The American Revolution
AHG 501B
Instructors: Natalie Taylor and Christopher Burkett

Sunday, July 20 to Friday, July 25, 2008
Session 1
Was the American Revolution a Revolution?
Professors Taylor and Burkett

Sunday, July 20
4:30 pm 6:00 pm
The American Revolution was not a common event. Its effects and consequences have already been awful over a great part of the globe. And when and where are they to cease?

But what do we mean by the American Revolution? Do we mean the American war? The Revolution was effected before the war commenced. The Revolution was in the minds and hearts of the people; a change in their religious sentiments of their duties and obligations. While the king, and all in authority under him, were believed to govern in justice and mercy, according to the laws and constitution derived to them from the God of nature and transmitted to them by their ancestors, they thought themselves bound to pray for the king and queen and all the royal family, and all in authority under them, as ministers ordained of God for their good; but when they saw those powers renouncing all the principles of authority, and bent upon the destruction of all the securities of their lives, liberties, and properties, they thought it their duty to pray for the continental congress and all the thirteen State congresses, &c.

There might be, and there were others who thought less about religion and conscience, but had certain habitual sentiments of allegiance and loyalty derived from their education; but believing allegiance and protection to be reciprocal, when protection was withdrawn, they thought allegiance was dissolved.

Another alteration was common to all. The people of America had been educated in an habitual affection for England, as their mother country; and while they thought her a kind and tender parent, (erroneously enough, however, for she never was such a mother,) no affection could be more sincere. But when they found her a cruel beldam, willing like Lady Macbeth, to “dash their brains out,” it is no wonder if their filial affections ceased, and were changed into indignation and horror.

This radical change in the principles, opinions, sentiments, and affections of the people, was the real American Revolution.

By what means this great and important alteration in the religious, moral, political, and social character of the people of thirteen colonies, all distinct, unconnected, and independent of each other, was begun, pursued, and accomplished, it is surely interesting to humanity to investigate, and perpetuate to posterity.

To this end, it is greatly to be desired, that young men of letters in all the States, especially in the thirteen original States, would undertake the laborious, but certainly interesting and amusing task, of searching and collecting all the records, pamphlets, newspapers, and even handbills, which in any way contributed to change the temper and views of the people, and compose them into an independent nation.

The colonies had grown up under constitutions of government so different, there was so great a variety of religions, they were composed of so many different nations, their customs, manners, and habits had so little resemblance, and their intercourse had been so rare, and their knowledge of each other so imperfect, that to unite them in the same principles in theory and the same system of action, was certainly a very difficult enterprise. The complete accomplishment of it, in so short a time and by such simple means, was perhaps a singular example in the history of mankind. Thirteen clocks were made to strike together -- a perfection of mechanism, which no artist had ever before effected.
In this research, the gloriole of individual gentlemen, and of separate States, is of little consequence. The means and the measures are the proper objects of investigation. These may be of use to posterity, not only in this nation, but in South America and all other countries. They may teach mankind that revolutions are no trifles; that they ought never to be undertaken rashly; nor without deliberate consideration and sober reflection; nor without a solid, immutable, eternal foundation of justice and humanity; nor without a people possessed of intelligence, fortitude, and integrity sufficient to carry them with steadiness, patience, and perseverance, through all the vicissitudes of fortune, the fiery trials and melancholy disasters they may have to encounter.

The town of Boston early instituted an annual oration on the 4th of July, in commemoration of the principles and feelings which contributed to produce the revolution. Many of those orations I have heard, and all that I could obtain, I have read. Much ingenuity and eloquence appears upon every subject, except those principles and feelings. That of my honest and amiable neighbor, Josiah Quincy, appeared to me the most directly to the purpose of the institution. Those principles and feelings ought to be traced back for two hundred years, and sought in the history of the country from the first plantations in America. Nor should the principles and feelings of the English and Scotch towards the colonies, through that whole period, ever be forgotten. The perpetual discordance between British principles and feelings and of those of America, the next year after the suppression of the French power in America, came to a crisis, and produced an explosion.

It was not until after the annihilation of the French dominion in America that any British ministry had dared to gratify their own wishes, and the desire of the nation, by projecting a formal plan for raising a national revenue from America, by parliamentary taxation. The first great manifestation of this design was by the order to carry into strict executions those acts of parliament, which were well known by the appellation of the acts of trade, which had lain a dead letter, unexecuted for half a century, and some of them, I believe, for nearly a whole one.

This produced, in 1760 and 1761, an awakening and a revival of American principles and feelings, with an enthusiasm which went on increasing till, in 1775, it burst out in open violence, hostility, and fury.

The characters the most conspicuous, the most ardent and influential in this revival, from 1760 to 1766, were, first and foremost, before all and above all, James Otis; next to him was Oxenbridge Thacher; next to him, Samuel Adams; next to him, John Hancock; then Dr. Mayhew; then Dr. Cooper and his brother. Of Mr. Hancock's life, character, generous nature, great and disinterested sacrifices, and important services, if I had forces, I should be glad to write a volume. But this, I hope, will be done by some younger and abler hand. Mr. Thacher, because his name and merits are less known, must not be wholly omitted. This gentleman was an eminent barrister at law, in as large practice as any one in Boston. There was not a citizen of that town more universally beloved for his learning, ingenuity, every domestic and social virtue, and conscientious conduct in every relation of life. His patriotism was as ardent as his progenitors had been ancient and illustrious in this country. Hutchinson often said, “Thacher was not born a plebeian, but he was determined to die one.” In May, 1763, I believe, he was chosen by the town of Boston one of their representatives in the legislature, a colleague with Mr. Otis, who had been a member from May, 1761, and he continued to be reflected annually till his death in 1765, when Mr. Samuel Adams was elected to fill his place, in the absence of Mr. Otis, then attending the Congress at New York. Thacher had long been jealous of the unbounded ambition of Mr. Hutchinson, but when he found him not content with the office of Lieutenant-Governor, the command of the castle and its emoluments, of Judge of Probate for the county of Suffolk, a seat in his Majesty's Council in the Legislature, his brother-in-law Secretary of State by the king's commission, a brother of that Secretary of State, a Judge of the Supreme Court and a member of Council, now in 1760 and 1761, soliciting and accepting the office of Chief Justice.
of the Superior Court of Judicature, he concluded, as Mr. Otis did, and as every other enlightened
friend of his country did, that he sought that office with the determined purpose of determining all
causes in favor of the ministry at St. James's, and their servile parliament.

His indignation against him hence forward, to 1765, when he died, knew no bounds but truth. I
speak from personal knowledge. For, from 1758 to 1765, I attended every superior and inferior court
in Boston, and recollect not one, in which he did not invite me home to spend evenings with him,
when he made me converse with him as well as I could, on all subjects of religion, morals, law,
politics, history, philosophy, belles lettres, theology, mythology, cosmogony, metaphysics, -- Locke,
Clark, Leibnitz, Bolingbroke, Berkeley, -- the preestablished harmony of the universe, the nature of
matter and of spirit, and the eternal establishment of coincidences between their operations; fate,
foreknowledge absolute; and we reasoned on such unfathomable subjects as high as Milton's gentry
in pandemonium; and we understood them as well as they did, and no better. To such mighty
mysteries he added the news of the day, and the tittle-tattle of the town. But his favorite subject was
politics, and the impending, threatening system of parliamentary taxation and universal government
over the colonies. On this subject he was so anxious and agitated that I have no doubt it occasioned
his premature death. From the time when he argued the question of writs of assistance to his death,
he considered the king, ministry, parliament, and nation of Great Britain as determined to new-
model the colonies from the foundation, to annul all their charters, to constitute them all royal
governments, to raise a revenue in America by parliamentary taxation, to apply that revenue to pay
the salaries of governors, judges, and all other crown officers; and, after all this, to raise as large a
revenue as they pleased, to be applied to national purposes at the exchequer in England; and further,
to establish bishops and the whole system of the Church of England, tithes and all, throughout all
British America. This system, he said, if it was suffered to prevail, would extinguish the flame of
liberty all over the world; that America would be employed as an engine to batter down all the
miserable remains of liberty in Great Britain and Ireland, where only any semblance of it was left in
the world. To this system he considered Hutchinson, the Olivers, and all their connections,
dependents, adherents, shoelickers, &c., entirely devoted. He asserted that they were all engaged
with all the crown officers in America and the understrappers of the ministry in England, in a deep
and treasonable conspiracy to betray the liberties of their country, for their own private, personal and
family aggrandizement. His philippics against the unprincipled ambition and avarice of all of them,
but especially of Hutchinson, were unbridled; not only in private, confidential conversations, but in
all companies and on all occasions. He gave Hutchinson the sobriquet of “Summa Potestatis,” and
rarely mentioned him but by the name of “Summa.” His liberties of speech were no secrets to his
enemies. I have sometimes wondered that they did not throw him over the bar, as they did soon
afterwards Major Hawley. For they hated him worse than they did James Otis or Samuel Adams,
and they feared him more, because they had no revenge for a father's disappointment of a seat on the
superior bench to impute to him, as they did to Otis; and Thacher's character through life had been
so modest, decent, unassuming; his morals so pure, and his religion so venerated, that they dared not
attack him. In his office were educated to the bar two eminent characters, the late Judge Lowell and
Josiah Quincy, aptly called the Boston Cicero. Mr. Thacher's frame was slender, his constitution
delicate; whether his physicians overstrained his vessels with mercury, when he had the smallpox by
inoculation at the castle, or whether he was overplied by public anxieties and exertions, the smallpox
left him in a decline from which he never recovered. Not long before his death he sent for me to
commit to my care some of his business at the bar. I asked him whether he had seen the Virginia
resolves: “Oh yes--they are men! they are noble spirits! It kills me to think of the lethargy and
stupidity that prevails here. I long to be out. I will go out. I will go out. I will go into court, and
make a speech, which shall be read after my death, as my dying testimony against this infernal
tyranny which they are bringing upon us.” Seeing the violent agitation into which it threw him, I
changed the subject as soon as possible, and retired. He had been confined for some time. Had he
been abroad among the people, he would not have complained so pathetically of the “lethargy and

http://www.constitution.org/primarysources/adamsniles.html
stupidity that prevailed;” for town and country were all alive, and in August became active enough; and some of the people proceeded to unwarrantable excesses, which were more lamented by the patriots than by their enemies. Mr. Thacher soon died, deeply lamented by all the friends of their country.

Another gentleman, who had great influence in the commencement of the Revolution, was Doctor Jonathan Mayhew, a descendant of the ancient governor of Martha’s Vineyard. This divine had raised a great reputation both in Europe and America, by the publication of a volume of seven sermons in the reign of King George the Second, 1749, and by many other writings, particularly a sermon in 1750, on the 30th of January, on the subject of passive obedience and non-resistance, in which the saintship and martyrdom of King Charles the First are considered, seasoned with wit and satire superior to any in Swift or Franklin. It was read by everybody; celebrated by friends, and abused by enemies. During the reigns of King George the First and King George the Second, the reigns of the Stuarts, the two Jameses and the two Charleses were in general disgrace in England. In America they had always been held in abhorrence. The persecutions and cruelties suffered by their ancestors under those reigns, had been transmitted by history and tradition, and Mayhew seemed to be raised up to revive all their animosities against tyranny, in church and state, and at the same time to destroy their bigotry, fanaticism, and inconsistency. David Hume's plausible, elegant, fascinating, and fallacious apology, in which he varnished over the crimes of the Stuarts, had not then appeared. To draw the character of Mayhew, would be to transcribe a dozen volumes. This transcendent genius threw all the weight of his great fame into the scale of his country in 1761, and maintained it there with zeal and ardor till his death, in 1766. In 1763 appeared the controversy between him and Mr. Apthorp, Mr. Caner, Dr. Johnson, and Archbishop Secker, on the charter and conduct of the Society for Propagating the Gospel in Foreign Parts. To form a judgment of this debate, I beg leave to refer to a review of the whole, printed at the time and written by Samuel Adams, though by some, very absurdly and erroneously ascribed to Mr. Apthorp. If I am not mistaken, it will be found a model of candor, sagacity, impartiality, and close, correct reasoning.

If any gentleman supposes this controversy to be nothing to the present purpose, he is grossly mistaken. It spread an universal alarm against the authority of Parliament. It excited a general and just apprehension, that bishops, and dioceses, and churches, and priests, and tithes, were to be imposed on us by Parliament. It was known that neither king, nor ministry, nor archbishops, could appoint bishops in America, without an act of Parliament; and if Parliament could tax us, they could establish the Church of England, with all its creeds, articles, tests, ceremonies, and tithes, and prohibit all other churches, as conventicles and schism shops.

Nor must Mr. Cushing be forgotten. His good sense and sound judgment, the urbanity of his manners, his universal good character, his numerous friends and connections, and his continual intercourse with all sorts of people, added to his constant attachment to the liberties of his country, gave him a great and salutary influence from the beginning in 1760.

Let me recommend these hints to the consideration of Mr. Wirt, whose Life of Mr. Henry I have read with great delight. I think that, after mature investigation, he will be convinced that Mr. Henry did not “give the first impulse to the ball of independence,” and that Otis, Thacher, Samuel Adams, Mayhew, Hancock, Cushing, and thousands of others, were laboring for several years at the wheel before the name of Henry was heard beyond the limits of Virginia.
Speech on Conciliation with America

*Edmund Burke*
March 22, 1775

To restore order and repose to an empire so great and so distracted as ours is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government. It is simple peace, sought in its natural course and in its ordinary haunts.

Let the colonies always keep the idea of their civil rights associated with your government-they will cling and grapple to you, and no force under heaven will be of power to tear them from their allegiance. But let it be once understood that your government may be one thing and their privileges another, that these two things may exist without any mutual relation - the cement is gone, the cohesion is loosened, and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common
faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have, the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true Act of Navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination as that your registers and your bonds, your affidavits and your sufferances, your cockets and your clearances, are what form the great securities of your commerce. Do not dream that your Letters of office, and your instructions, and your suspending clauses are the things that hold together the great contexture of this mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English constitution which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

Is it not the same virtue which does every thing for us here in England? Do you imagine, then, that it is the Land-Tax Act which raises your revenue? that it is the annual vote in the Committee of Supply, which gives you your army? or that it is the Mutiny Bill which inspires it with bravery and discipline? No! surely, no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience without which your army would be a base rabble and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians who have no place among us: a sort of people who think that nothing exists but what is gross and material, and who, therefore, far from being
qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which in the opinion of such men as I have mentioned have no substantial existence, are in truth everything, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our places as becomes our station and ourselves, we ought to auspicate all our public proceedings on America with the old warning of the Church, Sursum corda! We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire, and have made the most extensive and the only honorable conquests, not by destroying, but by promoting the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.
“The Revolution: Was There Any?”
*The Age of the Democratic Revolution, Volume 1: The Challenge, pages 185-190*
R.R. Palmer
I know that for such sentiments I am called a rebel, and that such sentiments are not fashionable among the folks you see.
—GOVERNEUR MORRIS to his mother in New York, 1778

Hear thy indictment, Washington, at large;
Attend and listen to the solemn charge:
Thou hast supported an atrocious cause,
Against thy king, thy country and the laws.
—Loyalist poem, by JONATHAN ODELL, 1779

To me it will appear miraculous, if our affairs can maintain themselves much longer in their present train. If either the temper or the resources of the country will not admit of an alteration, we may expect soon to be reduced to the humiliating condition of seeing the cause of America, in America, upheld by foreign arms... .

It is true that our enemies as well as ourselves are struggling with embarrassments of a singular and complicated nature... but considering the complexion of the British nation for some time past, it is more probable these appearances will terminate in a partial reform of abuses, than in any revolution favorable to the interests of America... .

The general disposition of Europe is such as we could wish; but we have no security that it will remain so.—GENERAL GEORGE WASHINGTON to the President of the Congress, 1780

THE AMERICAN REVOLUTION:
THE FORCES IN CONFLICT

It is a main thesis of this book that the American Revolution was a great event for the whole Eur-American world. In the Age of the Democratic Revolution the American Revolution was, after the disturbance at Geneva already recounted, the earliest successful assertion of the principle that public power must arise from those over whom it is exercised. It was the most important revolution of the eighteenth century, except for the French. Its effect on the area of Western Civilization came in part from the inspiration of its message (which in time passed beyond the area of Western Civilization), and in part from the involvement of the American Revolution in the European War of American Independence, which aggravated the financial or political difficulties of England, Ireland, Holland, and France. The climax and failure of the early movement for parliamentary reform in England, the disturbances in Ireland leading to “Grattan’s Parliament” in 1782, the PATRIOTISM and revolution of 1784-1787 among the Dutch, the reform programs of Necker and Calonne and beginnings of revolution in France, and a marked enlivening of political consciousness through the rest of Europe—all described in the following chapters—were all, in part, a consequence of the American Revolution.

*The Revolution: Was There Any?*

It is paradoxical, therefore, to have to begin by asking whether there was any American Revolution at all. There may have been only a war of independence against Great Britain. The British lid may have been removed from the American box, with the contents of the box remaining as before. Or there may have been a mechanical separation from England, without chemical change in America itself. Perhaps it was all a conservative and defensive movement, to secure liberties that America had long enjoyed, a revolt of America against Great Britain, carried
through without fundamental conflict among Americans, by an "American consensus," in the words of Clinton Rossiter, or, as George Bancroft said a century ago, a revolution "achieved with such benign tranquility that even conservatism hesitated to censure."

A populous country, much given to historical studies, has produced an enormous literature on the circumstances of its independence. Occupied more with European than with American history, I have been able only to sample this literature. It is apparent, however, that there is no agreement on what the American Revolution was. Differences reflect a different understanding of historical fact, a difference of attitude toward the concept of revolution, or a difference of feeling on the uniqueness, if it be unique, of the United States.

The old patriotic historians, like Bancroft, who fumed against British tyranny, had no doubt that there had been a real revolution in America, even if "benignly tranquil." Writers of a liberal orientation in a twentieth-century sense, admitting that all revolutions are carried through by minorities and by violence, have said that the American Revolution was no exception. Some have seen a kind of bourgeois revolution in America, in which merchants and planters made a few concessions to the lower classes, but then, at the Philadelphia convention of 1787, rallied to the defense of property in a kind of Thermidor. Still others, of conservative temperament, sympathizing with the American loyalists, have found the ruthlessness of a true revolution in the American upheaval. It must be admitted that, for the purposes of the present book, it would be convenient to present the American part of the story in this way, on the analogy of revolutions in Europe.

But there is the contrary school that minimizes the revolutionary character of the American Revolution. Some in this school hold that there was no "democratic revolution" in America because America was already democratic in the colonial period. Thus, it has recently been shown that, contrary to a common impression, as many as ninety-five per cent of adult males had the right to vote in many parts of colonial Massachusetts. Others find the Revolution not very revolutionary because the country was still far from democratic when it became independent. They point to the maintenance of property qualifications for voting and office-holding, or the fact that estates confiscated from loyalists found their way into the hands of speculators or well-to-do people.


2 F. B. Tolles, "The American Revolution Considered as a Social Movement: a Re-evaluation" in American Historical Review, IX (October, 1904), 1-12.
year, in which the elder Adams and the Federalist party were challenged by Jefferson and the somewhat Francophile democrats. The merit of Gentz’s essay, said the younger Adams in his preface, was that “it rescues that revolution [the American] from the disgraceful imputation of having proceeded from the same principles as the French.” In 1955 Adams’ translation of Gentz was reprinted in America as a paper-back for mass distribution, with a foreword by Russell Kirk, known as a publicist of the “new conservatism.” There was something in the atmosphere of 1955, as of 1800, which made it important, for some, to dissociate the American Revolution from other revolutions by which other peoples have been afflicted.

My own view is that there was a real revolution in America, and that it was a painful conflict, in which many were injured. I would suggest two quantitative and objective measures: how many refugees were there from the American Revolution, and how much property did they lose, in comparison to the French Revolution? It is possible to obtain rough but enlightening answers to these questions. The number of émigré loyalists who went to Canada or England during the American Revolution is set as high as 100,000; let us say only 60,000. The number of émigrés from the French Revolution is quite accurately known; it was 129,000, of whom 25,000 were clergy, deportees rather than fugitives, but let us take the whole figure, 129,000. There were about 2,500,000 people in America in 1776, of whom a fifth were slaves; let us count the whole 2,500,000. There were about 25,000,000 people in France at the time of the French Revolution. There were, therefore, 24 émigrés per thousand of population in the American Revolution, and only 5 émigrés per thousand of population in the French Revolution.

In both cases the revolutionary governments confiscated the property of counterrevolutionaries who emigrated. Its value cannot be known, but the sums paid in compensation lend themselves to tentative comparison. The British government granted £3,300,000 to loyalists as indemnity for property lost in the United States. The French émigrés, or their heirs, received a “billion franc indemnity” in 1825 during the Bourbon restoration. A sum of £3,300,000 is the equivalent of 82,000,000 francs. Revolutionary France, ten times as large as revolutionary America, confiscated only twelve times as much property from its émigrés, as measured by subsequent compensations, which in each case fell short of actual losses. The difference, even allowing for margins of error, is less great than is commonly supposed. The French, to be sure, confiscated properties of the church and other public bodies in addition; but the present comparison suggests the losses of private persons.

It is my belief also, John Quincy Adams notwithstanding, that the American and the French revolutions “proceeded from the same principles.” The difference is that these principles were much more deeply rooted in America, and that contrary or competing principles, monarchist or aristocratic or feudal or ecclesiastical, though not absent from America, were, in comparison to Europe, very weak. Assertion of the same principles therefore provoked less conflict in America than in France. It was, in truth, less revolutionary. The American Revolution was, indeed, a movement to conserve what already existed. It was hardly, however, a “conservative” movement, and it can give limited comfort to the theorists of conservatism, for it was the weakness of conservative forces in eighteenth-century America, not their strength, that made the American Revolution as moderate as it was. John Adams was not much like Edmund Burke, even after he became alarmed by the French Revolution; and Alexander Hamilton never hoped to perpetuate an existing state of society, or to change it by gradual, cautious, and piously respectful methods. America was different from Europe, but it was not unique. The difference lay in the fact that certain ideas of the Age of Enlightenment, found on both sides of the Atlantic—ideas of constitutionalism, individual liberty, or legal equality—were more fully incorportated and less disputed in America than in Europe. There was enough of a common civilization to make America very pointedly significant to Europeans. For a century after the American Revolution, as is well known, partisans of the revolutionary or liberal movements in Europe looked upon the United States generally with approval, and European conservatives viewed it with hostility or downright contempt.

It must always be remembered, also, that an important nucleus of conservatism was permanently lost to the United States. The French émigrés returned to France. The émigrés from the American Revolution did not return; they peopled the Canadian wilderness; only individuals, without political influence, drifted back to the United States. Anyone who knows the significance for France of the return of the émigrés will ponder the importance, for the United States, of this fact which is so easily overlooked, because negative and invisible except in a comparative view. Americans have really forgotten the loyalists. Princeton University, for example, which invokes the memory of John Witherspoon and James Madison on all possible occasions,
has been chided for burying in oblivion the name of Jonathan Odell, of the class of 1759, prominent as a physician, clergyman, and loyalist satirical writer during the Revolution, who died in New Brunswick, Canada, in 1818. The sense in which there was no conflict in the American Revolution is the sense in which the loyalists are forgotten. The "American consensus" rests in some degree on the elimination from the national consciousness, as well as from the country, of a once important and relatively numerous element of dissent.

Anglo-America before the Revolution

The American Revolution may be seen as a conflict of forces some of which were old, others brought into being by the event itself. The oldest of these forces was a tradition of liberty, which went back to the first settlement of the colonies. It is true that half of all immigrants into the colonies south of New England, and two-thirds of those settling in Pennsylvania, arrived as indentured servants; but indentured servitude was not a permanent status, still less a hereditary one; the indentures expired after a few years, and all white persons soon merged into a free population.

Politically, the oldest colonies had originated in a kind of de facto independence from the British government. Even after the British made their colonial system more systematic, toward the close of the seventeenth century, the colonies continued to enjoy much local self-determination. Only five per cent of the laws passed by colonial assemblies were disallowed in Great Britain, and, while these often concerned the most important subjects, the infrequency of the British veto was enough to make it the exception. The elected assemblies, as already noted, were the most democratically recruited of all such constituted bodies in the Western World. In general, it was necessary to own land in order to have the right to vote for a member of the assembly, but small owner-farmers were numerous, most of all in New England; and recent studies all tend to raise the estimates of the proportion of those enjoying the franchise before the Revolution. It seems to have been above eighty per cent of adult white males in Massachusetts, half or more in New Jersey, perhaps a little under half in Virginia. Many

3 M. C. Tyler, Literary History of the American Revolution, 2 vols. (New York, 1897), 1, p. 99, n. 3.
4 R. E. Brown, Middle-Class Democracy and the Revolution in Massachusetts, 1691-1780 (Ithaca, 1955), 90; R. McCormick, History of Voting in New Jersey ..., 1664-1717 (New Brunswick, 1953), 63; C. S. Sydnor, Gentlemen Freeholders: Political Processes in Washington's Virginia (Williamsburg, 1952), 32, 143, appears to think that about

who had the right to vote did not often use it, and this was in part because the procedure of elections was not made convenient for the ordinary hard-working man; but non-voting also suggests an absence of grievances, or perhaps only that the common man neither expected much nor feared much from government. The elected assemblies enjoyed what in Europe would be thought a dangerously popular mandate. By 1760, decades of rivalry for power between the assemblies and the governors had been resolved, in most of the colonies, in favor of the assemblies. The idea of government by consent was for Americans a mere statement of fact, not a bold doctrine to be flung in the teeth of government, as in Europe. Contrariwise, the growing assertiveness of the assemblies made many in England, and some in America, on the eve of the Revolution, believe that the time had come to stop this drift toward democracy—or, as they would say, restore the balance of the constitution. In sum, an old sense of liberty in America was the obstacle on which the first British empire met its doom. Here the most sophisticated latest researches seem to return to the old-fashioned American patriotic historical school.

From the beginnings of British America there had also been a certain rough kind of equality. Except for slaves, the poor were less poor than in Europe, and the rich were not so wealthy. Almost a quarter of the population of England were classified as paupers in 1688; almost a tenth in 1801. There was no pauperism in America, accepted and institutionalized as such; anyone not hopelessly shiftless, or the victim of personal misfortune, could make a living. At the other extreme, on the eve of the Revolution, there were men who owned hundreds of thousands of acres, mostly vacant, the main values being speculative and in the future. It is hard to say how wealthy a wealthy colonial was. A fortune of £30,000 was thought very large in Massachusetts; Joseph Galloway of Pennsylvania was said to possess £70,000. In England in 1801 there were probably 10,000 families with an average income of £1,500 a year or more, of which the capital value would be about £30,000. There is ground for believing that in England at this time, as in the United States in 1929, five per cent of the population received over thirty-five per cent of the income. The distribution of wealth in colonial America was far more equal.

5 These statements about wealth and pauperism are derived from the tables in P. Colquhoun, A Treatise on Indigence (London, 1806), 22, where the estimates of Gregory King for 1688 are also reproduced.
GORDON S. WOOD

The Radicalism of
THE AMERICAN
REVOLUTION

Alfred A. Knopf
New York
1992
Introduction

We Americans like to think of our revolution as not being radical; indeed, most of the time we consider it downright conservative. It certainly does not appear to resemble the revolutions of other nations in which people were killed, property was destroyed, and everything was turned upside down. The American revolutionary leaders do not fit our conventional image of revolutionaries—angry, passionate, reckless, maybe even bloodthirsty for the sake of a cause. We can think of Robespierre, Lenin, and Mao Zedong as revolutionaries, but not George Washington, Thomas Jefferson, and John Adams. They seem too stuffy, too solemn, too cautious, too much the gentlemen. We cannot quite conceive of revolutionaries in powdered hair and knee breeches. The American revolutionaries seem to belong in drawing rooms or legislative halls, not in cellars or in the streets. They made speeches, not bombs; they wrote learned pamphlets, not manifestos. They were not abstract theorists and they were not social levelers. They did not kill one another; they did not devour themselves. There was no reign of terror in the American Revolution and no resultant dictator—no Cromwell, no Bonaparte. The American Revolution does not seem to have the same kinds of causes—the social wrongs, the class conflict, the impoverishment, the grossly inequitable distributions of wealth—that presumably lie behind other revolutions. There were no peasant uprisings, no jacqueries, no burning of châteaux, no storming of prisons.

Of course, there have been many historians—Progressive or neo-Progressive historians, as they have been called—who have sought, as Hannah Arendt put it, “to interpret the American Revolution in the light of the French Revolution,” and to look for the same kinds of internal violence, class conflict, and social deprivation that presumably lay behind the French Revolution and other modern revolutions. Since the beginning of the twentieth century these Progressive historians have formulated various social interpretations of the American Revolution essentially designed to show that the Revolution, in Carl Becker’s famous words, was not only about “home rule” but also about “who was
to rule at home.' They have tried to describe the Revolution essentially as a social struggle by deprived and underprivileged groups against entrenched elites. But, it has been correctly pointed out, despite an extraordinary amount of research and writing during a good part of this century, the purposes of these Progressive and neo-Progressive historians—"to portray the origins and goals of the Revolution as in some significant measure expressions of a peculiar economic malaise or of the social protests and aspirations of an impoverished or threatened mass population—have not been fulfilled." They have not been fulfilled because the social conditions that generically are supposed to lie behind all revolutions—poverty and economic deprivation—were not present in colonial America. There should no longer be any doubt about it: the white American colonists were not an oppressed people; they had no crushing imperial chains to throw off. In fact, the colonists knew they were freer, more equal, more prosperous, and less burdened with cumbersome feudal and monarchical restraints than any other part of mankind in the eighteenth century. Such a situation, however, does not mean that colonial society was not susceptible to revolution.

Precisely because the impulses to revolution in eighteenth-century America bear little or no resemblance to the impulses that presumably account for modern social protests and revolutions, we have tended to think of the American Revolution as having no social character, as having virtually nothing to do with the society, as having no social causes and no social consequences. It has therefore often been considered to be essentially an intellectual event, a constitutional defense of American rights against British encroachments ("no taxation without representation"), undertaken not to change the existing structure of society but to preserve it. For some historians the Revolution seems to be little more than a colonial rebellion or a war for independence. Even when we have recognized the radicalism of the Revolution, we admit only a political, not a social radicalism. The revolutionary leaders, it is said, were peculiar "eighteenth-century radicals concerned, like the eighteenth-century British radicals, not with the need to recast the social order nor with the problems of the economic inequality and the injustices of stratified societies but with the need to purify a corrupt constitution and fight off the apparent growth of prerogative power." Consequently, we have generally described the Revolution as an unusually conservative affair, concerned almost exclusively with politics and constitutional rights, and, in comparison with the social radicalism of the other great revolutions of history, hardly a revolution at all.

If we measure the radicalism of revolutions by the degree of social misery or economic deprivation suffered, or by the number of people killed or manor houses burned, then this conventional emphasis on the conservatism of the American Revolution becomes true enough. But if we measure the radicalism by the amount of social change that actually took place—by transformations in the relationships that bound people to each other—then the American Revolution was not conservative at all; on the contrary: it was as radical and as revolutionary as any in history. Of course, the American Revolution was very different from other revolutions. But it was no less radical and no less social for being different. In fact, it was one of the greatest revolutions the world has known, a momentous upheaval that not only fundamentally altered the character of American society but decisively affected the course of subsequent history.

It was as radical and social as any revolution in history, but it was radical and social in a very special eighteenth-century sense. No doubt many of the concerns and much of the language of that premodern, pre-Marxian eighteenth century were almost entirely political. That was because most people in that very different distant world could not as yet conceive of society apart from government. The social distinctions and economic deprivations that we today think of as the consequence of class divisions, business exploitation, or various isms—capitalism, racism, etc.—were in the eighteenth century usually thought to be caused by the abuses of government. Social honors, social distinctions, perquisites of office, business contracts, privileges and monopolies, even excessive property and wealth of various sorts—all social evils and social deprivations—in fact seemed to flow from connections to government, in the end from connections to monarchical authority. So that when Anglo-American radicals talked in what seems to be only political terms—purifying a corrupt constitution, eliminating courtiers, fighting off crown power, and, most important, becoming republicans—they nevertheless had a decidedly social message. In our eyes the American revolutionaries appear to be absorbed in changing only their governments, not their society. But in destroying monarchy and establishing republics they were changing their society as well as their governments, and they knew it. Only they did not know—they could scarcely have imagined—how much of their society they would change. J. Franklin Jameson, who more than two generations ago described the Revolution as a social movement only to be rounded criticized by a succeeding generation of historians, was at least right about one thing: "the stream of revolution,
once started, could not be confined within narrow banks, but spread abroad upon the land.\textsuperscript{116}

By the time the Revolution had run its course in the early nineteenth century, American society had been radically and thoroughly transformed. One class did not overthrow another; the poor did not supplant the rich.\textsuperscript{7} But social relationships—the way people were connected one to another—were changed, and decisively so. By the early years of the nineteenth century the Revolution had created a society fundamentally different from the colonial society of the eighteenth century. It was in fact a new society unlike any that had ever existed anywhere in the world.

Of course, there were complexities and variations in early American society and culture—local, regional, sectional, ethnic, and class differences that historians are uncovering every day—that make difficult any generalizations about Americans as a whole. This study is written in spite of these complexities and variations, not in ignorance of them. There is a time for understanding the particular, and there is a time for understanding the whole. Not only is it important that we periodically attempt to bring the many monographic studies of eighteenth-century America together to see the patterns they compose, but it is essential that we do so—if we are to extend our still meager understanding of an event as significant as the American Revolution.

That revolution did more than legally create the United States; it transformed American society. Because the story of America has turned out the way it has, because the United States in the twentieth century has become the great power that it is, it is difficult, if not impossible, to appreciate and recover fully the insignificant and puny origins of the country. In 1760 America was only a collection of disparate colonies huddled along a narrow strip of the Atlantic coast—economically underdeveloped outposts existing on the very edges of the civilized world. The less than two million monarchical subjects who lived in these colonies still took for granted that society was and ought to be a hierarchy of ranks and degrees of dependency and that most people were bound together by personal ties of one sort or another. Yet scarcely fifty years later these insignificant borderland provinces had become a giant, almost continent-wide republic of nearly ten million egalitarian-minded bustling citizens who not only had thrust themselves into the vanguard of history but had fundamentally altered their society and their social relationships. Far from remaining monarchical, hierarchy-ridden subjects on the margin of civilization, Americans had become, almost over-
Session 3
The Colonies Before 1793
Professor Taylor

Monday, July 21
9:00 am--10:30 am
Penn's Plan of Union (1697)

*** Quote ***

A brief and plain scheme how the English colonies in the North parts of America,—viz., Boston, Connecticut, Rhode Island, New York, New Jerseys, Pennsylvania, Maryland, Virginia, and Carolina,—may be made more useful to the crown and one another's peace and safety with an universal concurrence.

1. That the several colonies before mentioned do meet once a year, and oftener if need be during the war, and at least once in two years in times of peace, by their stated and appointed deputies, to debate and resolve of such measures as are most advisable for their better understanding and the public tranquility and safety.

2. That, in order to it, two persons, well qualified for sense, sobriety, and substance, be appointed by each province as their representatives or deputies, which in the whole make the congress to consist of twenty persons.

3. That the king's commissioner, for that purpose specially appointed, shall have the chair and preside in the said congress.

4. That they shall meet as near as conveniently may be to the most central colony for ease of the deputies.

5. Since that may in all probability be New York, both because it is near the center of the colonies and for that it is a frontier and in the king's nomination, the governor of that colony may therefore also be the king's high commissioner during the session, after the manner of Scotland.

6. That their business shall be to hear and adjust all matters of complaint or difference between province and province. As, 1st, where persons quit their own province and go to another, that they may avoid their just debts, though they be able to pay them; 2nd, where offenders fly justice, or justice cannot well be had upon such offenders in the provinces that entertain them; 3rd, to prevent or cure injuries in point of commerce; 4th, to consider the ways and means to support the union and safety of these provinces against the public enemies. In which congress the quotas of men and charges will be much easier and more equally set than it is possible for any establishment made here to do; for the provinces, knowing their own
condition and one another's, can debate that matter with more freedom and satisfaction, and better adjust and balance their affairs in all respects for their common safety.

7. That, in times of war, the king's high commissioner shall be general or chief commander of the several quotas upon service against the common enemy, as he shall be advised, for the good and benefit of the whole.
A. THE IMPERIAL CONCEPT: SIR WILLIAM KEITH, "A SHORT DISCOURSE ON THE PRESENT STATE OF THE COLONIES IN AMERICA, WITH RESPECT TO GREAT BRITAIN (1726)*

... When either by Conquest or Encrease of People, Foreign Provinces are possessed, & Colonies planted abroad, it is convenient & often necessary to substitute little Dependant Governments, whose People by being enfranchised, & made Partakers of the Priviledges & Liberties belonging to the Original Mother State, are justly bound by its Laws, & become subservient to its Interests as the true End of their Incorporation.

Every Act of Dependant Provincial Governments ought therefore to Terminate in the Advantage of the Mother State, unto whom it ows its being, & Protection in all its valuable Priviledges, Hence it follows that all Advantageous Projects or Commercial Gains in any Colony, which are truly prejudicial to & inconsistent with the Interests of the Mother State, must be understood to be illegal, & the Practice of them unwarrantable, because they Contradict the End for which the Colony had a being, & are incompatible with the Terms on which the People Claim both Priviledges & Protection.

Were these Things rightly understood amongst the Inhabitants of the British Colonies in America, there wou'd be less Occasion for such Instructions & Strict Prohibitions, as are dayly sent from England to regulate their Conduct in many Points; the very Nature of the King wou'd be sufficient to direct their Choice in cultivating such Parts of Industry & Commerce only as wou'd bring some Advantage to the Interest & Trade of Great Britain, & they wou'd soon find by Experience that this was the solid & true Foundation whereon to build a real Interest in their Mother Country, & the certain Means to acquire Riches without Envy.

On the Other Hand where the Government of a Provincial Colony is well regulated, & all its business & Commerce truly adapted to the proper End, & design of its First Settlement; Such a Province like a Choice Branch, springing from the Main Root ought to be carefully nourish'd, & its just Interest well guarded; No little Partial Projector Party Gain, shou'd be Suffered to affect it, but rather it ought to be considered & weigh'd in the General Ballance of the whole State as a useful & profitable Member....

From what has been said of the Nature of Colonies & the restriction that ought to be laid on their Trade, is in plain that none of the English Plantations in America can with any reason or good sence pretend to claim an Absolute Legislative Power within themselves; so that let their several Constitutions be founded on Ancient Charters, Royal Patent, Custom, Prescription or what other Legal Authority You please, yet still they cannot be possessed of any rightful Capacity to contradict or evade the force of any Act of Parliament wherewith the Wisdom of Great Britain may think fit to effect them from time to time, & in discouraging of their Legislative Power (improperly so called in a dependant Government) we are to consider them only as so many Corporations at a
distance invested with Ability to make Temporary By Laws for themselves agreeable to their
Respective Situations & Clymates, but no ways interfering with the Legal Prerogative of the
Crown or the true Legislative Power of the Mother State.

If the Governors & General Assemblies of the Several Colonies wou'd be pleas'd to consider
themselves in this Light, one wou'd think it was impossible that they wou'd be so weak as to
fancy, they represented the King, Lords & Commons of Great Britain within their little Districts;
And indeed the useless or rather hurtfull & inconsistent Constitution of a Negative Council in all
the Kings Provincial Governments has it is believed contributed to lead them into this mistake, For
so long as the King as reserved unto himself in his Privy Council the Consideration of, & Negative
upon all their Laws, the Method of appointing a few of the Richest & Proudest Men in a small
Colony as an upper House, with a Negative on the Proceedings of the King's Lieutenant
Governor, & the People's Representations seem not only to Cramp the natural Liberty of the
Subject there, but also the Kings Just Power & Prerogative... .

Albany Plan of Union

1754

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.

1. 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.

2. That within — months after the passing such act, the House of Representatives that happen to be sitting within that time, or that shall 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
3. — who shall meet for the first time at the city of Philadelphia, being called by the President-General as soon as conveniently may be after his appointment.

4. 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 should be supplied by a new choice at the next sitting of the Assembly of the Colony he represented.

5. 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.

6. 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 writing the consent of seven of the members to such call, and sent duly and timely notice to the whole.

7. That the Grand Council have power to choose their speaker; and shall neither be dissolved, prorogued, nor continued sitting longer than six weeks at one time, without their own consent or the special command of the crown.

8. That the members of the Grand 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.

9. 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.

10. 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.

11. That they make such laws as they judge necessary for regulating all Indian trade.

12. 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.

13. That they make new settlements on such purchases, by granting lands in the King’s name, reserving a quitrent to the crown for the use of the general treasury.

14. That they make laws for regulating and governing such new settlements, till the crown shall think fit to form them into particular governments.

15. That they raise and pay soldiers and build forts for the defence of any of the Colonies, and equip vessels of force to guard the coasts and protect the trade on the ocean, lakes, or great rivers; but they shall not impress men in any Colony, without the consent of the Legislature.

16. 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.

17. 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.

18. 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 such sums.

19. That the general accounts shall be yearly settled and reported to the several Assemblies.

20. 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.

21. 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.

22. 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.

23. 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 commissions. And all civil officers are to be nominated by the Grand Council, and to receive the President-General’s approbation before they officiate.

24. 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.

25. 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.
Sir,

Since the conversation your Excellency was pleased to honor me with, on the subject of uniting the colonies more intimately with Great Britain, by allowing them representatives in Parliament, I have something further considered that matter, and am of opinion, that such a union would be very acceptable to the colonies, provided they had a reasonable number of representatives allowed them; and that all the old acts of Parliament restraining the trade or cramping the manufactures of the colonies be at the same time repealed, and the British subjects on this side the water put, in those respects, on the same footing with those in Great Britain, till the new Parliament, representing the whole, shall think it for the interest of the whole to reenact some or all of them. It is not that I imagine so many representatives will be allowed the colonies, as to have any great weight by their numbers; but I think there might be sufficient to occasion those laws to be better and more impartially considered, and perhaps to overcome the interest of a petty corporation, or of any particular set of artificers or traders in England, who heretofore seem, in some instances, to have been more regarded than all the colonies, or than was consistent with the general interest, or best national good. I think too, that the government of the colonies by a Parliament, in which they are fairly represented, would be vastly more agreeable to the people, than the method lately attempted to be introduced by royal instruction, as well as more agreeable to the nature of an English constitution, and to English liberty; and that such laws as now seem to bear hard on the colonies, would (when judged by such a Parliament for the best interest of the whole) be more cheerfully submitted to, and more easily executed.

