerited degradation has engaged the most unfeigned pity of your sister colonies ; and we flatter ourselves you will not, by tamely bearing the yoke, suffer that pity to be supplanted by contempt. When hardy attempts are made to deprive men of rights, bestowed by the Almighty, when avenues are cut through the most solemn compacts for the admission of despotism, when the plighted faith of government ceases to give security to dutiful subjects, and when the insidious stratagems and manœuvres of peace become more terrible than the sanguinary opera-

tions of war, it is high time for them to assert those rights, and, with honest indignation, oppose the torrent of oppression rushing in upon them.

By the introduction of your present form of government, or rather present form of tyranny, you and your wives and your children are made slaves. You have nothing that you can call your own, and all the fruits of your labor and industry may be taken from you, whenever an avaricious governor and a rapacious council may incline to demand them. You are liable by their edicts to be transported into foreign countries to fight battles in which you have no interest, and to spill your blood in conflicts from which neither honor nor emolument can be derived; nay, the enjoyment of your very religion, on the present system, depends on a legislature in which you have no share, and over which you have no control, and your priests are exposed to expulsion, banishment, and ruin, whenever their wealth and possessions furnish sufficient temptation. They cannot be sure that a virtuous prince will always fill the throne, and should a wicked or careless king concur with a wicked ministry in extracting the treasure and strength of your country, it is impossible to conceive to what variety and to what extremes of wretchedness you may, under the present establishment, be reduced.

We are informed you have already been called upon to waste your lives in a contest with us. Should you, by complying in this instance, assent to your new establishment, and a war break out with France, your wealth and your sons may be sent to perish in expeditions against their islands in the West Indies.

It cannot be presumed that these considerations will have no weight with you, or that you are so lost to all sense of honor. We can never believe that the present race of Canadians are so degenerated as to possess neither the spirit, the gallantry, nor the courage of their ancestors. You certainly will not permit the infamy and disgrace of such pusillanimity to rest on your own heads, and the consequences of it on your children forever.

We, for our parts, are determined to live free, or not at all; and are resolved, that posterity shall never reproach us with having brought slaves into the world.

Permit us again to repeat that we are your friends, not your enemies, and be not imposed upon by those who may endeavor to cre-

ate animosities. The taking of the fort and military stores at Ticonderoga and Crown Point, and the armed vessels on the lake, was dictated by the great law of self-preservation. They were intended to annoy us, and to cut off that friendly intercourse and communication, which has hitherto subsisted between you and us. We hope it has given you no uneasiness, and you may rely on our assurances, that these colonies will pursue no measures whatever, but such as friendship and a regard for our mutual safety and interest may suggest.

As our concern for your welfare entitles us to your friendship, we presume you will not, by doing us injury, reduce us to the disagreeable necessity of treating you as enemies.

We yet entertain hopes of your uniting with us in the defense of our common liberty, and there is yet reason to believe, that should we join in imploring the attention of our sovereign, to the unmerited and unparalleled oppressions of his American subjects, he will at length be undeceived, and forbid a licentious ministry any longer to riot in the ruins of the rights of mankind.

NO. 20. •

The last Address of the people of America to the King, in 1775.

TO THE KING'S MOST EXCELLENT MAJESTY.

Most gracious Sovereign—We your majesty's faithful subjects of the colonies of New Hampshire, Massachusetts bay, Rhode Island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, the counties of Newcastle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, in behalf of ourselves and the inhabitants of these colonies, who have deputed us to represent them in general congress, entreat your majesty's gracious attention to this our humble petition. The union between our mother country and these colonies, and the energy of mild and just government, produced benefits so remarkably important, and afforded such an assurance of their permanency and increase, that the wonder and envy of other nations were excited, while they beheld Great Britain rising to a power the most extraordinary the world had ever known.

Her rivals observing that there was no probability of this happy connection being broken by civil dissensions, and apprehending its

future effects, if left any longer undisturbed, resolved to prevent her receiving such continual and formidable accessions of wealth and strength, by checking the growth of those settlements from which they were to be derived. In the prosecution of this attempt, events so unfavorable to the design took place, that every friend to the interest of Great Britain and these colonies, entertained pleasing and reasonable expectations of seeing an additional force and exertion immediately given to the operations of the union hitherto experienced, by an enlargement of the dominions of the crown, and the removal of ancient and warlike enemies to a greater distance.

At the conclusion, therefore, of the late war, the most glorious and advantageous that ever had been carried on by British arms, your loyal colonists having contributed to its success, by such repeated and strenuous exertions, as frequently procured them the distinguished approbation of your majesty, of the late king, and of parliament, doubted not but that they should be permitted, with the rest of the empire, to share in the blessings of peace, and the emoluments of victory and conquest.

While these recent and honorable acknowledgments of their merits remained on record, in the journals and acts of that august legislature, the parliament; undefaced by the imputation or even the suspicion of any offense, they were alarmed by a new system of statutes and regulations adopted for the administration of the colonies, that filled their minds with the most painful fears and jealousies, and, to their inexpressible astonishment, perceived the danger of a foreign quarrel quickly succeeded by domestic danger, in their judgment, of a more dreadful kind. Nor were these anxieties alleviated by any tendency in this system to promote the welfare of their mother country. For though its effects were more immediately felt by them, yet its influence appeared to be injurious to the commerce and prosperity of Great Britain.

We shall decline the ungrateful task of describing the irksome variety of artifices, practised by many of your majesty's ministers; the delusive pretences, fruitless terrors, and unavailing severities, that have, from time to time, been dealt out by them, in their attempts to execute this impolitic plan, or of tracing, through a series of years past, the progress of the unhappy differences between Great Britain and these colonies, that have flowed from this fatal source.

Your majesty's ministers, persevering in their measures, and proceeding to open hostilities for enforcing them, have compelled us to arm in our own defense, and have engaged us in a controversy so peculiarly abhorrent to the affections of your still faithful colonists, that when we consider whom we must oppose in this contest, and if it continues, what may be the consequences, our own particular misfortunes are accounted by us only as parts of our distress.

Knowing to what violent resentments, and incurable animosities, civil discords are apt to exasperate and inflame the contending parties, we think ourselves required by indispensable obligations to Almighty God, to your majesty, to our fellow subjects, and to ourselves, immediately to use all the means in our power, not incompatible with our safety, for stopping the further effusion of blood, and for averting the impending calamities that threaten the British empire.

Thus called upon to address your majesty on affairs of such moment to America, and probably to all your dominions, we are earnestly desirous of performing this office, with the utmost deference for your majesty; and we therefore pray, that your majesty's royal magnanimity and benevolence may make the most favorable constructions of our expressions on so uncommon an occasion. Could we represent in their full force, the sentiments that agitate the minds of us your dutiful subjects, we are persuaded your majesty would ascribe any seeming deviation from reverence in our language, and even in our conduct, not to any reprehensible intention, but to the impossibility of reconciling the usual appearances of respect, with a just attention to our own preservation against those artful and cruel enemies, who abuse your royal confidence and authority, for the purpose of effecting our destruction.

Attached to your majesty's person, family, and government, with all the devotion that principle and affection can inspire, connected with Great Britain by the strongest ties that can unite societies, and deploring every event that tends in any degree to weaken them, we solemnly assure your majesty, that we not only most ardently desire the former harmony between her and these colonies may be restored, but that a concord may be established between them upon so firm a basis as to perpetuate its blessings, uninterrupted by any future dissensions, to succeeding generations in both countries, and to transmit your majesty's name to posterity, adorned with that signal and lasting glory

that has attended the memory of those illustrious personages, whose virtues and abilities have extricated states from dangerous convulsions, and, by securing happiness to others, have erected the most noble and durable monuments to their own fame.

We beg leave further to assure your majesty, that notwithstanding the sufferings of your loyal colonists, during the course of this present controversy, our breasts retain too tender a regard for the kingdom from which we derive our origin, to request such a reconciliation as might in any manner be inconsistent with her dignity or her welfare. These, related as we are to her, honor and duty, as well as inclination, induce us to support and advance; and the apprehensions that now oppress our hearts with unspeakable grief, being once removed, your majesty will find your faithful subjects on this continent ready and willing at all times, as they have ever been, with their lives and fortunes, to assert and maintain the rights and interests of your majesty, and of our mother country. We, therefore, beseech your majesty, that your royal authority and influence may be graciously interposed to procure us relief from our afflicting fears and jealousies, occasioned by the system before mentioned, and to settle peace through every part of your dominions, with all humility submitting to your majesty's wise consideration whether it may not be expedient for facilitating those important purposes, that your majesty be pleased to direct some mode, by which the united applications of your faithful colonists to the throne, in pursuance of their common councils, may be improved into a happy and permanent reconciliation; and that, in the mean time, measures may be taken for preventing the further destruction of the lives of your majesty's subjects; and that such statutes as more immediately distress any of your majesty's colonies may be repealed. For by such arrangements as your majesty's wisdom can form, for collecting the united sense of your American people, we are convinced your majesty would receive such satisfactory proofs of the disposition of the colonists towards their sovereign and parent state, that the wished for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects and the most affectionate colonists. That your majesty may enjoy a long and prosperous reign, and that your descendants may govern your dominions with honor to themselves and happiness to their subjects, is our sincere prayer.

NO. 21.

Extract from the Charge of the Hon. William Henry Drayton, Chief Justice of South Carolina, to the grand jury, in April, 1776, on the subject of independence. In this charge the Chief Justice, after stating the arbitrary conduct of James II, and the declaration of the lords and commons of England, in convention, that he had broken the original contract between the king and people, by subverting the constitution, violating the fundamental laws and by withdrawing himself out of his kingdom, proceeds as follows:—

“ In the first place then, it is laid down by the best law authorities, that protection and subjection are reciprocal ; and that these reciprocal duties form the original contract between king and people. It therefore follows, that the original contract was broken by James’ conduct as above stated, which amounted to a not affording due protection to his people. And it is as clear, that he violated the fundamental laws, by the suspending of laws, and the execution of laws ; by levying money ; by violating the freedom of election of members to serve in parliament ; by keeping a standing army in time of peace ; and by quartering soldiers contrary to law, and without consent of parliament ; which is as much as to say, that he did those things without consent of *the legislative assembly, chosen by the personal election of that people*, over whom such doings were exercised.

These points, reasonings, and conclusions, being settled in, deduced from, and established upon parliamentary proceedings ; and the best law authorities ; must ever remain unshaken. I am now to undertake the disagreeable task of examining, whether they will apply to the violences which have lighted up and now feed the flames of civil war in America.