I should hope too, that by such a union, the people of Great Britain, and the people of the colonies, would learn to consider themselves, as not belonging to different communities with different interests, but to one community with one interest; which I imagine would contribute to strengthen the whole, and greatly lessen the danger of future separations.

It is, I suppose, agreed to be the general interest of any state, that its people be numerous and rich; men enough to fight in its defence, and enow to pay sufficient taxes to defray the charge; for these circumstances tend to the security of the state, and its protection from foreign power. But it seems not of so much importance, whether the fighting be done by John or Thomas, or the tax paid by William or Charles. The iron manufacture employs and enriches British subjects, but is it of any importance to the state, whether the manufacturer lives at Birmingham, or Sheffield, or both; since they are still within its bounds, and their wealth and persons still at its command? Could the Goodwin Sands be laid dry by banks, and land equal to a large country thereby gained to England, and presently filled with English inhabitants, would it be right to deprive such inhabitants of the common privileges enjoyed by other Englishmen, the right of vending their produce in the same ports, or of making their own shoes, because a merchant or a shoemaker, living on the old land, might fancy it more for his advantage to trade or make shoes for them? Would this be right, even if the land were gained at the expense of the state? And would it not seem less right, if the charge and labor of gaining the additional territory to Britain had been borne by the settlers themselves? And would not the hardship appear yet greater, if the people of the new country should be allowed no representatives
in the Parliament enacting such impositions?

Now I look on the colonies as so many countries gained to Great Britain, and more advantageous to it, than if they had been gained out of the seas around its coasts, and joined to its lands; for, being in different climates, they afford greater variety of produce, and materials for more manufactures; and, being separated by the ocean, they increase much more its shipping and seamen; and, since they are all included in the British empire, which has only extended itself by their means, and the strength and wealth of the parts are the strength and wealth of the whole, what imports it to the general state, whether a merchant, a smith, or a hatter, grows rich in Old or New England? And if, through increase of the people, two smiths are wanted for one employed before, why may not the new smith be allowed to live and thrive in the new country, as well as the old one in the old? In fine, why should the countenance of a state be partially afforded to its people, unless it be most in favor of those who have most merit? And if there be any difference, those who have most contributed to enlarge Britain’s empire and commerce, in-crease her strength, her wealth, and the numbers of her people, at the risk of their own lives and private fortunes in new and strange countries, methinks ought rather to expect some preference... .

B. FRANKLIN.

* These excerpts are reprinted from Jared Sparks (ed.), The Works of Benjamin Franklin (10 vols., 1840), vol. III, pp. 64-68
... we cannot admit of Amendments to a Money Bill like this; Amendments not founded in Reason, Justice or Equity, but in the arbitrary Pleasure of a Governor, without betraying the Trust reposed in us by our Constituents, and giving up their just Rights as Freeborn Subjects of England.

The Governor is pleased to tell us, "The Constitution of this Province is founded on "certain Royal and Proprietary Charters." It is true, and one of those Charters expressly says, "That the Assemblies of this Province shall have Power to chuse a Speaker, and other their Officers; and shall be Judges of the Qualifications and Elections of their own Members; sit upon their own Adjournments; appoint Committees; prepare Bills, in order to pass into Laws; impeach Criminals, and redress Grievances; and shall have OLL OTHER Powers and Privileges of an Assembly, according to the Rights of the Freeborn Subjects of England, and as is usual in ANY of the King's Plantations in America. "These very Words are also to be found in a Law of the Province, enacted in the Fourth of QUEEN ANNE, and to this Day in Force. That the "Freeborn Subjects of England" have a Right to grant Money by their Representatives in Parliament, in Bills that shall suffer no Amendment, the Governor does not deny; nor that it is usual in any of the King's Plantations in America: If therefore the Freeborn Subjects of England have this Right, we have it by our Charter, and our Laws. And if we had it not by our Charter and Laws, we should nevertheless have it; for the Freeborn Subjects of England do not lose their essential Rights by removing into the King's Plantations, extending the British Dominions at the Hazard of their Lives and Fortunes, and en-creasing the Power, Wealth and Commerce of their Mother Country; they have, on the contrary, particular Privileges justly granted and added to their native Rights, for their Encouragement in so useful and meritorious an Undertaking.

In the Governor's Message of August 12, to the late Assembly, he him-self says, that by the Royal Charter the Powers of an Assembly were to be consonant to the Laws and Constitution of England, and would have them confined to that; but now he tells us, that our Constitution is no way similar to that of England. We think, however, that it will appear by the expressed as well as implied Powers of an Assembly in the above Extract from our Charter and Laws, that our House of Representatives is far from being no way similar to a British House of Commons in its Form and Constitution, whatever it may be in the Knowledge, Abilities and Dignity of its Members. In one Thing, indeed, it is our Misfortune, that our Constitution differs from that of England. The King has a natural Connection with his Subjects. The Crown descends to his Posterity; and the more his People prosper and flourish, the greater is the Power, Wealth, Strength and Security of his Family and Descendants. But
Plantation Governors are frequently transient Persons, of broken Fortunes, greedy of Money, with-out any Regard to the People, or natural Concern for their Interests, often their Enemies, and endeavouring not only to oppress but defame them, and render them obnoxious to their Sovereign, and odious to their Fellow-Subjects.-Our present Governor not only denies us the Privileges of an English Constitution, but would, as far as in his Power, introduce a French one, by reducing our Assemblies to the Insignificance of their Parliaments, incapable of making Laws, but by Direction, or of qualifying their own Gifts and Grants, and only allowed to register his Edicts. He would even introduce a worse; he requires us to defend our Country, but will not permit us to raise the Means, unless we will give up some of those Liberties that make the Country worth defending; this is demanding Brick without Straw, and is so far similar to the Egyptian Constitution. He has got us indeed into similar Circumstances with the poor Egyptians, and takes the same Advantage of our Distress; for as they were to perish by Famine, so he tells us we must by the Sword, unless we will become Servants to our Pharoah, and make him an absolute Lord, as he is pleased to stile himself absolute Proprietary....

These excerpts are reprinted from Pennsylvania Archives (1852-1935), 8th ser., vol. V, pp. 4176-4177.

The Imperial Movement for Reform
C. THE PROMISE OF AMERICA: NATHANIEL AMES, "A THOUGHT UPON THE PAST, PRESENT, AND FUTURE STATE OF NORTH AMERICA" (1757)

* America is a subject which daily becomes more and more interesting:-I shall therefore fill these Pages with a Word upon its Past, Present and Future State.

I. First of its Past State: Time has cast a Shade upon this Scene.—Since the Creation innumerable Accidents have happened here, the bare mention of which would create Wonder and Surprize; but they are all lost in Oblivion: The ignorant Natives for Want of Letters have forgot their Stock; and know not from whence they came, or how, or when they arrived here, or what has happened since:-Who can tell what wonderful Changes have happen’d by the mighty Operations of Nature, such as Deluges, Vulcanoes, Earthquakes, &c.:-Or whether great tracts of Land were not absorbed into those vast Lakes or Inland Seas which occupy so much Space to the West of us.—But to leave the Natural, and come to the Political State: We know how the French have erected a Line of Forts from the Ohio to Nova Scotia, including all the inestimable Country to the West of us, into their exorbitant Claim.—This, with infinite Justice, the English resented, & in this Cause our Blood has been spill’d: Which brings to our Consideration,

II. Secondly, The Present State of NORTH AMERICA.—A Writer upon this present Time says, "The Parts of North America which may be claimed by Great Britain or France are of as much Worth as either Kingdom.—That fertile Country to the West of the Appalachian Mountains (a String of 8 or 900 Miles in Length,) between Canada and the Mississippi, is of larger Extent than all France, Germany and Poland; and all well provided with Rivers, a very fine wholesome Air, a rich Soil, capable of producing Food and Physick, and all Things necessary for the Conveniency and Delight of Life: In fine, the Garden of the World!"—Time was we might have been possess’d of it: At this Time two mighty Kings contend for this inestimable Prize:-Their respective Claims are to be measured by the Length of their Swords.—The Poet says, The Gods and Opportunity ride Post; that you must take her by the Forelock being Bald Behind.—Have we not too fondly depended upon our Numbers?—Sir Francis Bacon says, "The Wolf careth not how many the Sheep be:" But Numbers well spirited, with the Blessing of Heaven will do Wonders, when by military Skill and Discipline, the Commanders can actuate (as by one Soul) the most numerous bodies of arm’d People:-Our Numbers will not avail till the Colonies are united; for whilst divided, the strength of the Inhabitants is broken like the petty Kingdoms in Africa.—If we do not join Heart and Hand in the common Cause against our exulting Foes, but fall to disputing among ourselves, it may really happen as the Governour of Pennsylvania told his Assembly, "We shall have no Priviledge to dispute about, nor Country to dispute in."

Thirdly, of the Future State of NORTH AMERICA—Here we find a vast Stock of proper Materials for the Art and Ingenuity of Man to work upon:-Treasures of immense Worth; conceal’d from the poor ignorant aboriginal Natives! The Curious have observ’d, that the Progress of Humane Literature (like the Sun) is from the East to the West; thus has it travelled thro’ Asia and Europe, and now is arrived at the Eastern Shore of America. As
the Coelestial Light of the Gospel was directed here by the Finger of G O D , it will doubtless, finally drive the long! long! Night of Heathenish Darkness from America:-So Arts and Sciences will change the Face of Nature in their Tour from Hence over the Appalachian Mountains to the Western Ocean; and as they march thro' the vast Desert, the Residence of Wild Beasts will be broken up, and their obscene Howl cease for ever;-Instead of which the Stones and Trees will dance together at the Music of Orpheus,-the Rocks will disclose their hidden Gems,-and the inestimable Treasures of Gold & Silver be broken up. Huge Mountains of Iron Ore are already discovered; and vast Stores are reserved for future Generations: This Metal more useful than Gold and Silver, will imploy Millions of Hands, not only to form the martial Sword, and peaceful Share, alternately; but an Infinity of Utensils improved in the Exercise of Art, and Handicraft amongst Men. Nature thro' all her Works has stamp'd Authority on this Law, namely, "That all fit Matter shall be improved to its best Purposes."-Shall not then those vast Quarries, that teem with mechanic Stone,-those for Structure be piled into great Cities,-and those for Sculpture into Statues to perpetuate the Honor of renowned Heroes; even those who shall now save the country. O! Ye Unborn inhabitants of America! Should this Page escape its destin'd Conflagration at the Year's End, and these Alphabetical Letters remain legible,-when your Eyes behold the Sun after he has rolled the Seasons round for two or three Centuries more, you will know that in Anno Domini 1758, we dream'd of your Times.

The definitive Treaty of Peace and Friendship between his Britannick Majesty, the Most Christian King, and the King of Spain. Concluded at Paris the 10th day of February, 1763. To which the King of Portugal acceded on the same day. (Printed from the Copy.)

In the Name of the Most Holy and Undivided Trinity, Father, Son, and Holy Ghost. So be it.

Be it known to all those whom it shall, or may, in any manner, belong,

It has pleased the Most High to diffuse the spirit of union and concord among the Princes, whose divisions had spread troubles in the four parts of the world, and to inspire them with the inclination to cause the comforts of peace to succeed to the misfortunes of a long and bloody war, which having arisen between England and France during the reign of the Most Serene and Most Potent Prince, George the Second, by the grace of God, King of Great Britain, of glorious memory, continued under the reign of the Most Serene and Most Potent Prince, George the Third, his successor, and, in its progress, communicated itself to Spain and Portugal: Consequently, the Most Serene and Most Potent Prince, George the Third, by the grace of God, King of Great Britain, France, and Ireland, Duke of Brunswick and Lunenbourg, Arch Treasurer and Elector of the Holy Roman Empire; the Most Serene and Most Potent Prince, Lewis the Fifteenth, by the grace of God, Most Christian King; and the Most Serene and Most Potent Prince, Charles the Third, by the grace of God, King of Spain and of the Indies, after having laid the foundations of peace in the preliminaries signed at Fontainebleau the third of November last; and the Most Serene and Most Potent Prince, Don Joseph the First, by the grace of God, King of Portugal and of the Algarves, after having acceded thereto, determined to compleat, without delay, this great and important work. For this purpose, the high contracting parties have named and appointed their respective Ambassadors Extraordinary and Ministers Plenipotentiary, viz. his Sacred Majesty the King of
Great Britain, the Most Illustrious and Most Excellent Lord, John Duke and Earl of Bedford, Marquis of Tavistock, c. his Minister of State, Lieutenant General of his Armies, Keeper of his Privy Seal, Knight of the Most Noble Order of the Garter, and his Ambassador Extraordinary and Minister Plenipotentiary to his Most Christian Majesty; his Sacred Majesty the Most Christian King, the Most Illustrious and Most Excellent Lord, Csar Gabriel de Choiseul, Duke of Praslin, Peer of France, Knight of his Orders, Lieutenant General of his Armies and of the province of Brittany, Counsellor of all his Counsils, and Minister and Secretary of State, and of his Commands and Finances: his Sacred Majesty the Catholick King, the

Most Illustrious and Most Excellent Lord, Don Jerome Grimaldi, Marquis de Grimaldi, Knight of the Most Christian King's Orders, Gentleman of his Catholick Majesty's Bedchamber in Employment, and his Ambassador Extraordinary to his Most Christian Majesty; his Sacred Majesty the Most Faithful King, the Most Illustrious and Most Excellent Lord, Martin de Mello and Castro, Knight professed of the Order of Christ, of his Most Faithful Majesty's Council, and his Ambassador and Minister Plenipotentiary to his Most Christian Majesty.

Who, after having duly communicated to each other their full powers, in good form, copies whereof are transcribed at the end of the present treaty of peace, have agreed upon the articles, the tenor of which is as follows:

**Article I.** There shall be a Christian, universal, and perpetual peace, as well by sea as by land, and a sincere and constant friendship shall be re established between their Britannick, Most Christian, Catholick, and Most Faithful Majesties, and between their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of what quality or condition soever they be, without exception of places or of persons: So that the high contracting parties shall give the greatest attention to maintain between themselves and their said dominions and subjects this reciprocal friendship and correspondence, without permitting, on either side, any kind of hostilities, by sea or by land, to be committed from henceforth, for any cause, or under any pretence whatsoever, and every thing shall be carefully avoided which might hereafter prejudice the union happily reestablished, applying themselves, on the contrary, on every occasion, to procure for each other whatever may contribute to their mutual glory, interests, and advantages, without giving any assistance or protection, directly or indirectly, to those who would cause any prejudice to either of the high contracting parties: there shall be a general oblivion of every thing that may have been done or committed before or since the commencement of the war which is just ended.
II. The treaties of Westphalia of 1648; those of Madrid between the Crowns of Great Britain and Spain of 1661, and 1670; the treaties of peace of Nimègue of 1678, and 1679; of Ryswick of 1697; those of peace and of commerce of Utrecht of 1713; that of Baden of 1714; the treaty of the triple alliance of the Hague of 1717; that of the quadruple alliance of London of 1118; the treaty of peace of Vienna of 1738; the definitive treaty of Aix la Chapelle of 1748; and that of Madrid, between the Crowns of Great Britain and Spain of 1750: as well as the treaties between the Crowns of Spain and Portugal of the 13th of February, 1668; of the 6th of February, 1715; and of the 12th of February, 1761; and that of the 11th of April, 1713, between France and Portugal with the guaranties of Great Britain, serve as a basis and foundation to the peace, and to the present treaty: and for this purpose they are all renewed and confirmed in the best form, as well as all the general, which subsisted between the high contracting parties before the war, as if they were inserted here word for word, so that they are to be exactly observed, for the future, in their whole tenor, and religiously executed on all sides, in all their points, which shall not be derogated from by the present treaty, notwithstanding all that may have been stipulated to the contrary by any of the high contracting parties: and all the said parties declare, that they will not suffer any privilege, favour, or indulgence to subsist, contrary to the treaties above confirmed, except what shall have been agreed and stipulated by the present treaty.

III. All the prisoners made, on all sides, as well by land as by sea, and the hostages carried away or given during the war, and to this day, shall be restored, without ransom, six weeks, at least, to be computed from the day of the exchange of the ratification of the present treaty, each crown respectively paying the advances which shall have been made for the subsistence and maintenance of their prisoners by the Sovereign of the country where they shall have been detained, according to the attested receipts and estimates and other authentic vouchers which shall be furnished on one side and the other. And securities shall be reciprocally given for the payment of the debts which the prisoners shall have contracted in the countries where they have been detained until their entire liberty. And all the ships of war and merchant vessels Which shall have been taken since the expiration of the terms agreed upon for the cessation of hostilities by sea shall likewise be restored, bon fide, with all their crews and cargoes: and the execution of this article shall be proceeded upon immediately after the exchange of the ratifications of this treaty.

IV. His Most Christian Majesty renounces all pretensions which he has heretofore formed or might have formed to Nova Scotia or Acadia in all its parts, and guaranties the whole of it, and with all its dependencies, to the King of Great Britain: Moreover, his Most Christian Majesty cedes and guaranties to his said
Britannick Majesty, in full right, Canada, with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts in the gulph and river of St. Lawrence, and in general, every thing that depends on the said countries, lands, islands, and coasts, with the sovereignty, property, possession, and all rights acquired by treaty, or otherwise, which the Most Christian King and the Crown of France have had till now over the said countries, lands, islands, places, coasts, and their inhabitants, so that the Most Christian King cedes and makes over the whole to the said King, and to the Crown of Great Britain, and that in the most ample manner and form, without restriction, and without any liberty to depart from the said cession and guaranty under any pretence, or to disturb Great Britain in the possessions above mentioned. His Britannick Majesty, on his side, agrees to grant the liberty of the Catholick religion to the inhabitants of Canada: he will, in consequence, give the most precise and most effectual orders, that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannick Majesty farther agrees, that the French inhabitants, or others who had been subjects of the Most Christian King in Canada, may retire with all safety and freedom wherever they shall think proper, and may sell their estates, provided it be to the subjects of his Britannick Majesty, and bring away their effects as well as their persons, without being restrained in their emigration, under any pretence whatsoever, except that of debts or of criminal prosecutions: The term limited for this emigration shall be fixed to the space of eighteen months, to be computed from the day of the exchange of the ratification of the present treaty.

V. The subjects of France shall have the liberty of fishing and drying on a part of the coasts of the island of Newfoundland, such as it is specified in the XIIIth article of the treaty of Utrecht; which article is renewed and confirmed by the present treaty, (except what relates to the island of Cape Breton, as well as to the other islands and coasts in the mouth and in the gulph of St. Lawrence:) And his Britannick Majesty consents to leave to the subjects of the Most Christian King the liberty of fishing in the gulph of St. Lawrence, on condition that the subjects of France do not exercise the said fishery but at the distance of three leagues from all the coasts belonging to Great Britain, as well those of the continent as those of the islands situated in the said gulph of St. Lawrence. And as to what relates to the fishery on the coasts of the island of Cape Breton, out of the said gulph, the subjects of the Most Christian King shall not be permitted to exercise the said fishery but at the distance of fifteen leagues from the coasts of the island of Cape Breton; and the fishery on the coasts of Nova Scotia or Acadia, and every where else out of the said gulph, shall remain on the foot of former treaties.
VI. The King of Great Britain cedes the islands of St. Pierre and Macquelon, in full right, to his Most Christian Majesty, to serve as a shelter to the French fishermen; and his said Most Christian Majesty engages not to fortify the said islands; to erect no buildings upon them but merely for the conveniency of the fishery; and to keep upon them a guard of fifty men only for the police.

VII. In order to reestablish peace on solid and durable foundations, and to remove for ever all subject of dispute with regard to the limits of the British and French territories on the continent of America; it is agreed, that, for the future, the confines between the dominions of his Brittannick Majesty and those of his Most Christian Majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the River Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river, and the lakes Maurepas and Pontchartrain to the sea; and for this purpose, the Most Christian King cedes in full right, and guaranties to his Brittannick Majesty the river and port of the Mobile, and every thing which 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, provided that the navigation of the river Mississippi shall be equally free, as well to the subjects of Great Britain as to those of France, in its whole breadth and length, from its source to the sea, and expressly that part which is between the said island of New Orleans and the right bank of that river, as well as the passage both in and out of its mouth: It is farther stipulated, that the vessels belonging to the subjects of either nation shall not be stopped, visited, or subjected to the payment of any duty whatsoever. The stipulations inserted in the IVth article, in favour of the inhabitants of Canada shall also take place with regard to the inhabitants of the countries ceded by this article.

VIII. The King of Great Britain shall restore to France the islands of Guadeloupe, of Mariegalante, of Desirade, of Martinico, and of Belleisle; and the fortresses of these islands shall be restored in the same condition they were in when they were conquered by the British arms, provided that his Brittannick Majesty's subjects, who shall have settled in the said islands, or those who shall have any commercial affairs to settle there or in other places restored to France by the present treaty, shall have liberty to sell their lands and their estates, to settle their affairs, to recover their debts, and to bring away their effects as well as their persons, on board vessels, which they shall be permitted to send to the said islands and other places restored as above, and which shall serve for this use only, without being restrained on account of their religion, or under any other pretence whatsoever, except that of debts or of criminal prosecutions: and for this purpose, the term of eighteen months is allowed to his Brittannick Majesty's subjects, to be computed from the day of the
exchange of the ratifications of the present treaty; but, as the liberty granted to
his Britannick Majesty's subjects, to bring away their persons and their effects, in
vessels of their nation, may be liable to abuses if precautions were not taken to
prevent them; it has been expressly agreed between his Britannick Majesty and his
Most Christian Majesty, that the number of English vessels which have leave to go
to the said islands and places restored to France, shall be limited, as well as the
number of tons of each one; that they shall go in ballast; shall set sail at a fixed
time; and shall make one voyage only; all the effects belonging to the English being
to be embarked at the same time. It has been farther agreed, that his Most Christian
Majesty shall cause the necessary passports to be given to the said vessels; that, for
the greater security, it shall be allowed to place two French clerks or guards in each
of the said vessels, which shall be visited in the landing places and ports of the said
islands and places restored to France, and that the merchandize which shall be found
therein shall be confiscated.

IX. The Most Christian King cedes and guaranties to his Britannick Majesty, in
full right, the islands of Grenada, and the Grenadines, with the same stipulations in
favour of the inhabitants of this colony, inserted in the IVth article for those of
Canada: And the partition of the islands called neutral, is agreed and fixed, so that
those of St. Vincent, Dominico, and Tobago, shall remain in full right to Great
Britain, and that of St. Lucia shall be delivered to France, to enjoy the same likewise
in full right, and the high contracting parties guaranty the partition so stipulated.

X. His Britannick Majesty shall restore to France the island of Goree in the
condition it was in when conquered: and his Most Christian Majesty cedes, in full
right, and g

uaranties to the King of Great Britain the river Senegal, with the forts and
factories of St. Lewis, Podor, and Galam, and with all the rights and dependencies
of the said river Senegal.

XI. In the East Indies Great Britain shall restore to France, in the condition they
are now in, the different factories which that Crown possessed, as well as on the
coast of Coromandel and Orixa as on that of Malabar, as also in Bengal, at the
beginning of the year 1749. And his Most Christian Majesty renounces all
pretension to the acquisitions which he has made on the coast of Coromandel and
Orixa since the said beginning of the year 1749. His Most Christian Majesty shall
restore, on his side, all that he may have conquered from Great Britain in the East
Indies during the present war; and will expressly cause Nattal and Tapanouly, in
the island of Sumatra, to be restored; he engages farther, not to erect fortifications,
or to keep troops in any part of the dominions of the Subah of Bengal. And in order to preserve future peace on the coast of Coromandel and Orixa, the English and French shall acknowledge Mahomet Ally Khan for lawful Nabob of the Carnatick, and Salabat Jing for lawful Subah of the Decan; and both parties shall renounce all demands and pretensions of satisfaction with which they might charge each other, or their Indian allies, for the depredations or pillage committed on the one side or on the other during the war.

XII. The island of Minorca shall be restored to his Britannick Majesty, as well as Fort St. Philip, in the same condition they were in when conquered by the arms of the Most Christian King; and with the artillery which was there when the said island and the said fort were taken.

XIII. The town and port of Dunkirk shall be put into the state fixed by the last treaty of Aix la Chapelle, and by former treaties. The Cunette shall be destroyed immediately after the exchange of the ratifications of the present treaty, as well as the forts and batteries which defend the entrance on the side of the sea; and provision shall be made at the same time for the wholesomeness of the air, and for the health of the inhabitants, by some other means, to the satisfaction of the King of Great Britain.

XIV. France shall restore all the countries belonging to the Electorate of Hanover, to the Landgrave of Hesse, to the Duke of Brunswick, and to the Count of La Lippe Buckebourg, which are or shall be occupied by his Most Christian Majesty's arms: the fortresses of these different countries shall be restored in the same condition they were in when conquered by the French arms; and the pieces of artillery, which shall have been carried elsewhere, shall be replaced by the same number, of the same bore, weight and metal.

XV. In case the stipulations contained in the XIIIth article of the preliminaries should not be compleated at the time of the signature of the present treaty, as well with regard to the evacuations to be made by the armies of France of the fortresses of Cleves, Wezel, Guelders, and of all the countries belonging to the King of Prussia, as with regard to the evacuations to be made by the British and French armies of the countries which they occupy in Westphalia, Lower Saxony, on the Lower Rhine, the Upper Rhine, and in all the empire; and to the retreat of the troops into the dominions of their respective Sovereigns: their Britannick and Most Christian Majesties promise to proceed, bon fide, with all the dispatch the case will permit of to the said evacuations, the entire completion whereof they stipulate before the 15th of March next, or sooner if it can be done; and their Britannick and
Most Christian Majesties farther engage and promise to each other, not to furnish any succours of any kind to their respective allies who shall continue engaged in the war in Germany.

XVI. The decision of the prizes made in time of peace by the subjects of Great Britain, on the Spaniards, shall be referred to the Courts of Justice of the Admiralty of Great Britain, conformably to the rules established among all nations, so that the validity of the said prizes, between the British and Spanish nations, shall be decided and judged, according to the law of nations, and according to treaties, in the Courts of Justice of the nation who shall have made the capture.

XVII. His Britannick Majesty shall cause to be demolished all the fortifications which his subjects shall have erected in the bay of Honduras, and other places of the territory of Spain in that part of the world, four months after the ratification of the present treaty; and his Catholick Majesty shall not permit his Britannick Majesty's subjects, or their workmen, to be disturbed or molested under any pretence whatsoever in the said places, in their occupation of cutting, loading, and carrying away logwood; and for this purpose, they may build, without hindrance, and occupy, without interruption, the houses and magazines necessary for them, for their families, and for their effects; and his Catholick Majesty assures to them, by this article, the full enjoyment of those advantages and powers on the Spanish coasts and territories, as above stipulated, immediately after the ratification of the present treaty.

XVIII. His Catholick Majesty desists, as well for himself as for his successors, from all pretension which he may have formed in favour of the Guipuscoans, and other his subjects, to the right of fishing in the neighbourhood of the island of Newfoundland.

XIX. The King of Great Britain shall restore to Spain all the territory which he has conquered in the island of Cuba, with the fortress of the Havannah; and this fortress, as well as all the other fortresses of the said island, shall be restored in the same condition they were in when conquered by his Britannick Majesty's arms, provided that his Britannick Majesty's subjects who shall have settled in the said island, restored to Spain by the present treaty, or those who shall have any commercial affairs to settle there, shall have liberty to sell their lands and their estates, to settle their affairs, recover their debts, and to bring away their effects, as well as their persons, on board vessels which they shall be permitted to send to the said island restored as above, and which shall serve for that use only, without being restrained on account of their religion, or under any other pretence whatsoever,
except that of debts or of criminal prosecutions: And for this purpose, the term of eighteen months is allowed to his Britannick Majesty's subjects, to be computed from the day of the exchange of the ratifications of the present treaty: but as the liberty granted to his Britannick Majesty's subjects, to bring away their persons and their effects, in vessels of their nation, may be liable to abuses if precautions were not taken to prevent them; it has been expressly agreed between his Britannick Majesty and his Catholick Majesty, that the number of English vessels which shall have leave to go to the said island restored to Spain shall be limited, as well as the number of tons of each one; that they shall go in ballast; shall set sail at a fixed time; and shall make one voyage only; all the effects belonging to the English being to be embarked at the same time: it has been farther agreed, that his Catholick Majesty shall cause the necessary passports to be given to the said vessels; that for the greater security, it shall be allowed to place two Spanish clerks or guards in each of the said vessels, which shall be visited in the landing places and ports of the said island restored to Spain, and that the merchandize which shall be found therein shall be confiscated.

XX. In consequence of the restitution stipulated in the preceding article, his Catholick Majesty cedes and guaranties, in full right, to his Britannick Majesty, Florida, with Fort St. Augustin, and the Bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the East or to the South East of the river Mississippi. And, in general, every thing that depends on the said countries and lands, with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the Catholick King and the Crown of Spain have had till now over the said countries, lands, places, and their inhabitants; so that the Catholick King cedes and makes over the whole to the said King and to the Crown of Great Britain, and that in the most ample manner and form. His Britannick Majesty agrees, on his side, to grant to the inhabitants of the countries above ceded, the liberty of the Catholick religion; he will, consequently, give the most express and the most effectual orders that his new Roman Catholic subjects may profess the worship of their religion according to the rites of the Romish church, as far as the laws of Great Britain permit. His Britannick Majesty farther agrees, that the Spanish inhabitants, or others who had been subjects of the Catholick King in the said countries, may retire, with all safety and freedom, wherever they think proper; and may sell their estates, provided it be to his Britannick Majesty's subjects, and bring away their effects, as well as their persons without being restrained in their emigration, under any pretence whatsoever, except that of debts, or of criminal prosecutions: the term limited for this emigration being fixed to the space of eighteen months, to be computed from the day of the exchange of the ratifications of the present treaty. It is moreover stipulated, that his Catholick Majesty shall have
power to cause all the effects that may belong to him, to be brought away, whether it be artillery or other things.

XXI. The French and Spanish troops shall evacuate all the territories, lands, towns, places, and castles, of his Most faithful Majesty in Europe, without any reserve, which shall have been conquered by the armies of France and Spain, and shall restore them in the same condition they were in when conquered, with the same artillery and ammunition, which were found there: And with regard to the Portuguese Colonies in America, Africa, or in the East Indies, if any change shall have happened there, all things shall be restored on the same footing they were in, and conformably to the preceding treaties which subsisted between the Courts of France, Spain, and Portugal, before the present war.

XXII. All the papers, letters, documents, and archives, which were found in the countries, territories, towns and places that are restored, and those belonging to the countries ceded, shall be, respectively and bon fide, delivered, or furnished at the same time, if possible, that possession is taken, or, at latest, four months after the exchange of the ratifications of the present treaty, in whatever places the said papers or documents may be found.

XXIII. All the countries and territories, which may have been conquered, in whatsoever part of the world, by the arms of their Britannick and Most Faithful Majesties, as well as by those of their Most Christian and Catholick Majesties, which are not included in the present treaty, either under the title of cessions, or under the title of restitutions, shall be restored without difficulty, and without requiring any compensations.

XXIV. As it is necessary to assign a fixed epoch for the restitutions and the evacuations, to be made by each of the high contracting parties, it is agreed, that the British and French troops shall compleat, before the 15th of March next, all that shall remain to be executed of the XIIth and XIIIth articles of the preliminaries, signed the 3d day of November last, with regard to the evacuation to be made in the Empire, or elsewhere. The island of Belleisle shall be evacuated six weeks after the exchange of the ratifications of the present treaty, or sooner if it can be done. Guadeloupe, Desirade, Mariegalante Martinico, and St. Lucia, three months after the exchange of the ratifications of the present treaty, or sooner if it can be done. Great Britain shall likewise, at the end of three months after the exchange of the ratifications of the present treaty, or sooner if it can be done, enter into possession of the river and port of the Mobile, and of all that is to form the limits of the territory of Great Britain, on the side of the river Mississippi, as they are specified in the
VIIth article. The island of Goree shall be evacuated by Great Britain, three months after the exchange of the ratifications of the present treaty; and the island of Minorca by France, at the same epoch, or sooner if it can be done: And according to the conditions of the VIth article, France shall likewise enter into possession of the islands of St Peter, and of Miquelon, at the end of three months after the exchange of the ratifications of the present treaty. The Factories in the East Indies shall be restored six months after the exchange of the ratifications of the present treaty, or sooner if it can be done. The fortress of the Havannah, with all that has been conquered in the island of Cuba, shall be restored three months after the exchange of the ratifications of the present treaty, or sooner if it can be done: And, at the same time, Great Britain shall enter into possession of the country ceded by Spain according to the XXth article. All the places and countries of his most Faithful Majesty, in Europe, shall be restored immediately after the exchange of the ratification of the present treaty: And the Portuguese colonies, which may have been conquered, shall be restored in the space of three months in the West Indies, and of six months in the East Indies, after the exchange of the ratifications of the present treaty, or sooner if it can be done. All the fortresses, the restitution whereof is stipulated above, shall be restored with the artillery and ammunition, which were found there at the time of the conquest. In consequence whereof, the necessary orders shall be sent by each of the high contracting parties, with reciprocal passports for the ships that shall carry them, immediately after the exchange of the ratifications of the present treaty.

XXV. His Britannick Majesty, as Elector of Brunswick Lunenbourgh, as well for himself as for his heirs and successors, and all the dominions and possessions of his said Majesty in Germany, are included and guarantied by the present treaty of peace.

XXVI. Their sacred Britannick, Most Christian, Catholick, and Most Faithful Majesties, promise to observe sincerely and bon fide, all the articles contained and settled in the present treaty; and they will not suffer the same to be infringed, directly or indirectly, by their respective subjects; and the said high contracting parties, generally and reciprocally, guaranty to each other all the stipulations of the present treaty.

XXVII. The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged in this city of Paris, between the high contracting parties, in the space of a month, or sooner if possible, to be computed from the day of the signature of the present treaty.
In witness whereof, we the underwritten their Ambassadors Extraordinary, and Ministers Plenipotentiary, have signed with our hand, in their name, and in virtue of our full powers, have signed the present definitive treaty, and have caused the seal of our arms to be put thereto. Done at Paris the tenth day of February, 1763.


(L.S.) (L.S.) (LS)

SEPARATE ARTICLES

I. Some of the titles made use of by the contracting powers, either in the full powers, and other acts, during the course of the negociation, or in the preamble of the present treaty, not being generally acknowledged; it has been agreed, that no prejudice shall ever result therefrom to any of the said contracting parties, and that the titles, taken or omitted on either side, on occasion of the said negociation, and of the present treaty, shall not be cited or quoted as a precedent.

II. It has been agreed and determined, that the French language made use of in all the copies of the present treaty, shall not become an example which may be alleged, or made a precedent of, or prejudice, in any manner, any of the contracting powers; and that they shall conform themselves, for the future, to what has been observed, and ought to be observed, with regard to, and on the part of powers, who are used, and have a right, to give and to receive copies of like treaties in another language than French; the present treaty having still the same force and effect, as if the aforesaid custom had been therein observed.

III. Though the King of Portugal has not signed the present definitive treaty, their Britannick, Most Christian, and Catholick Majesties, acknowledge, nevertheless, that his Most Faithful Majesty is formally included therein as a contracting party, and as if he had expressly signed the said treaty: Consequently, their Britannick, Most Christian, and Catholick Majesties, respectively and conjointly, promise to his Most Faithful Majesty, in the most express and most binding manner, the execution of all and every the clauses, contained in the said treaty, on his act of accession.

The present Separate Articles shall have the same force as if they were inserted in the treaty.

In witness whereof, We the underwritten Ambassadors Extraordinary, and Ministers Plenipotentiary of their Britannick, Most Christian and Catholick...
Majesties, have signed the present separate Articles, and have caused the seal of our arms to be put thereto.

Done at Paris, the 10th of February, 1763.

Bedford, C.P.S. Choiseul, Duc El Marq. de

(L.S.) de Praslin. Grimaldi.

(L.S.) (L.S.)

His Britannick Majesty's full Power.

GEORGE R.

GEORGE the Third, by the grace of God, King of Great Britain, France and Ireland, Defender of the Faith, Duke of Brunswick and Lunenbourg, ArchTreasurer, and Prince Elector of the Holy Roman Empire, c. To all and singular to whom these presents shall come, greeting. Whereas, in order to perfect the peace between Us and our good Brother the Most Faithful King, on the one part, and our good Brothers the Most Christian and Catholick Kings, on the other, which has been happily begun by the Preliminary Articles already signed at Fontainebleau the third of this month; and to bring the same to the desired end, We have thought proper to invest some fit person with full authority, on our part; Know ye, that We, having most entire confidence in the fidelity, judgment, skill, and ability in managing affairs of the greatest consequence, of our right trusty, and right entirely beloved Cousin and Counsellor, John Duke and Earl of Bedford, Marquis of Tavistock, Baron Russel of Cheneys, Baron Russel of Thornhaugh, and Baron Howland of Streatham, Lieutenantgeneral of our forces, Keeper of our Privy Seal, Lieutenant and Custos Rotulorum of the counties of Bedford and Devon, Knight of our most noble order of the Garter, and our Ambassador Extraordinary and Plenipotentiary to our good Brother the Most Christian King, have nominated, made, constituted and appointed, as by these presents, we do nominate, make, constitute, and appoint him, our true, certain, and undoubted Minister, Commissary, Deputy, Procurator and Plenipotentiary, giving to him all and all manner of power, faculty and authority, as well as our general and special command (yet so as that the general do not derogate from the special, or on the contrary) for Us and in our name, to meet and confer, as well singly and separately, as jointly, and in a body, with the Ambassadors, Commissaries, Deputies, and Plenipotentiaries of the Princes, whom it may concern, vested with sufficient power and authority for that purpose, and with them to agree upon, treat, consult and conclude, concerning the reestablishing, as soon as may be,
a firm and lasting peace, and sincere friendship and concord; and whatever shall be so agreed and concluded, for Us and in our name, to sign, and to make a treaty or treaties, on what shall have been so agreed and concluded, and to transact every thing else that may belong to the happy completion of the aforesaid work, in as ample a manner and form, and with the same force and effect, as We ourselves, if we were present, could do and perform; engaging and promising, on our royal word, that We will approve, ratify and accept, in the best manner, whatever shall happen to be transacted and concluded by our said Plenipotentiary, and that We will never suffer any person to infringe or act contrary to the same, either in the whole or in part. In witness and confirmation whereof We have caused our great Seal of Great Britain to be affixed to these presents, signed with our royal hand. Given at our Palace at St. James's, the 12th day of November, 1762, in the third year of our reign.

His Most Christian Majesty's Full Power.

LEWIS, by the grace of God, King of France and Navarre, To all who shall see these presents, Greeting. Whereas the Preliminaries, signed at Fontainebleau the third of November of the last year, laid the foundation of the peace reestablished between us and our most dear and most beloved good Brother and Cousin the King of Spain, on the one part, and our most dear and most beloved good Brother the King of Great Britain, and our most dear and most beloved good Brother and Cousin the King of Portugal on the other, We have had nothing more at heart since that happy epoch, than to consolidate and strengthen in the most lasting manner, so salutary and so important a work, by a solemn and definitive treaty between Us and the said powers. For these causes, and other good considerations, Us thereunto moving, We, trusting entirely in the capacity and experience, zeal and fidelity for our service, of our most dear and wellbeloved Cousin, Csar Gabriel de Choiseul, Duke of Praslin, Peer of France, Knight of our Orders, Lieutenant General of our Forces and of the province of Britany, Counsellor in all our Councils, Minister and Secretary of State, and of our Commands and Finances, We have named, appointed, and deputed him, and by these presents, signed with our hand, do name, appoint, and depute him our Minister Plenipotentiary, giving him full and absolute power to act in that quality, and to confer, negotiate, treat and agree jointly with the Minister Plenipotentiary of our most dear and most beloved good Brother the King of Great Britain, the Minister Plenipotentiary of our most dear and most beloved good Brother and Cousin the King of Spain and the Minister Plenipotentiary of our most dear and most beloved good Brother and Cousin the King of Portugal, vested with full powers, in good form, to agree, conclude and sign such articles, conditions, conventions, declarations, definitive treaty, accessions, and other acts whatsoever, that he shall judge proper for securing and strengthening the great work of peace,
the whole with the same latitude and authority that We ourselves might do, if We were there in person, even though there should be something which might require a more special order than what is contained in these presents, promising on the faith and word of a King, to approve, keep firm and stable for ever, to fulfil and execute punctually, all that our said Cousin, the Duke of Praslin, shall have stipulated, promised and signed, in virtue of the present full power, without ever acting contrary thereto, or permitting any thing contrary thereto, for any cause, or under any pretence whatsoever, as also to cause our letters of ratification to be expedited in good form, and to cause them to be delivered, in order to be exchanged within the time that shall be agreed upon. For such is our pleasure. In witness whereof, we have caused our Seal to be put to these presents. Given at Versailles the 7th day of the month of February, in the year of Grace 1763, and of our reign the fortyeighth. Signed Lewis, and on the fold, by the King, the Duke of Choiseul. Sealed with the great Seal of yellow Wax.

His Catholick Majesty's full Power.