James II. suspended the operation of laws—George III. caused the charter of the Massachusetts bay to be in effect annihilated ; he suspended the operation of the law which formed a legislature in New York, vesting it with adequate powers ; and thereby he caused the very ability of making laws in that colony to be suspended.

King James levied money without the consent of the representatives of the people called upon to pay it—King George has levied

money upon America, not only without, but expressly *against* the consent of the representatives of the people in America.

King James violated the freedom of election of members to serve in parliament—King George by his representative lord William Campbell, acting for him and on his behalf, broke through a fundamental law of the country, for the certain holding of general assemblies; and thereby, as far as in him lay, not only violated, but annihilated the very ability of holding a general assembly.

King James in time of peace kept a standing army in England, without consent of the representatives of the people among whom that army was kept—King George hath in time of peace, invaded this continent with a large standing army without the consent, and he hath kept it within this continent, expressly against the consent of the representatives of the people, among whom that army is posted.

All which doings by king George III. respecting America, are as much contrary to our interests and welfare; as much against law, and tend as much, at least, to subvert and extirpate the liberties of this colony, and of America; as the similar proceedings by James II. operated respecting the people of England. For the same principle of law touching the premises, equally applies to the people of England in the one case, and to the people of America in the other. And this is the great principle. Certain acts done, over, and affecting a people, against and *without their consent expressed by themselves, or by representatives of their own election*. Upon this *only* principle was grounded the complaints of the people of England—upon the *same*, is grounded the complaints of the people of America. And hence it clearly follows, that if James II. violated the fundamental laws of England; George III. hath also violated the fundamental laws of America.

Again. King James broke the original contract, by not affording due protection to his subjects, although he was not charged with having seized their towns, and with having held them against the people—or with having laid them in ruins by his arms—or with having seized their vessels—or with having pursued the people with fire and sword—or with having declared them rebels, for resisting his arms levelled to destroy their lives, liberties, and properties—But George III. hath done all those things against America; and it is therefore undeniable, that he hath not afforded due protection to the

people. Wherefore, if James II. broke the original contract, it is undeniable, that George III. has also broken the original contract between king and people; and that he made use of the most violent measures by which it could be done—violences, of which *James was guiltless*—measures, carrying conflagration, massacre and open war amidst a people, whose subjection to the king of Great Britain, the law holds to be due, *only* as a return for protection. And so tenacious and clear is the law upon this very principle, that it is laid down, subjection is not due even to a king *de jure* or of right, unless he be king *de facto* or in possession of the executive powers dispensing protection.

Again. The third fact charged against James, is, that he withdrew himself out of the kingdom—And we know that the people of this country have declared, that lord William Campbell, the king of Great Britain's representative, "having used his utmost efforts to destroy the lives, liberties, and properties of the good people here, whom by the duty of his station he was bound to protect, withdrew himself out of the colony." Hence it will appear, that George III. hath withdrawn himself out of this colony, provided it be established, that exactly the same natural consequences resulted from the withdrawing in each case respectively: king James personally out of England, and king George out of Carolina by the agency of his substitute and representative lord William Campbell. By king James' withdrawing, the executive magistrate was gone, thereby, in the eye of the law, the executive magistrate was dead, and of consequence royal government actually ceased in England—so by king George's representative's withdrawing, the executive magistrate was gone, the death in law became apparent, and of consequence royal government actually ceased in this colony. Lord William withdrew as the king's representative, carrying off the great seal and royal instructions to governors, and acting for and on the part of his principal, by every construction of law, that conduct became the conduct of his principal; and thus, James II. withdrew out of England; and George III. withdrew out of South Carolina; and by such a conduct respectively, the people in each country were exactly in the same degree injured.

The three facts against king James being thus stated and compared with similar proceedings by king George, we are now to ascertain the result of the injuries done by the first, and the law upon that

point; which, being ascertained, must naturally constitute the judgment in law, upon the result of the similar injuries done by the last; and I am happy that I can give you the best authority upon this important point.

Treating upon this great precedent in constitutional law, the learned judge Blackstone declares, that the result of the facts "amounted to an abdication of the government, which abdication, did not affect only the person of the king himself, but also, *all his heirs*; and rendered the throne absolutely and completely vacant." Thus it clearly appears, that the government was not abdicated, and the throne vacated by the resolutions of the lords and commons; but, that the resolution was only declaratory of the law of nature and reason, upon the result of the injuries proceeding from the three combined facts of mal-administration—And thus, as I have on the foot of the best authorities made it evident, that George III. king of Great Britain, has endeavored to subvert the constitution of this country, by breaking the original contract between king and people; by the advice of wicked persons has violated the fundamental laws; and has withdrawn himself by withdrawing the constitutional benefits of the kingly office, and his protection out of this country: from such a result of injuries, from such a conjuncture of circumstances, the law of the land authorizes me to declare, and it is my duty boldly to declare the law, that George III. king of Great Britain, has abdicated the government, and that the throne is thereby vacant; that is, *he has no authority over us, and we owe no obedience to him*. The British ministers already have presented a charge of mine to the notice of the lords and commons in parliament; and I am nothing loath that they take equal resentment against this charge. For, supported by the fundamental laws of the constitution; and engaged as I am in the cause of virtue, I fear no consequences from their machinations.

Thus having stated the principal causes of our *last* revolution, it is as clear as the sun in meridian, that George III. has injured the Americans, at least as grievously as James II. injured the people of England: but that James did not oppress these in so *criminal* a manner as George had oppressed the Americans. Having also stated the law on the case, I am naturally led to point out to you, some of the great benefits resulting from that revolution.

In one word then, you have a form of government in every respect preferable to the mode under the British authority; and this will most clearly appear by contrasting the two forms of government.

Under the British authority, governors were sent over to us, who were utterly unacquainted with our local interests, the genius of the people, and our laws; generally, they were but too much disposed to obey the mandates of an arbitrary minister; and if the governor behaved ill, we could not by any peaceable means procure redress. But, under our present happy constitution, our executive magistrate arises according to the spirit and letter of holy writ—“*their Governors shall proceed from the midst of them.*” Thus, the people have an opportunity of choosing a man intimately acquainted with their true interests, their genius, and their laws; a man perfectly disposed to defend them against arbitrary ministers; and to promote the happiness of that people from among whom he was elevated; and by whom, without the least difficulty, he may be removed and blended in the common mass.

Again, under the British authority it was in effect declared, that we had no property; nay, that we could not possess any; and that we had not any of the rights of humanity; for men who knew us not, men who had gained in proportion as we lost, arrogated to themselves a right to BIND us in all cases whatsoever? But, our constitution is calculated to FREE us from foreign bondage; to secure to us our property; to maintain to us the rights of humanity; and to defend us and our posterity, against British authority, aiming to reduce us to the most abject slavery!

Again, the British authority declared, that we should not erect slitting-mills, and, to this unjust law we implicitly and respectfully submitted so long, as with safety to our lives we could yield obedience to such authority—but a resolution of congress now grants a premium to encourage the construction of such mills. The British authority discouraged our attempting to manufacture for our own consumption—but, the new constitution, by authorizing the disbursement of large sums of money by way of loan, or premium, encourages the making of iron, bar-steel, nail-rods, gun-locks, gun-barrels, sulphur, nitre, gun-powder, lead, woollens, cottons, linens, paper and salt.

Upon the whole, it has been the policy of the British authority, to oblige us to supply our wants at their market, which is the *dearest* in

the known world; and to cramp and confine our trade so as to be subservient to their commerce, our real interest being ever out of question. On the other hand, the new constitution is wisely adapted to enable us to trade with foreign nations, and thereby, to supply our wants at the *cheapest* markets in the universe; to extend our trade infinitely beyond what it has ever been known; to encourage manufactures among us; and it is peculiarly formed, to promote the happiness of the people, from among whom, by virtue and merit, *the poorest man may arrive at the highest dignity*. Oh, Carolinians! happy would you be under this new constitution, if you knew your happy state.

Possessed of a constitution of government, founded upon so generous, equal and natural a principle, a government expressly calculated to make the people rich, powerful, virtuous and happy, who can wish to change it, to return under a royal government; the vital principles of which, are the reverse in every particular! It was my duty to lay this happy constitution before you, in its genuine light, it is your duty to understand, to instruct others, and to defend it.

I might here with propriety quit this truly important subject, but anxiety for the public weal, compels me yet to detain your attention, while I make an observation or two, upon one particular part of the constitution.

When all the various attempts to enslave America, by fraud under guise of law; by military threats; by famine; massacre; breach of public faith, and open war: I say, when these things are considered on the one hand; and, on the other, the constitution, expressing that some mode of government should be established, "until an accommodation of the unhappy differences between Great Britain and America, can be obtained, an event which, though traduced and treated as rebels, we still ardently desire:" I say when these two points are contrasted, can we avoid revering the magnanimity of that great council of the state, who after such injuries could entertain such a principle. But, the virtuous are ever generous: we do not wish revenge: we earnestly wish an accommodation of our unhappy disputes with Great Britain; for we prefer peace to war. Nay, there may be even such an accommodation, as excluding every idea of revenue by taxation or duty, or of legislation by act of parliament, may vest the king of Great Britain with such a limited dominion over us, as may tend,

bona fide, to promote our true commercial interests, and to secure our freedom and safety, the only just ends of any dominion. But, while I declare thus much on the one side, on the other it is my duty also to declare, that in my opinion, our true commercial interests cannot be provided for, but by such a material alteration of the British acts of navigation, as according to the resolve of the honorable the continental congress, will "secure the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members." And, that our liberties and safety cannot be depended upon, if the king of Great Britain should be allowed to hold our forts and cannon; or to have authority over a single regiment in America; or a single ship of war in our ports. For if he holds our forts, *he may turn them against us*, as he did Boston against her proprietors: if he acquires our cannon, *he will effectually disarm the colony*: if he has a command of troops among us, even if we raise and pay them, *shackles are fixed upon us*—witness Ireland and her national army. The most express act of parliament cannot give us security, for acts of parliament are as *easily* repealed as made. Royal proclamations are not to be depended upon; witness, *the disappointments of the inhabitants of Quebec and St. Augustine*. Even a change of ministry will not avail us, because notwithstanding the rapid succession of ministers for which the British court has been famous during the present reign, *yet the same ruinous policy ever continued to prevail against America*. In short, I think it my duty to declare in the awful seat of justice and before Almighty God, that in my opinion, the Americans can have no safety but by the Divine Favor, their own virtue, and their being so prudent, as *not to leave it in the power of the British rulers to injure them*. Indeed the ruinous and deadly injuries received on our side; and the jealousies entertained, and which, in the nature of things, must daily increase against us on the other; demonstrate to a mind, in the least given to reflection upon the rise and fall of empires, that true reconciliation never can exist between Great Britain and America, the latter being in subjection to the former. The Almighty created America to be independent of Britain: let us beware of the impiety of being backward to act as instruments in the Almighty Hand, now extended to accomplish his purpose; and by the completion of which alone, America, in the nature of human affairs, can be secure against the craft and insidious designs of *her enemies who think*

her prosperity and power ALREADY BY FAR TOO GREAT. In a word, our piety and political safety are so blended, that to refuse our labors in this divine work, is to refuse to be a great, a free, a pious and a happy people !

And now having left this important alternative, political happiness or wretchedness, under God, in a great degree in your own hands ; I pray the supreme Arbiter of the affairs of men, so to direct your judgment, as that you may act agreeable to what seems to be his will, revealed in his miraculous works in behalf of America, bleeding at the altar of liberty !

NO. 22.

Resolves of Congress granting Letters of Marque and Reprisal, March 23d, 1776.

Whereas the petitions of the united colonies to the king, for the redress of great and manifold grievances, have not only been rejected, but treated with scorn and contempt, and the opposition to designs evidently formed to reduce them to a state of servile subjection, and their necessary defense against hostile forces actually employed to subdue them, declared rebellion ; and whereas an unjust war hath been commenced against them, which the commanders of the British fleets and armies have prosecuted, and still continue to prosecute, with their utmost vigor ; and, in a cruel manner, wasting, spoiling, and destroying the country, burning houses and defenseless towns, and exposing the helpless inhabitants to every misery, from the inclemency of the winter ; and not only urging savages to invade the country, but instigating negroes to murder their masters ; and whereas the parliament of Great Britain hath lately passed an act, affirming these colonies to be in open rebellion, forbidding all trade and commerce with the inhabitants thereof, until they shall accept pardons, and submit to despotic rule, declaring their property, wherever found upon the water, liable to seizure and confiscation, and enacting, that what had been done there, by virtue of the royal authority, were just and lawful acts, and shall be so deemed ; from all which it is manifest, that the iniquitous scheme, concerted to deprive them of the liberty they have a right to by the laws of nature and the English constitution, will be pertinaciously pursued : it being therefore necessary to provide for their de-

fense and security, and justifiable to make reprisals upon their enemies, and otherwise to annoy them, according to the laws and usages of nations, the congress, trusting that such of their friends in Great Britain, (of whom it is confessed there are many entitled to applause and gratitude for their patriotism and benevolence, and in whose favor a discrimination of property cannot be made,) as shall suffer by captures, will impute it to the authors of our common calamities, do declare and resolve, as followeth, to wit :—

Resolved, That the inhabitants of these colonies be permitted to fit out armed vessels to cruise on the enemies of these United Colonies.

Resolved, That all ships and other vessels, their tackle, apparel, and furniture, and all goods, wares, and merchandizes, belonging to any inhabitant or inhabitants of Great Britain, taken on the high seas, or between high and low water mark, by any armed vessel, fitted out by any private person or persons, and to whom commissions shall be granted, and being libelled and prosecuted in any court erected for the trial of maritime affairs, in any of these colonies, shall be deemed and adjudged to be lawful prize ; and after deducting and paying the wages which the seamen and mariners on board of such captures, as are merchant ships and vessels, shall be entitled to, according to the terms of their contracts, until the time of the adjudication, shall be condemned to and for the use of the owner or owners, and the officers, marines, and mariners of such armed vessel, according to such rules and proportions as they shall agree on : provided always, that this resolution shall not extend to any vessel bringing settlers, arms, ammunition, or warlike stores to and for the use of these colonies, or any of the inhabitants thereof, who are friends to the American cause, or to such warlike stores, or to the effects of such settlers.

Resolved, That all ships or vessels, with their tackle, apparel, and furniture, goods, wares, and merchandizes, belonging to any inhabitant of Great Britain as aforesaid, which shall be taken by any of the vessels of war of these United Colonies, shall be deemed forfeited ; one third, after deducting and paying the wages of seamen and marines as aforesaid, to the officers and men on board, and two thirds to the use of the United Colonies.

Resolved, That all ships or vessels, with their tackle, apparel, and furniture, goods, wares, and merchandizes, belonging to any inhabit-

ants of Great Britain as aforesaid, which shall be taken by any vessel of war fitted out by and at the expense of any of the United Colonies, shall be deemed forfeited, and divided, after deducting and paying the wages of seamen and mariners as aforesaid, in such manner and proportions as the assembly or convention of such colony shall direct.

Resolved, That all vessels, with their tackle, apparel, and furniture, and cargoes, belonging to the inhabitants of Great Britain, as aforesaid, and all vessels which may be employed in carrying supplies to the ministerial armies, which shall happen to be taken near the shores of any of these colonies, by the people of the country, or detachments from the army, shall be deemed lawful prize; and the court of admiralty within the said colony is required on condemnation thereof, to adjudge that all charges and expenses which may attend the capture and trial, be first paid out of the monies arising from the sales of the prize, and the remainder equally among all those, who shall have been actually engaged and employed in taking the said prize. Provided, that where any detachments of the army shall have been employed as aforesaid, their part of the prize money shall be distributed among them in proportion to the pay of the officers and soldiers so employed.

Resolved, That a committee of five be appointed to consider of the fortifying one or more ports on the American coast, in the strongest manner, for the protection of our cruisers, and the reception of their prizes; that they take the opinion of the best engineers on the manner and expense, and report thereon to congress.

NO. 23.

Instructions for the Hon. Silas Deane, agent for the thirteen United Colonies, March 2d, 1776, from the secret committee of Congress.

On your arrival in France, you will for some time be engaged in the business of providing goods for the Indian trade. This will give good countenance to your appearing in the character of a merchant, which we wish you continually to retain among the French, in general, it being probable that the court of France may not like it should be known publicly, that any agent from the colonies, is in that country. When you come to Paris, by delivering Dr. Franklin's letters to Monsieur La Roy at the Louvre and Mr. Dubourg, you will be intro-

duced to a set of acquaintance, all friends to the Americans. By conversing with them, you will have a good opportunity of acquiring Parisian French, and you will find in Mr. Dubourg, a man prudent, faithful, secret, intelligent in affairs, and capable of giving you very sage advice. It is scarce necessary to pretend any other business at Paris, than the gratifying of that curiosity, which draws numbers thither yearly, merely to see so famous a city. With the assistance of Monsieur Dubourg, who understands English, you will be able to make immediate application to Monsieur de Vergennes, minister des affaires étrangères, either personally or by letter, if Mr. Dubourg adopts that method, acquainting him that you are in France upon business of the American congress, in the character of a merchant, having something to communicate to him, that may be mutually beneficial to France and the North American colonies; that you request an audience of him, and that he would be pleased to appoint the time and place. At this audience if agreed to, it may be well to show him first your letter of credence, and then acquaint him that the congress finding, that in the common course of commerce, it was not practicable to furnish the continent of America with the quantity of arms and ammunition, necessary for its defense, (the ministry of Great Britain having been extremely industrious to prevent it,) you had been despatched by their authority to apply to some European power for a supply. That France had been pitched on for the first application, from an opinion, that if we should, as there is a great appearance we shall, come to a total separation from Great Britain, France would be looked upon as the power, whose friendship it would be fittest for us to obtain and cultivate. That the commercial advantages Britain had enjoyed with the colonies, had contributed greatly to her late wealth, and importance. That it is likely great part of our commerce will naturally fall to the share of France; especially if she favors us in this application, as that will be a means of gaining and securing the friendship of the colonies: and that as our trade was rapidly increasing with our increase of people, and in a greater proportion, her part of it will be extremely valuable. That the supply we at present want, is clothing and arms for twenty-five thousand men with a suitable quantity of ammunition and one hundred field pieces. That we mean to pay for the same by remittances to France or through Spain, Portugal, or the French Islands, as soon as our navigation can be protected by ourselves

or friends: and that we besides want great quantities of linens and woolens, with other articles for the Indian trade, which you are now actually purchasing, and for which you ask no credit, and that the whole, if France should grant the other supplies, would make a cargo which it might be well to secure by a convoy of two or three ships of war. If you should find Mr. de Vergennes reserved and not inclined to enter into free conversation with you, it may be well to shorten your visit, request him to consider what you have proposed, acquaint him with your place of lodging, that you may yet, stay sometime at Paris, and that knowing how precious his time is, you do not presume to ask another audience, but that if he should have any commands for you, you will upon the least notice immediately wait upon him. If, at a future conference he should be more free, and you find a disposition to favor the colonies, it may be proper to acquaint him, that they must necessarily be anxious to know the disposition of France, on certain points, which, with his permission, you would mention, such as whether if the colonies should be forced to form themselves into an independent state, France would probably acknowledge them as such, receive their ambassadors, enter into any treaty or alliance with them, for commerce or defense, or both? If so, on what principal conditions? Intimating that you shall speedily have an opportunity of sending to America, if you do not immediately return, and that he may be assured of your fidelity and secrecy in transmitting, carefully any thing he would wish conveyed to the congress on that subject. In subsequent conversations, you may as you find it convenient, enlarge on these topics, that have been the subjects of our conferences with you, to which you may occasionally add the well known substantial answers, we usually give to the several calumnies thrown out against us. If these supplies on the credit of the congress, should be refused, you are then to endeavor the obtaining a permission of purchasing those articles, or as much of them, as you can find credit for. You will keep a daily journal of all your material transactions, and particularly of what passes in your conversations with great personages—and you will by every safe opportunity, furnish us with such information as may be important. When your business in France admits of it, it may be well to go into Holland and visit our agent there, Mr. Dumas, conferring with him on subjects that may promote our interests, and on the means of communication.

You will endeavor to procure a meeting with Mr. Bancroft by writing a letter to him, under cover to Mr. Griffiths, at Turnham Green near London, and desiring him to come over to you, in France, or Holland, on the score of old acquaintance. From him you may obtain a good deal of information of what is now going forward in England, and settle a mode of continuing a correspondence. It may be well to remit him a small bill to defray his expenses, on coming to you, and avoid all political matters in your letter to him. You will also endeavor to correspond with Arthur Lee, Esq., agent of the colonies in London. You will endeavor to obtain acquaintance with Mr. Garnier, late Chargè des affaires de France en Angletèrre, if now in France, or if returned to England, a correspondence with him, as a person extremely intelligent and friendly to our cause. From him, you may learn many particulars occasionally, that will be useful to us.

Dated at Philadelphia, this 2d day of March, 1776.

B. FRANKLIN.

BENJ. HARRISON.

JOHN DICKERSON.

ROB'T. MORRIS.

JOHN JAY.

NO. 24.