DON CARLOS, by the grace of God, King of Castille, of Leon, of Arragon, of the two Sicilies, of Jerusalem, of Navarre, of Granada, of Toledo, of Valencia, of Galicia, of Majorca, of Seville, of Sardinia, of Cordova, of Corsica, of Murcia, of Jaen, of the Algarves. of Algecira. of Gibraltar. of the Canary Islands, of the East and West Indies, Islands and Continent, of the Ocean, Arch Duke of Austria, Duke of Burgundy, of Brabant and Milan, Count of Hapsburg, of Flanders, of Tirol and Barcelona, Lord of Biscay and of Molino, c. Whereas preliminaries of a solid and lasting peace between this Crown, and that of France on the one part, and that of England and Portugal on the other, were concluded and signed in the Royal Residence of Fontainbleau, the 3rd of November of the present year, and the respective ratifications thereof exchanged on the 22d of the same month, by Ministers authorised for that purpose, wherein it is promised, that a definitive treaty should be forthwith entered upon, having established and regulated the chief points upon which it is to turn: and whereas in the same manner as I granted to you, Don Jerome Grimaldi, Marquis de Grimaldi, Gentleman of my Bedchamber with employment, and my Ambassador Extraordinary to the Most Christian King, my full power to treat, adjust, and sign the beforementioned preliminaries, it is necessary to grant the same to you, or to some other, to treat, adjust, and sign the promised definitive treaty of peace as aforesaid: therefore, as you the said Don Jerome Grimaldi, Marquis de Grimaldi, are at the convenient place, and as I have every day fresh motives, from your approved fidelity and zeal, capacity and prudence, to entrust to you this, and otherlike concerns of my Crown, I have appointed you my Minister Plenipotentiary, and
granted to you my full power, to the end, that, in my name, and representing my person, you may treat, regulate, settle, and sign the said definitive treaty of peace between my Crown and that of France on the one part, that of England and that of Portugal on the other, with the Ministers who shall be equally and specially authorised by their respective Sovereigns for the same purpose; acknowledging, as I do from this time acknowledge, as accepted and ratified, whatever you shall so treat, conclude, and sign; promising, on my Royal Word, that I will observe and fulfil the same, will cause it to be observed and fulfilled, as if it had been treated, concluded, and signed by myself. In witness whereof, I have caused these presents to be dispatched, signed by my hand, sealed with my privy seal, and countersigned by my underwritten Counsellor of State, and first Secretary for the department of State and of War. Buen Retiro, the 10th day of December, 1762.

(Signed) I THE KING.

(And lower) Richard Wall
B. THE BLESSINGS OF BEING BRITONS:
JAMES HORROCKS, "UPON THE PEACE" (1763)*

He maketh Peace in thy Borders, and filleth Thee with the Flower of Wheat.

A LONG, dangerous, and expensive War now closes with an honorable Peace; and for this we are ordered to a most reasonable, pious Duty, to return our solemn Thanks to that great and good GOD, who bath taught our Hands to war and our Fingers to fight so very successfully. 'Tis this at last that completes our Joy by stopping the further Progress of War with her cruel and inseparable Attendants, Misery and Horror: For Conquerors themselves must own it ever accompanied by those ghastly Furies: The finest and most brilliant Victories cost many Tears: The most blooming and verdant Laurels are ever stain'd with Blood, and even in the Day of Triumph the Cries of Bitterness and Sorrow mix themselves with the Shouts of Joy and Gladness. We may with Truth say, we have had enough of Victory, we have had enough of military Glory, and the Trophies and the Spoils of War; or rather, enough of human Blood has been pour'd upon the Earth even to glut the ravenous Jaws of Death: We have had enough of that Success, which cannot be enjoy'd but at the Expence of the Lives of our Fellow-Creatures, and those oft the bravest and the best of Men. Therefore let us with Hearts unfeign'd and Gratitude sincere return our Thanks to Almighty GOD for restoring Peace to these Dominions, Security to Trade and Commerce, and Stability to our Religion and Church.

I shall not here take up your time in giving you a Detail of the many and great Advantages we have gain'd, the important Acquisitions made, or the signal Victories obtain'd by Sea and Land in the Course of this War, tho' such indeed might be entertaining, and agreeable enough, but better seen in the Annals of the times, and I think with much more propriety read there than heard here. I shall therefore beg your Attention to what more nearly concerns you not only as a Community but as Individuals, and while I endeavour to shew you what good Use you shou'd make of these peaceable Times, I conceive I shall be offering some Things worthy your Consideration and which, if regarded, may prove of solid and lasting Benefit to you all.

The first Thing that will naturally present itself to us in our reflecting upon the happy Consequences resulting from the Blessing now given us, is the Security of our Civil Liberty, a Happiness we justly glory in; For Britons have preserv'd it pure and uncorrupted thro' all the Struggles of Ambition and the most dangerous Attacks of Power: They have set the World a fair Example that the highest Ambition of Princes shou'd be to govern a free People, and that no People can be great or happy but such as are so; whilst other Nations have bow'd their Necks to the Yoke of Power and have basely given up this indisputable Right of Man deriv'd to Him from the first Law of Nature, and daily feel that Misery, which ever waits on Slaves. Oh Liberty! Thou are the Author of every good and perfect Gift, the inexhaustible Fountain, from whence all Blessings flow. Without Thee, what avail the Sweetness of Climate, or the most delightful Situation in the World? what avail all the Riches of Nature, the various Production of the Earth, the Mine bringing forth a thousand Treasures, the Olive and the Vine blooming upon the Mountains, if Tyranny usurps the happy Plains, and proud Oppression deforms the gay-smiling face of Nature... .
*These excerpts are reprinted from the original Williamsburg edition, pp. 5-7.
Session 5
The Colonial Mind: British or America?
Professor Burkett

Monday, July 21
1:45 pm--3:15 pm
Pray Madam, are you for an American Monarchy or Republic? Monarchy is the genteel and most fashionable Government, and I dont know why the Ladies ought not to consult Elegance and the Fashion as well in Government as Gowns, Bureaus or Chariots.

For my own part I am so tasteless as to prefer a Republic, if We must erect an independent Government in America, which you know is utterly against my Inclination. But a Republic, altho it will infallibly beggar me and my Children, will produce Strength, Hardiness Activity, Courage, Fortitude and Enterprise; the manly noble and Sublime Qualities in human Nature, in Abundance. A Monarchy would probably, somehow or other make me rich, but it would produce so much Taste and Politeness so much Elegance in Dress, Furniture, Equipage, so much Musick and Dancing, so much Fencing and Skaiting, so much Cards and Backgammon; so much Horse Racing and Cockfighting, so many Balls and Assemblies, so many Plays and Concerts that the very Imagination of them makes me feel vain, light, frivolous and insignificant.

It is the Form of Government which gives the decisive Colour to the Manners of the People, more than any other Thing. Under a well regulated Commonwealth, the People must be wise virtuous and cannot be otherwise. Under a Monarchy they may be as vicious and foolish as they please, nay, they cannot but be vicious and foolish. As Politicks therefore is the Science of human Happiness and human Happiness is clearly best promoted by Virtue, what thorough Politician can hesitate who has a new Government to build whether to prefer a Commonwealth or a Monarchy?

But, Madam, there is one Difficulty which I know not how to get over.

Virtue and Simplicity of Manners are indispensably necessary in a Republic among all orders and Degrees of Men. But there is so much Rascallity, so much Venality
and Corruption, so much Avarice and Ambition such a Rage for Profit and Commerce among all Ranks and Degrees of Men even in America, that I sometimes doubt whether there is public Virtue enough to Support a Republic. There are two Vices most detestably predominant in every Part of America that I have yet seen which are as incompatible with the Spirit of a Commonwealth, as Light is with Darkness; I mean Servility and Flattery. A genuine Republican can no more fawn and cringe than he can domineer. Shew me the American who cannot do all. I know two or Three, I think, and very few more. However, it is the Part of a great Politician to make the Character of his People, to extinguish among them the Follies and Vices that he sees, and to create in them the Virtues and Abilities which he sees wanting. I wish I was sure that America has one such Politician but I fear she has not.

**The Founders' Constitution**

Volume 1, Chapter 18, Document 7  
http://press-pubs.uchicago.edu/founders/documents/v1ch18s7.html  
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http://press-pubs.uchicago.edu/founders/
The Form of Government, which you admire when its Principles are pure is admirable indeed, it is productive of every Thing, which is great and excellent among Men. But its Principles are as easily destroyed, as human Nature is corrupted. Such a Government is only to be supported by pure Religion or Austere Morals. Public Virtue cannot exist in a Nation without private, and public Virtue is the only foundation of Republics. There must be a positive Passion for the public good, the public Interest, Honour, Power and Flory, established in the Minds of the People, or there can be no Republican Government, nor any real Liberty: and this public Passion must be Superiour to all themselves, and be happy to sacrifice their private Pleasure, passions and Interests, nay their private Friendships and dearest Connections, when they stand in Competition with the Rights of Society.

Is there in the World a Nation, which deserves this Character? There have been several, but they are no more. Out dear Americans perhaps have as much of it as any Nation now existing, and New England perhaps has more than the rest of America. But I have seen all along my Life Such Selfishness and Littleness even in New England, that I sometimes tremble to think that, although We are engaged in the best Cause that ever employed the Human Heart yet the Prospect of success is doubtful not for Want of Power or of Wisdom but of Virtue.

The Spirit of Commerce, Madam, which even insinuated itself into Families, an influences holy Matrimony, and thereby corrupts the morals of families as well as destroys their Happiness, it is much to be feared is incompatible with that purity of Heart and Greatness of soul which is necessary for an happy Republic.

This Same Spirit of Commerce is an rampant in New England as in any Part of the World. Trade is as well understood and as passionately loved there as any where.

Even the Farmers and Tradesmen are addicted to Commerce; and it is too true that Property is generally the standard of Respect there as much as anywhere. While this is the Case there is great Danger that a Republican Government would be very factious and turbulent there. Divisions in Elections are much to be dreaded. Every man must seriously set himself to root out his Passions, Prejudices and Attachments, and to get the better of his private Interest. The only reputable Principle and Doctrine must be that all Things must give Way to the public.
Benjamin Franklin, Information to Those Who Would Remove to America

Sept. 1782  Writings 8:603--14

Many Persons in Europe, having directly or by Letters, express'd to the Writer of this, who is well acquainted with North America, their Desire of transporting and establishing themselves in that Country; but who appear to have formed, thro' Ignorance, mistaken Ideas and Expectations of what is to be obtained there; he thinks it may be useful, and prevent inconvenient, expensive, and fruitless Removals and Voyages of improper Persons, if he gives some clearer and truer Notions of that part of the World, than appear to have hitherto prevailed.

He finds it is imagined by Numbers, that the Inhabitants of North America are rich, capable of rewarding, and dispos'd to reward, all sorts of Ingenuity; that they are at the same time ignorant of all the Sciences, and, consequently, that Strangers, possessing Talents in the Belles-Lettres, fine Arts, &c., must be highly esteemed, and so well paid, as to become easily rich themselves; that there are also abundance of profitable Offices to be disposed of, which the Natives are not qualified to fill; and that, having few Persons of Family among them, Strangers of Birth must be greatly respected, and of course easily obtain the best of those Offices, which will make all their Fortunes; that the Governments too, to encourage Emigrations from Europe, not only pay the Expence of personal Transportation, but give Lands gratis to Strangers, with Negroes to work for them, Utensils of Husbandry, and Stocks of Cattle. These are all wild Imaginations; and those who go to America with Expectations founded upon them will surely find themselves disappointed.

The Truth is, that though there are in that Country few People so miserable as the Poor of Europe, there are also very few that in Europe would be called rich; it is rather a general happy Mediocrity that prevails. There are few great Proprietors of the Soil, and few Tenants; most People cultivate their own Lands, or follow some Handicraft or Merchandise; very few rich enough to live idly upon their Rents or Incomes, or to pay the high Prices given in Europe for Paintings, Statues,
Architecture, and the other Works of Art, that are more curious than useful. Hence
the natural Geniuses, that have arisen in America with such Talents, have
uniformly quitted that Country for Europe, where they can be more suitably
rewarded. It is true, that Letters and Mathematical Knowledge are in Esteem there,
but they are at the same time more common than is apprehended; there being
already existing nine Colleges or Universities, viz. four in New England, and one
in each of the Provinces of New York, New Jersey, Pensilvania, Maryland, and
Virginia, all furnish'd with learned Professors; besides a number of smaller
Academies; these educate [Volume 1, Page 532] many of their Youth in the
Languages, and those Sciences that qualify men for the Professions of Divinity,
Law, or Physick. Strangers indeed are by no means excluded from exercising those
Professions; and the quick Increase of Inhabitants everywhere gives them a Chance
of Employ, which they have in common with the Natives. Of civil Offices, or
Employments, there are few; no superfluous Ones, as in Europe; and it is a Rule
establish'd in some of the States, that no Office should be so profitable as to make
it desirable. The 36th Article of the Constitution of Pennsylvania, runs expressly in
these Words; "As every Freeman, to preserve his Independence, (if he has not a
sufficient Estate) ought to have some Profession, Calling, Trade, or Farm, whereby
he may honestly subsist, there can be no Necessity for, nor Use in, establishing
Offices of Profit; the usual Effects of which are Dependance and Servility,
unbecoming Freemen, in the Possessors and Expectants; Faction, Contention,
Corruption, and Disorder among the People. Wherefore, whenever an Office, thro'
Increase of Fees or otherwise, becomes so profitable, as to occasion many to apply
for it, the Profits ought to be lessened by the Legislature."

These Ideas prevailing more or less in all the United States, it cannot be worth any
Man's while, who has a means of Living at home, to expatriate himself, in hopes of
obtaining a profitable civil Office in America; and, as to military Offices, they are
at an End with the War, the Armies being disbanded. Much less is it adviseable for
a Person to go thither, who has no other Quality to recommend him but his Birth.
In Europe it has indeed its Value; but it is a Commodity that cannot be carried to a
worse Market than that of America, where people do not inquire concerning a
 Stranger, What is he? but, What can he do? If he has any useful Art, he is
welcome; and if he exercises it, and behaves well, he will be respected by all that
know him; but a mere Man of Quality, who, on that Account, wants to live upon
the Public, by some Office or Salary, will be despis'd and disregarded. The
Husbandman is in honor there, and even the Mechanic, because their Employments
are useful. The People have a saying, that God Almighty is himself a Mechanic,
the greatest in the Univers; and he is respected and admired more for the Variety,
Ingenuity, and Utility of his Handyworks, than for the Antiquity of his Family.
They are pleas'd with the Observation of a Negro, and frequently mention it, that
Boccarorra (meaning the White men) make de black man workee, make de Horse
workee, make de Ox workee, make ebery ting workee; only de Hog. He, de hog, no
workee; he eat, he drink, he walk about, he go to sleep when he please, he libb like
a Gentleman. According to these Opinions of the Americans, one of them would
think himself more oblig'd to a Genealogist, who could prove for him that his
Ancestors and Relations for ten Generations had been Ploughmen, Smiths,
Carpenters, Turners, Weavers, Tanners, or even Shoemakers, and consequently
that they were useful Members of Society; than if he could only prove that they
were Gentlemen, doing nothing of Value, but living idly on the Labour of others,
mere fruges consumere nati, \footnote{1} and otherwise good for nothing, till by their Death

their Estates, like the Carcass of the Negro's Gentleman-Hog, come to be cut up.

With regard to Encouragements for Strangers from Government, they are really only what are derived from good Laws and Liberty. Strangers are welcome, because there is room enough for them all, and therefore the old Inhabitants are not jealous of them; the Laws protect them sufficiently, so that they have no need of the Patronage of Great Men; and every one will enjoy securely the Profits of his Industry. But, if he does not bring a Fortune with him, he must work and be industrious to live. One or two Years' residence gives him all the Rights of a Citizen; but the government does not at present, whatever it may have done in former times, hire People to become Settlers, by Paying their Passages, giving Land, Negroes, Utensils, Stock, or any other kind of Emolument whatsoever. In short, America is the Land of Labour, and by no means what the English call *Lubberland*, and the French *Pays de Cocagne*, where the streets are said to be pav'd with half-peck Loaves, the Houses til'd with Pancakes, and where the Fowls fly about ready roasted, crying, *Come eat me!*

Who then are the kind of Persons to whom an Emigration to America may be advantageous? And what are the Advantages they may reasonably expect?

Land being cheap in that Country, from the vast Forests still void of Inhabitants, and not likely to be occupied in an Age to come, insomuch that the Propriety of an hundred Acres of fertile Soil full of Wood may be obtained near the Frontiers, in many Places, for Eight or Ten Guineas, hearty young Labouring Men, who understand the Husbandry of Corn and Cattle, which is nearly the same in that Country as in Europe, may easily establish themselves there. A little Money sav'd of the good Wages they receive there, while they work for others, enables them to buy the Land and begin their Plantation, in which they are assisted by the Good-Will of their Neighbours, and some Credit. Multitudes of poor People from England, Ireland, Scotland, and Germany, have by this means in a few years become wealthy Farmers, who, in their own Countries, where all the Lands are fully occupied, and the Wages of Labour low, could never have emerged from the poor Condition wherein they were born.

From the salubrity of the Air, the healthiness of the Climate, the plenty of good Provisions, and the Encouragement to early Marriages by the certainty of Subsistence in cultivating the Earth, the Increase of Inhabitants by natural Generation is very rapid in America, and becomes still more so by the Accession of Strangers; hence there is a continual Demand for more Artisans of all the necessary and useful kinds, to supply those Cultivators of the Earth with Houses, and with Furniture and Utensils of the grosser sorts, which cannot so well be brought from Europe. Tolerably good Workmen in any of those mechanic Arts are sure to find Employ, and to be well paid for their Work, there being no Restraints preventing Strangers from exercising any Art they understand, nor any Permission necessary. If they are poor, they begin first as Servants or Journeymen; and if they are sober, industrious, and frugal, they soon become Masters, establish themselves [Volume 1, Page 533] in Business, marry, raise Families, and become respectable Citizens.

Also, Persons of moderate Fortunes and Capitals, who, having a Number of
Children to provide for, are desirous of bringing them up to Industry, and to secure Estates for their Posterity, have Opportunities of doing it in America, which Europe does not afford. There they may be taught and practise profitable mechanic Arts, without incurring Disgrace on that Account, but on the contrary acquiring Respect by such Abilities. There small Capitals laid out in Lands, which daily become more valuable by the Increase of People, afford a solid Prospect of ample Fortunes thereafter for those Children. The Writer of this has known several Instances of large Tracts of Land, bought, on what was then the Frontier of Pensilvania, for Ten Pounds per hundred Acres, which after 20 years, when the Settlements had been extended far beyond them, sold readily, without any Improvement made upon them, for three Pounds per Acre. The Acre in America is the same with the English Acre, or the Acre of Normandy.

Those, who desire to understand the State of Government in America, would do well to read the Constitutions of the several States, and the Articles of Confederation that bind the whole together for general Purposes, under the Direction of one Assembly, called the Congress. These Constitutions have been printed, by order of Congress, in America; two Editions of them have also been printed in London; and a good Translation of them into French has lately been published at Paris.

Several of the Princes of Europe having of late years, from an Opinion of Advantage to arise by producing all Commodities and Manufactures within their own Dominions, so as to diminish or render useless their Importations, have endeavoured to entice Workmen from other Countries by high Salaries, Privileges, &c. Many Persons, pretending to be skilled in various great Manufactures, imagining that America must be in Want of them, and that the Congress would probably be dispos'd to imitate the Princes above mentioned, have proposed to go over, on Condition of having their Passages paid, Lands given, Salaries appointed, exclusive Privileges for Terms of years, &c. Such Persons, on reading the Articles of Confederation, will find, that the Congress have no Power committed to them, or Money put into their Hands, for such purposes; and that if any such Encouragement is given, it must be by the Government of some separate State. This, however, has rarely been done in America; and, when it has been done, it has rarely succeeded, so as to establish a Manufacture, which the Country was not yet so ripe for as to encourage private Persons to set it up; Labour being generally too dear there, and Hands difficult to be kept together, every one desiring to be a Master, and the Cheapness of Lands inclining many to leave Trades for Agriculture. Some indeed have met with Success, and are carried on to Advantage; but they are generally such as require only a few Hands, or wherein great Part of the Work is performed by Machines. Things that are bulky, and of so small Value as not well to bear the Expence of Freight, may often be made cheaper in the Country than they can be imported; and the Manufacture of such Things will be profitable wherever there is a sufficient Demand. The Farmers in America produce indeed a good deal of Wool and Flax; and none is exported, it is all work'd up; but it is in the Way of domestic Manufacture, for the Use of the Family. The buying up Quantities of Wool and Flax, with the Design to employ Spinners, Weavers, &c., and form great Establishments, producing Quantities of Linen and Woollen Goods for Sale, has been several times attempted in different Provinces; but those Projects have generally failed, goods of equal Value being imported cheaper. And when the
Governments have been solicited to support such Schemes by Encouragements, in Money, or by imposing Duties on Importation of such Goods, it has been generally refused, on this Principle, that, if the Country is ripe for the Manufacture, it may be carried on by private Persons to Advantage; and if not, it is a Folly to think of forcing Nature. Great Establishments of Manufacture require great Numbers of Poor to do the Work for small Wages; these Poor are to be found in Europe, but will not be found in America, till the Lands are all taken up and cultivated, and the Excess of People, who cannot get Land, want Employment. The Manufacture of Silk, they say, is natural in France, as that of Cloth in England, because each Country produces in Plenty the first Material; but if England will have a Manufacture of Silk as well as that of Cloth, and France one of Cloth as well as that of Silk, these unnatural Operations must be supported by mutual Prohibitions, or high Duties on the Importation of each other's Goods; by which means the Workmen are enabled to tax the home Consumer by greater Prices, while the higher Wages they receive makes them neither happier nor richer, since they only drink more and work less. Therefore the Governments in America do nothing to encourage such Projects. The People, by this Means, are not impos'd on, either by the Merchant or Mechanic. If the Merchant demands too much Profit on imported Shoes, they buy of the Shoemaker; and if he asks too high a Price, they take them of the Merchant; thus the two Professions are checks on each other. The Shoemaker, however, has, on the whole, a considerable Profit upon his Labour in America, beyond what he had in Europe, as he can add to his Price a Sum nearly equal to all the Expences of Freight and Commission, Risque or Insurance, &c., necessarily charged by the Merchant. And the Case is the same with the Workmen in every other Mechanic Art. Hence it is, that Artisans generally live better and more easily in America than in Europe; and such as are good Oeconomists make a comfortable Provision for Age, and for their Children. Such may, therefore, remove with Advantage to America.

In the long-settled Countries of Europe, all Arts, Trades, Professions, Farms, &c., are so full, that it is difficult for a poor Man, who has Children, to place them where they may gain, or learn to gain, a decent Livelihood. The Artisans, who fear creating future Rivals in Business, refuse to take Apprentices, but upon Conditions of Money, Maintenance, or the like, which the Parents are unable to comply with. Hence the Youth are dragg'd up in Ignorance of every gainful Art, and oblig'd to become Soldiers, or Servants, or Thieves, for a Subsistence. In [Volume 1, Page 534] America, the rapid Increase of Inhabitants takes away that Fear of Rivalship, and Artisans willingly receive Apprentices from the hope of Profit by their Labour, during the Remainder of the Time stipulated, after they shall be instructed. Hence it is easy for poor Families to get their Children instructed; for the Artisans are so desirous of Apprentices, that many of them will even give Money to the Parents, to have Boys from Ten to Fifteen Years of Age bound Apprentices to them till the Age of Twenty-one; and many poor Parents have, by that means, on their Arrival in the Country, raised Money enough to buy Land sufficient to establish themselves, and to subsist the rest of their Family by Agriculture. These Contracts for Apprentices are made before a Magistrate, who regulates the Agreement according to Reason and Justice, and, having in view the Formation of a future useful Citizen, obliges the Master to engage by a written Indenture, not only that, during the time of Service stipulated, the Apprentice shall be duly provided with Meat, Drink, Apparel, washing, and Lodging, and, at its Expiration, with a compleat new Suit of Cloaths, but also that he shall be taught to read, write, and
cast Accompts; and that he shall be well instructed in the Art or Profession of his Master, or some other, by which he may afterwards gain a Livelihood, and be able in his turn to raise a Family. A Copy of this Indenture is given to the Apprentice or his Friends, and the Magistrate keeps a Record of it, to which recourse may be had, in case of Failure by the Master in any Point of Performance. This desire among the Masters, to have more Hands employ'd in working for them, induces them to pay the Passages of young Persons, of both Sexes, who, on their Arrival, agree to serve them one, two, three, or four Years; those, who have already learnt a Trade, agreeing for a shorter Term, in proportion to their Skill, and the consequent immediate Value of their Service; and those, who have none, agreeing for a longer Term, in consideration of being taught an Art their Poverty would not permit them to acquire in their own Country.

The almost general Mediocrity of Fortune that prevails in America obliging its People to follow some Business for subsistence, those Vices, that arise usually from Idleness, are in a great measure prevented. Industry and constant Employment are great preservatives of the Morals and Virtue of a Nation. Hence bad Examples to Youth are more rare in America, which must be a comfortable Consideration to Parents. To this may be truly added, that serious Religion, under its various Denominations, is not only tolerated, but respected and practised. Atheism is unknown there; Infidelity rare and secret; so that persons may live to a great Age in that Country, without having their Piety shocked by meeting with either an Atheist or an Infidel. And the Divine Being seems to have manifested his Approbation of the mutual Forbearance and Kindness with which the different Sects treat each other, by the remarkable Prosperity with which He has been pleased to favour the whole Country.

1. "... born / Merely to eat up the corn."—Watts.

The Founders' Constitution
Volume 1, Chapter 15, Document 27
http://press-pubs.uchicago.edu/founders/documents/v1ch15s27.html
The University of Chicago Press

Session 6
Reason, Passion, and Politics in the 1770s
Professor Burkett

Tuesday, July 22
9:00 am--10:30 am
Benjamin Franklin to Joseph Galloway.  

London, Feb. 25, 1775

Dear Friend,

In my last per Falconer I mentioned to you my showing your Plan of Union to Lords Chatham and Camden. I now hear that you had sent it to Lord Dartmouth. Lord Gower I believe alluded to it, when in the House he censured the Congress severely, as first resolving to receive a Plan for uniting the Colonies to the Mother Country, and afterwards rejecting it and ordering their first Resolution to be erased out of their minutes. Permit me to hint to you that it is whispered here by ministerial people that yourself and Mr. Jay of New York are friends to their measures and give them private intelligence of the views of the popular or country party in America. I do not believe this; but I thought it a duty of friendship to acquaint you with the report.

I have not heard what objections were made to the plan in the Congress, nor would I make more than this one, that, when I consider the extream corruption prevalent among all orders of men in this old rotten State, and the glorious publick virtue so predominant in our rising country, I cannot but apprehend more mischief than benefit from a closer union. I fear they will drag us after them in all the plundering wars which their desperate circumstances, injustice and rapacity may prompt them to undertake; and their wide-wasting prodigality and profusion is a gulph that will swallow up every aid we may distress ourselves to afford them.

Here numberless and needless places, enormous salaries, pensions, perquisites, bribes, groundless quarrels, foolish expeditions, false accounts or no accounts, contracts and jobbs devour all revenue, and produce continual necessity in the midst of natural plenty. I apprehend, therefore, that to unite us intimately will only be to corrupt and poison us also. It seems like Mezentius’s coupling and binding together the dead and the living.

"tormenti genus, et sanie taboque fluentes, Coznplexu in misero, longa sic morte necabat."

However, I would try any thing, and bear any thing that can be borne with safety to our just liberties, rather than engage in a war with such near relations, unless compelled to it by dire necessity in our own defence. . . .

-SMYTH, ed., *Writings of Franklin*, VI, 311-312.
Among the disaffected in Philadelphia, Doctor Kearsley was pre-eminently ardent and rash. An extremely zealous Loyalist, and impetuous in his temper, he had given much umbrage to the whigs; and if I am not mistaken, he had been detected in some hostile machinations. Hence he was deemed a proper subject for the fashionable punishment of tarring, feathering and carting. He was seized at his own door by a party of the militia, and, in the attempt to resist them, received a wound in his hand from a bayonet. Being overpowered, he was placed in a cart provided for the purpose, and amidst a multitude of boys and idlers, paraded through the streets to the tune of the rogue's march. I happened to be at the coffee-house when the concourse arrived there. They made a halt, while the Doctor, foaming with rage and indignation, without his hat, his wig dishevelled and bloody from his wounded hand, stood up in the cart and called for a bowl of punch. It was quickly handed to him; when so vehement was his thirst that he drained it of its contents before he took it from his lips.

What were the feelings of others on this lawless proceeding, I know not, but mine, I must confess, revolted at the spectacle. I was shocked at seeing a lately respected citizen so cruelly vilified, and was imprudent enough to say that, had I been a magistrate, I would, at every hazard, have interposed my authority in suppression of the outrage. But this was not the only instance which convinced me that I wanted nerves for a revolutionist. It must be admitted, however, that the conduct of the populace was marked by a lenity which peculiarly distinguished the cradle of our republicanism. Tar and feathers had been dispensed with, and excepting the injury he had received in his hand, no sort of violence was offered by the mob to their victim. But to a man of high spirit, as the Doctor was, the indignity in its lightest form was sufficient to madden him: it probably had this effect, since his conduct became so extremely outrageous that it was thought necessary to confine him. From the city he was soon after removed to Carlisle, where he died during the war.

A few days after the carting of Mr. Kearsley, Mr. Isaac Hunt, the attorney, was treated in the same manner, but he managed the matter much better than his precursor. Instead of braving his conductors like the Doctor, Mr. Hunt was a pattern of meekness and humility; and at every halt that was made, he rose and expressed his acknowledgments to the crowd for their forbearance and civility. After a parade of an hour or two, he was set down at his own door, as uninjured in body as in mind. He soon after removed to one of the islands—if I mistake not, to Barbadoes—where, it was understood, he took orders.

Not long after these occurrences, Major Skene of the British Army ventured to show himself in Philadelphia. Whatever might have been his inducement to the measure, it was deemed expedient by the newly constituted authorities to have him arrested and secured. A guard was accordingly placed over him at his lodgings at the city tavern. The officer to whose charge he was especially committed was Mr. Francis Wade, the brewer, an Irishman of distinguished zeal in the cause, and one who was supposed to possess talents peculiarly befitting him for the task of curbing the spirit of a haughty Briton, which Skene undoubtedly was.

I well recollect the day that the guard was paraded to escort him out of the city on
his way to some other station. An immense crowd of spectators stood before the door of his quarters, and lined the street through which he was to pass. The weather being warm, the window sashes of his apartment were raised, and Skene, with his bottle of wine upon the table, having just finished his dinner, roared out in the voice of a Stentor, "God save great George our king!" Had the spirit of seventy-five in any degree resembled the spirit of Jacobinism, to which it has been unjustly compared, this bravado would unquestionably have brought the Major to the lamp-post, and set his head upon a pike; but as, fortunately for him, it did not, he was suffered to proceed with his song, and the auditory seemed more generally amused than offended.

-GRAYDON, Memoirs of His Own Time, pp. 126-128.
Benjamin Franklin to Lord Howe

SUBMISSION: JULY 1776

"It is impossible we should think of reconciling the interests of our country with the interests of the colonies. If peace is here meant, a peace to be procured by the submission of the colonies to the authority of Parliament, it is contrary to the constitution of our country. The colonies are a part of the British empire, and as such are entitled to the protection of our constitution. If peace is here meant, it must be a peace for our country, for if it be for our country, it must be a peace for the colonies, not for the empire. The colonies are entitled to the protection of our constitution, and cannot be deprived of it by any act of Parliament. If peace is here meant, it must be a peace for the colonies, for if it be for the colonies, it must be a peace for the empire. The colonies are entitled to the protection of our constitution, and cannot be deprived of it by any act of Parliament."
Henry Laurens to John Laurens

Events in South Carolina: Summer 1776
Samuel Adams to James Warren.

Baltimore, February 16, 1777

My Dear Sir,-A few days ago a small expedition was made by the authority of this State aided by detachment of Continental Regulars, to suppress the Tories in the Counties of Somerset and Worcester on the Eastern Shore of Chesapeake, where they are numerous and have arisen to a great pitch of violence. We this day have a rumour that one of their principals, a Doctor Cheyney, is taken and we hope to hear of the business being effectually done, very soon. In my opinion, much more is to be apprehended from the secret machinations of these rascally people than from the open violence of British and Hessian soldiers, whose success has been in a great measure owing to the aid they have received from them.

You know that the Tories in America have always acted upon one system. Their head quarters used to be at Boston-more lately at Philadelphia. They have continually embarrassed the publick councils there and afforded intelligence, advice and assistance to General Howe. Their influence is extended throughout the United States. Boston has its full share of them, and yet I do not hear that measures have been taken to suppress them. On the contrary, I am informed that the citizens are grown so polite as to treat them with tokens of civility and respect. Can a man take fire into his bosom and not be burned? Your Massachusetts Tories communicate with the enemy in Britain as well as New York. They give and receive intelligence, from whence they early form a judgment of their measures. I am told they discovered an air of insolent triumph in their countenances, and saucily enjoyed the success of Howe's forces in Jersey before it happened.

Indeed, my friend, if measures are not soon taken, and the most vigorous ones, to root out these pernicious weeds, it will be in vain for America to per-severe in this generous struggle for the publick liberty....

Session 7
The Revolution in Religious “Sentiments”
Professor Burkett

Tuesday, July 22
10:50 am--12:20 pm
Jonathan Mayhew "A Discourse Concerning Unlimited Submission and Non-Resistance to the Higher Powers"

Harvard graduate and Congregationalist minister, Jonathan Mayhew (1720-1766) served the West Church in Boston from his ordination in 1747 until his death. The Discourse was first published in Boston in 1750.

... Let us now trace the apostle's reasoning in favor of submission to the higher powers, a little more particularly and exactly. For by this it will appear, on one hand, how good and conclusive it is, for submission to those rulers who exercise their power in a proper manner: And, on the other, how weak and trifling and unconnected it is, if it be supposed to be meant by the apostle to show the obligation and duty of obedience to tyrannical, oppressive rulers in common with others of a different character.

The apostle enters upon his subject thus--Let every soul be subject unto the higher powers; for there is no power but of God: the powers that be, are ordained of God. Here he urges the duty of obedience from this topic of argument, that civil rulers, as they are supposed to fulfill the pleasure of God, are the ordinance of God.

But how is this an argument for obedience to such rulers as do not perform the pleasure of God, by doing good; but the pleasure of the devil, by doing evil; and such as are not, therefore, God's ministers, but the devil's! Whosoever, therefore, resisteth the power, resisteth the ordinance of God: and they that resist, shall receive to themselves damnation. Here the apostle argues, that those who resist a reasonable and just authority, which is agreeable to the will of God, do really resist the will of God himself; and will, therefore, be punished by him.

But how does this prove, that those who resist a lawless, unreasonable power, which is contrary to the will of God, do therein resist the will and ordinance of God? Is resisting those who resist God's will, the same thing with resisting God? Or shall those who do so, receive to themselves damnation! For rulers are not a terror to good works, but to the evil. Wilt thou then not be afraid of the power? Do that which is good; and thou shalt have praise of the same. For he is the minister of God to thee for good.

Here the apostle argues more explicitly than he had before done, for revering, and submitting to, magistracy, from this consideration, that such as really performed the duty of magistrates, would be enemies only to the evil actions of men, and would befriend and encourage the good: and so be a common blessing to society. But how is this an argument, that we must honor, and submit to, such magistrates as are not enemies to the evil actions of men; but to the good: and such as are not a common blessing, but a common curse, to society! But if thou do that which is evil, be afraid: For he is the minister of God, a revenger, to execute wrath upon him that doth evil.

Here the apostle argues from the nature and end of magistracy, that such as did evil, (and such only) had reason to be afraid of the higher powers; it being part of their office to punish evildoers, no less than to defend and encourage such as do well.

But if magistrates are unrighteous; if they are respecters of persons; if they are partial in their administration of justice; then those who do well have as much reason to be afraid, as those that do evil: there can be no safety for the good, nor any peculiar ground of terror to the unruly and injurious. So that, in this case, the main end of civil government will be frustrated. And what reason is there for submitting to that government, which does by no means answer the design of government? Wherefore ye must needs be subject not only for wrath, but also for conscience sake.
Here the apostle argues the duty of a cheerful and conscientious submission to civil government, from the nature and end of magistracy as he had before laid it down, i.e. as the design of it was to punish evildoers, and to support and encourage such as do well; and as it must, if so exercised, be agreeable to the will of God. But how does what he here says, prove the duty of a cheerful and conscientious subjection to those who forfeit the character of rulers? to those who encourage the bad, and discourage the good? The argument here used no more proves it to be a sin to resist such rulers, than it does, to resist the devil, that he may flee from us. For one is as truly the minister of God as the other. For, for this cause pay you tribute also; for they are God's ministers, attending continually upon this very thing.

Here the apostle argues the duty of paying taxes, from this consideration, that those who perform the duty of rulers, are continually attending upon the public welfare. But how does this argument conclude for paying taxes to such princes as are continually endeavoring to ruin the public? And especially when such payment would facilitate and promote this wicked design! Render therefore to all their dues; tribute, to whom tribute is due; custom, to whom custom; fear, to whom fear; honor, to whom honor. Here the apostle sums up what he had been saying concerning the duty of subjects to rulers. And his argument stands thus--"Since magistrates who execute their office well, are common benefactors to society; and may, in that respect, be properly stiled the ministers and ordinance of God; and since they are constantly employed in the service of the public; it becomes you to pay them tribute and custom; and to reverence, honor, and submit to, them in the execution of their respective offices." This is apparently good reasoning. But does this argument conclude for the duty of paying tribute, custom, reverence, honor and obedience, to such persons as (although they bear the title of rulers) use all their power to hurt and injure the public? such as are not God's ministers, but satan's? such as do not take care of, and attend upon, the public interest, but their own, to the ruin of the public? that is, in short, to such as have no natural and just claim at all to tribute, custom, reverence, honor and obedience? It is to be hoped that those who have any regard to the apostle's character as an inspired writer, or even as a man of common understanding, will not represent him as reasoning in such a loose incoherent manner; and drawing conclusions which have not the least relation to his premises. For what can be more absurd than an argument thus framed? "Rulers are, by their office, bound to consult the public welfare and the good of society: therefore you are bound to pay them tribute, to honor, and to submit to them, even when they destroy the public welfare, and are a common pest to society, by acting in direct contradiction to the nature and end of their office."

Thus, upon a careful review of the apostle's reasoning in this passage, it appears that his arguments to enforce submission, are of such a nature, as to conclude only in favor of submission to such rulers as he himself describes; i.e., such as rule for the good of society, which is the only end of their institution. Common tyrants, and public oppressors, are not intitled to obedience from their subjects, by virtue of any thing here laid down by the inspired apostle.

I now add, farther, that the apostle's argument is so far from proving it to be the duty of people to obey, and submit to, such rulers as act in contradiction to the public good, and so to the design of their office, that it proves the direct contrary. For, please to observe, that if the end of all civil government, be the good of society; if this be the thing that is aimed at in constituting civil rulers; and if the motive and argument for submission to government, be taken from the apparent usefulness of civil authority; it follows, that when no such good end can be answered by submission, there remains no argument or motive to enforce it; if instead of this good* end's being brought about by submission, a contrary end is brought about, and the ruin and misery of society effected by it, here is a plain and positive reason against submission in all such cases, should they ever happen. And therefore, in such cases, a regard to the public welfare, ought to make us withhold from our rulers, that obedience and subjection which it would, otherwise, be our duty to render to them. If it be our duty, for example, to obey our king, merely for this reason, that he rules for the public welfare, (which is the only argument the apostle makes use of) it follows, by a parity of reason, that when he turns tyrant, and makes his subjects his prey to devour

http://www.lawandliberty.org/mayhew.htm
and to destroy, instead of his charge to defend and cherish, we are bound to throw off our allegiance to him, and to resist; and that according to the tenor of the apostle's argument in this passage. Not to discontinue our allegiance, in this case, would be to join with the sovereign in promoting the slavery and misery of that society, the welfare of which, we ourselves, as well as our sovereign, are indispensably obliged to secure and promote, as far as in us lies.

It is true the apostle puts no case of such a tyrannical prince; but by his grounding his argument for submission wholly upon the good of civil society; it is plain he implicitly authorizes, and even requires us to make resistance, whenever this shall be necessary to the public safety and happiness. Let me make use of this easy and familiar similitude to illustrate the point in hand—Suppose God requires a family of children, to obey their father and not to resist him; and enforces his command with this argument; that the superintendence and care and authority of a just and kind parent, will contribute to the happiness of the whole family; so that they ought to obey him for their own sakes more than for his: Suppose this parent at length runs distracted, and attempts, in his mad fit, to cut all his children's throats: Now, in this case, is not the reason before assigned, why these children should obey their parent while he continued of a sound mind, namely, their common good, a reason equally conclusive for disobeying and resisting him, since he is become delirious, and attempts their ruin? It makes no alteration in the argument, whether this parent, properly speaking, loses his reason; or does, while he retains his understanding, that which is as fatal in its consequences, as any thing he could do, were he really deprived of it. This similitude needs no formal application.

* This does not intend, their acting so in a few particular instances, which the best of rulers may do through mistake, &c. but their acting so habitually; and in a manner which plainly shows, that they aim at making themselves great, by the ruin of their subjects.

But it ought to be remembered, that if the duty of universal obedience and nonresistance to our king or prince, can be argued from this passage, the same unlimited submission under a republican, or any other form of government; and even to all the subordinate powers in any particular state, can be proved by it as well: which is more than those who allege it for the mentioned purpose, would be willing should be inferred from it. So that this passage does not answer their purpose; but really overthrows and confutes it. This matter deserves to be more particularly considered.—The advocates for unlimited submission and passive obedience, do, if I mistake not, always speak with reference to kingly or monarchical government, as distinguished from all other forms; and, with reference to submitting to the will of the king, in distinction from all subordinate officers, acting beyond their commission, and the authority which they have received from the crown. It is not pretended that any person besides kings, have a divine right to do what they please, so that no one may resist them, without incurring the guilt of factiousness and rebellion. If any other supreme powers oppress the people, it is generally allowed, that the people may get redress, by resistance, if other methods prove ineffectual. And if any officers in a kingly government, go beyond the limits of that power which they have derived from the crown, (the supposed original source of all power and authority in the state) and attempt, illegally, to take away the properties and lives of their fellow subjects, they may be forcibly resisted, at least till application can be made to the crown. But as to the sovereign himself, he may not be resisted in any case; nor any of his officers, while they confine themselves within the bounds which he has prescribed to them. This is, I think, a true sketch of the principles of those who defend the doctrine of passive obedience and nonresistance. Now there is nothing in Scripture which supports this scheme of political principles. As to the passage under consideration, the apostle here speaks of civil rulers in general; of all persons in common, vested with authority for the good of society, without any particular reference to one form of government, more than to another; or to the supreme power in any particular state, more than to subordinate powers. The apostle does not concern himself with the different forms of government.

** This he supposes left entirely to human prudence and discretion. Now the consequence of this is, that
unlimited and passive obedience, is no more enjoined in this passage, under monarchical government; or
to the supreme power in any state, than under all other species of government, which answer the end of
government; or, to all the subordinate degrees of civil authority, from the highest to the lowest. Those,
therefore, who would from this passage infer the guilt of resisting kings, in all cases whatever, though
acting ever so contrary to the design of their office, must, if they will be consistent, go much farther, and
infer from it the guilt of resistance under all other forms of government; and of resisting any petty
officer in the state, tho' acting beyond his commission, in the most arbitrary, illegal manner possible.
The argument holds equally strong in both cases.

All civil rulers, as such, are the ordinance and ministers of God; and they are all, by the nature of their
office, and in their respective spheres and stations, bound to consult the public welfare. With the same
reason therefore, that any deny unlimited and passive obedience to be here enjoined under a republic or
aristocracy, or any other established form of civil government; or to subordinate powers, acting in an
illegal and oppressive manner; (with the same reason) others may deny, that such obedience is enjoined
to a king or monarch, or any civil power whatever. For the apostle says nothing that is peculiar to kings;
what he says, extends equally to all other persons whatever, vested with any civil office. They are all, in
exactly the same sense, the ordinance of God; and the ministers of God; and obedience is equally
enjoined to be paid to them all. For, as the apostle expresses it, there is NO POWER but of God: And we
are required to render to ALL their DUES; and not MORE than their DUES. And what these dues are,
and to whom they are to be rendered, the apostle sayeth not; but leaves to the reason and consciences of
men to determine.

** The essence of government (I mean good government; and this is the only government which the
apostle treats of in this passage) consists in the making and executing of good laws—laws attempered to
the common felicity of the governed. And if this be, in fact, done, it is evidently, in it self, a thing of no
consequence at all, what the particular form of government is;--whether the legislative and executive
power be lodged in one and the same person, or in different persons;--whether in one person, whom we
call an absolute monarch;--whether in a few, so as to constitute an aristocracy;--whether in many, so as
to constitute a republic; or whether in three co-ordinate branches, in such manner as to make the
government partake something of each of these forms; and to be, at the same time, essentially different
from them all. If the end be attained, it is enough. But no form of government seems to be so unlikely to
accomplish this end, as absolute monarchy--Nor is there any one that has so little pretence to a divine
original, unless it be in this sense, that God first introduced it into, and thereby overturned, the common
wealth of Israel, as a curse upon that people for their folly and wickedness, particularly in desiring such
a government. (See I Sam. viii. chap.) Just so God, before, sent Quails amongst them, as a plague, and a
curse, and not as a blessing. Numb. chap. xi.

Thus it appears, that the common argument, grounded upon this passage, in favor of universal, and
passive obedience, really overthrows itself, by proving too much, if it proves anything at all; namely,
that no civil officer is, in any case whatever, to be resisted, though acting in express contradiction to the
design of his office; which no man, in his senses, ever did, or can assert.

If we calmly consider the nature of the thing itself, nothing can well be imagined more directly contrary
to common sense, than to suppose that millions of people should be subjected to the arbitrary, precarious
pleasure of one single man; (who has naturally no superiority over them in point of authority) so that
their estates, and every thing that is valuable in life, and even their lives also, shall be absolutely at his
disposal, if he happens to be wanton and capricious enough to demand them. What unprejudiced man
can think, that God made ALL to be thus subservient to the lawless pleasure and frenzy of ONE, so that
it shall always be a sin to resist him! Nothing but the most plain and express revelation from heaven
could make a sober impartial man believe such a monstrous, unaccountable doctrine, and, indeed, the
thing itself, appears so shocking--so out of all proportion, that it may be questioned, whether all the
miracles that ever were wrought, could make it credible, that this doctrine really came from God. At present, there is not the least syllable in Scripture which gives any countenance to it. The hereditary, indefeasible, divine right of kings, and the doctrine of nonresistance which is built upon the supposition of such a right, are altogether as fabulous and chimerical, as transubstantiation; or any of the most absurd reveries of ancient or modern visionaries. These notions are fetched neither from divine revelation, nor human reason; and if they are derived from neither of those sources, it is not much matter from whence they come, or whither they go. Only it is a pity that such doctrines should be propagated in society, to raise factions and rebellions, as we see they have, in fact, been both in the last, and in the present, reign.

But then, if unlimited submission and passive obedience to the higher powers, in all possible cases, be not a duty, it will be asked, "HOW far are we obliged to submit? If we may innocently disobey and resist in some crises, why not in all? Where shall we stop? What is the measure of our duty? This doctrine tends to the total dissolution of civil government; and to introduce such scenes of wild anarchy and confusion, as are more fatal to society than the worst of tyranny."

After this manner, some men object; and, indeed, this is the most plausible thing that can be said in favor of such an absolute submission as they plead for. But the worst (or rather the best) of it, is, that there is very little strength or solidity in it. For similar difficulties may be raised with respect to almost every duty of natural and revealed religion.--To instance only in two, both of which are near akin, and indeed exactly parallel, to the case before us. It is unquestionably the duty of children to submit to their parents; and of servants, to their masters. But no one asserts, that it is their duty to obey, and submit to them, in all supposable cases; or universally a sin to resist them. Now does this tend to subvert the just authority of parents and masters? Or to introduce confusion and anarchy into private families? No. How then does the same principle tend to unhinge the government of that larger family, the body politic? We know, in general, that children and servants are obliged to obey their parents and masters respectively.

We know also, with equal certainty, that they are not obliged to submit to them in all things, without exception; but may, in some cases, reasonably, and therefore innocently, resist them. These principles are acknowledged upon all hands, whatever difficulty there may be in fixing the exact limits of submission. Now there is at least as much difficulty in stating the measure of duty in these two cases, as in the case of rulers and subjects. So that this is really no objection, at least no reasonable one, against resistance to the higher powers: Or, if it is one, it will hold equally against resistance in the other cases mentioned.--It is indeed true, that turbulent, vicious-minded men, may take occasion from this principle, that their rulers may, in some cases, be lawfully resisted, to raise factions and disturbances in the state; and to make resistance where resistance is needless, and therefore, sinful. But is it not equally true, that children and servants of turbulent, vicious minds, may take occasion from this principle, that parents and masters may, in some cases be lawfully resisted, to resist when resistance is unnecessary, and therefore, criminal? Is the principle in either case false in itself, merely because it may be abused; and applied to legitimate disobedience and resistance in those instances, to which it ought not to be applied? According to this way of arguing, there will be no true principles in the world; for there are none but what may be wrested and perverted to serve bad purposes, either through the weakness or wickedness of men.

We may very safely assert these two things in general, without undermining government: One is, That no civil rulers are to be obeyed when they enjoin things that are inconsistent with the commands of God: All such disobedience is lawful and glorious; particularly, if persons refuse to comply with any legal establishment of religion, because it is a gross perversion and corruption (as to doctrine, worship and discipline) of a pure and divine religion, brought from heaven to earth by the Son of God, (the only King and Head of the Christian church) and propagated through the world by his inspired apostles. All commands running counter to the declared will of the supreme legislator of heaven and earth, are null and void: And therefore disobedience to them is a duty, not a crime. --Another thing that may be
asserted with equal truth and safety, is, That no government is to be submitted to, at the expense of that which is the sole end of all government,—the common good and safety of society. Because, to submit in this case, if it should ever happen, would evidently be to set up the means as more valuable, and above, the end: than which there cannot be a greater solecism and contradiction. The only reason of the institution of civil government; and the only rational ground of submission to it, is the common safety and utility. If therefore, in any case, the common safety and utility would not be promoted by submission to government, but the contrary, there is no ground or motive for obedience and submission, but, for the contrary.

Whoever considers the nature of civil government must, indeed, be sensible that a great degree of implicit confidence, must unavoidably be placed in those that bear rule: this is implied in the very notion of authority's being originally a trust, committed by the people, to those who are vested with it, as all just and righteous authority is; all besides, is mere lawless force and usurpation; neither God nor nature, having given any man a right of dominion over any society, independently of that society's approbation, and consent to be governed by him—Now as all men are fallible, it cannot be supposed that the public affairs of any state, should be always administered in the best manner possible, even by persons of the greatest wisdom and integrity. Nor is it sufficient to legitimate disobedience to the higher powers that they are not so administered; or that they are, in some instances, very ill-managed; for upon this principle, it is scarcely supposeable that any government at all could be supported, or subsist. Such a principle manifestly tends to the dissolution of government: and to throw all things into confusion and anarchy.—But it is equally evident, upon the other hand, that those in authority may abuse their trust and power to such a degree, that neither the law of reason, nor of religion, requires, that any obedience or submission should be paid to them: but, on the contrary, that they should be totally discarded; and the authority which they were before vested with, transferred to others, who may exercise it more to those good purposes for which it is given.—Nor is this principle, that resistance to the higher powers, is, in some extraordinary cases, justifiable, so liable to abuse, as many persons seem to apprehend it. For although there will be always some petulant, querulous men, in every state—men of factious, turbulent and carping dispositions,—glad to lay hold of any trifle to justify and legitimate their caballing against their rulers, and other seditious practices; yet there are, comparatively speaking, but few men of this contemptible character. It does not appear but that mankind, in general, have a disposition to be as submissive and passive and tame under government as they ought to be.

--Witness a great, if not the greatest, part of the known world, who are now groaning, but not murmuring, under the heavy yoke of tyranny! While those who govern, do it with any tolerable degree of moderation and justice, and, in any good measure act up to their office and character, by being public benefactors; the people will generally be easy and peaceable; and be rather inclined to flatter and adore, than to insult and resist, them. Nor was there ever any general complaint against any administration, which lasted long, but what there was good reason for. Till people find themselves greatly abused and oppressed by their governors, they are not apt to complain; and whenever they do, in fact, find themselves thus abused and oppressed, they must be stupid not to complain. To say that subjects in general are not proper judges when their governors oppress them, and play the tyrant; and when they defend their rights, administer justice impartially, and promote the public welfare, is as great treason as ever man uttered;--'tis treason,--not against one single man, but the state--against the whole body politic;--'tis treason against mankind;--'tis treason against common sense;--'tis treason against God. And this impious principle lays the foundation for justifying all the tyranny and oppression that ever any prince was guilty of. The people know for what end they set up, and maintain, their governors; and they are the proper judges when they execute their trust as they ought to do it;--when their prince exercises an equitable and paternal authority over them;--when from a prince and common father, he exalts himself into a tyrant--when from subjects and children, he degrades them into the class of slaves;--plunders them, makes them his prey, and unnaturally sports himself with their lives and fortunes.
A people, really oppressed to a great degree by their sovereign, cannot well be insensible when they are so oppressed. And such a people (if I may allude to an ancient fable) have, like the hesperian fruit, a DRAGON for their protector and guardian: Nor would they have any reason to mourn, if some HERCULES should appear to dispatch him--For a nation thus abused to arise unanimously, and to resist their prince, even to the dethroning him, is not criminal; but a reasonable way of indicating their liberties and just rights; it is making use of the means, and the only means, which God has put into their power, for mutual and self-defense. And it would be highly criminal in them, not to make use of this means. It would be stupid tameness, and unaccountable folly, for whole nations to suffer one unreasonable, ambitious and cruel man, to wanton and riot in their misery. And in such a case it would, of the two, be more rational to suppose, that they that did NOT resist, than that they who did, would receive to themselves damnation. And,

This naturally brings us to make some reflections upon the resistance which was made about a century since, to that unhappy prince, KING CHARLES I; and upon the ANNIVERSARY of his death. This is a point which I should not have concerned myself about, were it not that some men continue to speak of it, even to this day, with a great deal of warmth and zeal; and in such a manner as to undermine all the principles of LIBERTY, whether civil or religious, and to introduce the most abject slavery both in church and state: so that it is become a matter of universal concern.--What I have to offer upon this subject, will be comprised in a short answer to the following queries; viz. For what reason the resistance to king Charles the First was made? By whom it was made? Whether this resistance was REBELLION, or not?

I speak of rebellion, treason, saintship, martyrdom, &c. throughout this discourse, only in the scriptural and theological sense. I know not how the law defines them; the study of that not being my employment.

How the Anniversary of king Charles's death came at first to be solemnized as a day of fasting and humiliation? And lastly, Why those of the episcopal clergy who are very high in the principles of ecclesiastical authority, continue to speak of this unhappy man, as a great SAINT and a MARTYR?

For what reason, then, was the resistance to king Charles, made? The general answer to this inquiry is, that it was on account of the tyranny and oppression of his reign. Not a great while after his accession to the throne, he married a French Catholic; and with her seemed to have wedded the politics, if not the religion of France, also. For afterwards, during a reign, or rather a tyranny of many years, he governed in a perfectly wild and arbitrary manner, paying no regard to the constitution and the laws of the kingdom, by which the power of the crown was limited; or to the solemn oath which he had taken at his coronation. It would be endless, as well as needless, to give a particular account of all the illegal and despotic measures which he took in his administration;--partly from his own natural lust of power, and partly from the influence of wicked councellors and ministers.--He committed many illustrious members of both houses of parliament to the tower, for opposing his arbitrary schemes.--He levied many taxes upon the people without consent of parliament;--and then imprisoned great numbers of the principal merchants and gentry for not paying them.--He erected, or at least revived, several new and arbitrary courts, in which the most unheard-of barbarities were committed with his knowledge and approbation.--He supported that more than fiend, arch-bishop Laud and the clergy of his stamp, in all their church-tyranny and hellish cruelties.--He authorized a book in favor of sports upon the Lord's day; and several clergymen were persecuted by him and the mentioned pious bishop, for not reading it to the people after divine service.--When the parliament complained to him of the arbitrary proceedings of his corrupt ministers, he told that august body, in a rough, domineering, unprincely manner, that he wondered anyone should be so foolish and insolent as to think that he would part with the meanest of his servants upon their account.--He refused to call any parliament at all for the space of twelve years together, during all which time, he governed in an absolute lawless and despotic manner.--He took all opportunities to encourage the papists, and to promote them to the highest offices of honor and trust.--
He (probably) abetted the horrid massacre in Ireland, in which two hundred thousand Protestants were butchered by the Roman Catholics.--He sent a large sum of money, which he has raised by his arbitrary taxes, into Germany, to raise foreign troops, in order to force more arbitrary taxes upon his subjects.--He not only by a long series of actions, but also in plain terms, asserted an absolute uncontrollable power; saying even in one of his speeches to parliament, that as it was blasphemy to dispute what God might do; so it was sedition in subjects to dispute what the king might do.--Towards the end of his tyranny, he came to the house of commons with an armed force,* and demanded five of its principal members to be delivered up to him--And this was a prelude to that unnatural war which he soon after levied against his own dutiful subjects; whom he was bound by all the laws of honor, humanity, piety, and I might add, of interest also, to defend and cherish with a paternal affection--I have only time to hint at these facts in a general way, all which, and many more of the same tenor, may be proved by good authorities: So that the figurative language which St. John uses concerning the just and beneficent deeds of our blessed Saviour, may be applied to the unrighteous and execrable deeds of this prince, viz. And there are also many other things which king Charles did, the which, if they should be written every one, I suppose that even the world itself, could not contain the books that should be written.

Now it was on account of king Charles's thus assuming a power above the laws, in direct contradiction to his coronation oath, and governing the greatest part of his time, in the most arbitrary oppressive manner; it was upon this account, that that resistance was made to him, which, at length, issued in the loss of his crown, and of that head which was unworthy to wear it.

* Historians are not agreed what number of soldiers attended him in this monstrous invasion of the privileges of parliament. Some say 300, some 400: And the author of The History of the Kings of Scotland, says 500.

But by whom was this resistance made? Not by a private junta;--not by a small seditious party;--not by a few desperadoes, who, to mend their fortunes, would embroil the state;--but by the LORDS and COMMONS of England. It was they that almost unanimously opposed the king's measures for overturning the constitution, and changing that free and happy government into a wretched, absolute monarchy. It was they that when the king was about levying forces against his subjects, in order to make himself absolute, commissioned officers, and raised an army to defend themselves and the public: And it was they that maintained the war against him all along, till he was made a prisoner. This is indisputable. Though it was not properly speaking the parliament, but the army, which put him to death afterwards. And it ought to be freely acknowledged, that most of their proceeding, in order to get this matter effected; and particularly the court by which the king was at last tried and condemned, was little better than a mere mockery of justice.--

The next question which naturally arises, is, whether this resistance which was made to the king by the parliament, was properly rebellion, or not? The answer to which is plain, that it was not; but a most righteous and glorious stand, made in defense of the natural and legal rights of the people, against the unnatural and illegal encroachments of arbitrary power. Nor was this a rash and too sudden opposition. The nation had been patient under the oppressions of the crown, even to long suffering;--for a course of many years; and there was no rational hope of redress in any other way--Resistance was absolutely necessary in order to preserve the nation from slavery, misery and ruin. And who so proper to make this resistance as the lords and commons;--the whole representative body of the people:--guardians of the public welfare; and each of which was, in point of legislation, vested with an equal, co-ordinate power, with that of the crown? Here were two branches of the legislature against one;--two, which had law and equity and the constitution on their side, against one which was impiously attempting to overturn law and equity and the constitution; and to exercise a wanton licentious sovereignty over the properties, consciences and lives of all the people:--Such a sovereignty as some inconsiderately ascribe to the supreme Governor of the world.--I say, inconsiderately; because God himself does not govern in an
absolutely arbitrary and despotic manner. The power of this Almighty King (I speak it not without caution and reverence; the power of this Almighty King) is limited by law; not, indeed, by acts of parliament, but by the eternal laws of truth, wisdom and equity; and the everlasting tables of right reason;—tables that cannot be repealed, or thrown down and broken like those of Moses.—But king Charles sat himself up above all these, as much as he did above the written laws of the realm; and made mere humor and caprice, which are no rule at all, the only rule and measure of his administration. And now, is it not perfectly ridiculous to call resistance to such a tyrant, by the name of rebellion?—the grand rebellion? Even that—parliament, which brought king Charles II to the throne, and which run loyally mad, severely reproved one of their own members for condemning the proceedings of that parliament which first took up arms against the former king. And upon the same principles that the proceedings of this parliament may be censured as wicked and rebellious, the proceedings of those who, since, opposed King James II, and brought the prince of Orange to the throne, may be censured as wicked and rebellious also. The cases are parallel.—But whatever some men may think, it is to be hoped that, for their own sakes, they will not dare to speak against the REVOLUTION, upon the justice and legality of which depends (in part) his present MAJESTY'S right to the throne.

** The English constitution is originally and essentially free. The character which J. Caesar and Tacitus both give of the ancient Britons so long ago, is, That they were extremely jealous of their liberties, as well as a people of a martial spirit. Nor have there been wanting frequent instances and proofs of the same glorious spirit (in both respects) remaining in their posterity ever since,—in the struggles they have made for liberty, both against foreign and domestic tyrants.—Their kings hold their title to the throne solely by grant of parliament; i.e. in other words, by the voluntary consent of the people. And, agreeably hereto, the prerogative and rights of the crown are stated, defined and limited by law; and that as truly and strictly as the rights of any inferior officer in the state; or indeed, of any private subject. And it is only in this respect that it can be said, that "the king can do no wrong." Being restrained by the law, he cannot, while he confines himself within those just limits which the law prescribes to him as the measure of his authority, injure and oppress the subject.—The king in his coronation oath, swears to exercise only such a power as the constitution gives him. And the subject, in the oath of allegiance, swears only to obey him in the exercise of such a power. The king is as much bound by his oath, not to infringe the legal rights of the people, as the people are bound to yield subjection to him. From whence it follows, that as soon as the prince sets himself up above law, he loses the king in the tyrant: he does to all intents and purposes, unking himself, by acting out of, and beyond, that sphere which the constitution allows him to move in. And in such cases, he has no more right to be obeyed, than any inferior officer who acts beyond his commission. The subjects' obligation to allegiance then ceases of course: and to resist him is no more rebellion, than to oppose any foreign invader, or any other domestic oppressor. There is an essential difference betwixt government and tyranny; at least under such a constitution as the English. The former consists in ruling according to law and equity; the latter, in ruling contrary to law and equity. So also, there is an essential difference betwixt resisting a tyrant, and rebellion: The former is a just and reasonable self-defense; the latter consists in resisting a prince whose administration is just and legal; and this is what denominates it a crime. Now it is evident, that king Charles's government was illegal, and very oppressive, through the greatest part of his reign: And, therefore, to resist him, was no more rebellion, than to oppose any foreign invader, or any other domestic oppressor.

If it be said, that although the parliament which first opposed king Charles's measures, and at length took up arms against him, were not guilty of rebellion; yet certainly those persons were, who condemned, and put him to death: even this perhaps is not true. For he had, in fact, unkinged himself long before, and had forfeited his title to the allegiance of the people. So that those who put him to death, were, at most only guilty of murder; which, indeed, is bad enough, if they were really guilty of that; (which is at least disputable.) Cromwell, and those who were principally concerned in the (nominal) king's death, might possibly have been very wicked and designing men. Nor shall I say anything in vindication of the reigning hypocrisy of those times; or of Cromwell's mal-administration during the interregnum: (for it is
truth, and not a party, that I am speaking for.)

But still it may be said, that Cromwell and his adherents were not, properly speaking, guilty of rebellion; because he, whom they beheaded was not, properly speaking, their king; but a lawless tyrant.—much less, are the whole body of the nation at that time to be charged with rebellion on that account; for it was no national act; it was not done by a free parliament. And much less still, is the nation at present, to be charged with the great sin of rebellion, for what their ancestors did, (or rather did NOT) a century ago.

But how came the anniversary of king Charles's death, to be solemnized as a day of fasting and humiliation? The true answer in brief, to which inquiry, is, that this fast was instituted by way of court and complement to king Charles II, upon the restoration. All were desirous of making their court to him: of ingratiating themselves; and of making him forget what had been done in opposition to his father, so as not to revenge it. To effect this, they ran into the most extravagant professions of affection and loyalty to him, insomuch that he himself said, that it was a mad and hair brain'd loyalty which they professed. And amongst other strange things, which his first parliament did, they ordered the Thirtieth of January (the day on which his father was beheaded) to be kept as a day of solemn humiliation, to deprecate the judgments of heaven for the rebellion which the nation had been guilty of, in that which was no national thing; and which was not rebellion in them that did it—Thus they soothed and flattered their new king, at the expense of their liberties:—And were ready to yield up freely to Charles II, all that enormous power, which they had justly resisted Charles I, for usurping to himself.

The last query mentioned, was, Why those of the Episcopal clergy who are very high in the principles of ecclesiastical authority, continue to speak of this unhappy prince as a great Saint and a Martyr? This, we know, is what they constantly do, especially upon the 30th of January;—a day sacred to the extolling of him, and to the reproaching of those who are not of the established church. Out of the same mouth on this day, proceedeth blessing and cursing; there with bless they their God, even Charles, and therewith curse they the dissenters: And their tongue can no man tame; it is an unruly evil, full of deadly poison. King Charles is, upon this solemnity, frequently compared to our Lord Jesus Christ, both in respect of the holiness of his life, and the greatness and injustice of his sufferings; and it is a wonder they do not add something concerning the merits of his death also—But blessed Saint and royal martyr, are as humble titles as any that are thought worthy of him.

Now this may, at first view, well appear to be a very strange phenomenon. For king Charles was really a man black with guilt and laden with iniquity, as appears by his crimes before mentioned. He lived a tyrant; and it was the oppression and violence of his reign, that brought him to his untimely and violent end at last. Now what of saintship or martyrdom is there in all this! What of saintship is there in encouraging people to profane the Lord's Day? What of saintship in falsehood and perjury? What of saintship in repeated robberies and patriots, into gaols? What of saintship in overturning an excellent civil constitution:—and proudly grasping at an illegal and monstrous power? What of saintship in the murder of thousands of innocent people: and involving a nation in all the calamities of a civil war? And what of martyrdom is there, in a man's bringing an immature and violent death upon himself, by being wicked overmuch? Is there any such thing as grace, without goodness! As being a follower of Christ, without following him? As being his disciple, without learning of him to be just and beneficent? Or, as saintship without sanctity? If not, I fear it will be hard to prove this man a saint. And verily one would be apt to suspect that that church must be but poorly stocked with saints and martyrs, which is forced to adopt such enormous sinners into her calendar, in order to swell the number.

But to unravel this mystery of (nonsense as well as of) iniquity, which has already worked for a long time amongst us; or, at least, to give the most probable solution of it; it is to be remembered, that king Charles, this burlesque upon saintship and martyrdom, though so great an oppressor, was a true friend to the Church; so true a friend to her, that he was very well affected towards the Roman Catholics; and
would, probably, have been very willing to unite Lambeth and Rome. This appears by his marrying a
true daughter of that true mother of harlots; which he did with a dispensation from the Pope, that
supreme BISHOP; to whom when he wrote he gave the title of MOST HOLY FATHER. His queen was
extremely bigoted to all the follies and superstitions, and to the hierarchy, of Rome; and had a
prodigious ascendancy over him all his life. It was, in part, owing to this, that he (probably) abetted
the massacre of the protestants in Ireland; that he assisted in extirpating the French protestants at Rochelle;
that he all along encouraged papist, and popishly effected clergymen, in preference to all other persons,
and that he upheld that monster of wickedness, ARCH-BISHOP LAUD, and the bishops of his stamp; in
all their church-tyranny and diabolical cruelties. In return to his kindness and indulgence in which
respects, they caused many of the pulpits throughout the nation, to ring with the divine absolute,
defeasible right of kings; with the praises of Charles and his reign; and with the damning sin of
resisting the Lord's anointed, let him do what he would. So that not Christ, but Charles, was commonly
preached to the people.—In plain English, there seems to have been an impious bargain struck up
betwixt the scepter and the surplice, for enslaving both the bodies and souls of men. The king appeared
to be willing that the clergy should do what they would,—set up a monstrous hierarchy like that of
Rome—a monstrous inquisition like that of Spain or Portugal,—or any thing else which their own pride,
and the devil's malice, could prompt them to: Provided always, that the clergy would be tools to the
crown; that they would make the people believe, that kings had God's authority for breaking God's law;
that they had a commission from heaven to seize the estates and lives of their subjects at pleasure; and
that it was a damning sin to resist them, even when they did such things as deserved more than
damnation.—This appears to be the true key for explaining the mysterious doctrine of king Charles's
saintship and martyrdom. He was a saint, not because he was in his life, a good man, but a good
churchman; not because he was a lover of holiness, but the hierarchy; not because he was a friend to
Christ, but the Craft. And he was a martyr in his death, not because he bravely suffered death in the
cause of truth and righteousness, but because he died an enemy to liberty and the rights of conscience;
i.e. not because he died an enemy to sin, but dissenters. For these reasons it is that all bigoted
clergymen, and friends to church-power, paint this man as a saint in his life, though he was such a
mighty, such a royal sinner; and as a martyr in his death, though he fell a sacrifice only to his own
ambition, avarice, and unbounded lust of power. And from prostituting their praise upon king Charles,
and offering him that incense which is not his due, it is natural for them to make a transition to the
dissenters, (as they commonly do) and to load them with that reproach which they do not deserve; they
being generally professed enemies both to civil and ecclesiastical tyranny. WE are commonly charged
(upon the Thirtieth of January) with the guilt of putting the king to death, under a notion that it was our
ancestors that did it; and so we are represented in the blackest colors, not only as scismaticks, but also as
traitors and rebels and all that is bad. And these lofty gentlemen usually rail upon this head, in such a
manner as plainly shows, that they are either grossly ignorant of the history of those times which they
speak of; or, which is worse, that they are guilty of the most shameful previration, slander and
falsehood.—But every petty priest, with a roll and a gown, thinks he must do something in imitation of
his betters, in lawn, and show himself a true son of the church: And thus, through a foolish ambition to
appear considerable, they only render themselves contemptible.

But suppose our fore-fathers did kill their mock saint and martyr a century ago, what is that to us now?
If I mistake not, these gentlemen generally preach down the doctrine of the imputation of Adam's sin to
his posterity, as absurd and unreasonable, notwithstanding they have solemnly subscribed what is
equivalent to it in their own articles of religion. And therefore one would hardly expect that they would
lay the guilt of the king's death upon US, altho' our fore-fathers had been the only authors of it. But this
conduct is much more surprising, when it does not appear that our ancestors had any more hand in it
than their own.—However, bigotry is sufficient to account for this, and many other phenomena, which
cannot be accounted for in any other way.

Although the observation of this anniversary seems to have been (at least) superstitious in its original;
and although it is often abused to very bad purposes by the established clergy, as they serve themselves
of it, to perpetuate strife, a party spirit, and divisions in the Christian church; yet it is to be hoped that
one good end will be answered by it, quite contrary to their intention: It is to be hoped that it will prove
a standing memento, that Britons will not be slaves; and a warning to all corrupt councillors and
ministers, not to go too far in advising to arbitrary, despotic measures-- To conclude: Let us all learn to
be free, and to be loyal. Let us not profess ourselves vassals to the lawless pleasure of any man on earth.
But let us remember, at the same time, government is sacred, and not to be trifled with. It is our
happiness to live under the government of a PRINCE who is satisfied with ruling according to law; as
every other good prince will--We enjoy under his administration all the liberty that is proper and
expedient for us. It becomes us, therefore, to be contented, and dutiful subjects. Let us prize our
freedom; but not use our liberty for a cloak of maliciousness. There are men who strike at liberty under
the term licentiousness. There are others who aim at popularity under the disguise of patriotism. Be
aware of both. Extremes are dangerous. There is at present amongst us, perhaps, more danger of the
latter, than of the former. For which reason I would exhort you to pay all due Regard to the government
over us; to the KING and all in authority; and to lead a quiet and peaceable life.--And while I am
speaking of loyalty to our earthly Prince, suffer me just to put you in mind to be loyal also to the
supreme RULER of the universe, by whom kings reign, and princes decree justice. To which king
eternal immortal, invisible, even to the ONLY WISE GOD, be all honor and praise, DOMINION and
thanksgiving, through JESUS CHRIST our LORD. AMEN.
Session 8
Dissolving “The Political Bands”
Professor Taylor

Tuesday, July 22
1:45 pm–3:15 pm
1. THE REVEREND SAMUEL SEABURY ARGUES THE CAUSE OF GREAT BRITAIN

December 24, 1774,

In answer to Alexander Hamilton.

... Do you think, Sir, that Great Britain is like an old, wrinkled, withered, worn-out hag, whom every jackanapes that truants along the streets may insult with impunity? You will find her a vigorous matron, just approaching a green old age; and with spirit and strength sufficient to chastise her undutiful and rebellious children. Your measures have as yet produced none of the effects you looked for: Great Britain is not as yet intimidated; she has already a considerable fleet and army in America; more ships and troops are expected in the spring; every appearance indicates a design in her to support her claim with vigour. You may call it infatuation, madness, frantic extravagance, to hazard so small a number of troops as she can spare against the thousands of New England. Should the dreadful contest once begin-- But God forbid! Save, heavenly Father! O save my country from perdition!

Consider, Sir, is it right to risk the valuable blessings of property, liberty and life, to the single chance of war? Of the worst kind of war--a civil war? a civil war founded on rebellion? Without ever attempting the peaceable mode of accommodation? Without ever asking a redress of our complaints from the only power on earth who can redress them? When disputes happen between nations independent of each other, they first attempt to settle them by their ambassadors; they seldom run hastily to war till they have tried what can be done by treaty and mediation. I would make many more concessions to a parent than were justly due to him, rather than engage with him in a duel. But we are rushing into a war with our parent state without offering the least concession; without even deigning to propose an accommodation. You, Sir, have employed your pen, and exerted your abilities, in vindicating and recommending measures which you know must, if persisted in, have a direct tendency to produce and accelerate this dreadful event. The congress also foresaw the horrid tragedy that must be acted in America, should their measures be generally adopted; why else did they advise us "to extend our views to mournful events," and be in all "respects prepared for every contingency?"

May God forgive them, but may he confound their devices: and may he give you repentance and a better mind!

-SEABURY, Letters of a Westchester Farmer, pp. 140-141.
2. CONGRESS SENDS AN OLIVE BRANCH PETITION

To the King's Most Excellent Majesty.

July 8, 1775

Most Gracious Sovereign: We, your Majesty's faithful subjects in the Colonies of....

Attached to your Majesty's person, family, and government, with all devotion that principle and affection can inspire; connected with Great Britain by the strongest ties that can unite societies, and deplored 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 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 our 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 counsels may be improved into a happy and permanent reconciliation; and that, in the meantime, 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...

FORCE, American Archives, 4th Series, II, 1870-1871.
2. A NEW YORK MODERATE WEIGHS LOYALTY AGAINST REBELLION

From the journal of Peter Van Schaack.    January, 1776, at Kinderhook

The only foundation of all legitimate governments is certainly a compact between the rulers and the people, containing mutual conditions, and equally obligatory on both the contracting parties. No question can therefore exist, at this enlightened day, about the lawfulness of resistance, in cases of gross and palpable infractions on the part of the governing power. It is impossible, however, clearly to ascertain every case which shall effect a dissolution of this contract; for these, though always tacitly implied, are never expressly declared, in any form of government.

As a man is bound by the sacred ties of conscience to yield obedience to every act of the legislature so long as the government exists, so, on the other hand, he owes it to the cause of liberty to resist the invasion of those rights which, being inherent and unalienable, could not be surrendered at the institution of the civil society of which he is a member. In times of civil commotions, therefore, an investigation of those rights which will necessarily infer an inquiry into the nature of government, becomes the indispensable duty of every man.

There are perhaps few questions relating to government of more difficulty than that at present subsisting between Great Britain and the Colonies. It originated about the degree of subordination we owe to the British Parliament, but by a rapid progress it seems now to be whether we are members of the empire or not. In this view, the principles of Mr. Locke and other advocates for the rights of mankind are little to the purpose. His treatise throughout presupposes rulers and subjects of the same state, and upon a supposition that we are members of the empire, his reasonings, if not inapplicable, will be found rather to militate against our claims; for he holds the necessity of a supreme power, and the necessary existence of one legislature only in every society, in the strongest terms.

Here arises the doubt: if we are parts of the same state, we cannot complain of a usurpation, unless in a qualified sense, but we must found our resistance upon an undue and oppressive exercise of a power we recognize. In short, our reasonings must resolve into one or the other of the following three grounds, and our right of resistance must be founded upon either the first or third of them; for either, first, we owe no obedience to any acts of Parliament; or, secondly, we are bound by all acts to which British subjects in Great Britain would, if passed with respect to them, owe obedience; or, thirdly, we are subordinate in a certain degree, or, in other words, certain acts may be valid in Britain which are not so here.

Upon the first point I am exceedingly clear in my mind, for I consider the Colonies as members of the British empire, and subordinate to the Parliament. But, with regard to the second and third, I am not so clear. The necessity of a supreme power in every state strikes me very forcibly; at the same time, I foresee the destructive consequences of a right in Parliament to bind us in all cases whatsoever. To obviate the ill effects of either extreme, some middle way should be found out, by which the benefits to the empire should be secured arising from the doctrine of a supreme power, while the abuses of that power to the prejudice of the colonists should be
guarded against; and this, I hope, will be the happy effect of the present struggle.

The basis of such a compact must be the securing to the Americans the essential rights of Britons, but so modified as shall best consist with the general benefit of the whole. If upon such a compact we cannot possess the specific privileges of the inhabitants of Great Britain (as for instance a representation in Parliament we cannot), this must not be an obstacle; for there is certainly a point in which the general good of the whole, with the least possible disadvantage to every part, does centre, though it may be difficult to discern it, and every individual part must give way to the general good.

It may be said that these principles terminate in passive obedience: far from it. I perceive that several of the acts exceed those bounds which, of right, ought to circumscribe the Parliament. But my difficulty arises from this, that, taking the whole of the acts complained of together, they do not, I think, manifest a system of slavery, but may fairly be imputed to human frailty and the difficulty of the subject. Most of them seem to have sprung out of particular occasions, and are unconnected with each other, and some of them are precisely of the nature of other acts made before the commencement of his present Majesty's reign, which is the era when the supposed design of subjugating the colonies began. If these acts have exceeded what is and ought to be declared to be the line of right, and thus we have been sufferers in some respects by the undefined state of the subject, it will also, I think, appear from such a union, when established, if past transactions are to be measured by the standard hereafter to be fixed, that we have hitherto been deficient in other respects, and derived benefit from the same unsettled state.

In short, I think those acts may have been passed without a preconcerted plan of enslaving us, and it appears to me that the more favorable construction ought ever to be put on the conduct of our rulers. I cannot therefore think the government dissolved; and as long as the society lasts, the power that every individual gave the society when he entered into it can never revert to the individuals again, but will always remain in the community.

If it be asked how we come to be subject to the authority of the British Parliament, I answer, by the same compact which entitles us to the benefits of the British constitution and its laws; and that we derive advantage even from some kind of subordination, whatever the degree of it should be, is evident, because, without such a controlling common umpire, the colonies must be-come independent states, which would be introductive of anarchy and con-fusion among ourselves.

Some kind of dependence being then, in my idea, necessary for our own happiness, I would choose to see a claim made of a constitution which shall concede this point, as, before that is done by us and rejected by the mother country, I cannot see any principle of regard for my country which will authorize me in taking up arms, as absolute dependence and independence are two extremes which I would avoid; for, should we succeed in the latter, we shall still be in a sea of uncertainty and have to fight among ourselves for that constitution we aim at.

There are many very weighty reasons besides the above to restrain a man from taking up arms, but some of them are of too delicate a nature to be put upon paper; however, it may be proper to mention what does not restrain me. It is not from apprehension of the consequences should America be subdued, or the hopes of any
favor from government, both which I disclaim; nor is it from any disparagement of the
cause my countrymen are engaged in, or a desire of obstructing the present
measures.

I am fully convinced that men of the greatest abilities and the soundest integrity
have taken parts in this war with America, and their measures should have a fair trial.
But this is too serious a matter, implicitly to yield to the authority of any characters,
however respectable. Every man must exercise his own reason and judge for himself;
"for he that appeals to Heaven must be sure that he has right on his side," according to
Mr. Locke. It is a question of morality and religion, in which a man cannot
conscientiously take an active part without being convinced in his own mind of the
justice of the cause; for obedience while government exists being clear on the one
hand, the dissolution of the government must be equally so, to justify an appeal to
arms; and whatever disagreeable consequences may follow from dissenting from the
general voice, yet I cannot but remember that I am to render an account of my
conduct before a more awful tribunal, where no man can be justified who stands
accused by his own conscience of taking part in measures which, through the distress
and bloodshed of his fellow-creatures, may precipitate his country into ruin.

- VAN SCHAA CK, Life of Peter Van Schaack, pp. 54-58
Joseph Hawley to Elbridge Gerry.  

Watertown, May 1, 1776

My Dear Sir,

The tories dread a declaration of independency and a course of conduct on that plan more than death. They console themselves with a belief that the southern colonies will not accede to it. My hand and heart is full of it. There will be no abiding union without it. When the colonies come to be pressed with taxes they will divide and crumble to pieces. Will a government stand on recommendations? They will not. Can we subsist, and support our trading people without trade? It appears more and more every day in the country and the army that we cannot. Nay, without a real continental government our army will overrun us, and people will by and by, sooner than you may be aware of, call for their old constitutions, and as they did in England after Cromwell's death, call in Charles the Second. For God's sake let there be a full revolution, or all has been done in vain. Independence and a well planned continental government will save us. God bless you. Amen and amen. J.H.

-AUSTIN,  Life of Elbridge Gerry, pp. 175-176.
John Adams  
Letter to Abigail Adams on the Occasion of the Declaration of Independence  
July 3, 1776

Morning

To Abigail:

Your favor of June 17, dated Plymouth, was handed me yesterday by the post. I was much pleased to find that you had taken a journey to Plymouth to see your friends, in the long absence of one whom you may wish to see. The excursion will be an amusement, and will serve your health. How happy would it have made me to have taken this journey with you!

I was informed, day or two before the receipt of your letter, that you were gone to Plymouth, by Miss P., who was obliging enough to inform me, in your absence, of the particulars of the expedition to the Lower Harbor, against the men of war. Her narration is executed with a precision and perspicuity which would have become the pen of an accomplished historian.

I am very glad you had so good an opportunity of seeing one of our little American men of war. Many ideas, new to you, must have presented themselves in such a scene; and you will in future better understand the relations of a sea engagement.

I rejoice extremely in Dr. Bulfinch's petition for leave to open an Hospital. But I hope the business will be done upon a larger scale. I hope that one Hospital will be licensed in every country, if not in every town. I am happy to find you resolved to be with the children in the first class. Mr. W. and Mrs. Q. are cleverly through inoculation in this city.

I have one favor to ask, and that is, that in your future letters you would acknowledge the receipt of all those you may receive from me, and mention their dates; by this means I shall know if any of mine miscarry.

The information you give me of our friends refusing his appointment, has given me much pain, grief, and anxiety, I believe I shall be obliged to follow his example. I have not fortune enough to support family, and, what is of more importance, to support the dignity of that exalted station. It is too high and lifted up for me, who delight in nothing so much as retreat, solitude, silence, and obscurity. In private
life, no one has a right to censure me for following my own inclinations in 
retirement, in simplicity and frugality; but in public life every man has a right to 
remark as he pleases; at least he thinks so.

Yesterday the greatest question was decided, which ever was debated in America, 
and a greater, perhaps, never was or will be decided among Men. A resolution was 
passed without one dissenting colony "that these United Colonies are, and of right 
ought to be, free and independent states, and as such they have, and of right ought 
to have, full power to make war, conclude peace, establish commerce, and to do all 
the other acts and things which other states may rightfully do." You will see in a 
few days a declaration setting forth the causes which have impelled us to this 
mighty revolution and the reasons which will justify it in the sight of God and man. 
A plan of confederation will be taken up in a few days.