Copy of Silas Deane's first letter to the Secret Committee of Congress, after his arrival at Paris, in July, 1776. The original, dated August 18th, 1776, was sent by Mr. McCreary, with orders to sink it, in case of his capture. Mr. McCreary was taken off the capes of Delaware, and this letter with other despatches were sunk. As this communication contains the only detailed account of the first reception of an American Agent at the Court of France, we presume it will not be unacceptable.

I wrote you every material occurrence to the time of my leaving Bordeaux, and sent duplicates by Capts. Palmer, Bunker, and Seaver, one of which you will undoubtedly have received, before this comes to hand. I left that city on the last of June, and arrived here the Saturday following, having carefully attended to every thing in the manufacturing or commercial towns in my way, which, indeed, are neither numerous nor of great consequence. I spent at Angouleme a

day, in viewing what, as to manufactures alone, deserves attention on the journey,—the foundry for cannon, where the greatest part of those used in the kingdom are manufactured; the cannon are cast solid, after which they are put as in a turner's lathe, and bored out, and the outside smoothed and turned at pleasure—they can bore and complete a twelve pounder in one day in each lathe, which takes four men only to work—the workmen freely showed me every part of their furnace and foundry. On Monday after my arrival, I waited on my bankers, and found that Mr. Bancroft had arrived the same day with me, Mr. Thomas Morris and Mr. Venzonals about ten days before. I waited on Mons. Dubourg and delivered him Dr. Franklin's letter, which gave the good gentleman the most sincere and real pleasure.

Mons. Penet, on his arrival in Paris, waited on Mons. Dubourg, showed him a copy of his contract with the committee of congress, and told him he had letters from Dr. Franklin to him, but had left them on the road or at Rotterdam, through fear of a search; he told Dr. Dubourg, to whom he was a perfect stranger, so many particular circumstances, that he could not doubt of his sincerity, and in consequence he embarked in his affairs, to a large amount. Five or six weeks had now passed without the arrival of the letters, said to be left on the road. Arms, powder, &c., to a large sum were in readiness, when my arrival gave him confidence, that I would take the burden off him, as he doubted not that my credentials would be explicit. I saw immediately the arrangement of the whole, and that Mons. Penet had returned to France, (copy of the contract excepted,) almost as empty handed, as he came to Philadelphia, yet had found means to collect a very considerable quantity of stores, part of which he had actually shipped. This circumstance gave me hopes, yet I found that it would now be expected, I should become responsible for the articles, which embarrassed me much, since to detain them would be quite disagreeable, and to step out of my own line and involve myself with Messrs. Plairne and Penet's contract, would be equally so. Mons. Penet had somehow got intelligence of my being in France, and that I was expected at Paris, he, therefore, waited for me, and I saw him the next day at my hotel, when he complained of want of remittances, and desired me to pledge my credit for the stores, which I waived in the best manner I could, for I saw the consequences might involve me in many difficulties, and frustrate my greater designs. I, there-

fore, told him I would certify to the merchants, if necessary, that the congress would pay for whatever stores they would credit them with, and in the mean time, advised him to proceed strictly agreeable to the letter of the contract, and I was positive the congress would fulfil their part of it. I finally satisfied both him and Mons. Dubourg, and he parted for *Nantz* to ship the goods, the next day. I must do him the justice that is his due, he has been indefatigable in the business, his heart seems to be entirely in it, and I believe him honest, but his connections either commercial or political are not, of themselves, equal to such an undertaking, but the cause he was employed in, had, in a great measure, I found, supplied this deficiency, which was to me a favorable appearance. Mons. Dubourg told me that the minister would not see me, as they meant to be quite secret in any countenance they gave the United Colonies, and that my arrival in France was already known in London, in consequence of which lord *Stormont* arrived express but a few days before, and had applied to the court on the subject. I showed him my commission, and told him I was determined to apply; for every circumstance, in my opinion, was favorable instead of otherwise. On this he wrote a letter to count de Vergennes, asking liberty to introduce me the Thursday following, on which day I went to Versailles, and though the letter had not been delivered his excellency, yet he gave us immediate admission. Fortunately his chief secretary spoke English well, by which means, I had an opportunity of conversing freely with him on the subject of my commission for two hours, and was attentively and favorably heard by him, was asked many questions which shows, that the American disputes had been, and still were a principal object of attention. I pursued nearly the line marked out by my instructions, stating the importance of the American commerce, the advantages Great Britain had received from a monopoly of it. That all intercourse ceasing between the two countries, the colonies had considered where they might dispose of that produce, which they necessarily had so large a surplus of, and receive for their raw or first materials, the various manufactures they wanted. That they first turned their eyes on France, as the best country in Europe for them to be connected with in commerce. That I was purchasing a large quantity of manufactures for which I expected to pay the money, and that I should want a quantity of military stores, for which remittances would be made. That I doubted not,

the colonies had before this, declared independency, and that I should soon receive instructions in consequence, more full and explicit; in the mean time, they were very anxious to know how such a declaration would be received by the powers in Europe, particularly by France, and whether, in such case, an ambassador would be received from them, &c., to which he replied that the importance of the American commerce was well known, and that no country could so well supply the colonies, and in return receive their produce as France; it was, therefore, the interest of both, to have the most free and uninterrupted intercourse, for which reason the court had ordered their ports to be kept open, and equally free to America, as to Britain.

That, considering the good understanding between the two courts of Versailles and London, they could not *openly* encourage the shipping of warlike stores, but no obstruction of any kind would be given; if there should, as the custom houses were not fully in their *secrets* in this matter, such obstruction should be removed, on the first application. That I must consider myself perfectly free to carry on any kind of commerce in the kingdom, which any subject of any other state in the world might, as the court had resolved their ports should be equally free to both parties.

That I was under his immediate protection, and should I meet with any difficulty, either from their *police*, with the rules of which he supposed me unacquainted, or from any other quarter, I had but to apply to him and every thing should be settled.

That as to independency, it was an event in the womb of time, and it would be highly improper for him to say any thing on that subject, until it had actually taken place; meantime he informed me, that the British ambassador knew of my arrival, and therefore, advised me not to associate with Englishmen, more than I was from necessity obliged, as he doubted not, I should have many spies on my conduct. I then told him the precautions I had taken and should persevere in, in coming from Bermuda, and that I did not mean, in public to pass for other than a merchant from that island on speculation, during the present cessation of commerce in America; but at the same time told his excellency, that I was well assured it was known in London, that I was coming long before I arrived at Paris, and I doubted not, they conjectured my errand, but at the same time, should take every precaution in my power; and most sincerely thanked

him for his protection and assistance so generously offered, which he might depend I would never abuse. He was pleased with my having come by Bermuda, and passing as an inhabitant of that island, and said, if questioned, he could speak of me in that character. He then asked me many questions with respect to the colonies, but what he seemed most to want to be assured of, was their ability to subsist without their fisheries, and under the interruption of their commerce. To this I replied, in this manner, that the fisheries were never carried on, but by a part of the colonies, and by them, not so much as a means of subsistence, as of commerce. That the fishery failing, those formerly employed in them, turned part to agriculture, and part to the army and navy. That our commerce must for sometime, be in a great measure suspended, but that the greater part of our importations were far from being necessaries of life, consequently we should not suffer under the want of them, whilst it was not wealth or luxuries that we were contending for. That our commerce ceasing, it would be out of the power of our enemies to support themselves on our plunder, and on the other hand, our ships, as privateers might harass their commerce, without a possibility of their retaliating. That I hoped to see a considerable marine force in the colonies, and that joined to the impossibility of Britain's guarding so extensive a coast, would preserve some of our commerce, until it should be thought an object deserving the protection of other powers. After many questions on this subject, he put this, in which I thought he seemed interested, whether, if the colonies declare an independency, they would not differ among themselves. To this I replied, that the greatest harmony had as yet subsisted, and I had no grounds to doubt it in future, that the common danger, which first drove them into measures, which must end in such a declaration, would still subsist, and that alone was sufficient to ensure their union. He then desired me to give his secretary my address, and said, though he should be glad to see me often, yet as matters were circumstanced, his house was too public a place, but that I might put the same confidence in his secretary as himself, to whom I might apply for advice and direction, but that whenever any thing of importance occurred, I need but inform him, and he would see me—but on common occasions, I must address the secretary, which would be every way more convenient as he understood the English language well, and was a person, in whom the greatest confidence

could be placed. Having settled the mode of intercourse, I expressed the sense I had of his excellency's politeness, and the generous protection he had given me, and on parting said, if my commission or the mode of introducing the subject were out of the usual course, I must rely on his goodness to make allowances for a new formed people, in circumstances altogether unprecedented, and for their agent wholly unacquainted with courts. To which he replied, that the people and their cause were very respectable in the eyes of all disinterested persons, and that the interview had been agreeable.

After this I returned to Paris with M. Dubourg, whose zeal for the American cause led him to draw the most favorable consequences from this beginning. The next day while from home, was informed that count Laueguais had inquired out my lodgings, immediately after which he asked leave to go for England, which was refused him by the court. The same day was informed, that Sir Hans Stanley and Sir Charles Jenkinson, who I knew were at Bordeaux, when I left it, were in France, for the sole purpose of inquiring what agents were here from the colonies, and what commerce, or other negotiation, between them and the colonies, was carrying on. This alarmed my friends, and as I had agreed for other lodgings, to which I was, next day to remove, M. Dubourg advised me to secrete both my lodgings and name. I told him that the count Laueguai's conduct appeared mysterious, yet I could never think of keeping myself secret, for though I should not seek these gentlemen, nor throw myself purposely in their way, yet I must think it an ill compliment to count Ver-gennes, to suppose after what had passed, that I was not on as good and safe footing in France, as they or any other gentlemen could be. However his uneasiness made him write to the count, what he had advised, who returned for answer, that such a step was both unnecessary and impolitic, as it would only strengthen suspicion by giving every thing an air of mystery, while there was not the least occasion for it. The next day I had a fresh conference with M. Dubourg, who brought me a number of memorials from officers and engineers offering their services in America; some of whom, I believe, deserve the utmost encouragement, but more of this hereafter. While I was casting in my mind, how best to improve the present favorable crisis for supplying the colonies, Monsieur Beaumarchais made proposals, for procuring whatever should be wanted, but in such a manner as was understood