When I look back to the year of 1761 and recollect the argument concerning writs 
of assistance in the superior court, which I have hitherto considered as the 
commencement of the controversy between Great Britain and America, and run 
through the whole period from that time to this, and recollect the series of political 
events, the chain of causes and effects, I am surprised at the suddenness as well as 
greatness of this revolution. Britain has been filld with Folly and America with 
Wisdom, at least this is my Judgment. Time must determine. It is the will of 
Heaven that the two countries should be sundered forever. It may be the will of 
Heaven that America shall suffer calamities still more wasting and distressing yet 
more dreadful. If this is to be the case, it will have this good effect, at least: it will 
inspire us will many virtues, which we have not, and correct many errors, follies, 
and vices, which threaten to disturb, dishonor, and destroy us. The furnace of 
affliction produces refinement, in states as well as individuals. And the new 
governments we are assuming, in every part, will require a purification from our 
vices and an augmentation of our virtues or they will be no blessings. The people 
will have unbounded power. And the people are extremely addicted to corruption 
and venality, as well as the great. I am not without apprehensions from this quarter, 
but I must submit all my hopes and fears to an overruling Providence, in which, 
unfashionable as the faith may be, I firmly believe.

John Adams

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Philadelphia
July 3, 1776

*Evening*

To Abigail:

Had a declaration of independence been made seven months ago, it would have been attended with many great and glorious effects. We might, before this hour, have formed alliance with foreign states. We should have mastered Quebec, and been in possession of Canada.

You will, perhaps, wonder how such a declaration would have influenced our affairs in Canada; but, if I could write with freedom, I could easily convince you that it would, and explain to you the manner how. Many gentlemen in high stations, and of great influence, have been duped, by the ministerial bubble of commissioners, to treat; and, in real, sincere expectation of this event, which they so fondly wished, they have been slow and languid in promoting measures for the reduction of that province. Others there are in the colonies, who really wished that our enterprise in Canada would be defeated; that the colonies might be brought into danger and distress between two fires, and be thus induced to submit. Others really wished to defeat the expedition to Canada, lest the conquest of it should elevate the minds of the people to much to hearken to those terms of reconciliation which they believed would be offered to us. These jarring views, wishes, and designs, occasioned an opposition to many salutary measures which were proposed for the support of that expedition, and caused obstructions embarrassments, and studied delays, which have finally lost us the province.

All causes, however, in conjunction, would not have disappointed us, if it had not been for a misfortune which could not have been foreseen, and perhaps could not have been prevented I mean the prevalence of the smallpox among our troops. This fatal pestilence completed our destruction. It is a frown of Providence upon us, which we ought to lay to heart.

But, on the other hand, the delay of this declaration to this time has many great advantages attending it. The hopes of reconciliation which were fondly entertained by multitudes of honest an well meaning, though short-sighted and mistaken people, have been gradually, and at last totally, extinguished. Time has been given for the whole people maturely to consider the great question of independence, and to ripen their judgment, dissipate their fears, and allure their hopes, by discussing it in newspapers and pamphlets by debating it in assemblies, conventions,
committees of safety and inspection in town and country meetings, as well as in private conversations; so that the whole people, in every colony, have now adopted it as their own act. This will cement the union, and avoid those heats, and perhaps convulsions, which might have been occasioned by such a declaration six months ago.

But the day is past. The second day of July, 1776, will be memorable epocha in the history of America. I am apt to believe that it will be celebrated by succeeding generations, as the great Anniversary Festival. It ought to be commemorated, as the day of deliverance by solemn acts of devotion to God Almighty. It ought to be solemnized with pomp, shews, games, sports, guns, bells, bonfires and illuminations, from one end of the continent to the other, from this time forward forever.

You will think me transported with enthusiasm; but I am not. I am well aware of the toil, and blood, and treasure, that it will cost us to maintain this declaration, and support and defend these states. Yet, through all the gloom, I can see the rays of light and glory; I can see that the end is more than worth all the means, and that posterity will triumph, although you and I may rue, which I hope we shall not.

John Adams
John Witherspoon's Speech in Congress

[July 30, 1776

(1)

The absolute necessity of union to the vigour and success of those measures on which we are already entered, is felt and confessed by every one of us, without exception; so far, indeed, that those who have expressed their fears or suspicions of the existing confederacy proving abortive, have yet agreed in saying that there must and shall be a confederacy for the purposes of, and till the finishing of this war. So far it is well; and so far it is pleasing to hear them express their sentiments. But I intreat gentlemen calmly to consider how far the giving up all hopes of a lasting confederacy among these states, for their future security and improvement, will have an effect upon the stability and efficacy of even the temporary confederacy, which all acknowledge to be necessary? I am fully persuaded, that when it ceases to be generally known, that the delegates of the provinces consider a lasting union as impracticable, it will greatly derange the minds of the people, and weaken their hands in defence of their country, which they have now undertaken with so much alacrity and spirit. I confess it would to me greatly diminish the glory and importance of the struggle, whether considered as for the rights of mankind in general, or for the prosperity and happiness of this continent in future times.

It would quite depreciate the object of hope, as well as place it at a greater distance. For what would it signify to risk our possessions and shed our blood to set ourselves free from the encroachments and oppression of Great Britain—with a certainty, as soon as peace was settled with them of a more lasting war, a more unnatural, more bloody, and much more hopeless war, among the colonies themselves? Some of us consider ourselves as acting for posterity at present, having little expectation of living to see all things fully settled, and the good consequences of liberty taking effect. But how much more uncertain the hope of seeing the internal contests of the colonies settled upon a lasting and equitable footing?

One of the greatest dangers I have always considered the colonies as exposed to at present, is treachery among themselves, augmented by bribery and corruption from our enemies. But what force would be added to the arguments of seducers, if they could say with truth, that it was of no consequence whether we succeeded against Great Britain or not; for we must, in the end, be subjected, the greatest
There were many consular gentlemen in that great republic, who all considered themselves as greater
than kings, and must have kingly fortunes, which they had no other way of acquiring but by
governments of provinces, which lasted generally but one year, and seldom more than two.

In what I have already said, or may say, or any cases I may state, I hope every gentleman will do me
the justice to believe, that I have not the most distant view to particular persons or societies, and mean
only to reason from the usual course of things, and the prejudices inseparable from men as such. And
can we help saying, that there will be a much greater degree, not only of the corruption of particular
persons, but the defection of particular provinces from the present confederacy, if they consider our
success itself as only a prelude to a contest of a more dreadful nature, and indeed much more properly a
civil war than that which now often obtains the name? Must not small colonies in particular be in danger
of saying, we must secure ourselves? If the colonies are independent states, separate and disunited, after
this war, we may be sure of coming off by the worse. We are in no condition to contend with several of
them. Our trade in general, and our trade with them, must be upon such terms as they shall be pleased to
prescribe. What will be the consequence of this? Will they not be ready to prefer putting themselves
under the protection of Great Britain, France or Holland, rather than submit to the tyranny of their
neighbours, who were lately their equals? Nor would it be at all impossible, that they should enter into
such rash engagements as would prove their own destruction, from a mixture of apprehended necessity
and real resentment.

Perhaps it may be thought that breaking off this confederacy, and leaving it unfinished after we have
entered upon it, will be only postponing the duty to some future period? Alas, nothing can exceed the
absurdity of that supposition. Does not all history cry out, that a common danger is the great and only
effectual means of settling difficulties, and composing differences. Have we not experienced its efficacy
in producing such a degree of union through

these colonies, as nobody would have prophesied, and hardly any would have expected?

If therefore, at present, when the danger is yet imminent, when it is so far from being over, that it is
but coming to its height, we shall find it impossible to agree upon the terms of this confederacy, what
madness it to suppose that there ever will be a time, or that circumstances will so change, as to make
it even probable, that it will be done at an after season? Will not the very same difficulties that are in our
way, be in the way of those who shall come after us? Is it possible that they should be ignorant of them,
or inattentive to them? Will they not have the same jealousies of each other, the same attachment to
local prejudices, and particular interest? So certain is this, that I look upon it as on the repentance of a
sinner-Every day's delay, though it adds to the necessity, yet augments the difficulty, and takes from the
inclination.

There is one thing that has been thrown out, by which some seem to persuade themselves of, and
others to be more indifferent about the success of a confederacy-that from the nature of men, it is to be
expected, that a time must come when it will be dissolved and broken in pieces. I am none of those who
either deny or conceal the depravity of human nature, till it is purified by the light of truth, and renewed
by the Spirit of the living God. Yet I apprehend there is no force in that reasoning at all. Shall we
establish nothing good, because we know it cannot be eternal? Shall we live without government,
because every constitution has its old age, and its period? Because we know that we shall die, shall we
take no pains to preserve or lengthen out life? Far from it, Sir: it only requires the more watchful
attention, to settle government upon the best principles and in the wisest manner, that it may last as long
as the nature of things will admit.
But I beg leave to say something more, though with some risk that it will be thought visionary and romantic. I do expect, Mr President, a progress, as in every other human art, so in the order and perfection of human society, greater than we have yet seen; and why should we be wanting to ourselves in urging it forward? It is certain, I think that human science and religion have kept company together, and greatly assisted each other's progress in the world. I do not say that intellectual and moral qualities are in the same proportion in particular persons; but they have a great and friendly influence upon one another, in societies and larger bodies.

There have been great improvements, not only in human knowledge, but in human nature; the progress of which can be easily traced in history. Every body is able to look back to the time in Europe, when the liberal sentiments that now prevail upon the rights of conscience, would have been looked upon as absurd. It is but little above two hundred years since that enlarged system called the balance of power, took place; and I maintain, that it is a greater step from the former disunited and hostile situation of kingdoms and states, to their present condition, than it would be from their present condition to a state of more perfect and lasting union. It is not impossible, that in future times all the states on one quarter of the globe, may see it proper by some plan of union, to perpetuate security and peace; and sure I am, a well planned confederacy among the states of America, may hand down the blessings of peace and public order to many generations. The union of the seven provinces of the Low Countries, has never yet been broken; and they are of very different degrees of strength and wealth. Neither have the Cantons of Switzerland ever broken among themselves, though there are some of them protestants, and some of them papists, by public establishment. Not only so, but these confederates are seldom engaged in a war with other nations. Wars are generally between monarchs, or single states that are large. A confederation of itself keeps war at a distance from the bodies of which it is composed.

For all these reasons, Sir, I humbly apprehend, that every argument from honour, interest, safety and necessity, conspire in pressing us to a confederacy; and if it be seriously attempted, I hope, by the blessing of God upon our endeavours, it will be happily accomplished.

Note:


1 Thomas Jefferson's Notes of Proceedings in Congress, July 12-August 1, and John Adams' Notes of Debates, July 30, 1776, strongly suggest that this is the speech Witherspoon delivered in Congress on the 30th. Edmund C. Burnett assigned the date November 25, 1778, to this speech, but in doing so he admitted that "It is not known when this speech was made" and that it "might have been appropriate at almost any time when the Confederation was under discussion." Burnett, Letters, 3:508n.2. In addition to the summaries of Witherspoon's remarks by Adams and Jefferson, there is also internal evidence justifying an earlier date for this document. Witherspoon's frequent use of the term "colonies" is suggestive of a period not long after independence had been declared, and his reference to the general situation then facing Congress as one of "danger, . . . yet imminent . . . coming to its height" seems more
appropriate to the summer of 1776 than the fall of 1778.
Strictures upon the Declaration of the Congress of Philadelphia
In a Letter to a Noble Lord
by
Thomas Hutchinson
(London, 1776)

My Lord,

The last time I had the honor of being in your Lordship's company, you observed that you were utterly at a loss to what facts many parts of the Declaration of Independence published by the Philadelphia Congress referred, and that you wished they had been more particularly mentioned, that you might better judge of the grievances, alledged as special causes of the separation of the Colonies from the other parts of the Empire. This hint from your Lordship induced me to attempt a few Strictures upon the Declaration. Upon my first reading it, I thought there would have been more policy in leaving the World altogether ignorant of the motives to this Rebellion, than in offering such false and frivolous reasons in support of it; and I flatter myself, that before I have finished this letter, your Lordship will be of the same mind. But I beg leave first to make a few remarks upon its rise and progress.

I have often heard men, (who I believe were free of any party influence) express their wishes, that the claims of the Colonies to an exemption from the authority of Parliament in imposing Taxes had been conceded; because they had no doubts that America would have submitted in all other cases; and so this unhappy Rebellion, which has already proved fatal to many hundreds of Subjects of the Empire, and probably will to many thousands more, might have been prevented.

The Acts for imposing Duties and Taxes may have accelerated the Rebellion, and if this could have been foreseen, perhaps, it might have been good policy to have omitted or deferred them; but I am of the opinion, that if no Taxes or Duties had been laid upon the Colonies, other pretences would have been found for exception to the authority of Parliament. The body of the people in the Colonies, I know, were easy and quiet. They felt no burdens. They were attached, indeed, in every Colony to their own particular Constitutions, but the Supremacy of Parliament over the whole gave them no concern. They had been happy under it for an hundred years past: They feared no imaginary evils for an hundred years to come. But there were men in each of the principal Colonies, who had Independence in view, before any of those Taxes were laid, or proposed, which have since been the ostensible cause of resisting the execution of the Acts of Parliament. Those men have conducted the Rebellion in the several stages of it, until they have removed the constitutional powers of Government in each Colony, and have assumed to themselves, with others, a supreme authority over the whole.

It does not, however, appear, that there was any regular plan formed for attaining to Independence, any further than that every fresh incident which could be made to serve the purpose, by alienating the affections of the Colonies from the kingdom, should be improved accordingly. One of these incidents happened in the year 1764. This was the act of Parliament for granting certain duties on goods in the British Colonies, for the support of Government, etc. At the same time a proposal was made in Parliament, to lay
a stamp duty upon certain writings in the Colonies; but this was deferred until the next Session, that the agents of the Colonies might notify the several Assemblies in order to their proposing any way, to them more eligible, for raising a sum for the same purpose with that intended by a stamp duty. The Colony of Massachusetts was more affected by the Act for granting duties, than any other Colony. More molasses, the principal article from which any duty could arise, was distilled into spirits in that Colony than in all the rest. The Assembly of the Massachusetts, therefore, was the first that took any publick notice of the Act, and the first which ever took exception to the right of Parliament to impose Duties on Taxes on the Colonies, whilst they had no representatives in the House of Commons. This they did in a letter to their Agent in the summer of 1764, which they took care to print and publish before it was possible for him to receive it. And in this letter they recommend to him a pamphlet, wrote by one of their members, in which there are proposals for admitting representatives from the Colonies to sit in the House of Commons.

I have this special reason, my Lord, for taking notice of this Act of the Massachusetts' Assembly; that though an American representation is thrown out as an expedient which might obviate the objections to Taxes upon the Colonies, yet it was only intended to amuse the authority in England; and as soon as it was known to have its advocates here, it was renounced by the Colonies, and even by the Assembly of the Colony which first proposed it, as utterly impracticable. In every stage of the Revolt, the same disposition has always appeared. No precise, unequivocal terms of submission to the authority of Parliament in any case, have even been offered by any Assembly. A concession has only produced further demand, and I verily believe if every thing had been granted short of absolute Independence, they would not have been contented; for this was the object from the beginning. One of the most noted among the American clergy, prophesied eight years ago, that within eight years from that time, the Colonies would be formed into three distinct independent Republics, Northern, Middle, and Southern. I could give your Lordship many irrefragable [sic] proofs of this determined design, but I reserve them for a future letter, the subject of which shall be the rise and progress of the Rebellion in each of the Colonies.

It will cause greater prolixity to analyze the various parts of this Declaration, than to recite the whole. I will, therefore, present it to your Lordship's view in distinct paragraphs, with my remarks, in order as the paragraphs are published:

_In Congress, July 4, 1776_

_A Declaration by the Representatives of the United States of America in General Congress assembled._

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

They begin, my Lord, with a false hypothesis. That the Colonies are one _distinct people_, and the kingdom another, connected by _political_ bands. The Colonies, _politically_
considered, never were a distinct people from the kingdom. There never has been but one political band, and that was just the same before the first Colonists emigrated as it has been ever since, the Supreme Legislative Authority, which hath essential rights, and is indispensably bound to keep all parts of the Empire entire, until there may be a separation consistent with the general good of the Empire, of which good, from the nature of government, this authority must be the sole judge.

The first order, He has refused his assent to laws the most wholesome and necessary for the public good; is of so general a nature, that it is not possible to conjecture to what laws or to what Colonies it refers. I remember no laws which any Colony has been restrained from from passing, so as to cause any complaint of grievance, except those for issuing a fraudulent paper-currency, and making it a legal tender; but this is a restraint which for many years past has been laid on Assemblies by an act of Parliament, since which such laws cannot have been offered to the King for his allowance. I therefore believe this to be a general charge, without any particulars to support it; fit enough to be placed at the head of a list if imaginary grievances.

The laws of England are or ought to be the laws of its Colonies. To prevent a deviation further than the local circumstances of any Colony may make necessary, all Colony laws are to be laid before the King; and if disallowed, they then become of no force. Rhode-Island, and Connecticut, claim by Charters, an exemption from this rule, and as their laws are never presented to the King, they are out of the question. Now if the King is to approve of all laws, or which is the same thing, of all which the people judge for the public good, for we are to presume they pass no other, this reserve in all Charters and Commissions is futile. This charge is still more inexcusable, because I am well informed, this disallowance of Colony laws has been much more frequent in preceding reigns, than in the present.

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.

To the same Colony [Massachusetts Bay] this also has respect; Your Lordship must remember the riotous, violent opposition to Government in the Town of Boston, which alarmed the whole Kingdom, in the year 1768. Four regiments of the King's forces were ordered to that Town, to be aiding to the Civil Magistrate in restoring and preserving peace and order. The House of Representatives, which was then sitting in the Town, remonstrated to the Governor against posting Troops there, as being an invasion of their rights. He thought proper to adjourn them to Cambridge, where the House had frequently sat at their own desire, when they had been alarmed with fear of the small pox in Boston; the place therefore was not unusual. The public rooms of the College, were convenient for the Assembly to sit in, and the private houses of the Inhabitants for the Members to lodge in; it therefore was not uncomfortable. It was within four miles of the Town of Boston, and less distant than any other Town fit for the purpose.

When this step, taken by Governor, was known in England, it was approved, and conditional instructions were given to continue the Assembly at Cambridge. The House of Representatives raised the most frivolous objections against the authority of the Governor to remove the Assembly from Boston, but proceeded, nevertheless, to the
business of the Session as they used to do. In the next Session, without any new cause, the Assembly refused to do any business unless removed to Boston. This was making themselves judges of the place, and by the same reason, of the time of holding the Assembly, instead of the Governor, who thereupon was instructed not to remove them to Boston, so long as they continued to deny his authority to carry them to any other place.

They fatigued the Governor by adjourning from day to day, and refusing to do business one Session after another, while he gave his constant attendance to no purpose; and this they make the King's fatiguing them to compel them to comply with his measures.

A brief narrative of this unimportant dispute between an American Governor and his Assembly, needs an apology to your Lordship; how ridiculous then do those men make themselves, who offer it to the world as a ground to justify Rebellion?

He has dissolved Representative Houses repeatedly for opposing with manly firmness his Invasions on the Rights of the People.

Contentions between Governors and their Assemblies have caused dissolutions of such Assemblies, I suppose, in all the Colonies; in former as well as later times. I recollect but one instance of the dissolution of an Assembly by special order from the King, and that was in Massachusetts Bay. In 1768, the House of Representatives passed a vote or resolve, in prosecution of the plan of Independence incompatible with the subordination of the Colonies to the supreme authority of the Empire; and directed their Speaker to send a copy of it in circular letters to the Assemblies of the other Colonies, inviting them to avow the principles of the resolve, and to join in supporting them. No Government can long subsist, which admits of combinations of the subordinate powers against the supreme. This proceeding was therefore, justly deemed highly unwarrantable; and indeed it was the beginning of that unlawful confederacy, which has gone on until it has caused at least a temporary Revolt of all the Colonies which joined in it.

The Governor was instructed to require the House of Representatives, in their next Session to rescind or disavow this resolve, and if they refused, to dissolve them, as the only way to prevent their prosecuting the plan of Rebellion. They delayed a definitive answer, and he indulged them, until they had finished all the business of the Province, and then appeared this manly firmness in a rude answer and a peremptory refusal to comply with the King's command. Thus, my Lord, the regular use of the prerogative in suppressing a begun Revolt, is urged as a a grievance to justify the Revolt.

He has refused for a long time after such dissolutions to cause others to be erected 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 invasions from without and convulsions within.

This is connected with the last preceding article, and must relate to the same Colony only; for no other other ever presumed, until the year 1774, when the general dissolution of the established government in all the Colonies was taking place, to convene an Assembly, without the Governor, by the meer act of the People.

In less than three months, after the Governor had dissolved the Assembly of Massachusetts Bay, the town of Boston, the first mover in all affirms of this nature, applied to him to call another Assembly. The Governor thought he was the judge of the proper time for calling an Assembly, and refused. The town, without delay, chose their
former members, whom they called a Committee, instead of Representatives; and they sent circular letters to all the other towns in the Province inviting them to choose Committees also; and all these Committees met in what they called a Convention, and chose the Speaker of the last house their Chairman. Here was a House of Representatives in every thing but name; and they were proceeding upon the business in the town of Boston, but were interrupted by the arrival of two or three regiments, and a spirited message from the Governor, and in two or three days returned to their homes.

This vacation of three months was the long time the people waited before they exercised their unalienable powers; the Invasions from without were the arrival or expectation of three or four regiments sent by the King to aid the Civil Magistrate in preserving the peace; and the Convulsions within were the tumults, riots and acts of violence which this Convention was called, not to suppress but to encourage. . . .

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

This is too nuratory to deserve any remark. He has kept no armies among them without the consent of the Supreme Legislature. It is begging the question to suppose that this authority was not sufficient without the aid of their own Legislatures.

He has affected to render the Military independent of, and superior to, the Civil Power.

When the subordinate Civil Powers of the Empire became Aiders of the people in acts of Rebellion, the King, as well he might, has employed the Military Power to reduce those rebellious Civil Powers to their constitutional subjection to the Supreme Civil Power. In no other sense has he ever 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 pretended Acts of Legislation.

This is a strange way of defining the part which the Kings of England take in conjunction with the Lords and Commons in passing Acts of Parliament. But why is our present Sovereign to be distinguished from all his predecessors since Charles the Second? Even the Republic which they affect to copy after, and Oliver, their favourite, because an Usurper, combined against them also. And then, how can a jurisdiction submitted to for more than a century be foreign to their constitution? And is it not the grossest prevarication to say this jurisdiction is unacknowledged by their laws, when all Acts of Parliament which respect them, have at all times been their rule of law in all their judicial proceedings? If this is not enough: their own subordinate legislatures have repeatedly in addresses, and resolves, in the most express terms acknowledged the supremacy of Parliament; and so late as 1764, before the conductors of this Rebellion had settled their plan, the House of Representatives of the leading Colony made a public declaration in an address to their Governor, that, although they humbly apprehended they might propose their objections, to the late Act of Parliament for granting certain duties in the British Colonies and Plantations in America, yet they at the same time acknowledged that it was their duty to yield obedience to it while it continued unrepealed.
If the jurisdiction of Parliament is foreign to their Constitution, what need of specifying instances, in which they have been subjected to it? Every Act must be an usurpation and injury. They must then be mentioned, my Lord, to shew, hypothetically, that even if Parliament had jurisdiction, such Acts would be a partial and injurious use of it. I will consider them, to know whether they are so or not.

*For quartering large bodies of armed troops among us.*

When troops were employed in America, in the last reign, to protect the Colonies against French invasion, it was necessary to provide against mutiny and desertion, and to secure proper quarters. Temporary Acts of Parliament were passed for that purpose, and submitted to the Colonies. Upon the peace, raised ideas took place in the Colonies, of their own importance, and caused a reluctance against Parliamentary authority, and an opposition to the Acts for quartering troops, not because the provision made was in itself unjust or unequal, but because they were Acts of a Parliament whose authority was denied. The provision was as similar to that in England as the state of the Colonies would admit.

*For protecting them by a mock trial from punishment, for any murder which they should commit on the Inhabitants of these States.*

It is beyond human wisdom to form a system of laws so perfect as to be adapted to all cases. It is happy for a state, that there can be an interposition of legislative power in those cases, where an adherence to established rules would cause injustice. To try men before a biased and pre-determined Jury would be a mock trial. To prevent this, the Act of Parliament, complained of, was passed. Surely, if in any case Parliament may interpose and alter the general rule of law, it may in this. America has not been distinguished from other parts of the Empire. Indeed the removal of trials for the sake of unprejudiced and disinterested Juries, is altogether consistent with the spirit of our laws, and the practice of courts in changing the venue from one country to another.

*For cutting off our trade with all parts of the world.*

Certainly, my Lord, this could not be a cause of Revolt. The Colonies had revolted from the Supreme Authority, to which, by their constitutions, they were subject, before the Act was passed. A Congress had assumed an authority over the whole, and had rebelliously prohibited all commerce with the rest of the Empire. This act, therefore, will be considered by the candid world, as a proof of the reluctance in government against what is the dernier resort in every state, and as a milder measure to bring the Colonies to a re-union with all the rest of the Empire.

*For imposing taxes on us without our consent.*

How often has your Lordship heard it said, that the Americans are willing to submit to the authority of Parliament in all cases except that of taxes? Here we have a declaration made to the world of the causes which have impelled to a separation. We are to presume that it contains all which they that publish it are able to say in support of a separation, and that if any one cause was distinguished from another, special notice would be taken of it. That of taxes seems to have been in danger of being forgot. It comes in late, and in as slight a manner as is possible. And, I know, my Lord, that these men, in the early days of
their opposition to Parliament, have acknowledged that they pitched upon this subject of
taxes, because it was most alarming to the people, every man perceiving immediately that
he is personally affected by it; and it has, therefore, in all communities, always been a
subject more dangerous to government than any other, to make innovation in; but as their
friends in England had fell in with the idea that Parliament could have no right to tax
them because not represented, they thought it best it should be believed they were willing
to submit to other acts of legislation until this point of taxes could be gained; owning at
the same time, that they could find no fundamentals in the English Constitution which
made representation more necessary in acts for taxes, than acts for any other purpose;
and that the world must have a mean opinion of their understanding, if they should rebel
rather than pay a duty of three-pence per pound on tea, and yet be content to submit to an
act which restrained them from making a nail to shoe their own horses. Some of them,
my Lord, imagine they are as well acquainted with the nature of government, and with
the constitution and history of England, as many of their partisans in the kingdom; and
they will sometimes laugh at the doctrine of fundamentals from which even Parliament
itself can never deviate; and they say it has been often held and denied merely to serve
the cause of party; and that it must be so until these unalterable fundamentals shall be
ascertained; that the great Patriots in the reign of King Charles the Second, Lord Russell,
Hampden, Maynard, etc. whose memories they reverence, declared their opinions, that
there were no bounds to the power of Parliament by any fundamentals whatever, and that
even the hereditary succession to the Crown might be, as it since has been, altered by the
Act of Parliament; whereas they who call themselves Patriots in the present day held it to
be a fundamental, that there can be no taxation without representation, and that
Parliament cannot alter it.

But as this doctrine was held by their friends, and was of service to their cause until
they were prepared for a total Independence, they appeared to approve it: As they have
now no further occasion for it, they take no more notice of an act for imposing taxes than
of many other acts; for a distinction in the authority of Parliament in any particular case
cannot serve their claim to a general exemption, which they are now preparing to assert.

... 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 compleat 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 domestick insurrections amongst us and has endeavoured 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.

These, my Lord, would be weighty charges from a loyal and dutifull people against an
unprovoked Sovereign: They are more than the people of England pretended to bring against King James the Second, in order to justify the Revolution. Never was there an instance of more consummate effrontery. The Acts of a justly incensed Sovereign for suppressing a most unnatural, unprovoked Rebellion, are here assigned as the causes of this Rebellion. It is immaterial whether they are true or false. They are all short of the penalty of the laws which had been violated. Before the date of nay one of them, the Colonists had as effectually renounced their allegiance by their deeds as they have since done by their words. They had displaced the civil and military officers appointed by the King's authority and set up others in the stead. They had new modelled their civil governments, and appointed a general government, independent of the King, over the whole. They had taken up arms, and made a public declaration of their resolution to defend themselves, against the forces employed to support his legal authority over them. To subjects, who had forfeited their lives by acts of Rebellion, every act of the Sovereign against them, which falls short of the forfeiture, is an act of favour. A most ungrateful return has been made for this favour. It has been improved to strengthen and confirm the Rebellion against him. . . .

A Prince, whose character is thus marked, by every act which defines the tyrant, is unfit to be the ruler of a free people.

Indignant resentment must seize the breast of every loyal subject. A tyrant, in modern language, means, not merely an absolute and arbitrary, but a cruel, merciless Sovereign. Have these men given an instance of any one Act in which the King has exceeded the just Powers of the Crown as limited by the English Constitution? Has he ever departed from known established laws, and substituted his own will as the rule of his actions? Has he ever departed from known established laws, and substituted his own will as the rule of his actions? Has there ever been a Prince by whom subjects in rebellion, have been treated with less severity, or with longer forbearance? . . .

Gratitude, I am sensible, is seldom to be found in a community, but so sudden a revolt from the rest of the Empire, which had incurred so immense a debt, and with which it remains burdened, for the protection and defence of the Colonies, and at their most importunate request, is an instance of ingratitude no where to be paralleled.

Suffer me, my Lord, before I close this letter, to observe, that though the professed reason for publishing the Declaration was a decent respect to the opinions of mankind, yet the real design was to reconcile the people of America to that Independence, which always before, they had been made to believe was not intended. This design has too well succeeded. The people have not observed the fallacy in reasoning from the whole to part; nor the absurdity of making the governed to be governors. From a disposition to receive willingly complaints against Rulers, facts misrepresented have passed without examining. Discerning men have concealed their sentiments, because under the present free government in America, no man may, by writing or speaking, contradict any part of this Declaration, without being deemed an enemy to his country, and exposed to the rage and fury of the populace.

I have the honour to be
My Lord,
Your Lordship's most humble,
And most obedient servant

Thomas Hutchinson

London, October 15th, 1776
Session 9
The Declaration of Independence, Part 1
Professor Burkett

Wednesday, July 23
9:00 am--10:30 am
The Farmer Refuted

Alexander Hamilton
February 23, 1775

I shall, for the present, pass over to that part of your pamphlet, in which you endeavour to establish the supremacy of the British Parliament over America. After a proper éclaircissement of this point, I shall draw such inferences, as will sap the foundation of every thing you have offered.

The first thing that presents itself is a wish, that "I had, explicitly, declared to the public my ideas of the natural rights of mankind. Man, in a state of nature (you say) may be considered, as perfectly free from all restraints of law and government, and, then, the weak must submit to the strong."

I shall, henceforth, begin to make some allowance for that enmity, you have discovered to the natural rights of mankind. For, though ignorance of them in this enlightened age cannot be admitted, as a sufficient excuse for you; yet, it ought, in some measure, to extenuate your guilt. If you will follow my advice, there still may be hopes of your reformation. Apply yourself, without delay, to the study of the law of nature. I would recommend to your perusal, Grotius, Puffendorf, Locke, Montesquieu, and Burlemaqui. I might mention other excellent writers on this subject; but if you attend, diligently, to these, you will not require any others.

There is so strong a similitude between your political principles and those maintained by Mr. Hobb [e]s, that, in judging from them, a person might very easily mistake you for a disciple of his. His opinion was, exactly, coincident with yours, relative to man in a state of nature. He held, as you do, that he was, then, perfectly free from all restraint of law and government. Moral obligation, according to him, is derived from the introduction of civil society; and there is no virtue, but what is purely artificial, the mere contrivance of politicians, for the maintenance of social intercourse. But the reason he run into this absurd and impious doctrine, was, that he disbelieved the existence of an intelligent superintending principle, who is the governor, and will be the final judge of the universe.

As you, sometimes, swear by him that made you, I conclude, your sentiment does not correspond with his, in that which is the basis of the doctrine, you both agree in; and this makes it impossible to imagine whence this congruity between you arises. To grant, that there is a supreme intelligence, who rules the world, and has established laws to regulate the actions of his creatures; and, still, to assert, that man, in a state of nature, may be considered as perfectly free from all restraints of law and government, appear to a common understanding, altogether irreconcilable.

Good and wise men, in all ages, have embraced a very dissimilar theory. They have supposed, that the deity, from the relations, we stand in, to himself and to each other, has constituted an eternal and immutable law, which is, indispensibly, obligatory upon all mankind, prior to any human institution whatever.

This is what is called the law of nature, "which, being coeval with mankind, and dictated by God himself, is, of course, superior in obligation to any other. It is binding over all the globe, in all countries, and at all times. No human laws are of any validity, if contrary to this; and such of them as are valid, derive all their authority, mediately, or immediately, from this original."
Upon this law, depend the natural rights of mankind, the supreme being gave existence to man, together with the means of preserving and beatifying that existence. He endowed him with rational faculties, by the help of which, to discern and pursue such things, as were consistent with his duty and interest, and invested him with an inviolable right to personal liberty, and personal safety.

Hence, in a state of nature, no man had any moral power to deprive another of his life, limbs, property or liberty; nor the least authority to command, or exact obedience from him; except that which arose from the ties of consanguinity.

Hence also, the origin of all civil government, justly established, must be a voluntary compact, between the rulers and the ruled; and must be liable to such limitations, as are necessary for the security of the absolute rights of the latter; for what original title can any man or set of men have, to govern others, except their own consent? To usurp dominion over a people, in their own despite, or to grasp at a more extensive power than they are willing to entrust, is to violate that law of nature, which gives every man a right to his personal liberty; and can, therefore, confer no obligation to obedience.

"The principal aim of society is to protect individuals, in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature; but which could not be preserved, in peace, without that mutual assistance, and intercourse, which is gained by the institution of friendly and social communities. Hence it follows, that the first and primary end of human laws, is to maintain and regulate these absolute rights of individuals." Blackstone.

If we examine the pretensions of parliament, by this criterion, which is evidently, a good one, we shall, presently detect their injustice. First, they are subversive of our natural liberty, because an authority is assumed over us, which we by no means assent to. And secondly, they divest us of that moral security, for our lives and properties, which we are intitled to, and which it is the primary end of society to bestow. For such security can never exist, while we have no part in making the laws, that are to bind us; and while it may be the interest of our uncontroled legislators to oppress us as much as possible.

To deny these principles will be not less absurd, than to deny the plainest axioms: I shall not, therefore, attempt any further illustration of them.

Thus Sir, I have taken a pretty general survey of the American Charters; and proved to the satisfaction of every unbiassed person, that they are intirely, discordant with that sovereignty of parliament, for which you are an advocate. The disingenuity of your extracts (to give it no harsher name) merits the severest censure; and will no doubt serve to discredit all your former, as well as future labours, in your favourite cause of despotism.

It is true, that New-York has no Charter. But, if it could support it’s claim to liberty in no other way, it might, with justice, plead the common principles of colonization: for, it would be unreasonable, to seclude one colony, from the enjoyment of the most important privileges of the rest. There is no need, however, of this plea: The sacred rights of mankind are not to be rummaged for, among old parchments, or musty records. They are written, as with a sun beam, in the whole volume of human nature, by the hand of the divinity itself; and can never be erased or obscured by mortal power.

The nations of Turkey, Russia, France, Spain, and all other despotic kingdoms, in the world, have
an inherent right, when ever they please, to shake off the yoke of servitude, (though sanctified by
the immemorial usage of their ancestors;) and to model their government, upon the principles of
civil liberty.

. . . . .

Had the rest of America passively looked on, while a sister colony was subjugated, the same fate
would gradually have overtaken all. The safety of the whole depends upon the mutual protection
of every part. If the sword of oppression be permitted to lop off one limb without opposition,
reiterated strokes will soon dismember the whole body. Hence it was the duty and interest of all
the colonies to succour and support the one which was suffering. It is sometimes sagaciously
urged, that we ought to commiserate the distresses of the people of Massachusetts; but not
intermeddle in their affairs, so far, as perhaps to bring ourselves into like circumstances with
them. This might be good reasoning, if our neutrality would not be more dangerous, than our
participation: But I am unable to conceive how the colonies in general would have any security
against oppression, if they were once to content themselves, with barely pitying each other, while
parliament was prosecuting and enforcing its demands. Unless they continually protect and assist
each other, they must all inevitably fall a prey to their enemies.

Extraordinary emergencies, require extraordinary expedients. The best mode of opposition was
that in which there might be an union of councils. This was necessary to ascertain the boundaries
of our rights; and to give weight and dignity to our measures, both in Britain and America. A
Congress was accordingly proposed, and universally agreed to.

You, Sir, triumph in the supposed illegality of this body; but, granting your supposition were true,
it would be a matter of no real importance. When the first principles of civil society are violated,
and the rights of a whole people are invaded, the common forms of municipal law are not to be
regarded. Men may then betake themselves to the law of nature; and, if they but conform their
actions, to that standard, all cavils against them, betray either ignorance or dishonesty. There are
some events in society, to which human laws cannot extend; but when applied to them lose all
their force and efficacy. In short, when human laws contradict or discountenance the means,
which are necessary to preserve the essential rights of any society, they defeat the proper end of
all laws, and so become null and void.
Equality

CHAPTER 15 | Document 18

Thomas Jefferson, Notes on Debates in Congress

2--4 July 1776 Papers 1:314--19

Congress proceeded the same day [July 2] to consider the declaration of Indepandence, which had been reported & laid on the table the Friday preceding, and on Monday referred to a commee. of the whole. the pusillanimous idea that we had friends in England worth keeping terms with, still haunted the minds of many. for this reason those passages which conveyed censures on the people of England were struck out, lest they should give them offence. the clause too, reprobatng the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina & Georgia, who had never attempted to restrain the importation of slaves, and who on the contrary still wished to continue it. our Northern brethren also I believe felt a little tender under those censures; for tho' their people have very few slaves themselves yet they had been pretty considerable carriers of them to others. the debates having taken up the greater parts of the 2d. 3d. & 4th. days of July were, in the evening of the last closed. the declaration was reported by the commee., agreed to by the house, and signed by every member present except Mr. Dickinson. As the sentiments of men are known not only by what they receive, but what they reject also, I will state the form of the declaration as originally reported. the parts struck out by Congress shall be distinguished by a black line drawn under them; & those inserted by them shall be placed in the margin or in a concurrent column

A Declaration by the representatives of the United States of America, in [General] Congress assembled

When in the course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth the separate & 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.

We hold these truths to be self evident: that all men are created equal; that they are
endowed by their creator with [Volume 1, Page 523] certain [inherent and] inalienable rights; that among these are life, liberty & 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, & to institute new government, laying it's foundation on such principles, & organising it's powers in such form, as to them shall seem most likely to effect their safety & happiness. prudence indeed will dictate that governments long established should not be changed for light & transient causes; and accordingly all experience hath 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 & usurpations [begun at a distinguished period and] pursuing invariably the same object, evinces a design to reduce them under absolute despotism it is their right, it is their duty to throw off such government, & to provide new guards for their future security. such has been the patient sufferance of these colonies; & such is now the necessity which constrains them to alter [expunge] their former systems of government. the history of the present king of Great Britain is a history of repeated [unremitting] injuries & usurpations, [among which appears no solitary fact to contradict the uniform tenor of the rest but all have] 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 [for the truth of which we pledge a faith yet unsullied by falsehood.]

he has refused his assent to laws the most wholesome & necessary for the public good.

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

he has refused to pass other laws for the accomodation of large districts of people, unless those people would relinquish the right of representation in the legislature, a right inestimable to them, & 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 [& continually] for opposing with manly firmness his invasions on the rights of the people.

he has refused for a long time after such dissolutions to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise, the state remaining in the mean time exposed to all the dangers of invasion from without & 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, & raising the conditions of new appropriations of lands.
he has obstructed [suffered] the administration of justice [totally to cease in some of these states] by refusing his assent to laws for establishing judiciary powers.

he has made [our] judges dependant on his will alone, for the tenure of their offices, & the amount & payment of their salaries.

he has erected a multitude of new offices [by a self assumed power] and sent hither swarms of new officers to harrass our people and eat out their substance.

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

he has affected to render the military independant of, & superior to the civil power.

he has combined with others to subject us to a jurisdiction foreign to our constitutions & unacknolofed 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 seas to be tried for pretended offences; for abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging it's boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies [states]; for taking away our charters, abolishing our most valuable laws, and altering fundamentally the forms of our governments; for suspending our own legislatures, & declaring themselves invested with power to legislate for us in all cases whatsoever.

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

he has plundered our seas, ravaged our coasts, burnt our towns, & destroyed the lives of our people.

he is at this time transporting large armies of foreign mercenaries to compleat the works of death, desolation & tyranny already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, & 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 & brethren, or to fall themselves by their hands.

he has excited domestic insurrections amongst us, & 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, & conditions [of existence.]
he has incited reasonable insurrections of our fellow-citizens, with the allurements of forfeiture & confiscation of our property.

he has waged cruel war against human nature itself, violating it's most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere [Volume 1, Page 524] or to incur miserable death in their transportation thither. this piratical warfare, the approprium of infidel powers, is the warfare of the Christian king of Great Britain, determined to keep open a market where Men should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obturated them: thus paying off former crimes committed against the Liberties of one people, with crimes which he urges them to commit against the lives of another.

In every stage of these oppressions we have petitioned for redress in the most humble terms: our repeated petitions have been answered only by repeated injuries. 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 [who mean to be free]. future ages will scarcely believe that the hardiness of one man adventured, within the short compass of twelve years only, to lay a foundation so broad & so undisguised for tyranny over a people fostered & fixed in principles of freedom.

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 [a] jurisdiction over us [these our states.] we have reminded them of the circumstances of our emigration & settlement here, [no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood & treasure, unassisted by the wealth or the strength of Great Britain: that in constituting indeed our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with them: but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited: and,) we have appealed to their native justice and magnanimity and we have conjured them by [as well as to] the ties of our common kindred to disavow these usurpations which would inevitably [were likely to] interrupt our connection and correspondence. they too have been deaf to the voice of justice & of consanguinity, [and when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have, by their free election, re-established them in power, at this very time too they are permitting their chief magistrate to send over not only soldiers of our common blood, but Scotch & foreign mercenaries to invade & destroy us. these facts have given the last stab to agonizing affection, and manly spirit bids us to renounce for ever these unfeeling brethren. we must endeavor to forget our former love for them, and to hold them as we hold the rest of mankind enemies in war, in peace friends. we might have been a free and a great people together; but a communication of grandeur & of freedom it seems is below their dignity. be it so, since they will have it. the road to happiness & to glory is open to us too. we will tread it apart from them, and] we must therefore acquiesce
in the necessity which denounces our [eternal] separation and hold them as we hold the rest of mankind, enemies in war, in peace friends.[1]2

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

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, & by the authority of the good people of these colonies, solemnly publish & declare that these United colonies are & of right ought to be free & independant states; that they are absolved from all allegiance to the British crown, and that all political connection between them & the state of Great Britain is, & ought to be, totally dissolved; & that as free & independant states they have full power to levy war, conclude peace, contract alliances, establish commerce & to do all other acts & things which independant 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 & our sacred honour.

1. [EDITORS' NOTE.—In this text Congress's insertions are set in bold face.]

2. [EDITORS' NOTE.—The following paragraphs appeared in two unequal columns in Jefferson Papers. A space here shows where the first column ended and the second began.]

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The Founders' Constitution
Volume 1, Chapter 15, Document 18
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http://press-pubs.uchicago.edu/founders/
I HAVE A DREAM: Speech delivered at the Lincoln Memorial

Washington D.C. August 28, 1963

MARTIN LUTHER KING, JR.

I am happy to join with you today in what will go down in history as the greatest demonstration for freedom in the history of our nation.

Five score years ago, a great American, in whose symbolic shadow we stand today, signed the Emancipation Proclamation. This momentous decree came as a great beacon light of hope to millions of Negro slaves who had been seared in the flames of withering injustice. It came as a joyous daybreak to end the long night of their captivity.

But one hundred years later, the Negro still is not free. One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself an exile in his own land. And so we've come here today to dramatize a shameful condition.

In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as white men, would be guaranteed the "unalienable Rights" of "Life, Liberty and the pursuit of Happiness." It is obvious today that America has defaulted on this promissory note, insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked "insufficient funds."

But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so, we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.

We have also come to this hallowed spot to remind America of the fierce urgency of Now. This is no time to engage in the luxury of cooling off or to take the tranquilizing drug of gradualism. Now is the time to make real the promises of democracy. Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. Now is the time to lift our nation from the quicksands of racial injustice to the solid rock of brotherhood. Now is the time to make justice a reality for all of God's children.

It would be fatal for the nation to overlook the urgency of the moment. This sweltering summer of the Negro's legitimate discontent will not pass until there is an invigorating autumn of freedom and equality. Nineteen sixty-three is not an end, but a beginning. And those who hope that the Negro needed to blow off steam and will now be content will have a rude awakening if the nation returns to business as usual. And there will be neither rest nor tranquility in America until the Negro is granted his citizenship rights. The whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges.
But there is something that I must say to my people, who stand on the warm threshold which leads into the palace of justice: In the process of gaining our rightful place, we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plane of dignity and discipline. We must not allow our creative protest to degenerate into physical violence. Again and again, we must rise to the majestic heights of meeting physical force with soul force.

The marvelous new militancy which has engulfed the Negro community must not lead us to a distrust of all white people, for many of our white brothers, as evidenced by their presence here today, have come to realize that their destiny is tied up with our destiny. And they have come to realize that their freedom is inextricably bound to our freedom.

We cannot walk alone.

And as we walk, we must make the pledge that we shall always march ahead.

We cannot turn back.

There are those who are asking the devotees of civil rights, "When will you be satisfied?" We can never be satisfied as long as the Negro is the victim of the unspeakable horrors of police brutality. We can never be satisfied as long as our bodies, heavy with the fatigue of travel, cannot gain lodging in the motels of the highways and the hotels of the cities. *We cannot be satisfied as long as the negro's basic mobility is from a smaller ghetto to a larger one. We can never be satisfied as long as our children are stripped of their self-hood and robbed of their dignity by a sign stating: "For Whites Only."* We cannot be satisfied as long as a Negro in Mississippi cannot vote and a Negro in New York believes he has nothing for which to vote. No, no, we are not satisfied, and we will not be satisfied until "justice rolls down like waters, and righteousness like a mighty stream."¹

I am not unmindful that some of you have come here out of great trials and tribulations. Some of you have come fresh from narrow jail cells. And some of you have come from areas where your quest -- quest for freedom left you battered by the storms of persecution and staggered by the winds of police brutality. You have been the veterans of creative suffering. Continue to work with the faith that unearned suffering is redemptive. Go back to Mississippi, go back to Alabama, go back to South Carolina, go back to Georgia, go back to Louisiana, go back to the slums and ghettos of our northern cities, knowing that somehow this situation can and will be changed.

Let us not wallow in the valley of despair, I say to you today, my friends.

And so even though we face the difficulties of today and tomorrow, I still have a dream. It is a dream deeply rooted in the American dream.

I have a dream that one day this nation will rise up and live out the true meaning of its creed: "We hold these truths to be self-evident, that all men are created equal."

I have a dream that one day on the red hills of Georgia, the sons of former slaves and the sons of former slave owners will be able to sit down together at the table of brotherhood.
I have a dream that one day even the state of Mississippi, a state sweltering with the heat of injustice, sweltering with the heat of oppression, will be transformed into an oasis of freedom and justice.

I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character.

I have a dream today!

I have a dream that one day, down in Alabama, with its vicious racists, with its governor having his lips dripping with the words of "interposition" and "nullification" -- one day right there in Alabama little black boys and black girls will be able to join hands with little white boys and white girls as sisters and brothers.

I have a dream today!

I have a dream that one day every valley shall be exalted, and every hill and mountain shall be made low, the rough places will be made plain, and the crooked places will be made straight; "and the glory of the Lord shall be revealed and all flesh shall see it together."²

This is our hope, and this is the faith that I go back to the South with.

With this faith, we will be able to hew out of the mountain of despair a stone of hope. With this faith, we will be able to transform the jangling discords of our nation into a beautiful symphony of brotherhood. With this faith, we will be able to work together, to pray together, to struggle together, to go to jail together, to stand up for freedom together, knowing that we will be free one day.

And this will be the day -- this will be the day when all of God's children will be able to sing with new meaning:

\[My\ country\ 'tis\ of thee,\ sweet\ land\ of\ liberty,\ of\ thee\ I\ sing.\]

\[Land\ where\ my\ fathers\ died,\ land\ of\ the\ Pilgrim's\ pride,\]

\[From\ every\ mountainside,\ let\ freedom\ ring!\]

And if America is to be a great nation, this must become true.

And so let freedom ring from the prodigious hilltops of New Hampshire.

Let freedom ring from the mighty mountains of New York.

Let freedom ring from the heightening Alleghenies of Pennsylvania.

Let freedom ring from the snow-capped Rockies of \textit{Colorado}.

Let freedom ring from the curvaceous slopes of California.

But not only that:
Let freedom ring from Stone Mountain of Georgia.

Let freedom ring from Lookout Mountain of Tennessee.

Let freedom ring from every hill and molehill of Mississippi.

From every mountainside, let freedom ring.

And when this happens, when we allow freedom ring, when we let it ring from every village and every hamlet, from every state and every city, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual:

Free at last! Free at last!

Thank God Almighty, we are free at last!
Session 10
The Declaration of Independence, Part II
Professor Burkett

Wednesday, July 23
10:50 am--12:20 pm
An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown

Whereas the Lords Spiritual and Temporal and Commons assembled at Westminster, lawfully, fully and freely representing all the estates of the people of this realm, did upon the thirteenth day of February in the year of our Lord one thousand six hundred eighty-eight [old style date] present unto their Majesties, then called and known by the names and style of William and Mary, prince and princess of Orange, being present in their proper persons, a certain declaration in writing made by the said Lords and Commons in the words following, viz.:

Whereas the late King James the Second, by the assistance of divers evil counsellors, judges and ministers employed by him, did endeavour to subvert and extirpate the Protestant religion and the laws and liberties of this kingdom;

By assuming and exercising a power of dispensing with and suspending of laws and the execution of laws without consent of Parliament;

By committing and prosecuting divers worthy prelates for humbly petitioning to be excused from concurring to the said assumed power;

By issuing and causing to be executed a commission under the great seal for erecting a court called the Court of Commissioners for Ecclesiastical Causes;

By levying money for and to the use of the Crown by pretence of prerogative for other time and in other manner than the same was granted by Parliament;

By raising and keeping a standing army within this kingdom in time of peace without consent of Parliament, and quartering soldiers contrary to law;

By causing several good subjects being Protestants to be disarmed at the same time when papists were both armed and employed contrary to law;

By violating the freedom of election of members to serve in Parliament;

By prosecutions in the Court of King's Bench for matters and causes cognizable only in Parliament, and by divers other arbitrary and illegal courses;
And whereas of late years partial corrupt and unqualified persons have been returned and
served on juries in trials, and particularly divers jurors in trials for high treason which were not
freeholders;

And excessive bail hath been required of persons committed in criminal cases to elude the
benefit of the laws made for the liberty of the subjects;

And excessive fines have been imposed;

And illegal and cruel punishments inflicted;

And several grants and promises made of fines and forfeitures before any conviction or
judgment against the persons upon whom the same were to be levied;

All which are utterly and directly contrary to the known laws and statutes and freedom of this
realm;

And whereas the said late King James the Second having abdicated the government and the
throne being thereby vacant, his Highness the prince of Orange (whom it hath pleased Almighty
God to make the glorious instrument of delivering this kingdom from popery and arbitrary
power) did (by the advice of the Lords Spiritual and Temporal and divers principal persons of the
Commons) cause letters to be written to the Lords Spiritual and Temporal being Protestants, and
other letters to the several counties, cities, universities, boroughs and cinque ports, for the
choosing of such persons to represent them as were of right to be sent to Parliament, to meet and
sit at Westminster upon the two and twentieth day of January in this year one thousand six
hundred eighty and eight [old style date], in order to such an establishment as that their religion,
laws and liberties might not again be in danger of being subverted, upon which letters elections
having been accordingly made;

And thereupon the said Lords Spiritual and Temporal and Commons, pursuant to their
respective letters and elections, being now assembled in a full and free representative of this
nation, taking into their most serious consideration the best means for attaining the ends
aforesaid, do in the first place (as their ancestors in like case have usually done) for the
vindicating and asserting their ancient rights and liberties declare

That the pretended power of suspending the laws or the execution of laws by regal authority
without consent of Parliament is illegal;

That the pretended power of dispensing with laws or the execution of laws by regal authority,
as it hath been assumed and exercised of late, is illegal;
That the commission for erecting the late Court of Commissioners for Ecclesiastical Causes, and all other commissions and courts of like nature, are illegal and pernicious;

That levying money for or to the use of the Crown by pretence of prerogative, without grant of Parliament, for longer time, or in other manner than the same is or shall be granted, is illegal;

That it is the right of the subjects to petition the king, and all commitments and prosecutions for such petitioning are illegal;

That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of Parliament, is against law;

That the subjects which are Protestants may have arms for their defence suitable to their conditions and as allowed by law;

That election of members of Parliament ought to be free;

That the freedom of speech and debates or proceedings in Parliament ought not to be impeached or questioned in any court or place out of Parliament;

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;

That jurors ought to be duly impanelled and returned, and jurors which pass upon men in trials for high treason ought to be freeholders;

That all grants and promises of fines and forfeitures of particular persons before conviction are illegal and void;

And that for redress of all grievances, and for the amending, strengthening and preserving of the laws, Parliaments ought to be held frequently.

And they do claim, demand and insist upon all and singular the premises as their undoubted rights and liberties, and that no declarations, judgments, doings or proceedings to the prejudice of the people in any of the said premises ought in any wise to be drawn hereafter into consequence or example; to which demand of their rights they are particularly encouraged by the declaration of his Highness the prince of Orange as being the only means for obtaining a full redress and remedy therein. Having therefore an entire confidence that his said Highness the prince of Orange will perfect the deliverance so far advanced by him, and will still preserve them from the violation of their rights which they have here asserted, and from all other attempts upon their religion, rights and liberties, the said Lords Spiritual and Temporal and Commons
assembled at Westminster do resolve that William and Mary, prince and princess of Orange, be
and be declared king and queen of England, France and Ireland and the dominions thereunto
belonging, to hold the crown and royal dignity of the said kingdoms and dominions to them, the
said prince and princess, during their lives and the life of the survivor to them, and that the sole
and full exercise of the regal power be only in and executed by the said prince of Orange in the
names of the said prince and princess during their joint lives, and after their deceases the said
crown and royal dignity of the same kingdoms and dominions to be to the heirs of the body of
the said princess, and for default of such issue to the Princess Anne of Denmark and the heirs of
her body, and for default of such issue to the heirs of the body of the said prince of Orange. And
the Lords Spiritual and Temporal and Commons do pray the said prince and princess to accept
the same accordingly.

And that the oaths hereafter mentioned be taken by all persons of whom the oaths have
allegiance and supremacy might be required by law, instead of them; and that the said oaths of
allegiance and supremacy be abrogated.

I, A.B., do sincerely promise and swear that I will be faithful and bear true allegiance to their
Majesties King William and Queen Mary. So help me God.

I, A.B., do swear that I do from my heart abhor, detest and abjure as impious and heretical
this damnable doctrine and position, that princes excommunicated or deprived by the Pope or
any authority of the see of Rome may be deposed or murdered by their subjects or any other
whatsoever. And I do declare that no foreign prince, person, prelate, state or potentate hath or
ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or
spiritual, within this realm. So help me God.

Upon which their said Majesties did accept the crown and royal dignity of the kingdoms of
England, France and Ireland, and the dominions thereunto belonging, according to the resolution
and desire of the said Lords and Commons contained in the said declaration. And thereupon their
Majesties were pleased that the said Lords Spiritual and Temporal and Commons, being the two
Houses of Parliament, should continue to sit, and with their Majesties' royal concurrence make
effectual provision for the settlement of the religion, laws and liberties of this kingdom, so that
the same for the future might not be in danger again of being subverted, to which the said Lords
Spiritual and Temporal and Commons did agree, and proceed to act accordingly. Now in
pursuance of the premises the said Lords Spiritual and Temporal and Commons in Parliament
assembled, for the ratifying, confirming and establishing the said declaration and the articles,
clauses, matters and things therein contained by the force of law made in due form by authority
of Parliament, do pray that it may be declared and enacted that all and singular the rights and
liberties asserted and claimed in the said declaration are the true, ancient and indubitable rights
and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, deemed
and taken to be; and that all and every the particulars aforesaid shall be firmly and strictly holden
and observed as they are expressed in the said declaration, and all officers and ministers
whatsoever shall serve their Majesties and their successors according to the same in all time to
come. And the said Lords Spiritual and Temporal and Commons, seriously considering how it
hath pleased Almighty God in his marvellous providence and merciful goodness to this nation to
provide and preserve their said Majesties' royal persons most happily to reign over us upon the
throne of their ancestors, for which they render unto him from the bottom of their hearts their
humblest thanks and praises, do truly, firmly, assuredly and in the sincerity of their hearts think,
and do hereby recognize, acknowledge and declare, that King James the Second having
abdicated the government, and their Majesties having accepted the crown and royal dignity as
aforesaid, their said Majesties did become, were, are and of right ought to be by the laws of this
realm our sovereign liege lord and lady, king and queen of England, France and Ireland and the
dominions thereunto belonging, in and to whose princely persons the royal state, crown and
dignity of the said realms with all honours, styles, titles, regalities, prerogatives, powers,
jurisdictions and authorities to the same belonging and appertaining are most fully, rightfully and
entirely invested and incorporated, united and annexed. And for preventing all questions and
divisions in this realm by reason of any pretended titles to the crown, and for preserving a
certainty in the succession thereof, in and upon which the unity, peace, tranquility and safety of
this nation doth under God wholly consist and depend, the said Lords Spiritual and Temporal and
Commons do beseech their Majesties that it may be enacted, established and declared, that the
crown and regal government of the said kingdoms and dominions, with all and singular the
premises thereunto belonging and appertaining, shall be and continue to their said Majesties and
the survivor of them during their lives and the life of the survivor of them, and that the entire,
perfect and full exercise of the regal power and government be only in and executed by his
Majesty in the names of both their Majesties during their joint lives; and after their deceases the
said crown and premises shall be and remain to the heirs of the body of her Majesty, and for
default of such issue to her Royal Highness the Princess Anne of Denmark and the heirs of the
body of his said Majesty; and thereunto the said Lords Spiritual and Temporal and Commons do
in the name of all the people aforesaid most humbly and faithfully submit themselves, their heirs
and posterities for ever, and do faithfully promise that they will stand to, maintain and defend
their said Majesties, and also the limitation and succession of the crown herein specified and
contained, to the utmost of their powers with their lives and estates against all persons
whatsoever that shall attempt anything to the contrary. And whereas it hath been found by
experience that it is inconsistent with the safety and welfare of this Protestant kingdom to be
governed by a popish prince, or by any king or queen marrying a papist, the said Lords Spiritual
and Temporal and Commons do further pray that it may be enacted, that all and every person and
persons that is, are or shall be reconciled to or shall hold communion with the see or Church of
Rome, or shall profess the popish religion, or shall marry a papist, shall be excluded and be for
ever incapable to inherit, possess or enjoy the crown and government of this realm and Ireland and the dominions thereunto belonging or any part of the same, or to have, use or exercise any regal power, authority or jurisdiction within the same; and in all and every such case or cases the people of these realms shall be and are hereby absolved of their allegiance; and the said crown and government shall from time to time descend to and be enjoyed by such person or persons being Protestants as should have inherited and enjoyed the same in case the said person or persons so reconciled, holding communion or professing or marrying as aforesaid were naturally dead; and that every king and queen of this realm who at any time hereafter shall come to and succeed in the imperial crown of this kingdom shall on the first day of the meeting of the first Parliament next after his or her coming to the crown, sitting in his or her throne in the House of Peers in the presence of the Lords and Commons therein assembled, or at his or her coronation before such person or persons who shall administer the coronation oath to him or her at the time of his or her taking the said oath (which shall first happen), make, subscribe and audibly repeat the declaration mentioned in the statute made in the thirtieth year of the reign of King Charles the Second entitled, _An Act for the more effectual preserving the king's person and government by disabling papists from sitting in either House of Parliament._ But if it shall happen that such king or queen upon his or her succession to the crown of this realm shall be under the age of twelve years, then every such king or queen shall make, subscribe and audibly repeat the same declaration at his or her coronation or the first day of the meeting of the first Parliament as aforesaid which shall first happen after such king or queen shall have attained the said age of twelve years. All which their Majesties are contented and pleased shall be declared, enacted and established by authority of this present Parliament, and shall stand, remain and be the law of this realm for ever; and the same are by their said Majesties, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in Parliament assembled and by the authority of the same, declared, enacted and established accordingly.

II. And be it further declared and enacted by the authority aforesaid, that from and after this present session of Parliament no dispensation by _non obstante_ of or to any statute or any part thereof shall be allowed, but that the same shall be held void and of no effect, except a dispensation be allowed of in such statute, and except in such cases as shall be specially provided for by one or more bill or bills to be passed during this present session of Parliament.

III. Provided that no charter or grant or pardon granted before the three and twentieth day of October in the year of our Lord one thousand six hundred eighty-nine shall be any ways impeached or invalidated by this Act, but that the same shall be and remain of the same force and effect in law and no other than as if this Act had never been made.
Among the natural rights of the Colonists are these: First, a right to life; Secondly, to liberty; Thirdly, to property; together with the right to support and defend them in the best manner they can. These are evident branches of, rather than deductions from, the duty of self-preservation, commonly called the first law of nature.

All men have a right to remain in a state of nature as long as they please; and in case of intolerable oppression, civil or religious, to leave the society they belong to, and enter into another.

When men enter into society, it is by voluntary consent; and they have a right to demand and insist upon the performance of such conditions and previous limitations as form an equitable original compact.

Every natural right not expressly given up, or, from the nature of a social compact, necessarily ceded, remains.

All positive and civil laws should conform, as far as possible, to the law of natural reason and equity.

As neither reason requires nor religion permits the contrary, every man living in or out of a state of civil society has a right peaceably and quietly to worship God according to the dictates of his conscience.

"Just and true liberty, equal and impartial liberty," in matters spiritual and temporal, is a thing that all men are clearly entitled to by the eternal and immutable laws of God and nature, as well as by the law of nations and all well-grounded municipal laws, which must have their foundation in the former.

In regard to religion, mutual toleration in the different professions thereof is what all good and candid minds in all ages have ever practised, and, both by precept and example, inculcated on mankind. And it is now generally agreed among Christians that this spirit of toleration, in the fullest extent consistent with the being of civil society, is the chief characteristic mark of the Church. Insomuch that Mr. Locke has asserted and proved, beyond the possibility of contradiction on any solid ground, that such toleration ought to be extended to all whose doctrines are not subversive of society. The only sects which he thinks ought to be, and which by all wise laws are excluded from such toleration, are those who teach doctrines subversive of the civil government under which they live. The Roman Catholics or Papists are excluded by reason
of such doctrines as these, that princes excommunicated may be deposed, and those that they call
heretics may be destroyed without mercy; besides their recognizing the Pope in so absolute a
manner, in subversion of government, by introducing, as far as possible into the states under
whose protection they enjoy life, liberty, and property, that solecism in politics, imperium in
imperio, leading directly to the worst anarchy and confusion, civil discord, war, and bloodshed.

The natural liberty of man, by entering into society, is abridged or restrained, so far only as is
necessary for the great end of society, the best good of the whole.

In the state of nature every man is, under God, judge and sole judge of his own rights and of the
injuries done him. By entering into society he agrees to an arbiter or indifferent judge between
him and his neighbors; but he no more renounces his original right than by taking a cause out of
the ordinary course of law, and leaving the decision to referees or indifferent arbitrators.

In the last case, he must pay the referees for time and trouble. He should also be willing to pay
his just quota for the support of government, the law, and the constitution; the end of which is to
furnish indifferent and impartial judges in all cases that may happen, whether civil, ecclesiastical,
marine, or military.

The natural liberty of man is to be free from any superior power on earth, and not to be under the
will or legislative authority of man, but only to have the law of nature for his rule.

In the state of nature men may, as the patriarchs did, employ hired servants for the defence of
their lives, liberties, and property; and they should pay them reasonable wages. Government was
instituted for the purposes of common defence, and those who hold the reins of government have
an equitable, natural right to an honorable support from the same principle that "the laborer is
worthy of his hire." But then the same community which they serve ought to be the assessors of
their pay. Governors have no right to seek and take what they please; by this, instead of being
content with the station assigned them, that of honorable servants of the society, they would soon
become absolute masters, despots, and tyrants. Hence, as a private man has a right to say what
wages he will give in his private affairs, so has a community to determine what they will give
and grant of their substance for the administration of public affairs. And, in both cases, more are
ready to offer their service at the proposed and stipulated price than are able and willing to
perform their duty.

In short, it is the greatest absurdity to suppose it in the power of one, or any number of men, at
the entering into society, to renounce their essential natural rights, or the means of preserving
those rights; when the grand end of civil government, from the very nature of its institution, is
for the support, protection, and defence of those very rights; the principal of which, as is before
observed, are Life, Liberty, and Property. If men, through fear, fraud, or mistake, should in terms
renounce or give up any essential natural right, the eternal law of reason and the grand end of
society would absolutely vacate such renunciation. The right to freedom being the gift of God
Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave.

II. The Rights of the Colonists as Christians.
These may be best understood by reading and carefully studying the institutes of the great Law Giver and Head of the Christian Church, which are to be found clearly written and promulgated in the New Testament.

By the act of the British Parliament, commonly called the Toleration Act, every subject in England, except Papists, &c., was restored to, and re-established in, his natural right to worship God according to the dictates of his own conscience. And, by the charter of this Province, it is granted, ordained, and established (that is, declared as an original right) that there shall be liberty of conscience allowed in the worship of God to all Christians, except Papists, inhabiting, or which shall inhabit or be resident within, such Province or Territory. Magna Charta itself is in substance but a constrained declaration or proclamation and promulgation in the name of the King, Lords, and Commons, of the sense the latter had of their original, inherent, indefeasible natural rights, as also those of free citizens equally perdurable with the other. That great author, that great jurist, and even that court writer, Mr. Justice Blackstone, holds that this recognition was justly obtained of King John, sword in hand. And peradventure it must be one day, sword in hand, again rescued and preserved from total destruction and oblivion.

III. The Rights of the Colonists as Subjects.

A commonwealth or state is a body politic, or civil society of men, united together to promote their mutual safety and prosperity by means of their union.

The absolute rights of Englishmen and all freemen, in or out of civil society, are principally personal security, personal liberty, and private property.

All persons born in the British American Colonies are, by the laws of God and nature and by the common law of England, exclusive of all charters from the Crown, well entitled, and by acts of the British Parliament are declared to be entitled, to all the natural, essential, inherent, and inseparable rights, liberties, and privileges of subjects born in Great Britain or within the realm. Among those rights are the following, which no man, or body of men, consistently with their own rights as men and citizens, or members of society, can for themselves give up or take away from others.

First, "The first fundamental, positive law of all common wealths or states is the establishing the legislative power. As the first fundamental natural law, also, which is to govern even the legislative power itself, is the preservation of the society."

Secondly, The Legislative has no right to absolute, arbitrary power over the lives and fortunes of the people; nor can mortals assume a prerogative not only too high for men, but for angels, and therefore reserved for the exercise of the Deity alone.

"The Legislative cannot justly assume to itself a power to rule by extempore arbitrary decrees; but it is bound to see that justice is dispensed, and that the rights of the subjects be decided by promulgated, standing, and known laws, and authorized independent judges"; that is,
independent, as far as possible, of Prince and people. "There should be one rule of justice for rich and poor, for the favorite at court, and the countryman at the plough."

Thirdly, The supreme power cannot justly take from any man any part of his property, without his consent in person or by his representative.

These are some of the first principles of natural law and justice, and the great barriers of all free states and of the British Constitution in particular. It is utterly irreconcilable to these principles and to many other fundamental maxims of the common law, common sense, and reason that a British House of Commons should have a right at pleasure to give and grant the property of the Colonists. (That the Colonists are well entitled to all the essential rights, liberties, and privileges of men and freemen born in Britain is manifest not only from the Colony charters in general, but acts of the British Parliament.) The statute of the 13th of Geo. 2, C. 7, naturalizes even foreigners after seven years' residence. The words of the Massachusetts charter are these: "And further, our will and pleasure is, and we do hereby for us, our heirs, and successors, grant, establish, and ordain, that all and every of the subjects of us, our heirs, and successors, which shall go to, and inhabit within our said Province or Territory, and every of their children, which shall happen to be born there or on the seas in going thither or returning from thence, shall have and enjoy all liberties and immunities of free and natural subjects within any of the dominions of us, our heirs, and successors, to all intents, constructions, and purposes whatsoever as if they and every one of them were born within this our realm of England."

Now what liberty can there be where property is taken away without consent? Can it be said with any color of truth and justice, that this continent of three thousand miles in length, and of a breadth as yet unexplored, in which, however, it is supposed there are five millions of people, has the least voice, vote, or influence in the British Parliament? Have they all together any more weight or power to return a single member to that House of Commons who have not inadvertently, but deliberately, assumed a power to dispose of their lives, liberties, and properties, than to choose an Emperor of China? Had the Colonists a right to return members to the British Parliament, it would only be hurtful; as, from their local situation and circumstances, it is impossible they should ever be truly and properly represented there. The inhabitants of this country, in all probability, in a few years, will be more numerous than those of Great Britain and Ireland together; yet it is absurdly expected by the promoters of the present measures that these, with their posterity to all generations, should be easy, while their property shall be disposed of by a House of Commons at three thousand miles' distance from them, and who cannot be supposed to have the least care or concern for their real interest; who have not only no natural care for their interest, but must be in effect bribed against it, as every burden they lay on the Colonists is so much saved or gained to themselves. Hitherto, many of the Colonists have been free from quit rents; but if the breath of a British House of Commons can originate an act for taking away all our money, our lands will go next, or be subject to rack rents from haughty and relentless landlords, who will ride at ease, while we are trodden in the dirt. The Colonists have been branded with the odious names of traitors and rebels only for complaining of their grievances. How long such treatment will or ought to be borne, is submitted.
Constitution of Massachusetts

1780

PREAMBLE

The end of the institution, maintenance, and administration of government is to secure the existence of the body-politic, to protect it, and to furnish the individuals who compose it with the power of enjoying, in safety and tranquillity, their natural rights and the blessings of life; and whenever these great objects are not obtained the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness.

The body politic is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen and each citizen with the whole people that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a constitution of government, to provide for an equitable mode of making laws, as well as for an impartial interpretation and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the great Legislator of the universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence, or surprise, of entering into an original, explicit, and solemn compact with each other, and of forming a new constitution of civil government for ourselves and posterity; and devoutly imploring His direction in so interesting a design, do agree upon, ordain, and establish the following declaration of rights and frame of government as the constitution of the commonwealth of Massachusetts.

PART THE FIRST

A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Article I. All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

Art. II. It is the right as well as the duty of all men in society, publicly and at stated seasons, to worship the Supreme Being, the great Creator and Preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience, or for his religious profession or sentiments, provided he doth not disturb the public peace or obstruct others in their religious worship.
Art. III. As the happiness of a people and the good order and preservation of civil government essentially depend upon piety, religion, and morality, and as these cannot be generally diffused through a community but by the institution of the public worship of God and of the public instructions in piety, religion, and morality: Therefore, To promote their happiness and to secure the good order and preservation of their government, the people of this commonwealth have a right to invest their legislature with power to authorize and require, and the legislature shall, from time to time, authorize and require, the several towns, parishes, precincts, and other bodies-politic or religious societies to make suitable provision, at their own expense, for the institution of the public worship of God and for the support and maintenance of public Protestant teachers of piety, religion, and morality in all cases where such provision shall not be made voluntarily.

And the people of this commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subject an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

Provided, notwithstanding. That the several towns, parishes, precincts, and other bodies-politic, or religious societies, shall at all times have the exclusive right and electing their public teachers and of contracting with them for their support and maintenance.

And all moneys paid by the subject to the support of public worship and of public teachers aforesaid shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid toward the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

And every denomination of Christians, demeaning themselves peaceably and as good subjects of the commonwealth, shall be equally under the protection of the law; and no subordination of any sect or denomination to another shall ever be established by law.

Art. IV. The people of this commonwealth have the sole and exclusive right of governing themselves as a free, sovereign, and independent State, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled.

Art. V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government vested with authority, whether legislative, executive, or judicial, are the substitutes and agents, and are at all times accountable to them.

Art. VI. No man nor corporation or association of men have any other title to obtain advantages, or particular and exclusive privileges distinct from those of the community, than what rises from the consideration of services rendered to the public, and this title being in nature neither hereditary nor transmissible to children or descendants or relations by blood; the idea of a man born a magistrate, lawgiver, or judge is absurd and unnatural.
Art. VII. Government is instituted for the common good, for the protection, safety, prosperity, and happiness of the people, and not for the profit, honor, or private interest of any one man, family, or class of men; therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government, and to reform, alter, or totally change the same when their protection, safety, prosperity, and happiness require it.

Art. VIII. In order to prevent those who are vested with authority from becoming oppressors, the people have a right at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

Art. IX. All elections ought to be free; and all the inhabitants of this commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Art. X. Every individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws. He is obliged, consequently, to contribute his share to expense of this protection; to give his personal service, or an equivalent, when necessary; but no part of the property of any individual can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this commonwealth are not controllable by any other laws than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Art. XI. Every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Art. XII. No subject shall be held to answer for any crimes or no offence until the same if fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself; and every subject shall have a right to produce all proofs that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

Art. XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.
Art. XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation, and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.

Art. XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it.

Art. XVI. The liberty of the press is essential to the security of freedom in a State; it ought not, therefore, to be restrained in this commonwealth.

Art. XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority and be governed by it.

Art. XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty and to maintain a free government. The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives; and they have a right to require of their lawgivers and magistrates an exact and constant observation of them, in the formation and execution of the laws necessary for the good administration of the commonwealth.

Art. XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

Art. XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

Art. XXI. The freedom of deliberation, speech, and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court of place whatsoever.

Art. XXII. The legislature ought frequently to assemble for address of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.
Art. XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

Art. XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

Art. XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

Art. XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

Art. XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not be made but by the civil magistrate, in a manner ordained by the legislature.

Art. XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

Art. XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property, and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial, and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws.

Art. XXX. In the government of this commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end it may be a government of laws, and not of men.
Session 11
Waging the War, 1775-1783
Professor Taylor

Wednesday, July 23
1:45 pm--3:15 pm
April 24, 1777

Most humble Secretary,

and Escort. My Lord, your Lordship's honor obedienc, and

I have the honor to be with the greatest respect,

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Town, was assembled in arms with sufficient

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more circumstantial account of it, having the honor of

After, and Lieutenant-Colonelbaby, I send your Lordship, lord

with their usual Intelligence, I send your Lordship, lord

Dear Sir—The immediate occasion is a very serious

April 24th, 1777.

John Dickinson to Arthur Lee

AND CONCORD, APRIL 1777

A PENNSYLVANIA REFUSAL TO EXTINCTION

THOMAS GAGE
I cannot say I am convinced of the truth of a point in a question. Nor can I see from certain things that are known in the present instance, that the point is true, and that what is known in the present instance is false. The conflict is not between opposing points of view, but between opposing methods of interpretation. The conflict is not between opposing theories, but between opposing interpretations of the same theory. The conflict is not between opposing facts, but between opposing interpretations of the same facts.

The conflict is not between opposing beliefs, but between opposing interpretations of the same beliefs. The conflict is not between opposing emotions, but between opposing interpretations of the same emotions. The conflict is not between opposing opinions, but between opposing interpretations of the same opinions. The conflict is not between opposing actions, but between opposing interpretations of the same actions. The conflict is not between opposing decisions, but between opposing interpretations of the same decisions. The conflict is not between opposing processes, but between opposing interpretations of the same processes. The conflict is not between opposing outcomes, but between opposing interpretations of the same outcomes. The conflict is not between opposing results, but between opposing interpretations of the same results. The conflict is not between opposing causes, but between opposing interpretations of the same causes.

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I am, dear sir, your sincerely affectionate friend,

G. W. DICKINSON

Progress of the American Rebellion

Peter Oleson's "The Origin of Conscience"

1776

A Wort View or Extinction and Concord:

We have made our last efforts to preserve our liberty, but we have failed. The time has come when we must surrender our freedom. The British have shown their true colors, and we must submit to their rule. We cannot continue to resist, for we are outnumbered and outgunned. It is time to give up and accept their terms.

John Dickinson
Memorandum on Meeting Between Lord Howe and the American Commissioners

Henry Strachey
September 11, 1776

11th. Septr. 1776.

Lord Howe received the Gentlemen on the Beach—Dr. Franklin introduced Mr. Adams and Mr. Rutledge—Lord Howe very politely expressed the Sense he entertained of the Confidence they had placed in him, by thus putting them-selves in his hands—

A general and immaterial Conversation from the Beach to the House—The Hessian Guard saluted, as they passed—

A cold dinner was on the Table—dined—the Hessian Colonel present—Immediately after dinner he retired—

Lord Howe informed them it was long since he had; entertained an opinion that the Differences between the two Countries might be accommodated to the Satisfaction of both—that he was known to be a Well Wisher to America—particularly to the Province of Massachusetts Bay, which had endeared itself to him by the very high Honors it had bestowed upon the Memory of his eldest Brother—that his going out as Commissioner from the King had been early mentioned, but that afterwards for some time, he had heard no more of it—That an Idea had then arisen of sending several Commissioners, to which he had objected—that his Wish was to go out singly and with a Civil Commission only, in which case, his Plan was to have gone immediately to Philadelphia, that he had even objected to his Brother’s being in the Commission, from the Delicacy of the Situation and his desire to take upon himself all the Reproach that might be the Consequence of it—that it was however thought necessary that the General should be joined in the Commission for reasons which he explained—(having their hands upon the Two Services)—and that he, Lord Howe should also have the naval Command, in which he had acquiesced—that he had hoped to reach America before the Army had moved, and did not doubt but if their Disposition had been the same as expressed in their Petition to the King, he should have been able to have brought about an Accomodation to the Satisfaction of both Countries—that he thought the Petition was a sufficient Basis to confer upon—that it contained Matter, which, with Candour & Discussion might be wrought into a Plan of Permanency—that the Address to the People, which accompanied the Petition to His Majesty, tended to "destroy the good Effects that might otherwise have been hoped for from the Petition—that he had however still flattered himself that upon the Grounds of the Petition, he should be able to do some good—

[Mr. Rutledge mentioned (by way of Answer to Lord Howe’s Remark upon that point) that their Petition to the King contained all which they thought was proper to be addressed to His Majesty,—that the other Matters which could not come under the head of a Petition and therefore could not with Propriety be inserted, were put into the Address to the People, which was only calculated to shew them the Importance of America to Great Britain—and that the Petition to King was by all of them meant to be respectful]

That they themselves had changed the ground since he left England by their Declaration of Independeency, which, if it. could not be got over, precluded him from all Treaty, as they must know, and he had explicitly said so in his Letter to Dr. Franklin, that he had not, nor did he expect
ever to have, Powers to consider the Colonies in the light of Independent States—that they must also be sensible, that he could not confer with them as a Congress—that he could not acknowledge that Body which was not acknowledged by the King, whose Delegate he was, neither, for the same reason, could he confer with these Gentlemen as a Committee of the Congress—that if they would not lay aside that Distinction, it would be improper for him to proceed—that he thought it an unessential Form, which might for the present lie dormant—that they must give him leave to consider them merely as Gentlemen of great Ability, and Influence in the Country—and that they were now met to converse together upon the Subject of Differences, and to try if any Outline could be drawn to put a stop to the Calamities of War, and to bring forward some Plan that might be satisfactory both to America and to England—He desired them to consider the Delicacy of his Situation—the Reproach he was liable to, if he should be understood by any step of his, to acknowledge, or to treat with, the Congress—that he hoped they would not by any Implication commit him upon that Point—that he was rather going beyond his Powers in the present Meeting—

[Dr. Franklin said You may depend upon our taking care of that, my Lord]

That he thought the Idea of a Congress might easily be thrown out of the Question at present, for that if Matters could be so settled that the King’s Government should be reestablished, the Congress would of course cease to exist, and if they meant such Accommodation, they must see how unnecessary & useless it was to stand upon that Form which they knew they were to give up upon the Restoration of legal Government—

[Dr. Franklin said that His Lordship might consider the Gentlemen present in any view he thought proper—that they were also at liberty to consider themselves in their real Character—that there was no necessity on this occasion to distinguish between the Congress and Individuals—and that the Conversation might be held as amongst friends— The Two other Gentlemen assented, in very few Words, to what the Doctor had said—]

Lord Howe then proceeded—that on his Arrival in this Country he had thought it expedient to issue a Declaration, which they had done him the honor to comment upon—that he had endeavored to couch it in such Terms as would be the least exceptionable—that he had concluded they must have judged he had not expressed in it all he had to say, though enough, he thought, to bring on a Discussion which might lead the way to Accommodation—that their Declaration of Independency had since rendered him the more cautious of opening himself—that it was absolutely impossible for him to treat, or confer, upon that Ground, or to admit the Idea in the smallest degree—that he flattered himself if That were given up, there was still room for him to effect the King’s Purposes—that his Majesty’s most earnest desire was to make his American Subjects happy, to cause a Reform in whatever affected the Freedom of their Legislation, and to concur with his Parliament in the Redress of any real Grievances—that his Powers were, generally, to restore Peace and grant Pardons, to attend to Complaints &c Representations, and to confer upon Means of establishing a Re Union upon Terms honorable & advantageous to the Colonies as well as to Great Britain—that they knew We expected Aid from America—that the Dispute seemed to be only concerning the Mode of obtaining it—

[Doctor Franklin here said,—That we never refused, upon Requisition.]

Lord Howe continued—that their Money was the smallest Consideration—that America could produce more solid Advantages to Great Britain—that it was her Commerce, her Strength, her Men, that we chiefly wanted—

[Here Dr. Franklin, said with rather a sneering Laugh, Ay, my Lord, we have a pretty considerable Manufactory of Men—alluding as it should seem to their numerous Army.]}

Lord Howe continued—it is desirable to put a stop to these ruinous Extremities, as well for the sake of our Country, as yours—when an American falls, England feels it—Is there no way of treading back this Step of Independency, and opening the door to a full discussion?
Lord Howe concluded with saying that having thus opened to them the general Purport of the Commission, and the King's Disposition to a permanent Peace, he must stop to hear what they might chuse to observe.

Dr. Franklin said he supposed His Lordship had seen the Resolution of the Congress which had sent them hither—that the Resolution contained the whole of their Commission—that if this Conversation was productive of no immediate good Effect, it might be of Service at a future time that America had considered the Prohibitory Act as the Answer to her Petition to the King—Forces had been sent out, and Towns destroyed—that they could not expect Happiness now under the Domination of Great Britain—that all former Attachment was oblitered—that America could not return again to the Domination of Great Britain, and therefore imagined that Great Britain meant to rest it upon Force—The other Gentlemen will deliver their Sentiments—

Mr. Adams said that he had no objection to Lord Howe's considering him, on the present Occasion, merely as a private Gentleman, or in any Character except that of a British Subject—that the Resolution of the Congress to declare the Independency was not taken up upon their own Authority—that they had been instructed so to do, by all the Colonies—and that it was not in their power to treat otherwise than as independent States—he mentioned warmly his own Determination not to depart from the Idea of Independency, and spoke in the common way of the Power of the Crown, which was comprehended in the Ideal Power of Lords & Commons.