by M. Dubourg to amount to a monopoly, which indeed, was not his only objection, for Monsieur Beaumarchais, though confessedly a man of abilities, had always been a man of pleasure and never of business; but as he was recommended by count Vergennes, M. Dubourg could not avoid noticing him, but immediately expostulated with the count in a letter, which brought on embarrassments no way favorable, and I saw that M. Dubourg was so far from sounding the views of his superiors in this *manœuvre*, that he was, with the best intentions in the world, in danger of counteracting his own wishes, the extent of which were, to obtain the supplies of merchants and manufacturers on the credit of the colonies, in which the strictest punctuality and most scrupulous exactness would be necessary, and which under the present difficulties of remittance, I feared would not be lived up to, and as I had learned that in the late reform of the French army, they had shifted their arms, for those of a lighter kind, the heavy ones, most of which were the same as new, to the amount of seventy or eighty thousands, lay useless in magazines, with other military stores, in some such proportion, I apprehended it no way impossible to come at a supply from hence, through the agency of some merchant, *without the ministry being concerned in the matter*. In such case the merchant would be accountable to the ministry, and the colonies to the merchant, by which means a greater time of payment might be given, and more allowance in case of our being disappointed. With this in view I went to Versailles, on Wednesday the 17th, and waited on Mr. Gerard, first secretary of foreign affairs, and presented to him the inclosed memorial No. 1, which led to a very particular conversation on the affairs of America, and which I turned finally on this subject, to which he would not then give me any immediate answer, but promised me one, in a day or two; returning to town, I found Messrs. Dubourg and Beaumarchais, had a misunderstanding, the latter giving out that he could effect every thing we wished for, and the former, from the known circumstances of M. Beaumarchais, and his known carelessness in money matters, suspecting he could procure nothing, and the more so, as he promised so largely. They parted much displeased with each other, and Monsieur Beaumarchais went directly to Versailles. On M. Dubourg's coming and informing me what had passed, I immediately wrote to Mons. Gerard the inclosed letter No. 2, and in return was desired to come with M. Dubourg, the next morning to Versailles.

We went as desired, and after explaining many things to Mr. Gerard, had a conference with his excellency, from whom I had fresh assurances of the utmost freedom and protection in their ports and on their coasts: that in one word, *I might rely on whatever Mons. Beaumarchais should engage in the commercial way of supplies*, which, indeed, was all I wished for, as I was on the safe side of the question, viz. on the receiving part. I communicated to his excellency, that clause of my instructions for procuring arms, &c. of which he asked a copy. I then informed him, that I considered the present as a most critical juncture of American affairs, that the campaign would undoubtedly be carried far into the winter, that supplies now shipped might arrive very seasonably in the fall to enable the colonies to hold out the present campaign: he replied that no delay should be made by any obstruction of any officer, or others of the customs or police. He then told me, that the count Laureguais was, perhaps, a well meaning man, but not sufficiently discreet for such purposes as this: that Mr. Lee, meaning Arthur Lee, Esq. of London, had confided, he feared, too much in him, and wished me to caution him on the subject, and that if I would write to him, he would enclose it in a letter of his, by a courier that evening. I most readily embraced this safe way of corresponding, and sent a letter I had before wrote, with an addition on this subject, a copy of which is enclosed. I have thus given you the heads of my negotiation to this time, July 20th, and will not take up your time in making remarks on it, and the prospect before me, which are obvious; but inform you of the plan I mean to pursue, in the execution of my commission, and hint some methods, by which I think I may be enabled to complete every part of it to your satisfaction, and the relief of my country, which is all my wish, and the extent of my most ambitious hopes. I go on the supposition of an actual unconditional independency, without which, little can be effected publicly; with it, almost every thing we can wish for.

It is by no means probable, that Europe will long remain in a state of peace; the disputes between Portugal and Spain are on the point of producing an open rupture, the former relies on England; the latter will look to this kingdom, and has already applied to this court on the subject. Nothing but the division of Poland, has taken the king of Prussia's attention off from the injustice done him by Great Britain, at the close of the last war. He has now completed his part of that

extraordinary work, and I am well informed, listens with pleasure to the dispute between the united colonies and Great Britain. He is ambitious of becoming a maritime power, and is already in possession of the capital port on the Baltic; but without commerce it is impossible to effect the design, and no commerce can put him so directly in the road as the American. The consumption of coffee, sugar, and other West India productions, increases fast in the north of Europe, and it must be his interest, at least, to supply his own dominions. In case of a war in Europe, France, Spain and Prussia might be brought into one interest, and the emperor of Germany is too closely connected with his majesty of France to take part against them, after which Great Britain, having her whole force employed in America, there could be nothing on the one hand to prevent Spain and France from reducing Portugal to a submission to the former, nor from Prussia and France subduing and incorporating into their own dominions, Hanover and the other little mercenary electorates, which lie between them, and which for several centuries have been one principal cause of every war that has happened in Europe.

With respect to Russia, it is as closely allied to Prussia, as to Great Britain, and may be expected to be master in the contest. Denmark and Sweden are a balance for each other, and opposites; not to enlarge on this plan at present, I have only to suggest, that an application to the king of Prussia will do no harm, and may be attended with good and great consequences; the Prussian ambassador at this court and that at London may be sounded on the subject. But my powers and instructions are so limited, that I can, by no means, take such a step; yet when I see Great Britain exerting her whole force, and that of her allies, and courting every power in Europe to aid her, I can but wish she may be counteracted in her own system, and by having employ found her in Europe, bring her to leave America in peace, and think myself bound in duty to hint at, to me the most probable means. Dr. Bancroft was full with me in this opinion; Mons. Chaumont a very wealthy person, and intendant for providing clothes, &c. &c. for the French army, has offered me a credit, on account of the colonies, to the amount of one million of livres, which I have accepted. I have in treaty another credit, which joined to this will purchase the articles directed in my instructions; the credit will be until May next, before which I hope remittances will be made. I have purchased of

said M. Chaumont a quantity of salt-petre at ten sous, or five and one fourth per cent. in order that captain Morgan might not return empty. As soon as I have given the orders for despatching him and settled some other matters here, I design for Dunkirk to ship the Indian goods, which I hope may arrive in season for the winter supply, though I leave you to consider my situation with only about 6 or 7000 pounds to complete a contract of forty, and the bills for my private expenses being protested, obliged to support myself out of that capital, which I labor to do with all the economy in my power. Dr. Bancroft is returned to London, and by him I wrote to Mons. Garnier and agreed on a mode of correspondence. I think your remittances in armed vessels, will be much the best method, and I have ordered captain Morgan's sloop to be armed, and should she arrive safe, recommend him, as one I am confident will serve the colonies with great zeal and fidelity; and I have had some experience of the goodness of his temper and his abilities. Mr. Seymour his mate is, also, deserving of encouragement, as a good seaman and of undaunted resolution. I am not without hopes of obtaining liberty for the armed vessels of the united colonies to dispose of their prizes in the ports of this kingdom, and also for arming and fitting out vessels of war directly from hence, but I will not venture on this, until I see what effect my last memoir may have; the substance of which is, to shew the danger to France and Spain, if they permit Great Britain to keep so enormous a force in America, and to recover the dominion of the colonies; also, how fully it is in their power to prevent it, and by that means deprive Great Britain of the principal source of her wealth and force, even without hazarding a war of any consequence, in point of danger. This memoir, which takes several sheets, I am unable to send you a copy of, as I have no one to assist me, and must make out several copies for the persons to whom they are to be delivered. I was directed to apply for arms and clothes for 25,000 men, and for 100 field pieces, with ammunition and stores in proportion. This I wished to get of the ministry direct, but they evaded it, and I am now in treaty for procuring them, through the agency of Mons. Chaumont and Mons. Beaumarchais, on a credit of eight months from the time of their delivery. If I effect this, as I undoubtedly shall, I must rely on the remittances being made this fall and winter without fail, or the credit of the colonies must suffer. If I can get the arms out of the maga-

zines and the field pieces here, hope for a much longer credit, but if we send to Sweden for the brass cannon, the credit will not be lengthened beyond that. Some new improvements have lately been made, in this branch, consequently the cannon now manufactured will be preferable to those of former construction. Some engineers here assert, that iron is preferable to brass, that is, wrought iron, out of which the pieces may be made lighter, and to better purpose; considering the want of these pieces and the plenty of iron in America, the experiment might, I think, be made without delay. I am still in hopes of procuring an admission of the article of tobacco directly from America, but the farmers general will not offer equivalent to the risk. Without intelligence from April to this time, leaves me quite uncertain and extremely anxious about the line of conduct now pursuing by congress, and consequently cannot, without further intelligence and instructions, proceed in my negotiation either with safety or honor. The resolution of congress of the 15th of May, is not considered by the ministry, as a declaration of independence, but only a previous step, and until this decisive step is taken, I can do little more to any purpose; this taken, I dare pledge myself, the united colonies may obtain all the countenance and assistance they wish for, in the most open and public manner, and the most unlimited credit with the merchants of this kingdom; I must, therefore, urge this measure, if not already taken, and that the declaration be in the most full and explicit terms.

Merchants here would speculate deeply in the American trade, could they be insured, at any premium, within bounds. I wish to know if offices are already open, and would suggest, that if the congress would take the insurance under their own direction, it would give it such a proportionably greater credit, that supplies would most certainly be obtained in plenty. I shall be able to procure a private interview with the Spanish ambassador, and shall present him my memorial, and am in a train, which, I think, will carry it quite to the fountain head.

Thus I have, in a minute, possibly a tedious detail, mentioned every thing material on my mind, which has occurred since my arrival, and submit the whole to the wisdom and candor of the honorable congress, observing, that I had gone to the extent of my instructions, and though I have been successful beyond my expectations, yet I have but been laboring principally to set certain great wheels in mo-

tion, which still want something more decisive on my part, and I am confident is all that is wanting to set them in so effectual moving, as to roll the burthen and calamities of war, from our doors, back with aggravated ruin on the accursed authors, which, if I can be the means of effecting, the world may bestow the rest of its honors on whom it pleases, I shall be contented, the extent of my most ambitious hopes thus accomplished. I have now to urge a survey with respect to the contents of this letter; more that is said in congress transpires and crosses the Atlantic, than you conceive of; more than I can account for, without having uncharitable thoughts of individuals, still without fixing them on any one. I have wrote a short letter to Mr. Jay on common affairs and have enclosed one to Mons. Longueville, which pray may be forwarded, the letter is from his friends here, who have heard of his being a prisoner somewhere in America. Mons. Du-bourg has continued to render me every assistance in his power, to be particular would swell this letter beyond all bounds; his abilities and connections are of the first stile in this kingdom, and his zeal for the cause of the united colonies is to be described only by saying, that at times it is in danger of urging him beyond both; in short, I am every way deeply indebted to him, personally for bringing me acquainted with agreeable persons of rank and character, and on account of my honored constituents, for assisting me to make such a favorable beginning and progress in my business. I know not how affluent he may be, but as he has really for sometime devoted himself to assist in this negociation, I am confident something honorable will be thought of for him. I have complimented him by asking of him his portrait to be sent to his and my friends in America, in my private capacity, mentioning our mutual friend Dr. Franklin. This I found so agreeable that I am confident some such distinction would be more acceptable than more lucrative rewards. Dr. B. took pains to collect all the political publications of the last year for me and brought them with him; he was at considerable expense in his journey, I sent him from Bordeaux a bill of £30 and paid his expenses, in my lodgings here; at parting I desired him to keep an account, and when the money was expended inform me. This gentleman is certainly capable of giving as good, if not the best intelligence of any man in Great Britain, and as he is closely connected with the most respectable of the minority in both houses, not particularly obnoxious to the majority, and

for his abilities they are too well known to Dr. Franklin to need any attempt to do them justice in a letter. I am with the highest esteem and respect for the honorable congress and their committee of secret correspondence, &c.