Mr. Rutledge began by saying he had been one of the oldest Members of the Congress—that he had been one from the beginning—that he thought it was worth the Consideration of Great Britain whether she would not receive greater Advantages by an Alliance with the Colonies as independent States, than she had ever hitherto done—that she might still enjoy a great Share of the Commerce—that she would have their raw Materials for her Manufactures—that they could protect the West India Islands much more effectually and more easily than she can—that they could assist her in the Newfoundland Trade—that he was glad this Conversation had happened, as it would be the occasion of opening to Great Britain the Consideration of the Advantages she might derive from America by an Alliance with her as an independent State, before anything is settled with other foreign Powers—that it was impossible the People should consent to come again under the English Government—he could answer for South Carolina—that Government had been very oppressive—that the Crown Officers had claimed Privilege and confined People upon pretence of a breach of Privilege—that they had at last taken the Government into their own hands—that the People were now settled and happy under that Government and would not (even if they, the Congress could desire it) return to the King's Government—

Lord Howe said, that if such were their Sentiments, he could only lament it was not in his Power to bring about the Accommodation he wished—that he had not Authority, nor did he expect he ever should have, to treat with the Colonies as States independent of the Crown of Great Britain—and that he was sorry the Gentlemen had had the trouble of coming so far, to so little purpose—that if the Colonies would not give up the System of Independency, it was impossible for him to enter into any Negotiation—

Dr. Franklin observed that it would take as much time for them to refer to, and get an answer from their Constituents, as it would the Commissioners to get fresh Instructions from home, which he supposed might be done in about 3 Months—

Lord Howe replied it was in vain to think of his receiving, Instructions to treat upon that ground—

After a little Pause, Dr. Franklin suddenly said, well my Lord, as America is to expect nothing but upon total unconditional Submission—

[Lord Howe interrupted the Doctor at the Word Submission—said that Great Britain did not require unconditional Submission, that he thought what he had already said to them, proved the contrary, and desired the Gentlemen would not go away with such an Idea—
Memdn—Perhaps Dr. Franklin meant Submission to the Crown, in opposition to their Principle of Independency.]

And Your Lordship has no Proposition to make us, give me leave to ask whether, if we should make Propositions to Great Britain (not that I know, or am authorised to say we shall) You would receive and transmit them. Lord Howe said he did not know that he could avoid receiving any Papers that might be put into his hands—seemed rather doubtful about the Propriety of transmitting home, but did not say that he would decline it—
9. "THESE ARE THE TIMES THAT TRY MEN'S SOULS"

Joining the Patriot army, Tom Paine took part in the retreat across New Jersey. At Newark he wrote the first of his Crisis papers, according to tradition with a drumhead for a desk and a flickering campfire for light. Ordered read to the troops, the pamphlet resolved by its eloquent patriotism the hesitation of many in and out of the army. The Crisis papers continued to be written down to 1783. Paine therein proposed that the property of Loyalists be confiscated to provide a base for Continental currency, advocated effective fiscal measures, the imposing of oaths to the new government, and a strong federal union. Here are the opening paragraphs of the first of Thomas Paine's pamphlets collectively entitled The American Crisis, published on December 19, 1776.

These are the times that try men's souls. The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands it now deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph. What we obtain too cheap, we esteem too lightly: it is dearness only that gives every thing its value. Heaven knows how to put a proper price upon its goods; and it would be strange indeed if so celestial an article as FREEDOM should not be highly rated. Britain, with an army to enforce her tyranny, has declared that she has a right (not only to TAX) but "to BIND US in ALL CASES WHATSOEVER," and if being bound in that manner is not slavery, then is there not such a thing as slavery upon earth. Even the expression is impious; for so unlimited a power can belong only to God.

Whether the independence of the continent was declared too soon, or delayed too long, I will not now enter into as an argument; my own simple opinion is that had it been eight months earlier, it would have been much better. We did not make a proper use of last winter, neither could we, while we were in a dependent state. However, the fault, if it were one, was all our own; we have none to blame but ourselves. But no great deal is lost yet. All that Howe has been doing for this month past is rather a ravage than a con-quest, which the spirit of the Jerseys, a year ago, would have quickly repulsed, and which time and a little resolution will soon recover.

I have as little superstition in me as any man living, but my secret opinion has ever been, and still is, that God Almighty will not give up a people to military destruction, or leave them unsupportedly to perish, who have so earnestly and so repeatedly sought to avoid the calamities of war by every decent method which wisdom could invent. Neither have I so much of the infidel in me as to suppose that He has relinquished the government of the world and given us up to the care of devils; and as I do not, I cannot see on what grounds the king of Britain can look up to heaven for help against us: a common murderer, a highwayman or a house-breaker has as good a pretence as he.

'Tis surprising to see how rapidly a panic will sometimes run through a country. All nations and ages have been subject to them: Britain has trembled like an ague at the report of a French fleet of flat-bottomed boats; and in the fourteenth century the whole English army, after ravaging the kingdom of France, was driven back like men petrified with fear; and this brave exploit was performed by a few broken forces collected and headed by a woman, Joan of Arc. Would that heaven might inspire some Jersey maid to spirit up her countrymen and save her fair fellow sufferers from ravage and ravishment! Yet panics, in some cases, have their uses; they produce as much good as hurt. Their duration is always short; the mind soon grows through them and acquires a firmer habit than before. But their peculiar advantage is that they are the touchstones of sincerity and hypocrisy, and bring things and men to light which might otherwise have lain forever undiscovered. In fact, they have the same effect on secret traitors which an imaginary apparition would have upon a private murderer. They sift
out the hidden thoughts of man and hold them up in public to the world. Many a disguised tory has lately shown his head, that shall penitentially solemnize with curses the day on which Howe arrived upon the Delaware.

As I was with the troops at Fort Lee and marched with them to the edge of Pennsylvania, I am well acquainted with many circumstances which those who live at a distance know but little or nothing of. Our situation there was exceedingly cramped, the place being a narrow neck of land between the North River and the Hackensack. Our force was inconsiderable, being not one fourth so great as Howe could bring against us. We had no army at hand to have relieved the garrison, had we shut ourselves up and stood on our de-fence. Our ammunition, light artillery and the best part of our stores had been removed, on the apprehension that Howe would endeavor to penetrate the Jerseys, in which case Fort Lee could be of no use to us; for it must occur to every thinking man, whether in the army or not, that these kind of field forts are only for temporary purposes, and last in use no longer than the enemy directs his force against the particular object which such forts are raised to defend.

Such was our situation and condition at Fort Lee on the morning of the zoth of November, when an officer arrived with information that the enemy with zoo boats had landed about seven miles above. Major General Green, who commanded the garrison, immediately ordered them under arms, and sent express to General Washington at the town of Hackensack, distant by way of the ferry six miles.

Our first object was to secure the bridge over the Hackensack, which laid up the river between the enemy and us, about six miles from us, and three from them. General Washington arrived in about three quarters of an hour, and marched at the head of the troops towards the bridge, which place I expected we should have a brush for; however, they did not choose to dispute it with us, and the greatest part of our troops went over the bridge, the rest over the ferry, except some which passed at a mill on a small creek, between the bridge and the ferry, and made their way through some marshy grounds up to the town of Hackensack, and there passed the river. We brought off as much baggage as the wagons could contain, the rest was lost. The simple object was to bring off the garrison and march them on till they could be strengthened by the Jersey or Pennsylvania militia, so as to be enabled to make a stand. We staid four days at Newark, collected our out-posts with some of the Jersey militia, and marched out twice to meet the enemy, on being informed that they were advancing, though our numbers were greatly inferior to theirs.

Howe, in my little opinion, committed a great error in generalship in not throwing a body of forces off from Staten Island through Amboy, by which means he might have seized all our stores at Brunswick and intercepted our march into Pennsylvania; but if we believe the power of hell to be limited, we must likewise believe that their agents are under some providential controul.

I shall not now attempt to give all the particulars of our retreat to the Delaware; suffice it for the present to say that both officers and men, though greatly harassed and fatigued, frequently without rest, covering or provision, the inevitable consequences of a long retreat, bore it with a manly and martial spirit. All their wishes centred in one, which was that the country would turn out and help them to drive the enemy back.

Voltaire has remarked that King William never appeared to full advantage but in difficulties and in action; the same remark may be made on General Washington, for the character fits him. There is a natural firmness in some minds which cannot be unlocked by trifles, but which, when unlocked, discovers a cabinet of fortitude; and I reckon it among those kind of public blessings, which we do not immediately see, that God hath blessed him with uninterrupted health, and given him a mind that can even flourish upon care.

CONWAY, ed., Complete Writings of Paine, I, 170-173
5. “PROVIDENCE SEEMED TO HAVE SMILED UPON THIS ENTERPRISE”

Henry Knox to his wife.

Delaware River, near Trenton, December 28, 1776 ... Trenton is an open town, situated nearly on the banks of the Delaware, accessible on all sides. Our army was scattered along the river for nearly twenty-five miles. Our intelligence agreed that the force of the enemy in Trenton was from two to three thousand, with about six field cannon, and that they were pretty secure in their situation, and that they were Hessians-no British troops. A hardy design was formed of attacking the town by storm. Accordingly a part of the army, consisting of about 2,500 or 3,000, passed the river on Christmas night, with almost infinite difficulty, with eighteen field-pieces. The floating ice in the river made the labor almost incredible. However, perseverance accomplished what at first seemed impossible. About two o’clock the troops were all on the Jersey side; we then were about nine miles from the object. The night was cold and stormy; it hailed with great violence; the troops marched with the most profound silence and good order.

They arrived by two routes at the same time, about half an hour after day-light, within one mile of the town. The storm continued with great violence, but was in our backs, and consequently in the faces of our enemy. About half a mile from the town was an advanced guard on each road, consisting of a captain’s guard. These we forced, and entered the town with them pell-mell; and here succeeded a scene of war of which I had often conceived, but never saw before.

The hurry, fright and confusion of the enemy was [not] unlike that which will be when the last trump shall sound. They endeavored to form in streets, the heads of which we had previously the possession of with cannon and howitzers; these, in the twinkling of an eye, cleared the streets. The backs of the houses were resorted to for shelter. These proved ineffectual: the musketry soon dislodged them. Finally they were driven through the town into an open plain beyond. Here they formed in an instant.

During the contest in the streets measures were taken for putting an entire stop to their retreat by posting troops and cannon in such passes and roads as it was possible for them to get away by. The poor fellows after they were formed on the plain saw themselves completely surrounded; the only resource left was to force their way through numbers unknown to them. The Hessians lost part of their cannon in the town: they did not relish the project of forcing, and were obliged to surrender upon the spot, with all their artillery, six brass pieces, army colors, etc. A Colonel Rawle commanded, who was wounded. The number of prisoners was above 1,200, including officers—all Hessians. There were few killed or wounded on either side. After having marched off the prisoners and secured the cannon, stores, etc., we returned to the place, nine miles distant, where we had embarked.

Providence seemed to have smiled upon every part of this enterprise. Great advantages may be gained from it if we take the proper steps. At another post we have pushed over the river 2,000 men, to-day another body, and to-morrow the whole army will follow. It must give a sensible pleasure to every friend of the rights of man to think with how much intrepidity our people pushed the enemy and prevented their forming in the town.
-DRAKE, Henry Knox, pp. 36-37.
3. NEGOTIATING AN ALLIANCE WITH VERGENNES

Dec. 12th, [1777].

My colleagues did not reach Versailles till half after eleven o’clock, when, upon sending notice by a servant to Mr. Girard, his servant came with a hackney coach and carried us to a house about half a mile from Versailles, where we found Count Vergennes and his secretary....

The minister took our last memorial from his secretary and read it. He then desired we would give him the information it promised, and any thing we had new to offer. Dr. F [ranklin] said that the entering into the treaty proposed was the object, and that if there were any objections to it, we were ready to consider them. The count said that it was the resolution of his court to take no advantage of our situation, to desire no terms of which we might afterwards repent and endeavour to retract; but to found whatever they did so much upon the basis of mutual interest as to make it last as long as human institutions would endure. He said that entering into a treaty with us would be declaring our independency, and necessarily draw on a war. In this, therefore, Spain must be consulted, without whose concurrence nothing could be done....

The next objection was that Spain would not be satisfied with the indeterminate boundary between their dominions and the United States, for that the state of Virginia, being supposed to run to the South Sea, might trench upon California. It was answered that the line drawn by the last treaty of peace with England, the Mississippi, would be adopted and would prevent all disputes. For that, though its source was not yet known, yet it might be agreed that a line drawn straight from its source, when found, should continue the boundary. This was admitted, as adjusting the matter properly. . . . It was, too, a first principle with us that fishing was free to all.

The conference ended with the count’s observing that we must consider our independence as yet in the womb, and must not endeavour to hasten its birth immaturity. That he would despatch a courier to Spain, and it would be three weeks before his return. That the order for presenting clearances for the United States was recalled, and he would speak with Mons. de Sartine [Minister of Marine] about giving us a convoy for our supplies.

Response to British Peace Proposals

Continental Congress
June 13, 1778

An express arrived with a letter of the 11th, from General Washington, which was read, and a packet in which it was inclosed, together with other papers, a letter signed ‘Carlisle, William Eden, G. Johnstone,’ dated ‘Philadelphia, June 9, 1778,’ and directed ‘to his excellency, Henry Laurens, the president, and other members of the congress,’ which letter was read to the words, ‘insidious interposition of a power, which has from the first settlement of these colonies been actuated with enmity to us both; and notwithstanding the pretended date or form of the French offers,’ inclusive; whereupon the reading was interrupted, and a motion was made not to proceed farther, because of the offensive language against his most christian majesty. Debates arising thereon,

Ordered, that the consideration of the motion be postponed, and congress adjourned till ten o’clock on Monday June 16.

Congress resumed the consideration of the motion respecting the letter from the commissioners of the king of Great Britain, which being postponed,

A motion was made, ‘That the letter from the commissioners of the king of Great Britain lie on the table.’ Passed in the negative.

On the motion—Resolved, ‘That the letter and the papers accompanying it be read.’ Whereupon a letter of the 9th, and one dated June, 1778, both signed, ‘Carlisle, William Eden, G. Johnstone,’ and a paper indorsed, ‘Copy of the commission for restoring peace, &c. to the Earl of Carlisle, Lord Viscount Howe, Sir William Howe, or in his absence Sir Henry Clinton, William Eden, and George Johnstone,’ were read, and also three acts of the British parliament, one intitled, ‘An act for repealing an act passed in the 14th year of his present Majesty’s reign, intitled, an act for the better regulating the government of the province of Massachusett’s-bay, in New-England,’ the other two the same as the bills already published. The letters are as follow:

To his excellency Henry Laurens, the President, and other Members of Congress.

Gentlemen, With an earnest desire to stop the further effusion of blood and the calamities of war, we communicate to you, with the least possible delay after our arrival in this city, a copy of the commission with which his Majesty is pleased to honour us, as also the acts of parliament on which it is founded; and at the same time that we assure you of our most earnest desire to re-establish, on the basis of equal freedom and mutual {safety, the tranquillity of this once happy empire, you will observe; that we are vested with powers equal to the purpose, and such as are even unprecedented in the annals of our history.

In the present state of our affairs, though fraught with subjects of mutual regret, all parties may draw some degree of consolation, and even an auspicious hope from the recollection that cordial reconciliation and affection have, in our own and other empires, succeeded to the contentions and
temporary divisions not less violent than those we now experience.

We wish not to recall subjects which are now no longer in controversy, and will reserve to a proper time of discussion both the hopes of mutual benefit, and the consideration of evils that may naturally contribute to determine your resolutions as well as our own on this important occasion.

The acts of parliament which we transmit to you, having passed with singular unanimity, will sufficiently evince the disposition of Great Britain, and shew that the terms of agreement, in contemplation with his majesty and with his parliament, are such as come up to every wish that North America, either in the hour of temperate deliberation, or of the utmost apprehension of danger to liberty, has expressed.

More effectually to demonstrate our good intentions, we think proper to declare, even in this our first communication, that we are disposed to concur in every satisfactory and just arrangement towards the following among other purposes:

‘To consent to a cessation of hostilities, both by sea and land. To restore free intercourse, to revive mutual affection, and restore the common benefits of naturalisation through the several parts of this empire. To extend every freedom to trade that our respective interests can require. To agree that no military force shall be kept up in the different states of North America, without the consent of the general congress, or particular assemblies. To concur in measures calculated to discharge the debts of America, and raise the value and credit of the paper circulation.

‘To perpetuate our union, by a reciprocal deputation of an agent or agents from the different states, who shall have the privilege of a seat and voice in the parliament of Great Britain; or, if sent from Britain, to have in that case a seat and voice in the assemblies of the different states to which they may be deputed respectively, in order to attend to the several interests of those by whom they are deputed.

‘In short, to establish the power of the respective legislatures in each particular state, to settle its revenue, its civil and military establishment, and to exercise a perfect freedom of legislation and internal government, so that the British states throughout North America, acting with us in peace and war, under our common sovereign, may have the irrevocable enjoyment of every privilege that is short of a total separation of interest, or consistent with that union of force, on which the safety of our common religion and liberty depends. ‘In our anxiety for preserving those sacred and essential interests, we cannot help taking notice of the insidious interposition of a power, which has from the first settlement of these colonies been actuated with enmity to us both. And notwithstanding the pretended date, or present form, of the French offers to America, yet it is notorious, that these were made in consequence of the plans of accommodation previously concerted in Great Britain, and with a view to prevent our reconciliation, and to prolong this destructive war.

‘But we trust that the inhabitants of North-America, connected with us by the nearest ties of consanguinity, speaking the same language, interested in the preservation of similar institutions, remembering the former happy intercourse of good offices, and forgetting recent animosities, will shrink from the thought of becoming an accession of force to our late mutual enemy, and will prefer a firm, free, and perpetual coalition with the parent state to aninsincere and unnatural foreign alliance.

This dispatch will be delivered to you by Dr. Ferguson, the secretary to his majesty’s commission; and, for further explanation and discussion of every subject of difference, we desire to meet with you either collectively or by deputation, at New-York, Philadelphia, York-Town, or such other place as you may propose. We think it right, however, to apprise you, that his majesty’s instructions, as well as our own desire, to remove from the immediate seat of war, in the active operations of
which we cannot take any part, may induce us speedily to remove to New-York; but the commander in chief of his majesty’s land-forces, who is joined with us in this commission, will, if it should become eligible, either concur with us in a suspension of hostilities, or will furnish all necessary pass-ports and safe conduct, to facilitate our meeting, and we shall of course expect the same of you.

‘If after the time that may be necessary to consider of this communication, and transmit your answer, the horrors and devastations of war should continue, we call God and the world to witness, that the evils which must follow are not to be imputed to Great Britain; and we cannot without the most real sorrow anticipate the prospect of calamities which we feel the most ardent desire to prevent. We are, with perfect respect; Gentlemen, your most obedient and most humble servants,

Carlisle, W. Eden, G. Johnstone

To his Excellency Henry Laurens, President, and other Members of Congress.

Gentlemen, The dispatch inclosed with this, was carried this morning to the nearest post of General Washington’s army by Dr. Ferguson, Secretary to his Majesty’s commission for restoring peace, &c. but he, not finding a passport, has returned to this place. In order to avoid every unnecessary delay, we now again send it by the ordinary conveyance of your military posts; as soon as the passport arrives, Dr. Ferguson shall wait upon you according to our first arrangement. We are, with perfect respect, gentlemen, your most obedient and most humble servants,

Carlisle, W. Eden, G. Johnstone

Ordered, that they be referred to a committee of five.

Eodem Die, P. M. The committee to whom were referred the letters and papers from the Earl of Carlisle, &c. Commissioners from the King of Great Britain, reported the draft of a letter, which was read.

Resolved, that the consideration thereof be postponed till to-morrow.

June 17th, 1778. Congress resumed the consideration of the draft of the letter, in answer to the letter and papers received from the Earl of Carlisle, &c. Commissioners from the King of Great Britain, which was unanimously agreed to, and is as follows:

To their Excellencies the Right Hon. the Earl of Carlisle,


I have received the letter from your Excellencies of the 9th instant, with the inclosures, and laid them before Congress. Nothing but an earnest desire to spare the farther effusion of human blood could have induced them to read a paper, containing expressions so disrespectful to his Most Christian Majesty, the good and great ally of these states, or to consider propositions so derogatory to the honour of an independent nation.

‘The acts of the British parliament, the commission from your Sovereign, and your letter, suppose the people of these states to be subjects of the crown of Great Britain, and are founded on an idea of dependence, which is utterly inadmissible.
'I am further directed to inform your Excellencies, that Congress are inclined to peace, notwithstanding the unjust claims from which this war originated, and the savage manner in which it hath been conducted; they will therefore be contented to enter upon a consideration of a treaty of peace and commerce, not inconsistent with treaties already subsisting, when the King of Great Britain shall demonstrate a sincere disposition for that purpose. The only solid proof of this disposition will be an explicit acknowledgement of the independence of these states, or the withdrawing his fleets and armies. I have the honour to be, your Excellencies most obedient and humble servant,

HENRY LAURENS, President.

York-Town, July 17, 1778.

Resolved unanimously, that Congress approve the conduct of General Washington, in refusing a passport to Dr. Ferguson. Published by order of Congress.

CHARLES THOMSON, Sec.
George Washington to Henry Laurens

November 1778

Opposing a Proposal to Invade Canada.
The Weakening of Congress: December 1778

George Washington to Benjamin Harrison
3. LORD NORTH: "OH GOD! IT IS ALL OVER"

Memoirs of Sir Nathaniel Wraxall, who was in London in 1781.

[November 1781]. During the whole month of November, the concurring accounts which were transmitted to Government, enumerating Lord Cornwallis's embarrassments and the positions taken by the enemy, augmented the anxiety of the Cabinet. Lord George Germain in particular, conscious that on the prosperous or adverse termination of that expedition must depend the fate of the American contest, his own stay in office, as well as probably the duration of the Ministry, felt, and even expressed to his friends, the strongest uneasiness on the subject. The meeting of Parliament meanwhile stood fixed for the 27th of November.

On Sunday the 25th about noon, official intelligence of the surrender of the British forces at Yorktown arrived from Falmouth at Lord George Germain's house in Pall-Mall. Lord Walsingham, who, previous to his father Sir William de Grey's elevation to the peerage, had been Under-Secretary of State in that department, and who was selected to second the address in the House of Peers on the subsequent Tuesday, happened to be there when the messenger brought the news. Without communicating it to any other person, Lord George, for the purpose of dispatch, immediately got with him into a hackney-coach and drove to Lord Stormont's residence in Portland Place. Having imparted to him the disastrous information and taken him into the carriage, they instantly proceeded to the Chancellor's house in Great Russell Street, Bloomsbury, whom they found at home, when after a short consultation, they determined to lay it themselves in person before Lord North.

He had not received any intimation of the event when they arrived at his door in Downing Street between one and two o'clock. The First Minister's firmness, and even his presence of mind, which had withstood the [Gordon] riots of 1780, gave way for a short time under this awful disaster. I asked Lord George afterwards how he took the communication when made to him. "As he would have taken a ball in his breast," replied Lord George. For he opened his arms, exclaiming wildly, as he paced up and down the apartment during a few minutes, "O God! it is all over!" words which he repeated many times under emotions of the deepest consternation and distress.

When the first agitation of their minds had subsided, the four Ministers discussed the question whether or not it might be expedient to prorogue Parliament for a few days; but as scarcely an interval of forty-eight hours remained before the appointed time of assembling, and as many members of both Houses were already either arrived in London or on the road, that proposition was abandoned. It became, however, indispensable to alter and almost to model anew the King's speech, which had been already drawn up and completely prepared for delivery from the throne. This alteration was therefore made without delay, and at the same time Lord George Germain, as Secretary for the American Department, sent off a dispatch to his Majesty, who was then at Kew, acquainting him with the melancholy termination of Lord Cornwallis's expedition. Some hours having elapsed before these different but necessary acts of business could take place, the Ministers separated, and Lord George Germain repaired to his office in Whitehall. There he found a confirmation of the intelligence, which arrived about two hours after the first communication, having been transmitted from Dover, to which place it was forwarded from Calais with the French account of the same event.

I dined on that day at Lord George's, and though the information which had reached London
in the course of the morning from two different quarters was of a nature not to admit of long concealment, yet it had not been communicated either to me or to any individual of the company (as it might have been through the channel of common report), when I got to Pall-Mall between five and six o'clock. Lord Walsingham, who likewise dined there, was the only guest that had become acquainted with the fact. The party, nine in number, sat down to table. Lord George appeared serious, though he manifested no discomposure. Before the dinner was finished, one of his servants delivered him a letter, brought back by the messenger who had been dispatched to the King.

Lord George opened and perused it, then looking at Lord Walsingham, to whom he exclusively directed his observation, "The King writes," said he, "just as he always does, except that I observe he has omitted to mark the hour and the minute of his writing with his usual precision."

This remark, though calculated to awaken some interest, excited no comment; and while the ladies, Lord George's three daughters, remained in the room we repressed our curiosity. But they had no sooner withdrawn than, Lord George having acquainted us that from Paris information had just arrived of the old Count de Maurepas, First Minister, lying at the point of death, "It would grieve me," said I, "to finish my career, however far advanced in years, were I First Minister of France, before I had witnessed the termination of this great contest between England and America."

"He has survived to witness that event," replied Lord George with some agitation.

Utterly unsuspicious as I was of the fact which had happened beyond the Atlantic, I conceived him to allude to the indecisive naval action fought at the mouth of the Chesapeake early in the preceding month of September between Admiral Graves and Count de Grasse: an engagement which in its results might prove most injurious to Lord Cornwallis.

Under this impression, "My meaning," said I, "is that if I were the Count de Maurepas, I should wish to live long enough to behold the final issue of the war in Virginia."

"He has survived to witness it completely," answered Lord George. "The army has surrendered, and you may peruse the particulars of the capitulation in that paper," taking at the same time one from his pocket, which he delivered into my hand not without visible emotion.

By his permission I read it aloud, while the company listened in profound silence. We then discussed its contents as affecting the Ministry, the country and the war. It must be confessed that they were calculated to diffuse a gloom over the most convivial society, and that they opened a wide field for political speculation.

After perusing the account of Lord Cornwallis's surrender at Yorktown, it was impossible not to feel a lively curiosity to know how the King had received the intelligence, as well as how he had expressed himself in his note to Lord George Germain on the first communication of so painful an event. He gratified our wish by reading it to us, observing, at the same time, that it did the highest honour to his Majesty's fortitude, firmness and consistency of character. The words made an impression on my memory which the lapse of more than thirty years has not erased, and I shall here commemorate its tenor as serving to show how that prince felt and wrote under one of the most afflicting as well as humiliating occurrences of his reign. The billet ran nearly to this effect:

"I have received with sentiments of the deepest concern the communication which Lord George Germain has made me of the unfortunate result of the operations in Virginia. I particularly lament it on account of the consequences connected with it and the difficulties which it may produce in carrying on the public business or in repairing such a misfortune. But I trust that neither Lord George Germain nor any member of the Cabinet will suppose that it makes the smallest alteration in those principles of my conduct which have directed me in past time and which will always continue to animate me under every event in the prosecution of the present
Not a sentiment of despondency or of despair was to be found in the letter, the very handwriting of which indicated composure of mind. What-ever opinion we may entertain relative to the practicability of reducing America to obedience by force of arms at the end of 1781, we must admit that no sovereign could manifest more calmness, dignity or self-command than George III displayed in this reply.

- WRAXALL, *Historical and Posthumous Memoirs*, II, 137-142
March 1783

Alexander Hamilton and William Floyd

to George Clinton

Philadelphia [March 17, 1783]

Sir,

We have the honor to inclose Your Excellency the provisional articles agreed upon between the United States and Great Britain, which are upon the whole as advantageous as could have been expected. Whether the negotiations terminate in a general peace or not, important and it is to be hoped, useful consequences will flow from what has been done. The acknowledgement of our independence by Great Britain will facilitate connections and intercourse between these states and the powers of Europe in general. With respect to the probability of a peace we can only observe that the interest of every party calls for it, but that the state of the negotiations when the last advices left France makes the event not a little doubtful.

One thing however may be inferred with tolerable certainty, which is that whether there is peace or war New York will ere long be evacuated.

We have the honor to be With perfect respect Your Excellency’s Most Obed Septs.

His Excellency Governor Clinton


1. H mistakenly dated this draft February 17, 1783, but on the endorsement he correctly gave the date as March 17.

2. The provisional peace treaty between the United States and Great Britain had been signed on November 30, 1782. On March 12, 1783, Captain Joshua Barney arrived in the United States with dispatches from the American Peace Commissioners and with the provisional treaty.

To George Washington

Philadelphia, March 17, 1783

Sir,

I am duly honored with Your Excellency’s letter of the 4th. and 12th. instant. It is much to be regretted though not to be wondered at, that our army.

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more in and the Our Before the process might to a go of such from the greater from the politics for character really ; fortion(s) force of men in have of intrigue both, t

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that steps of so inflammatory a tendency have been taken in the army. Your Excellency has in my opinion acted wisely. The best way is ever not to attempt to stem a torrent but to divert it.

I am happy to find You coincide in opinion with me on the conduct proper to be observed by yourself. I am persuaded more and more it is that which is most consistent with your own reputation and the public safety.

Our affairs wear a most serious aspect as well foreign as domestic. Before this gets to hand Your Excellency will probably have seen the provisional articles between Great Britain and these states. It might at first appearance be concluded that these will be the prelude to a general peace; but there are strong reasons to doubt the truth of such a conclusion. Obstacles may arise from different quarters, from the demands of Spain & Holl(land), from the hope in France of greater acquisitions in the East, and perhaps still more probab(ly) from the insincerity and duplicity of Lord Shelburn(e), whose politics founded in the peculiarity of his situa(tion), as well as in the character of the man (may) well be suspected of insidiousness. I am really appr(ensive) if peace does not take place, that the negotiation(s) will tend to sow distrusts among the allies and weak(ken) the force of the common league. We have I fear men (among) us and men in trust who have a hankering afte(r) British connection. We have others whose confidence in France savours of credulity. The intrigues of the former and the incautiousness of the latter may be both, though in different degrees, injurious to the American interests; and make it difficult for prudent men to steer a proper course. There are delicate circumstances with respect to the late foreign transactions which I am not at liberty to reveal; but which joined to our internal weaknesses, disorders, follies & prejudices make this country stand upon precarious ground.

Some use perhaps may be made of these ideas to induce moderation in the army. An opinion that their country does not stand upon a secure footing will operate upon the patriotism of the officers against hazarding any domestic commotions.

When I make these observations I cannot forbear adding that if no excesses take place I shall not be sorry that ill-humours have appeared. I shall not regret importunity, if temperate, from the army.
There are good intentions in the Majority of Congress; but there is not sufficient wisdom or decision. There are dangerous prejudices in the particular states opposed to those measures which alone can give stability & prosperity to the Union. There is a fatal opposition to Continental views. Necessity alone can work a reform. But how apply it and how keep it within salutary bounds?  

I fear we have been contending for a shadow.

The affair of accounts I considered as having been put on a satisfactory footing. The particular states have been required to settle till the first of August 80 and the Superintendent of Finance has been directed to take measures for settling since that period. I shall immediately see him on the subject.

We have had Eight states and a half in favour of a commutation of the half pay for an average of ten years purchase, that is five years full pay instead of half pay for life, which on a calculation of annuities is nearly an equivalent. I hope this will now shortly take place.

We have made considerable progress in a plan to be recommended to the several states for funding all the public debts including those of the army; which is certainly the only way to restore public credit and enable us to continue the war, by borrowing abroad, if it should be necessary to continue it.

I omitted mentioning to Your Excellency that from European intelligence, there is great reason to believe at all events, peace or War, New York will be evacuated in the Spring. It will be a pity if any domestic disturbances should change the plans of the British Court.

I have the honor to be With the greatest respect Yr Excellency's Most Obed se(rvant)

P.S Your Excellency mentions that it has been surmised the plan in agitation was formed in Philadelphia; that combinations have been talked of between the public creditors and the army; and that members of Congress had encouraged the idea. This is partly true. I have myself urged in Congress the propriety of uniting the influence of the public creditors, & the army as a part of them, to prevail upon the states to enter into their views. I have expressed
the same sentiments out of doors. Several other members of Congress have done the same. The meaning however of all this was simply that Congress should adopt such a plan as would embrace the relief of all the public creditors including the army; in order that the personal influence of some, the connections of others, and a sense of justice to the army as well as the apprehension of ill consequences might form a mass of influence in each state in favour of the measures of Congress. In this view, as I mentioned to Your Excellency in a former letter, I thought the discontent of the army might be turned to a good account. I am still of opinion that their earnest, but respectful applications for redress will have a good effect.

As to any combination of Force it would only be productive of the horrors of a civil war, might end in the ruin of the Country & would certainly end in the ruin of the army.

A Fitzgerald, Hamilton Papers, Library of Congress.

1. On March 12 Congress received the official text of the provisional articles of peace which had been signed in Paris on November 30, 1782.
2. This sentence appears in the draft as follows: "But how is this what necessity to be produced, how is it to be applied it and how keep it within salutary bounds?"
3. This sentence appears in the draft as follows: "Many several of the most sensible members of Congress but have done the same."

To Philip Schuyler

[Philadelphia, March 18, 1783. On May 4, 1783, Schuyler wrote to Hamilton: "Your several favors of the 18th & 25th March and 2d ult. were delivered me." Letter of March 18 not found.]

Continental Congress

Report on the Memorial of Thomas Wiggins

[Philadelphia] March 18, 1783. A memorial of Thomas Wiggins, a Canadian merchant and Indian trader near Detroit during the American Revolution, was read in Congress on February 4, 1783, and referred to a committee consisting of Hamilton, Richard Peters,
Session 12
George Washington, General and Statesman
Professor Burkett

Thursday, July 24
9:00 am--10:30 am
Mr. President: Tho' I am truly sensible of the high Honour 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 desires I will enter upon the momentous duty, and exert every power I Possess In their Service 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 unfavourable to my reputation, I beg it may be remembered by every Gentn. in the room, that I this day declare with the utmost sincerity, I do not think my self equal to the Command I am honoured with.

As to pay, Sir, I beg leave to Assure the Congress that as no pecuniary consideration could have tempted me to have accepted this Arduous employment [at the expence of my domestt. ease and happiness] I do not wish to make any profit from it: I will keep an exact Account of my expences; those I doubt not they will discharge and that is all I desire.

Philadelphia, June 18, 1775

My Dearest:

I am now set down to write to you on a subject which fills me with inexpressible concern, and this concern is greatly aggravated and increased, when I reflect upon the uneasiness I know it will give you. It has been determined in Congress, that the whole army raised for the defence of the American cause shall be put under my care, and that it is necessary for me to proceed immediately to Boston to take upon me the command of it.

You may believe me, my dear Patsy, when I assure you, in the most solemn manner that, so far from seeking this appointment, I have used every endeavor in my power to avoid it, not only from my unwillingness to part with you and the family, but from a consciousness of its being a trust too great for my capacity, and that I should enjoy more real happiness in one month with you at home, than I have the most distant prospect of finding abroad, if my stay were to be seven times seven years. But as it has been a kind of destiny, that has thrown me upon this service, I shall hope that my under-taking it is designed to answer some good purpose. You might, and I suppose did perceive, from the tenor of my letters, that I was apprehensive I could not avoid this appointment, as I did not pretend to intimate when I should return. That was the case. It was utterly out of my power to refuse this appointment, without exposing my character to such censures, as would have reflected dishonor upon myself, and given pain to my friends. This, I am sure, could not, and ought not, to be pleasing to you, and must have lessened me considerably in my own esteem. I shall rely, therefore, confidently on that Providence, which has heretofore preserved and been bountiful to me, not doubting but that I shall return safe to you in the fall. I shall feel no pain from the toil or the danger of the campaign; my unhappiness will flow from the uneasiness I know you will feel from being left alone. I therefore beg, that you will summon your whole fortitude, and pass your time as agreeably as possible. Nothing will give me so much sincere satisfaction as to hear this, and to hear it from your own pen. My earnest and ardent desire is, that you would pursue any plan that is most likely to produce content, and a tolerable degree of tranquillity; as it must add greatly to my uneasy feelings to hear, that you are dissatisfied or complaining at what I really could not avoid.

As life is always uncertain, and common prudence dictates to every man the necessity of settling his temporal concerns, while it is in his power, and while the mind is calm and undisturbed, I have, since I came to this place (for I had not time to do it before I left home) got Colonel Pendleton to draft a will for me, by the directions I gave him, which will I now enclose. The provision made for you in case of my death will, I hope, be agreeable.

I shall add nothing more, as I have several letters to write, but to desire that you will remember me to your friends, and to assure you that I am with the most unfeigned regard, my dear Patsy, your affectionate, &c.

FITZPATRICK, ed., Writings of Washington, III, 293-295
To his brother John Augustine Washington.

Camp at Cambridge, July 27, 1775

On the 2nd Inst. I arrived at this place, after passing through a great deal of delightful Country, covered with grass, (although the Season has been dry) in a very different manner to what our Lands in Virginia are.

I found a mixed multitude of People here, under very little discipline, order, or Government. I found the enemy in possession of a place called Bunker's Hill, on Charles Town Neck, strongly Intrenched, and Fortifying themselves; I found part of our Army on two Hills, (called Winter and Prospect Hills) about a Mile and a quarter from the enemy on Bunker's Hill, in a very insecure state; I found another part of the Army at this Village; and a third part at Roxbury, guarding the Entrance in and out of Boston.

My whole time, since I came here, has been employed in throwing up Lines of Defence at these three several places; to secure, in the first Instance, our own Troops from any attempts of the Enemy; and, in the next, to cut off all Communication between their troops and the Country; For to do this, and to prevent them from penetrating into the Country with Fire and Sword, and to harass them if they do, is all that is expected of me; and if effected, must totally overthrow the designs of Administration, as the whole Force of Great Britain in the Town and Harbour of Boston can answer no other end than to sink her under the disgrace and weight of the expense. Their Force, including Marines, Tories, &c., are computed, from the best accounts I can get, at about 12,000 Men; ours, including Sick absent, &c., at about 16,000; but then we have a Cemi Circle of Eight or Nine Miles, to guard to every part of which we are obliged to be equally attentive; whilst they, situated as it were in the Center of the Cemicircle, can bend their whole Force (having the entire command of the Water), against any one part of it with equal facility; This renders our Situation not very agreeable, though necessary; however, by incessant labour (Sundays not excepted), we are in a much better posture of defence than when I first came....

The Enemy are sickly, and scarce of Fresh provisions. Beef, which is chiefly got by slaughtering their Milch Cows in Boston, sells from one shilling to 18d. Sterling per lb.; and that it may not get cheaper, or more plenty, I have drove all the Stock, within a considerable distance of this place, back into the Country, out of the Way of the Men of war's Boats; In short, I have, and shall continue to do, every thing in my power to distress them. The Transports are all arrived and their whole Reinforcement is Landed, so that I can see no reason why they should not, if they ever attempt it, come boldly out and put the matter to Issue at once; if they think themselves not strong enough to do this, they surely will carry their Arms (having Ships of War and Transports ready) to some other part of the Continent, or relinquish the dispute; the last of which the Ministry, unless compelled, will never agree to do. Our Works, and those of the Enemy are so near and quite open between that we see every thing that each other is doing. I recollect nothing more worth mentioning. I shall therefore conclude with my best wishes, and love to my Sister and Family, and Compliments to
any enquiring Friends, your most affectionate brother.

4. "BY RETREATING I SHALL LULL THEM INTO SECURITY"

George Washington to General Charles Lee, an intercepted letter found among the archives at Marburg, Germany.

Brunswick, 30th of November, 1776

The movements of the enemy are, since I wrote you from Newark, of such a nature, as things stand at present, sincerely to be wished for. I have feared that they would take Newark, Elizabeth Town and Amboy for their winter quarters in order to undertake from these places early in the spring an attack on Philadelphia and at the same time having a favourable season ahead that they would make a diversion on the Delaware river with their fleet. The advantages they have gained over us in the past have made them so proud and sure of success that they are determined to go to Philadelphia this winter. I have positive information that this is a fact and because the term of service of the light troops of Jersey and Maryland are ended they anticipate the weakness of our army. Should they now really risk this undertaking then there is a great probability that they will pay dearly for it for I shall continue to re-treat before them so as to lull them into security.

-STRYKER, Battles of Trenton and Princeton, pp. 326-327

Ten miles above the Falls [of the Delaware],

December 17, 1776

I have since [his letter of Dec. 10] moved up to this place, to be more convenient to our great and extensive defences of this river. Hitherto, by our destruction of the boats, and vigilance in watching the fords of the river above the falls (which are now rather high), we have prevented them from crossing; but how long we shall be able to do it God only knows, as they are still hovering about the river. And if every thing else fails, will wait till the 1st of January, when there will be no other men to oppose them but militia, none of which but those from Philadelphia . . . are yet come (although I am told some are expected from the back countries). When I say none but militia, I am to except the Virginia regiments and the shattered remains of Smallwood's, which, by fatigue, want of clothes, etc., are reduced to nothing -Weedon's, which was the strongest, not having more than between one hundred and thirty to one hundred and forty men fit for duty, the rest being in the hospitals.

The unhappy policy of short enlistments and a dependence upon militia will, I fear, prove the downfall of our cause, though early pointed out with an almost prophetic spirit! Our cause has also received a severe blow in the captivity of Gen. Lee. Unhappy man! Taken by his own imprudence, going three or four miles from his own camp, and within twenty of the enemy, notice of which by a rascally Tory was given a party of light horse, seized him in the morning after travelling all night, and carried him off in high triumph and with every mark of indignity, not even suffering him to get his hat or surtout coat. The troops that were under his command are not yet come up with us, though they, I think, may be expected to-morrow.

A large part of the Jerseys have given every proof of disaffection that they can do, and this part of Pennsylvania are equally inimical. In short, your imagination can scarce extend to a situation more distressing than mine. Our only dependence now is upon the speedy enlistment of a new army. If this fails, I think the game will be pretty well up, as, from disaffection and want of spirit and fortitude, the inhabitants, instead of resistance, are offering sub-mission and taking protection from Gen. Howe in Jersey.