SILAS DEANE.

August 1st.—Since writing the foregoing have again been at * * and am of opinion, that a war between Portugal and Spain is at the door, have had an interview proposed with the ambassador of Portugal, who resides here on commercial affairs, which have most readily embraced, and expect to see him again on Wednesday next, after which will write you further; his proposals are merely commercial, as is his station, but something else may be investigated.

August 2nd.—I should have sent this off earlier, but delayed on account of hearing something more directly; if I might depend on certain articles for which I was in treaty, I am now assured I may, and the whole will be ready to ship in all the month of October. My next labor will be to obtain a convoy, which I do not despair of, though it is a delicate question, and I have only sounded at a distance, yet I have no doubt of obtaining one, at least off the coast of Europe, and the articles will be shipped as for the West India islands. I propose arming and well manning the vessels in which these articles shall be embarked, and I advise again the sending all remittances to Europe in armed vessels, the probability of meeting with English merchants is well worth the risk. I hope that it will be considered that 100 field pieces, and arms, clothing, and accoutrements, with military stores for 25,000 men, is a large affair, and that although I am promised any credit, yet as they must be paid for, the sooner the better, if to be done without, too great a risk.

A considerable part of these articles are now on hand, and orders are issued for the others, by the contractors this day. I prefer Bordeaux to any other port for shipping them from, but the remittances must be made to several, on which will give you my opinion in my next. A number of gentlemen of rank and fortune, who have seen service and have good characters, are desirous of serving the united colonies, and have applied; pray let me have orders on this subject; if it be politic to interest this kingdom in the present contest, what way so effectual as to get into their debt for supplies and employ per-

sons of good family and connections in it, in our service, I have given encouragement, on which some are prepared to embark. One Mons. C. a celebrated engineer, who was chief, in that way, in the Turkish army, is returned and is willing to go to America, but the ministry cannot as yet spare him, as certain regulations are making elsewhere, possibly he may go out sometime in the winter; he is a first character in his profession and otherwise. Indeed, this contention has set on foot such a spirit of inquiry in Europe into the state of America, that I am convinced that at the first close of this war, if, as I trust in God, it will close in our favor, there will be an inundation of inhabitants from this side of the globe. Many persons of capital fortunes have declared to me their resolution of moving to America, as soon as the liberties of America shall be established, and that many of their friends will accompany them.

August 15th.—I received from a friend at Amsterdam, a letter, informing that he would be with me the 20th, and as the vessel could not be sooner ready to sail, I determined not to risk this packet by a private hand, or by the public post; he is now arrived and takes charge of it in person. Were it possible, I would attempt to paint to you the heart rending anxiety I have suffered in this time, through a total want of intelligence; my arrival here, my name, my lodgings and many other particulars have been reported to the British administration on which they sent orders to the British ambassador to remonstrate in high terms, and to enforce their remonstrances, dispatched Wedderburn from London, and lord Rochford from Holland, as a person of great interest and address here to counteract me. They have been some time here and the city swarms with Englishmen, and as money purchases every thing in this country, I have had and still have a most difficult task to avoid their machinations. Not a coffee-house or theatre or other public place of diversion, but swarms with their emissaries; but knowing the ministry are my friends, I attend these places as others, but cautiously avoid saying a word on American affairs any where except in my own hotel or those of my intimate friends. I have seen many more of the persons in power in this time, and had long conversations with them; their intentions are good and they appear convinced, but there is wanting a great and daring genius at their head, which the count Maurepas is very far from being; he

has even imbibed a notion that no assistance is necessary, as the colonies are too powerful for Great Britain. All eyes are turned on the Duke D'Choiseul. I am convinced the moment he comes into office, an active, open, and * * * will be taken. I think he will be minister very soon, meantime I have nothing to complain of the * * * * indeed they will not be altered if he takes the lead. I find Mons. Beaumarchais, as I before hinted at, possesses the entire confidence of the ministry; he is a man of wit and genius and a considerable writer on comic and political subjects; all my supplies are to come through his hands, which at first greatly discouraged my friends, knowing him to be a person of no interest with the merchants, but had I been as doubtful as they, I could not have stepped aside the path so cordially marked out for me by those I depend on. Mons. Coudray, the engineer I before hinted at, obtained liberty last week to go for America with as many engineers as he should choose, and was not only assured of Mons. Beaumarchais being able to procure the stores he had stipulated for, but received orders for them and liberty to take 200 pieces brass cannon, lest part might be intercepted. Mons. Coudray has the character of the first engineer in the kingdom, and his manners and disposition will, I am confident, be highly pleasing to you, as he is a plain, modest, active, sensible man, perfectly averse to frippery and parade. My friends here rejoice at the acquisition, and considering the character of the man, and at whose hands I in effect received him, I must congratulate you on it. Several young gentlemen of fortune, whose families are nearly connected with the court, are preparing to embark for America, by each of whom I shall without disguise, write you the characters they sustain here; I have told them that merit is the sole object with the congress. The bearer, * * * can give you some idea of the situation I am in, should this packet fail, and should he arrive with it may explain some part of it. I am confident his attention to the affairs of America here will be considered by the congress; I have found him in the mercantile way active and intelligent. Mr. Carmichael is now with me from Maryland, and I find him a person of great merit, respecting the colonies he is recommended as such by * * * * from whom he has received a letter but of no immediate importance; he proposes seeing me here this month. Mons. Dumas has wrote me two letters from the Hague, but so timid that he has not

ventured to sign either, though he speaks in the highest terms of the American cause. The pamphlet called *Common Sense* has been translated, and has a greater run if possible here than in America. A person of distinction writing to his noble friend in office, has these words : " je penes comme vous, mon cher Compte, que le *Common Sense* est une excellent ouvrage, et que son auteur est un des plus grands legislateurs a des millions ecrivans, que nous connoissons ; il nes't pas douteux, que si les Americains suivent le beau plan, que leur compatriote leur a tracé, ils deviendront la nation la plus florissante et la plus heureuse, que ait jamais existè."

Thus freely do men think and write in a country long since deprived of the essentials of liberty ; as I was favored with a sight of the letter, and permitted to make this extract, I thought it worth sending you as a key to the sentiments of some of the leading men. I must again remind you of my situation here, the bills designed for my use are protested, and expenses rising fast in consequence of the business on my hands, which I may on no account neglect, and a small douceur, though I have been sparing in that way, is sometimes of the utmost importance. The quantity of stores to be shipped will amount to a large sum, the very charge on them will be great, for which I am the only responsible person. Five vessels arrived from America with fish, which is a prohibited article, and the officers of the customs detained them, on which I was sent to and informed, that if those vessels came from the congress to me, they should be permitted to unload and sell. Here was a difficulty indeed, for the captain had not so much as applied to me by letter, however, I assured the * * that there could be no doubt but they were designed for that use, and that the letters to me must have miscarried, on which, orders were issued for unloading and storing those cargoes until further intelligence should arrive. I mention this case in confidence, and pray that in future some regulation may be made on this subject, and that vessels coming out, may be directed to apply to me as their agent or owner at least, and I will procure in the different ports, houses of known reputation to transact their business. This is absolutely necessary, for by this means their articles may be admitted. Tobacco may come in this way, and every other article * * deeply indebted ostensibly to Mons. Beaumarchais, he can obtain the liberty for the discharge of their debts. Mons. Coudray will see the articles of ammunition, cannon, &c. are provided

in the best manner for the army, and will embark himself by the 1st of October. I wrote you from Bermuda, on the subject of seizing and fortifying that island. I am well informed the British ministry have had it in contemplation, and propose doing it next spring. Mr. War-der of Philadelphia, came a few days since from Bordeaux to Paris, and called on me with some young gentlemen from New England; he brought letters from my good friends Messrs. * * in consequence of letters to them from Mr. Alsop. I received him as I do all my countrymen, with real pleasure. A gentleman present warned him against conversing with a particular person in Paris, to which Mr. W. seemed to agree, yet I am told he went directly from my hotel to that person, and informed him of every thing he heard mentioned, and of every person he saw visiting me; happily he could inform of nothing of any consequence; for my chamber being full of a mixed company, and the conversation was general and in French and in English; but this conduct of his, with his want of common complaisance in leaving the city without calling on me to receive any letters I might have for London, which he had promised to convey, that I was on my guard in what I had wrote to send by him, has given me some uneasiness, and I mention the incident only as a caution how and what persons are recommended. The pleasure I feel in seeing one of my countrymen is such, that I may be in as great danger from them as others, possibly much more. I should be unhappy if any suspicion should operate to the prejudice of this person without cause, but my friends here, who are kindly attentive to every thing that is said or done which respects America, think very strange of his conduct. I rely on your indulgence for the length and incorrectness of this letter. I have had much on my hands and no one to assist me in copying, &c. Visits from persons to whom I cannot be denied or visiting them, with constant applications made on various subjects take up my mornings, and I have had only now and then an evening to write in. I have seen the prime agent who proposed something in the way of supplying the colonies with military stores from Prussia. I shall confer further on the subject with him and write you. I have drawn up a memorial on the commerce of America, and its importance to Europe, and shall present it tomorrow to the different personages concerned, shall send a copy if I can get one made, by this conveyance. The debt of the colonies in carrying on the war, is a common topic for ministerial writers, but permit

me to assure you at the close of this long letter, that the demand for land in America, if its liberties are established, will more than compensate the whole expense. I will in a future letter be more explicit on this important subject, but am well convinced of the certainty of this fact, "that the advance in the price of lands in America, if the colonies are victorious, will more than reimburse the expenses of the war." I have nothing material to add. Never were a people more anxious for news than the people of this kingdom are for some from America, and surely you will put me down as one of the first in the roll of American heroes, when you consider my situation, plunging into very important engagements, which I can by no means avoid, yet without funds to support them. But I will not enlarge on this subject, and only say, that I have met with every possible encouragement from every person I have seen, whether in or out of office, and I believe no person in the same space of time, ever conferred with more of both. My being known to be an American, and supposed to be one of the congress, and in business for the United Colonies, has introduced me beyond what almost any other recommendation could have done, which I mention to convince you of the attention paid here to the cause of the United Colonies, and how very popular it is become in this country. I have repeatedly seen Mr. Hopkins, formerly of Maryland, now advanced to be a brigadier general in this service: he talks of coming out to America; should the duke D'Choiseul, who is his friend and patron, come into the lead of administration, he might come out to advantage. Insurance from London to Jamaica, is 20 per cent. If a few of our cruizers should venture on this coast they might do very well, as they would find protection in the harbors of this kingdom, coming ostensibly for the purpose only of commerce or otherwise, no questions would be asked, and they might wait until an opportunity offered, (of which they might be minutely informed,) and then strike something to purpose. I give this hint to individuals, rather than to the honorable congress as a body. The bearer Mr. McCreary, has obliged me by copying my memoir No. 3, which I send herewith. It has had a great run among the ministers of this and some other courts in a private way. *Mons. Beaumarchais, writes by this opportunity, he has shown me his letter, and I have agreed in general to the contents, not understanding any exclusive privilege for his house. Every thing he says, writes, or does, is in reality the action of*

the ministry, for that a man should but a few months since, confine himself from his creditors, and now on this occasion be able to advance half a million, is so extraordinary that it ceases to be a mystery. Mons. Coudray was not in the Turkish service as I was informed, it was a gentleman who proposes accompanying him, but he is an officer of the first eminence, an adjutant general in the French service, and his prospects here of rising are exceeding good—but he is dissatisfied with an idle life. His proposals in general have been, that he should be general of the artillery, and subject only to the orders of congress or of their committee of war, or of their commander in chief of the army where he might be. In the next place, that he should rank as major general, and have the same wages, &c. coming in as youngest major general for the present, and rising of course. Many other particulars are not yet adjusted, but considering the importance of having two hundred pieces of brass cannon, with every necessary article for twenty-five thousand men, provided with an able and experienced general at the head of it, warranted by the minister of this court to be an able and faithful man, with a number of fine and spirited young officers in his train, and all without advancing one shilling, is too tempting an object for me to hesitate about, though I own there is a silence in my instructions. I therefore honestly declare, I am at your mercy in this case, and I have no uneasiness of mind on the occasion, for should I be sacrificed, it will be in that cause to which I have devoted my life and every * * in it. The terms of Mons. Coudray may be thought high, but consider a person leaving a certain and permanent service and his native country, to go he hardly knows where, and it must be supposed he will ask at least as good terms as he could have in his own country, but as the terms have not been particularly considered, I must defer any thing further on this subject for the present, hourly in hopes of some explicit intelligence from the honorable congress. You have the good wishes of every one here. Chevalier D'Chastellier, desires me this instant to write down his compliments to Dr. Franklin, and with pleasure I say, the being known to be his friend, is one of the best recommendations a man can wish to have in France, and will introduce him when titles fail.

NOTE.—The omissions in the original letter, from which this was taken, render some part of it not perfectly intelligible.

NO. 25.

Instructions to William Lee, Esq., American Minister to the Courts of Vienna and Berlin, in 1777.

SIR—Herewith you will receive commissions from the congress of the United States of North America, authorizing and appointing you to represent the said congress as their commissioner at the courts of Vienna and Berlin. You will proceed with all convenient expedition to those courts; visiting that first, which, on consultation with the commissioners at the court of France, shall be judged most proper. You will lose no time in announcing in form to those courts, the declaration of independence made in congress on the fourth day of July, 1776. The reasons of this act of independence are so strongly adduced in the declaration itself, that further argument is unnecessary. As it is of the greatest importance to these states, that Great Britain be effectually obstructed in the plan of sending German and Russian troops to North America, you will exert all possible address and vigor to cultivate the friendship and procure the interference of the emperor and of Prussia. To this end you will propose treaties of friendship and commerce with these powers, upon the same commercial principles as were the basis of the first treaties of friendship and commerce proposed to the courts of France and Spain, by our commissioners, and which were approved in congress the seventeenth day of September, 1776, and not interfering with any treaties which may have been proposed to, or concluded with, the courts abovementioned. For your better instruction herein, the commissioners at the court of Versailles will be desired to furnish you, from Paris, with a copy of the treaty originally proposed by congress, to be entered into with France, together with the subsequent alterations that have been proposed on either side.

You are to propose no treaty of commerce to be of longer duration than the term of twelve years from the date of its ratification by the congress of the United States. And it must never be forgotten, in these commercial treaties, that reciprocal and equal advantages to the people of both countries be firmly and plainly secured.

There being reasons to suppose that his Prussian majesty makes commerce an object, you will not fail to place before him, in the clearest light, the great advantages that may result from a free trade between the Prussian dominions and North America.

You will seize the first favorable moment to solicit, with decent firmness and respect, an acknowledgment of the independence of these states, and the public reception of their commissioner as the representative of sovereign states. The measures you may take in the premises, and the occurrences of your negotiation, you will communicate to congress by every opportunity.

It may not be improper to observe, that these instructions, and all others which you may receive from time to time, should be kept as secret as circumstances will admit.

NO. 26.

Declarations of Congress respecting Independence and Treaties with Foreign Powers, Nov. 22d, 1777.

Congress having received information, that the insidious enemies of the United States of America have endeavored to propagate in Europe false and groundless reports, that a treaty had been held between congress and the commissioners of the king of Great Britain, by which it was probable that a reconciliation would take place:—

Be it declared and resolved, That the commissioners of the said United States at the several courts in Europe, be authorized to represent to the courts at which they respectively reside, that no treaty whatever has been held between the king of Great Britain, or any of his commissioners, and the said United States, since their declaration of independence.

And whereas, the cause of these United States may be greatly endangered, unless such of the European powers as regard the rights of mankind should interpose to prevent the ungenerous combination of other powers against the liberties of the said states :

Resolved, That the commissioners of the United States at the several courts in Europe, be directed to apply to the respective courts, and request their immediate assistance for preventing a farther embarkation of foreign troops to America, and also to urge the necessity of their acknowledging the independence of these states.

Resolved, That all proposals for a treaty between the king of Great Britain, or any of his commissioners, and the United States of America, inconsistent with the independence of the said states, or with such treaties or alliances as may be formed under their authority, will be rejected by congress.

Resolved, That the commissioners of the United States be severally directed to communicate to the respective courts the purport of the first and second resolutions, when they shall think it expedient; and to suspend the last until upon a general consultation of the commissioners, a majority shall judge it necessary.

NO. 26.

Statement of a verbal report made to the Committee of secret correspondence, by Mr. Thomas Story, October 1st, 1776.

Mr. Thomas Story, (who had been sent by the committee of secret correspondence, December 13th, 1775, to France, Holland, and England,) reported verbally as follows: on my leaving London, Arthur Lee, Esq., requested me to inform the committee of correspondence, that he had several conferences with the French ambassador, who had communicated the same to the French court; that in consequence thereof, the Duke of Vergennes had sent a gentleman to Arthur Lee, who informed him that the French court could not think of entering into a war with England, but that they would assist America by sending from Holland this fall, two hundred thousand pounds sterling worth of arms and ammunition to St. Eustatius, Martinique, or Cape Francois; that application was to be made to the governors, or commandants of those places, by inquiring for Monsieur Hortales; and that on persons properly authorized, applying, the above articles will be delivered to them.

Philadelphia, October 1st, 1776.

The above intelligence was communicated to the subscribers, being the only two members of the committee of secret correspondence, now in this city; and on our considering the nature and importance of it, we agree in opinion, that it is our indispensable duty to keep it a secret, even from congress, for the following reasons:

1. Should it get to the ears of our enemies at New York, they would undoubtedly take measures to intercept the supplies, and thereby deprive us not only of those succors, but of others expected by the same route.

2. As the court of France have taken measures to negotiate this loan and succor in the most cautious and secret manner, should we divulge it immediately, we may not only lose the present benefit, but also render that court cautious of any further connection with such

unguarded people, and prevent their granting other loans and assistances that we stand in need of, and have directed Mr. Deane to ask of them ; for it appears from all our intelligence, they are not disposed to enter into an immediate war with Britain, though disposed to support us in our contest with them, we, therefore, think it is our duty to cultivate their favorable disposition towards us, draw from them all the support we can, and in the end their private aid must assist us to establish peace, or inevitably draw them in as parties to the war.

3. We find, by fatal experience, the congress consists of too many members to keep secrets, as none can be more strongly enjoined than the present embassy to France, notwithstanding which, Mr. Morris was this day asked by Mr. Reese Meredith, whether Dr. Franklin and others were really going ambassadors to France, which plainly proves, that this committee ought to keep this secret, if secrecy is required.

4. We are of opinion that it is unnecessary to inform congress of this intelligence at present, because Mr. Morris belongs to all the committees that can properly be employed for receiving and importing the expected supplies from Martinico, and will influence the necessary measures for that purpose ; indeed we have already authorized William Bingham, Esq., to apply at Martinico and St. Eustatia, for what comes there, and remit part, by the armed sloop Independence, captain Young, promising to send others for the rest. Mr. Morris will apply to the marine committee to send other armed vessels after her, and also to cape Francois, (without communicating this advice,) in consequence of private intelligence lately received, that arms, ammunition, and clothing, can now be procured at those places. But should any unexpected misfortune befall the states America, so as to depress the spirits of congress, it is our opinion, that on any event of that kind, Mr. Morris, (if Dr. Franklin should be absent,) should communicate this important matter to congress, otherwise keep it until part of, or the whole supplies arrive, unless other events happen to render the communication of it more proper than it appears to be at this time.

B. FRANKLIN.

ROBERT MORRIS.

Communicated to me this 11th of October, 1776, and I concur heartily in the measure.

RICHARD HENRY LEE.

Communicated to me this 10th of October, 1776, and I do also sincerely approve of the measure.

WM. HOOPER.

NO. 27.

Letter of Beaumarchais, under the signature of Roderique Hortales & Co. to the Committee of Secret correspondence, dated August 18th, 1776.

Gentlemen.—The respectful esteem that I bear towards that brave people, who so well defend their liberty, under your conduct, has induced me to form a plan concurring in this great work, by establishing an extensive commercial house, solely for the purpose of serving you in Europe; there to supply you with necessaries of every sort, to furnish you expeditiously and certainly with all articles, clothes, finens, powder ammunition, muskets, cannon, or even *gold* for the payment of your troops, and in general every thing that can be useful for the honorable war in which you are engaged. Your deputies, gentlemen, will find in me a sure friend, an asylum in my house, money in my coffers, and every means of facilitating their operations, whether of a *public* or a *secret* nature. I will if possible remove all obstacles that may oppose your wishes, from the *politics of Europe*. At this very time, and without waiting for any answer from you, I have procured for you about two hundred pieces of brass cannon, four pounders, which will be sent to you by the nearest way, 200,000 lbs. of cannon powder, 20,000 excellent fusils, some brass mortars, bombs, cannon balls, bayonets, platines, clothes, linens, &c. for the clothing of your troops, and lead for musket balls. An officer of the greatest merit for artillery and genius, accompanied by lieutenants, officers, artillerists, cannoniers, &c. which we think necessary for the service, will go for Philadelphia, even before you have received my first despatches. This gentleman is one of the greatest presents that my attachment can offer you. Your deputy, Mr. Deane, agrees with me in the treatment, which he thinks suitable to his office, and I have found the power of this deputy sufficient, that I should prevail with this officer to depart, under the sole engagement of the deputy respecting him, the terms of which, I have not the least doubt but congress will comply with. The secrecy, gentlemen, necessary in some part of the operation, which I have undertaken for your service, requires also, on your part, a formal resolution, that all the vessels and their demands, should be constantly directed to our house alone, in order that there may be no idle chattering or time lost—two things that are the ruin of affairs. You will advise me what the vessels contain

which you shall send into our ports. I shall choose so much of their loading, in return for what I have sent, as shall be suitable to me, when I have not been able beforehand, to inform you of the cargoes which I wish, I shall facilitate to you the loading, sale and disposal of the rest. For instance, five American vessels have just arrived in the port of Bordeaux, laden with salt fish; though this merchandize coming from strangers is prohibited in our ports, yet as soon as your deputy had told me that these vessels were sent to him, by you, to raise money from the sale for aiding him in his purchases in Europe, I took so much care, that I *secretly* obtained from the farmers general, an order for landing it without any notice being taken of it. I could even if the case had so happened, taken upon my own account these cargoes of salted fish, though it is no way useful to me, and charge myself with its sale and disposal, to simplify the operation, and lessen the embarrassments of the merchants, and of your deputy. I shall have, gentlemen, a correspondent in each of our seaport towns, who, on the arrival of your vessels, shall wait on the captains and offer every service, in my power; he will receive their letters, bills of lading, and transmit the whole to me; even things which you may wish to arrive safely in any country in Europe, after having conferred about them with your deputy, I shall cause them to be kept in some secure place, even the answers shall go with great punctuality through me, and this way will save much anxiety and many delays. I request of you, gentlemen, to send me next spring, if it is possible for you, ten or twelve thousand hogsheads, or more if you can, of tobacco from Virginia, of the best quality. You very well understand that my commerce with you, is carried on in Europe, that it is in the ports of Europe, I make and take returns. However well bottomed my house may be, and however I may have appropriated many millions to your trade alone, yet it would be impossible for me to support it, if all the dangers of the sea, of exports and imports, were not entirely at your risk. Whenever you choose to receive my goods in any of our windward or leeward islands, you have only to inform me of it, and my correspondents shall be there according to your orders, and then you shall have no augmentation of price, but of freight and insurance. But the risk of being taken by your enemies, still remains with you, according to the declaration rendered incontestible by the measures I shall take by your deputy himself. This deputy shall receive as

soon as possible, full' power and authority to accept what I shall deliver to him, to receive my accounts, examine them, make payments thereupon, or enter into engagements, which you shall be bound to ratify, as the head of that brave people to whom I am devoted; in short, always to treat about your interests immediately with me. Notwithstanding the *open* opposition which the king of France, his ministers, and the agents of administration show, and ought to show to every thing that carries the least appearance of violating foreign treaties, and the internal ordinances of the kingdom, I dare promise to you, gentlemen, that my indefatigable zeal shall never be wanting to clear up difficulties, soften prohibitions, and, in short, facilitate all operations of a commerce, which my advantage, much less than yours has made me undertake with you. What I have just informed you of, gentlemen, is only a general sketch, subject to all the augmentations and restrictions which events may point out to us. One thing can never vary or diminish, it is the avowed and ardent desire I have of serving you to the utmost of my power. You will recollect my signature, that one of your friends in London some time ago informed you of my favorable disposition towards you, and my attachment to your interest. Look upon my house then, gentlemen, from henceforward as the chief of all useful operations to you in Europe, and my person as one of the most zealous partizans of your cause, the soul of your success, and a man most deeply impressed with respectful esteem, with which I have the honor to be,

RODERIQUE HORTALES & CO.

P. S. I add here, to conclude, that every American vessel, though not immediately armed or loaded by you will be entitled to my good offices in this country; but yours, particularly addressed to my house will receive a particular preference from me. I ought also to intimate to you, gentlemen, that 'from the nature of my connection,' 'tis to be wished you would use discretion, even in the accounts that you give to the general congress. Every thing that passes in your great assemblies is known, I cannot tell how, at the court of Great Britain. Some indiscreet or perfidious citizen sends an exact account of your proceedings to the palace of St. James. In times of great exigency, Rome had a dictator; and in a state of danger the more the executive power is brought to a point, the more certain will be its effect, and

there will be less to fear from indiscretion. It is to your wisdom, gentlemen, I make this remark ; if it seems to you just and well planned, look upon it as a new mark of my ardor for your rising republic.

R. H. & CO.

NO. 28.

Letter from the American Commissioners at Paris, to the Committee of Congress, in October 1777.

Passy, near Paris, 7th October, 1777.

Gentlemen—We received duly your despatches by Mr. McCreary and captain Young, dated May 2d, and 30th, June 13th, 18th, and 26th, and July 2d : the intelligence they contain is very particular and satisfactory. It rejoices us to be informed that unanimity continues to reign among the states, and that you have so good an opinion of your affairs, in which we join with you. We understand that you have also written to us of later dates by captain Holm. He is arrived at port L'Orient, but being chased and nearly taken, he sunk his despatches.

We are also of your sentiments with regard to the interests of France and Spain respecting our independence, which interests, we are persuaded, they see as well as we, though particular present circumstances induce them to postpone the measures that are proper to secure those interests. They continue to hold the same conduct described in our last which went by Wickes and Johnson, a copy whereof we send herewith, as Johnson is unfortunately taken.

We have lately presented an earnest memorial to both courts, stating the difficulties of our situation, and requesting that if they cannot immediately make a diversion in our favor, they would give a subsidy sufficient to enable us to continue the war without them, or afford the states their advice and influence in making a good peace. Our present demand, to enable us to fulfil your orders, is for about eight millions of livres. Couriers we understand are despatched with this memorial to Madrid, by both the ambassador of Spain and the minister here ; and we are desired to wait with patience for the answer, as the two courts must act together. In the mean time, they give us fresh assurances of their good will to our cause, and we have just received a fourth sum of five hundred thousand livres. But we are continually charged to keep the aids that are or may be afforded us, a dead secret,

even from the congress, where they suppose England has some intelligence ; and they wish she may have no certain proofs to produce against them with the other powers of Europe. The apparent necessity of your being informed of the true state of your affairs, obliges us to dispense with this injunction. But we entreat that the greatest care may be taken that no part of it shall transpire ; nor of the assurances we have received that no repayment will ever be required from us of what has been already given us either in money or *military stores*. The great desire here seems to be, that England should strike first, and not be able to give her allies a good reason.

The total failure of remittances from you for a long time past, has embarrassed us exceedingly. The contracts we entered into for clothing and arms, in expectation of those remittances, and which are now beginning to call for payment, distress us much, and we are in imminent danger of bankruptcy, for all your agents are in the same situation, and they all recur to us to save their and your credit. We were obliged to discharge a debt of Myrtle's, at Bordeaux, amounting to about five thousand livres, to get that vessel away ; and he now duns us every post for between four and five thousand pounds sterling, to disengage him in Holland, where he has purchased arms for you. With the same view of saving your credit, Mr. Ross was furnished with twenty thousand pounds sterling, to disentangle him. All the captains of your armed vessels come to us for their supplies, and we have not received a farthing of the produce of their prizes, as they are ordered into other hands. Mr. Hodge has had large sums of us. But to give you some idea for the present, till a more perfect account can be rendered of the demands upon us that we have paid, we enclose a sketch for your perusal, and shall only observe, that we have refused no application in which your credit appeared to be concerned, except one from the creditors of a Mr. Ceronio, said to be your agent in Hispaniola, but of whom we had no knowledge ; and we had reason to hope that you would have been equally ready to support our credit, as we have been of yours, and from the same motives, the good of the public, for whom we are all acting, the success of our business depending considerably upon it.

We are sorry, therefore, to find all the world acquainted here, that the commissioners from congress have not so much of your regard as to obtain the change of a single agent who disgraces us all. We say

no more of this at present, contenting ourselves with the consciousness that we recommend that change from the purest motives, and that the necessity of it and our uprightness in proposing it, will soon fully appear.

Messrs. Gardoqui at Bilboa, have sent several cargoes of naval stores, cordage, sail cloth, anchors, &c., for the public use, consigned to Elbridge Gerry, Esquire. They complain that they have no acknowledgment from that gentleman of the goods being received, though they know the vessels arrived. We have excused it to them, on the supposition of his being absent at congress. We wish such acknowledgment may be made, accompanied with some expressions of gratitude towards those from whom the supplies came, without mentioning who they are supposed to be. You mention the arrival of the Amphitrite and Mercury, but say nothing of the cargoes.

Mr. Hodge is discharged from his imprisonment on our solicitation, and his papers restored to him; he was well treated while in the Bastile. The charge against him was, deceiving the government in fitting out Cunningham from Dunkirk, who was represented as going on some trading voyage, but as soon as he was out, began a cruize on the British coast, and took six sail. He is got safe into Ferrol.

We have received and delivered the commissions to Mr. William Lee and Mr. Izard. No letters came with them for those gentlemen with information how they are to be supported on their stations. We suppose they write to you and will acquaint you with their intentions. Some propositions are privately communicated to us, said to be on the part of Prussia, for forming a commercial company at Embden. We shall put them into the hands of Mr. Lee.

We do not see a probability of our obtaining a loan of the two million sterling, from any of the money holders in Europe, still our affairs are in their opinion more firmly established. What may be obtained from the two crowns either as loan or subsidy, we shall probably know on the return of the couriers, and we hope we shall be able to write more satisfactory on those heads by captain Young, who will by that time be ready to return.

With the greatest respect, we have the honor to be, &c.

Signed,

BENJAMIN FRANKLIN,
SILAS DEANE,
ARTHUR LEE.

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