To Lewis Nicola

George Washington

Newburgh, May 22, 1782

Sir: With a mixture of great surprise and astonishment I have read with attention the Sentiments you have submitted to my perusal. Be assured Sir, no occurrence in the course of the War, has given me more painful sensations than your information of there being such ideas existing in the Army as you have expressed, and I must view with abhorrence, and reprehend with severity. For the present, the communication of them will rest in my own bosom, unless some further agitation of the matter, shall make a disclosure necessary.

I am much at a loss to conceive what part of my conduct could have given encouragement to an address which to me seems big with the greatest mischiefs that can befall my Country. If I am not deceived in the knowledge of myself, you could not have found a person to whom your schemes are more disagreeable; at the same time in justice to my own feelings I must add, that no Man possesses a more sincere wish to see ample justice done to the Army than I do, and as far as my powers and influence, in a constitutional way extend, they shall be employed to the utmost of my abilities to effect it, should there be any occasion. Let me conjure you then, if you have any regard for your Country, concern for yourself or posterity, or respect for me, to banish these thoughts from your Mind, and never communicate, as from yourself, or any one else, a sentiment of the like Nature. With esteem I am.
TO JOSEPH JONES

Newburgh, December 14, 1782

Dear Sir:

In the course of a few days Congress will, I expect, receive an Address from the Army on the subject of their grievances.

This Address, tho’ couched in very respectful terms, is one of those things which tho’ unpleasing is just now unavoidable; for I was very apprehensive once, that matters would have taken a more unfavourable turn, from the variety of discontents which prevailed at this time.

The temper of the Army is much soured, and has become more irritable than at any period since the commencement of the War. This consideration alone, prevented me (for every thing else seemed to be in a state of inactivity and almost tranquility) from requesting leave to spend this Winter in Virginia, that I might give some attention to my long neglected private concerns.

Alarming dissatisfaction of the armyThe dissatisfactions of the Army had arisen to a great and alarming height, and combinations among the Officers to resign, at given periods in a body, were beginning to take place when by some address and management their resolutions have been converted into the form in which they will now appear before Congress. What that Honble. Body can, or will do in the matter, does not belong to me to determine; but policy, in my opinion, should dictate soothing measures; as it is an uncontrovettible fact, that no part of the community has undergone equal hardships, and borne them with the same patience and fortitude, that the Army has done.

Hitherto the Officers have stood between the lower order of the Soldiery and the public, and in more instances than one, at the hazard of their lives, have quelled very dangerous mutinies. But if their discontents should be suffered to rise equally high, I know not what the consequences may be.

The spirit of enthusiasm, which overcame every thing at first, is now done away; it is idle therefore to expect more from Military men, than from those discharging the Civil departments of Government. If both were to fare equally alike with respect to the emoluments of Office, I would answer for it that the Military character should not be the first to complain. But it is an inviduous distinction, and one that will not stand the test of reason or policy, the one set should receive all, and the other no part (or that wch. is next to it) of their pay. In a word, the experiment is dangerous, and if it succeeded would only prove that, the one is actuated by more Zeal than the other, not that they have less occasion for their money. I am etc.
Letter to Major General Nathanael Greene

George Washington

February 6, 1783

Newburgh, February 6, 1783.

My dear Sir: I have the pleasure to inform you that your Packet for Govr. Greene which came inclosed to me (in your private Letter of the 12th. of December) was forwarded in an hour after it came to my hands by a Gentleman returning to Rhode Island (Welcome Arnold Esquire); there can be no doubt therefore of its having got safe to the Governor.

It is with a pleasure which friendship only is susceptible of, I congratulate you on the glorious end you have put to hostilities in the Southern States; the honor and advantage of it, I hope, and trust, you will live long to enjoy. when this hemisphere will be equally free is yet in the womb of time to discover; a little whole, however 'tis presumed, will disclose the determinations of the British Senate with respect to Peace or War as it seems to be agreed on all hands, that the present Primeir (especially if he should find the opposition powerful) intends to submit the decision of these matters to Parliament. The Speech, the Addresses, and Debates for which we are looking in every direction, will give a data from which the bright rays of the one, or the gloomy prospect of the other, may be discovered.

If Historiographers should be hardy enough to fill the page of History with the advantages that have been gained with unequal numbers (on the part of America) in the course of this contest, and attempt to relate the distressing circumstances under which they have been obtained, it is more than probable that Posterity will bestow on their labors the epithet and marks of fiction; for it will not be believed that such a force as Great Britain has employed for eight years in this Country could be baffled in their plan of Subjugating it by numbers infinitely less, composed of Men oftentimes half starved; always in Rags, without pay, and experiencing, at times, every species of distress which human nature is capable of undergoing.

I intended to have wrote you a long letter on sundry matters but Majr. Burnett popped in unexpectedly, at a time when I was preparing for the Celebration of the day; and was just going to a review of the Troops, previous to the Fue de joy. As he is impatient, from an apprehension of the Sleighbing failing. and as he can give you the occurrences of this quarter more in detail than I have time to do, I will refer you to him. I cannot omit informing you however, that I let no oppertunity slip to enquire after your Son George at Princeton, and that it is with pleasure I hear he enjoys good health, and is a fine promising boy.

Mrs. Washington joins me in most Affectionate regards, and best wishes for Mrs Greene and yourself. With great truth and sincerity and every sentiment of friendship. I am etc.
CONTINENTAL CONGRESS

AD, Papers of the Continental Congress, National Archives.

1. H's motion is undated. Although not submitted to Congress, H's motion probably was intended for introduction on February 12, the date on which James Madison (see note 2) made a similar motion.

2. The bracketed material is not in the writing of H. It was substituted for the following phrase, in the writing of H: "of general funds to be collected by Congress and appropriated by Congress." This phrase was crossed out.

On February 12, Congress considered a proposition, in the writing of James Madison, reported by a committee of the whole. It reads:

"That it is the opinion of Congress that the establishment of permanent and adequate funds on taxes or duties, which shall operate generally and on the whole in just proportion throughout the United States, and to be collected under the authority of the U.S. in Congress assembled are indispensably necessary towards doing complete justice to the public creditors, for restoring public credit, and for providing for the future exigencies of the war." (JCC, XXIV, 116-17.)

For an account of the debate on this proposition in the committee of the whole, see Madison's "Notes of Debates in the Continental Congress," MS, James Madison Papers, Library of Congress.

H's motion was not submitted to Congress, for the rejection of Madison's similar proposal that taxes be collected by Congress made it apparent that it would be rejected.

To George Washington

[Philadelphia, February 13, 1783] ¹

Sir

Flattering myself that your knowledge of me will induce you to receive the observations I make as dictated by a regard to the public good, I take the liberty to suggest to you my ideas on some matters of delicacy and importance. I view the present juncture as a very interesting one. I need not observe how far the temper and situation of the army make it so. The state of our finances was perhaps never more critical. I am under injunctions which will not permit me to disclose some facts that would at once demonstrate this position, but I think it probable you will be possessed of them through another channel. It is however certain that there has scarcely been a period of the revolution which called more for wisdom and decision in Congress. Unforunately for us we are a body not governed by reason or foresight but by circumstances. It is probable we shall (not) take the proper measures, and if we do not a few (months) may open an embarrassing scene. This will be the (case) whether we have peace or a continuance of the war.
If the war continues it would seem that the army must in June subsist itself to defend the country; if peace should take place it will subsist itself to procure justice to itself. It appears to be a prevailing opinion in the army that the disposition to recompence their services will cease with the necessity for them, and that if they lay down their arms, they will part with the means of obtaining justice. It is to be lamented that appearances afford too much ground for their distrust.

It becomes a serious inquiry what will be the true line of policy. The claims of the army urged with moderation, but with firmness, may operate on those weak minds which are influenced by their apprehensions more than their judgments; so as to produce a concurrence in the measures which the exigencies of affairs demand. They may add weight to the applications of Congress to the several states. So far an useful turn may be given to them. But the difficulty will be to keep a complaining and suffering army within the bounds of moderation.

This Your Excellency's influence must effect. In order to it, it will be advisable not to discountenance their endeavours to procure redress, but rather by the intervention of confidential and prudent persons, to take the direction of them. This however must not appear: it is of moment to the public tranquillity that Your Excellency should preserve the confidence of the army without losing that of the people. This will enable you in case of extremity to guide the torrent, and bring order perhaps even good, out of confusion. 'Tis a part that requires address; but 'tis one which your own situation as well as the welfare of the community points out.

I will not conceal from Your Excellency a truth which it is necessary you should know. An idea is propagated in the army that delicacy carried to an extreme prevents your espousing its interests with sufficient warmth. The falsehood of this opinion no one can better acquainted with than myself; but it is not the less mischievous for being false. Its tendency is to impair that influence, which you may exert with advantage, should any commotions unhappily ensue, to moderate the pretensions of the army and make their conduct correspond with their duty.

The great desideratum at present is the establishment of general funds, which alone can do justice to the Creditors of the United States (of which public credit the object properly demand).

The interest of Your Excellency a matter of their reason; justice to me, I have the Most Obedent

General K. of Philadelphia, Febry. 13th, His Excellency

ALS, George Washington Papers (Columbia University Press, 1979-), 1:194. I copied the re
1. H endon
3. Material
4. In the dr

Sir,

In a letter of 19th he speaks of the importance of doing with it, if they have not ye

Congress
States (of whom the army forms the most meritorious class), restore public credit and supply the future wants of government. This is the object of all men of sense; in this the influence of the army, properly directed, may cooperate.

The intimations I have thrown out will suffice to give Your Excellency a proper conception of my sentiments. You will judge of their reasonableness or fallacy; but I persuade myself you will do justice to my motives.

I have the honor to be With great respect Your Excellency's Most Obedt servt.

Alex Hamilton

General Knox has the confidence of the army & is a man of sense. I think he may be safely made use of. Situated as I am Your Excellency will feel the confidential nature of these observations.

Philadelphia
Febry 13th, 1783
His Excellency General Washington

ALS, George Washington Papers, Library of Congress; ADf, MS Division, New York Public Library. H made minor changes in wording when he copied the receiver's copy from the draft.

1. H endorsed the draft “Febry 13th 1783.” The receiver's copy in the Hamilton Papers was first dated “Feb 13th.” A “?” probably in the writing of J. C. Hamilton, is written over the number “13.” Washington endorsed the receiver's copy “Feb 1783.” JCHW, I, 317, and HCLW, IX, 310, dated this letter February 1783.

2. Material in broken brackets is taken from the draft.

3. In the draft the word “obtaining” is crossed out and “securing” substituted. It is evident, however, from the letters which are still visible that the word “obtaining” is used in the finished copy.

To George Clinton

Philadelphia, Feb'y 14th, 1783

Sir,

In a letter which I wrote lately to General Schuyler, I informed him of the import of the answer from Vermont, and what had been done with it in Congress. The Committee to whom it was referred have not yet reported; but I have little expectation of decision.

Congress have been for some time employed on matters of the 1st. importance, devising a plan for carrying the 8th. Article of the
From George Washington  

Dear Sir,

I have received your favor of February & thank you for the information & observations it has conveyed to me. I shall always think myself obliged by a free communication of sentiments, & have often thought (but suppose I thought wrong as it did not accord with the practice of Congress) that the public interest might be benefited, if the Commander in Chief of the Army was let more into the political & pecuniary state of our affairs than he is. Enterprizes, & the adoption of Military & other arrangements that might be exceedingly proper in some circumstances, would be altogether improper in others. It follows then by fair deduction, that where there is a want of information there must be chance medley; & a man may be upon the brink of a precipice before he is aware of his danger—when a little foreknowledge might enable him to avoid it. But this by the by. The hint contained in your letter, and the knowledge I have derived from the public Gazettes respecting the nonpayment of Taxes contain all the information I have received of the danger that stares us in the face, on acct. of our funds, and so far was I from conceiving that our finances were in so deplorable a state, at this time, that I had imbibed ideas from some source or another, that with the prospect of a loan from Holland we should be able to rub along.

To you, who have seen the danger, to which the Army has been
exposed, to a political dissolution for want of subsistence, & the unhappy spirit of licentiousness which it imbied by becoming in one or two instances its own provectors, no observations are necessary to evince the fatal tendency of such a measure; but I shall give it as my opinion, that it would at this day be productive of Civil commotions & end in blood. Unhappy situation this! God forbid we should be involved in it.

The predicament in which I stand as Citizen & Soldier, is as critical and delicate as can well be conceived. It has been the subject of many contemplative hours. The sufferings of a complaining army on one hand, and the inability of Congress and tardiness of the States on the other, are the forebodings of evil; & may be productive of events which are more to be depriected than prevented; but I am not without hope, if there is such a disposition shewn as prudence & policy dictates, to do justice, your apprehensions, in case of Peace, are greater than there is cause for. In this however I may be mistaken, if those ideas, which you have been informed are propagated in the Army, should be extensive; the source of which may be easily traced; as the old leven, a it is said, for I have no proof of it, is again beginning to work, under the mask of the most perfect dissimulation & apparent cordiality.

Be these things as they may, I shall pursue the same steady line of conduct which has governed me hitherto; fully convinced that the sensible, and discerning part of the army, cannot be unacquainted (although I never took pains to inform them) of the services I have rendered it, on more occasions than one. This, and pursuing the suggestions of your letter, which I am happy to find coincides with my own practice for several months past, & which was the means of directing the business of the Army into the Channel it now is, leaves me under no great apprehension of its exceeding the bounds of reason & moderation, notwithstanding the prevailing sentiment in the Army is, that the prospect of compensation for past Services will terminate with the War.

The just claims of the Army ought, and it is to be hoped will, have their weight with every sensible Legislature in the Union, a if Congress point to their demands; shew (if the case is so) the reasonableness of them, and the impracticability of complying (with them) without their aid. In any other point of view it would, in my opin-
CONTINENTAL CONGRESS

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...tion, be impolitic to introduce the Army on the Tapis; lest it should excite jealousy, and bring on its concomitants. The States cannot, surely, be so devoid of common sense, common honesty, & common policy as to refuse their aid on a full, clear, & candid representation of facts from Congress; more especially if these should be enforced by members of their own body; who might demonstrate what the inevitable consequences of failure must lead to.

In my opinion it is a matter worthy of consideration how far an Adjournment of Congress for a few months is advisable. The Delegates in that case, if they are in unison themselves respecting the great defects of their Constitution may represent them fully & boldly to their Constituents. To me, who (know) nothing of the business which is before Congress, nor of the arcanum, it appears that such a measure would tend to promote the public weal; for it is clearly my opinion, unless Congress have powers competent to all general purposes, that the distresses we have encountered, the expences we have incurred, and the blood we have spilt in the course of an Eight years war, will avail us nothing.

The contents of your letter is known only to myself and your prudence will direct what should be done with this. With great esteem and regard I am Dr Sir Yr Most Obedt. Servt

Go: Washington


1. His letter was dated February 13, 1783. Space left blank in MS.

2. Washington probably was referring to Major General Horatio Gates, “The context,” according to Douglas S. Freeman, “scarcely affords ground for doubt of his meaning” (Freeman, Washington, V, 420, note 17).

3. In draft, “United States.”

4. Material in broken brackets, which was omitted from the receiver's copy, has been taken from the draft.

5. In draft, “our.”

Continental Congress

Motion on Abatements for States in Possession of the Enemy

[Philadelphia] March 4, 1783

Whereas in the opinion of Congress it is essential to those principles of justice and liberality which ought to govern the inter-
The Newburgh Address

John Armstrong
March 1783
New York

To the Officers of the Army.

GENTLEMEN,—A fellow soldier, whose interest and affections bind him strongly to you, whose past sufferings have been as great, and whose future fortune may be as desperate as yours—would beg leave to address you.

Age has its claims, and rank is not without its pretensions to advise: but, though unsupported by both, he flatters himself, that the plain language of sincerity and experience will neither be unheard nor unregarded.

Like many of you, he loved private life, and left it with regret. He left it, determined to retire from the field, with the necessity that called him to it, and not till then—not till the enemies of his country, the slaves of power, and the hirelings of injustice, were compelled to abandon their schemes, and acknowledge America as terrible in arms as she had been humble in remonstrance. With this object in view, he has long shared in your toils and mingled in your dangers. He has felt the cold hand of poverty without a murmur, and has seen the insolence of wealth without a sigh. But, too much under the direction of his wishes, and sometimes weak enough to mistake desire for opinion, he has till lately—very lately—believed in the justice of his country. He hoped that, as the clouds of adversity scattered, and as the sunshine of peace and better fortune broke in upon us, the coldness and severity of government would relax, and that, more than justice, that gratitude would blaze forth upon those hands, which had upheld her, in the darkest stages of her passage, from impending servitude to acknowledged independence. But faith has its limits as well as temper, and there are points beyond which neither can be stretched, without sinking into cowardice or plunging into credulity.—This, my friends, I conceive to be your situation—Hurried to the very verge of both, another step would ruin you forever.—To be tame and unprovoked when injuries press hard upon you, is more than weakness; but to look up for kinder usage, without one manly effort of your own, would fix your character, and show the world how richly you deserve those chains you broke. To guard against this evil, let us take a review of the ground upon which we now stand, and from thence carry our thoughts forward for a moment, into the unexplored field of expedient.

After a pursuit of seven long years, the object for which we set out is at length brought within our reach. Yes, my friends, that suffering courage of yours was active once—it has conducted the United States of America through a doubtful and a bloody war. It has placed her in the chair of independency, and peace returns again to bless—whom? A country willing to redress your wrongs, cherish your worth and reward your services, a country courting your return to private life, with tears of gratitude and smiles of admiration, longing to divide with you that independency which your gallantry has given, and those riches which your wounds have preserved? Is this the case? Or is it rather a country that tramples upon your rights, disdains your cries and insults your distresses? Have you not, more than once, suggested your wishes, and made known your wants to Congress? Wants and wishes which gratitude and policy should have anticipated, rather than evaded. And have you not lately, in the meek language of entreating memorialis, begged from their justice, what you would no longer expect from their favour? How have you been answered?
Let the letter which you are called to consider tomorrow make reply.

If this, then, be your treatment, while the swords you wear are necessary for the defence of America, what have you to expect from peace, when your voice shall sink, and your strength dissipate by division? When those very swords, the instruments and companions of your glory, shall be taken from your sides, and no remaining mark of military distinction left but your wants, infirmities and scars? Can you then consent to be the only sufferers by this revolution, and retiring from the field, grow old in poverty, wretchedness and contempt? Can you consent to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity; which has hitherto been spent in honor? If you can—GO—and carry with you the jest of tories and scorn of whigs—the ridicule, and what is worse, the pity of the world. Go, starve, and be forgotten! But, if your spirit should revolt at this; if you have sense enough to discover, and spirit enough to oppose tyranny under whatever garb it may assume; whether it be the plain coat of republicanism, or the splendid robe of royalty; if you have yet learned to discriminate between a people and a cause, between men and principles—awake; attend to your situation and redress yourselves. If the present moment be lost, every future effort is in vain; and your threats then, will be as empty as your entreaties now.

I would advise you, therefore, to come to some final opinion upon what you can bear, and what you will suffer. If your determination be in any proportion to your wrongs, carry your appeal from the justice to the fears of government. Change the milk-and-water style of your last memorial; assume a bolder tone—decent, but lively, spirited and determined, and suspect the man who would advise to more moderation and longer forbearance. Let two or three men, who can feel as well as write, be appointed to draw up your last remonstrance; for, I would no longer give it the suing, soft, unsuccessful epithet of memorial. Let it be represented in language that will neither dishonor you by its rudeness, nor betray you by its fears, what has been promised by Congress, and what has been performed, how long and how patiently you have suffered, how little you have asked, and how much of that little has been denied. Tell them that, though you were the first, and would wish to be the last to encounter danger: though despair itself can never drive you into dishonor, it may drive you from the field: that the wound often irritated, and never healed, may at length become incurable; and that the slightest mark of indignity from Congress now, must operate like the grave, and part you forever: that in any political event, the army has its alternative. If peace, that nothing shall separate them from your arms but death: if war, that courting the auspices, and inviting the direction of your illustrious leader, you will retire to some unsettled country, smile in your turn, and "mock when their fear cometh on." But let it represent also, that should they comply with the request of your late memorial, it would make you more happy and them more respectable. That while war should continue, you would follow their standard into the field, and when it came to an end, you would withdraw into the shade of private life, and give the world another subject of wonder and applause; an army victorious over its enemies—victorious over itself.
then be made by the United States in Congress assembled." (JCC, XXIV, 171.)
1. Space left blank in MS.

From George Washington


Dear Sir,

When I wrote to you last we were in a state of tranquility, but after the arrival of a certain Gentleman, who shall be nameless at present, from Philadelphia, a storm very suddenly arose with unfavourable prognostics; which tho' diverted for a moment is not yet blown over, nor is it in my power to point to the issue.

The Papers which I send officially to Congress, will supersede the necessity of my remarking on the tendency of them. The notification and address, both appeared at the same instant, on the day preceding the intended meeting. The first of these I got hold of the same afternoon; the other, not till next morning.

There is something very mysterious in this business. It appears, reports have been propagated in Philadelphia, that dangerous combinations were forming in the Army; and this at a time when there was not a syllable of the kind in agitation in Camp. It also appears, that upon the arrival in Camp of the Gentleman above alluded to such sentiments as these were immediately circulated: That it was universally expected the army would not disband until they had obtained justice; That the public creditors looked up to them for Redress of their own grievances, wd afford them every aid, and even join them in the Field if necessary; That some mem bers of Congress wished the measure might take effect, in order to compel the public, particularly the delinquent States, to do justice; with many other suggestions of a similar nature.

From this, and a variety of other considerations, it is firmly believed, by some, the scheme was not only planned but also digested and matured in Philadelphia; but in my opinion shall be suspended till I have a better ground to found one on. The matter was managed with great art; for as soon as the Minds of the Officers were thought to be prepared for the transaction, the anonymous invitations and address to the Officers were put in circulation, through every state li

arrest on the precipice; to while the pass ing themselves be no recedin a right path, they been already !

It is common

anonymous st have been for conceiv the matter more t they will be while longer f

appears to be designing me if they really do and prevent a bly be the case best, you wot distances perhaps which would language.

Let me bes earnestly, and men? I do v affirmed to m before them t tion of accs. worthy entit whose means propriety be s follow, by rea ble to God & occasioned th I am Dear.
every state line in the army. I was obliged therefore, in order to arrest on the spot, the foot that stood wavering on a tremendous precipice; to prevent the Officers from being taken by surprise while the passions were all inflamed, and to rescue them from plunging themselves into a gulph of Civil horror from which there might be no receding, to issue the order of the 11th.\(^6\) This was done upon the principle that it is easier to divert from a wrong, and point to a right path, than it is to recall the hasty and fatal steps which have been already taken.

It is commonly supposed if the Officers had met agreeably to the anonymous summons, with their feelings all alive, Resolutions might have been formed the consequences of which may be more easily conceived than described. Now they will have leisure to view the matter more calmly, and will act more seriously. It is to be hoped they will be induced to adopt more rational measures, and wait a while longer for a settlement of their accounts, the postponing of which, appears to be the most plausible and almost the only article of which designing men can make an improper use, by insinuating (which they really do) that it is done with design that Peace may take place and prevent any adjustment of accounts, which say they would inevitably be the case if the war was to cease tomorrow. Or supposing the best, you would have to dance attendance at public Offices at great distances perhaps, and equally great expences to obtain a settlement, which would be highly injurious, nay ruinous to you. This is their language.

Let me beseech you therefore, my good Sir, to urge this matter earnestly, and without further delay. The situation of these Gentlemen,\(^7\) I do verily believe, is distressing beyond description. It is affirmed to me, that a large part of them have no better prospect before them than a Goal, if they are turned loose without liquidation of accounts, and an assurance of that justice to which they are so worthily entitled. To prevail on the Delegates of those States through whose means these difficulties occur, it may, in my opinion, with propriety be suggested to them, if any disastrous consequences should follow, by reason of their delinquency, that they must be answerable to God & their Country for the ineffable horrors which may be occasioned thereby.

I am Dear Sir Yr. Most Obedt. Serv
P.S. I have received your letter of the 5th. & have put that matter in train which was mentioned in it.

I am this instant informed, that a second address to the Officers, distinguished No. 2, is thrown into circulation. The Contents, evidently prove that the Author is in, or near Camp; and that the following words, erased in the second page of this Letter, ought not to have met with this treatment. viz: “By others, that it is the illegitimate offspring of a person in the army.”


1. Colonel Walter Stewart, who had been in Philadelphia, was ordered on active duty as inspector. When he reached Washington's headquarters at Newburgh, he reported to his friends that Congress planned to dissolve the Army in the near future and argued that the army officers should demand that Congress fulfill the promises it had made to them.

2. In a letter to the President of Congress, dated March 11, Washington enclosed three papers: 1. a proposal that a meeting of the general and field officers be held on March 15; 2. An address to the officers of the Army; 3. Washington's general orders of March 11, 1783. Washington's letter is printed in GW, XXVI, 211-12. All three enclosures are printed in JCC, XXIV, 194-98.

3. The address, which circulated at Washington's main camp near Newburgh, advised the officers of the Army to "suspect the man who would advise to more moderation and longer forbearance." Written by Major John Armstrong, the address also attacked Congress for not having fulfilled its obligations to the Army.

The "notification" was a written call for a meeting on March 11 of general and field officers to make a "last remonstrance." The officers were advised that if Congress should fail to act on the remonstrance the Army would be justified in defying that body.

4. Washington received the notification and address on March 10.

5. At this point Washington crossed out the following phrase: "By others, that it is the illegitimate offspring of a person in our camp."

6. In answer to the anonymous address of March 10, Washington in his general orders of March 11 denounced "such disorderly proceedings" and requested all general and field officers to assemble on March 15 "to devise what further measures ought to be adopted as most rational and best calculated to attain the just and important object in view" (GW, XXVI, 208).

7. In MS, "gentleman."

8. The second address, more moderate than the first, was dated March 12. Also written by Armstrong, it argued that Washington's call for a meeting proved that he "sanctified" the claims of the officers. This is printed in JCC, XXIV, 298-99.

9. See note 5.
Speech to the Officers of the Army

Head Quarters, Newburgh, March 15, 1783

Gentlemen: By an anonymous summons, an attempt has been made to convene you together; how inconsistent with the rules of propriety! how unmilitary! and how subversive of all order and discipline, let the good sense of the Army decide.

In the moment of this Summons, another anonymous production was sent into circulation, addressed more to the feelings and passions, than to the reason and judgment of the Army. The author of the piece, is entitled to much credit for the goodness of his Pen and I could wish he had as much credit for the rectitude of his Heart, for, as Men see thro’ different Optics, and are induced by the reflecting faculties of the Mind, to use different means, to attain the same end, the Author of the Address, should have had more charity, than to mark for Suspicion, the Man who should recommend moderation and longer forbearance, or, in other words, who should not think as he thinks, and act as he advises. But he had another plan in view, in which candor and liberality of Sentiment, regard to justice, and love of Country, have no part; and he was right, to insinuate the darkest suspicion, to effect the blackest designs.

That the Address is drawn with great Art, and is designed to answer the most insidious purposes. That it is calculated to impress the Mind, with an idea of premeditated injustice in the Sovereign power of the United States, and rouse all those resentments which must unavoidably flow from such a belief. That the secret mover of this Scheme (whoever he may be) intended to take advantage of the passions, while they were warmed by the recollection of past distresses, without giving time for cool, deliberative thinking, and that composure of Mind which is so necessary to give dignity and stability to measures is rendered too obvious, by the mode of conducting the business, to need other proof than a reference to the proceeding.

Thus much, Gentlemen, I have thought it incumbent on me to observe to you, to shew upon what principles I opposed the irregular and hasty meeting which was proposed to have been held on Tuesday last: and not because I wanted a disposition to give you every opportunity consistent with your own honor, and the dignity of the army, to make known your grievances. If my conduct heretofore, has not evinced to you, that I have been a faithful friend to the Army, my declaration of it at this moment wd. be equally unavailing and improper. But as I was among the first who embarked in the cause of our common Country. As I have never left your side one moment, but when called from you on public duty. As I have been the constant companion and witness of your Distresses, and not among the last to feel, and acknowledge your Merits. As I have ever considered my own Military reputation as inseperably connected with that of the Army. As my Heart has ever expanded with joy, when I have heard its praises, and my
indignation has arisen, when the mouth of detraction has been opened against it, it can scarcely
be supposed, at this late stage of the War, that I am indifferent to its interests. But, hoe are they
to be promoted? The way is plain, says the anonymous Addresser. If War continues, remove into
the unsettled Country; there establish yourselves, and leave an ungrateful Country to defend
itself. But how are they to defend? Our Wives, our Children, our Farms, and other property
which we leave behind us. Or, in this state of hostile seperation, are we to take the two first (the
latter cannot be removed), to perish in a Wilderness, with hunger, cold and nakedness? If Peace
takes place, never sheath your Swords Says he until you have obtained full and ample justice;
this dreadful alternative, of either deserting our Country in the extremest hour of her distress, or
turning our Arms against it, (which is the apparent object, unless Congress can be compelled into
instant compliance) has something so shocking in it, that humanity revolts at the idea. My God!
What can this writer have in view, by recommending such measures? Can he be a friend to the
Army? Can he be a friend to this Country? Rather, is he not an insidious Foe? Some Emissary,
perhaps from New York, plotting the ruin of both, by sowing the seeds of discord and seperation
between the Civil and Military powers of the Continent? And what a Compliment does he pay to
our understandings, when he recommends measures in either alternative, impracticable in their
Nature?

But here, Gentlemen, I will drop the curtain, because it wd. be as imprudent in me to assign my
reasons for this opinion, as it would be insulting to your conception, to suppose you stood in
need of them. A moment’s reflection will convince every dispassionate Mind of the physical
impossibility of carrying either proposal into execution.

There might, Gentlemen, be an impropriety in my taking notice, in this Address to you, of an
anonymous production, but the manner in which that performance has been introduced to the
army, the effect it was intended to have, together with some other circumstances, will amply
justify my observations on the tendency of that Writing. With respect to the advice given by the
Author, to suspect the Man, who shall recommend moderate measures and longer forbearance, I
spurn it, as every Man, who regards liberty, and reveres that justice for which we contend,
undoubtedly must; for if Men are to be precluded from offering their Sentiments on a matter,
which may involve the most serious and alarming consequences, that can invite the consideration
of Mankind, reason is of no use to us; the freedom of Speech may be taken away, and dumb and
silent we may be led, like sheep, to the Slaughter.

I cannot, in justice to my own belief, and what I have great reason to conceive is the intention of
Congress, conclude this Address, without giving it as my decided opinion, that that Honble
Body, entertain exalted sentiments of the Services of the Army; and, from a full conviction of its
merits and sufferings, will do it compleat justice. That their endeavors, to discover and establish
funds for this purpose, have been unwearied, and will not cease, till they have succeed, I have
not a doubt. But, like all other large Bodies, where there is a variety of different Interests to
reconcile, their deliberations are slow. Why then should we distrust them? and, in consequence of that distrust, adopt measures, which may cast a shade over that glory which, has been so justly acquired; and tarnish the reputation of an Army which is celebrated thro’ all Europe, for its fortitude and Patriotism? and for what is this done? to bring the object we seek nearer? No! most certainly, in my opinion, it will cast it at a greater distance.

For myself (and I take no merit in giving the assurance, being induced to it from principles of gratitude, veracity and justice), a grateful sense of the confidence you have ever placed in me, a recollection of the cheerful assistance, and prompt obedience I have experienced from you, under every vicissitude of Fortune, and the sincere affection I feel for an Army, I have so long had the honor to Command, will oblige me to declare, in this public and solemn manner, that, in the attainment of compleat justice for all your toils and dangers, and in the gratification of every wish, so far as may be done consistently with the great duty I owe my Country, and those powers we are bound to respect, you may freely command my Services to the utmost of my abilities.

While I give you these assurances, and pledge myself in the most unequivocal manner, to exert whatever ability I am possessed of, in your favor, let me entreat you, Gentlemen, on your part, not to take any measures, which viewed in the calm light of reason, will lessen the dignity, and sully the glory you have hitherto maintained; let me request you to rely on the plighted faith of your Country, and place a full confidence in the purity of the intentions of Congress; that, previous to your dissolution as an Army they will cause all your Accts. to be fairly liquidated, as directed in their resolutions, which were published to you two days ago, and that they will adopt the most effectual measures in their power, to render ample justice to you, for your faithful and meritorious Services. And let me conjure you, in the name of our common Country, as you value your own sacred honor, as you respect the rights of humanity, and as you regard the Military and National character of America, to express your utmost horror and detestation of the Man who wishes, under any specious pretences, to overturn the liberties of our Country, and who wickedly attempts to open the flood Gates of Civil discord, and deluge our rising Empire in Blood. By thus determining, and thus acting, you will pursue the plain and direct road to the attainment of your wishes. You will defeat the insidious designs of our Enemies, who are compelled to resort from open force to secret Artifice. You will give one more distinguished proof of unexampled patriotism and patient virtue, rising superior to the pressure of the most complicated sufferings; And you will, by the dignity of your Conduct, afford occasion of Posterity to say, when speaking of the glorious example you have exhibited to Mankind, “had this day been wanting, the World had never seen the last stage of perfection to which human nature is capable of attaining.”
Letter to Major General Nathanael Greene

George Washington
March 31, 1783

Head Quarters, March 31, 1783.

Dear Sir: I have the pleasure to inclose to you a letter from the Marquis de la fayette, which came under cover to me, by the Packet Triumph, dispatched by the Marquis and the Count de Estaing from Cadiz to Phila.

All the Accounts which this Vessel has bro’t, of a Conclusion of a General Peace, you will receive before this can reach you.

You will give the highest Credit to my Sincerity, when I beg you to accept my warmest Congratulations on this glorious and happy Event, an Event which crowns all our Labors and will sweeten the Toils which we have experienced in the Course of Eight Years distressing War. The Army here, universally participate in the general Joy which this Event has diffused, and, from this Consideration, together with the late Resolutions of Congress, for the Commutation of the Half pay, and for a Liquidation of all their Accounts, their Minds are filled with the highest Satisfaction. I am sure you will join with me in this additional occasion of joy.

It remains only for the States to be Wise, and to establish their Independence on that Basis of inviolable efficacious Union, and firm Confederation, which may prevent their being made the Sport of European Policy; may Heaven give them Wisdom to adopt the Measures still necessary for this important Purpose. I have the honor etc.
Letter to Marquis de LaFayette

George Washington
April 5, 1783

Head Qrs., Newburgh, April 5, 1783.

My dear Marqs.:

It is easier for you to conceive than for me to express the sensibility of my Heart at the communications in your letter of the 5th. of Feb'y. from Cadiz. It is to these communications we are indebted for the only acct. yet reed of a general Pacification. My mind upon the receipt of this news was instantly assailed by a thousand ideas, all of them contending for pre-eminence, but believe me my dear friend none could supplant, or ever will eradicate that gratitude, which has arisen from a lively sense of the conduct of your Nation: from my obligations to many illustrious characters of it, among whom (I do not mean to flatter, when) I place you at the head of them; And from my admiration of the Virtues of your August Sovereign; who at the same time that he stands confessed the Father of his own people, and defender of American rights has given the most exalted example of moderation in treating with his Enemies.

We now stand an Independent People, and have yet to learn political Tactics. We are placed among the Nations of the Earth, and have a character to establish; but how we shall acquit ourselves time must discover; the probability, at least I fear it is, that local, or state Politics will interfere too much with that more liberal and extensive plan of government which wisdom and foresight, freed from the mist of prejudice, would dictate; and that we shall be guilty of many blunders in treading this boundless theatre before we shall have arrived at any perfection in this Art. In a word that the experience which is purchased at the price of difficulties and distress, will alone convince us that the honor, power, and true Interest of this Country must be measured by a Continental scale; and that every departure therefrom weakens the Union, and may ultimately break the band, which holds us together. To avert these evils, to form a Constitution that will give consistency, stability and dignity to the Union; and sufficient powers to the great Council of the Nation for general purposes is a duty which is incumbent upon every Man who wishes well to his Country, and will meet with my aid as far as it can be rendered in the private walks of life; for hence forward my Mind shall be unbent; and I will endeavor to glide down the stream of life 'till I come to that abyss, from whence no traveller is permitted to return.

The Armament wch. was preparing at Cadiz, and in which you were to have acted a distinguished part would have carried such conviction with it, that it is not to be wondered at, that Great Britain should have been impressed with the force of such reasoning. To this cause I am perswaded, the Peace is to be ascribed. Your going to Madrid from thence, instead of coming immediately to this Country, is another instance My Dear Marquis of your Zeal for the American Cause; and lays a fresh claim to the gratitude of her Sons, who will, at all times, receive you with open Arms; but as no Official dispatches are yet received, either at Phila. or New York of the completion of the treaty, nor any measures taken for the reduction of the Army, my detention therewith is quite uncertain; to say then (at this time) where I may be at the epoch for your intended visit to this Continent is too vague even for conjecture; but nothing can be more true than that the pleasure with which I shall receive you, will be equal to your wishes. I shall be better able to determinethen than now, on the practicability of accompanying you to France. A Country to which I shall ever feel a Warm
Affection; and if I do not pay it that tribute of respect which is to be derived from a visit it may be ascribed with more justice to any other cause, than a want of inclination; or the pleasure of going there under the auspices of your friendship.

I have already observed, that the determinations of Congress, if they have come to any, respecting the Army, is yet unknown to me; but as you wish to be informed of every thing that concerns it, I do, for your satisfaction, transmit authentic documents of some very interesting occurrences, which have happened within the last Six Months. but I ought first to have premised, that from accumulated sufferings, and little or no prospect of relief, the discontents of the Officers last Fall put on the threatening appearance of a total resignation, till the business was diverted into the channel which produced the Address and Petition to Congress which stands first on the file herewith inclosed. I shall make no comment on these proceedings; to one as well acquainted with the sufferings of the American Army as you are, it is unnecessary, it will be sufficient to observe, that the more Virtue and forbearance of it is tried, the more resplendent it appears. My hopes, that the military exit of this valuable class of the community will exhibit such a proof of Amor patria: as will do them honor in the page of history.

These papers with my last letter (which was intended to go by Colo. Gouvion, containing extensive details of Military Plans) will convey to you every information I can give, in the present uncertainty, worthy of attention. If you should get sleepy, and tired of reading them, recollect, for my exculpation, that it is in compliance with your request, I have run into such prolixity.

I made a proper use of the confidential part of your Letter of the 5th. of Feby.

The scheme, my dear Marqs. which you propose as a precedent, to encourage the emancipation of the black people of this Country from that state of Bondage in wch. they are held, is a striking evidence of the benevolence of your Heart. I shall be happy to join you in so laudable a work; but will defer going into a detail of the business, ‘till I have the pleasure of seeing you.

Lord Stirling is no more; he died at Albany in Jany. last, very much regretted. Colo. Barber was snatched from us about the same time; in a way equally unexpected, sudden and distressing; leaving many friends to bemoan his fate.

Tilghman is on the point of Matrimony with a namesake and Cousin; Sister to Mrs. Carroll of Baltimore. It only remains for me now, My dear Marqs., to make a tender of my respectful Compliments in which Mrs. Washington unites, to Madame La Fayette; and to wish you, her, and your little offspring, all the happiness this life can afford. I will extend my Compliments to the Gentlemen, with whom I have the honor of an Acquaintance, in your circle. I need not add how happy I shall be to see you in America, and more particularly at Mount Vernon; or with what truth and warmth of Affection I am etc.
General Orders

George Washington
April 18, 1783

Friday, April 18, 1783.

Parole Kenalal. Countersigns Litchfield, Montreal.

For the day tomorrow

Brigadier Genl. Stark.

Brigd. Qr. Mr. York Brigade.

The Jersey regiment gives the Guards and the Jersey battalion the fatigues tomorrow.

The Commander in Chief orders the Cessation of Hostilities between the United States of America and the King of Great Britain to be publickly proclaimed tomorrow at 12 o—clock at the New building, and that the Proclamation which will be communicated herewith, be read tomorrow evening at the head of every regiment and corps of the army. After which the Chaplains with the several Brigades will render thanks to almighty God for all his mercies, particularly for his over ruling the wrath of man to his own glory, and causing the rage of war to cease amongst the nations.

Although the proclamation before alluded to, extends only to the prohibition of hostilities and not to the annunciation of a general peace, yet it must afford the most rational and sincere satisfaction to every benevolent mind, as it puts a period to a long and doubtful contest, stops the effusion of human blood, opens the prospect to a more splendid scene, and like another morning star, promises the approach of a brighter day than hath hitherto illuminated the Western Hemisphere; on such a happy day, a day which is the harbinger of Peace, a day which compleats the eighth year of the war, it would be ingratitude not to rejoice! it would be insensibility not to participate in the general felicity.

The Commander in Chief far from endeavouring to stifle the feelings of Joy in his own bosom, offers his most cordial Congratulations on the occasion to all the Officers of every denomination, to all the Troops of the United States in General, and in particular to those gallant and persevering men who had resolved to defend the rights of their invaded country so long as the war should continue. For these are the men who ought to be considered as the pride and boast of the American Army; And, who crowned with well earned laurels, may soon withdraw from the field of Glory, to the more tranquil walks of civil life.

While the General recollects the almost infinite variety of Scenes thro which we have passed, with a mixture of pleasure, astonishment, and gratitude; While he contemplates the prospects before us with rapture; he can not help wishing that all the brave men (of whatever condition they may be) who have shared in the toils and dangers of effecting this glorious revolution, of rescuing Millions from the hand of oppression, and of laying the foundation of a great Empire, might be
impressed with a proper idea of the dignified part they have been called to act (under the Smiles of providence) on the stage of human affairs: for, happy, thrice happy shall they be pronounced hereafter, who have contributed any thing, who have performed the meanest office in erecting this stupendous fabric of Freedom and Empire on the broad basis of Independency; who have assisted in protecting the rights of humane nature and establishing an Asylum for the poor and oppressed of all nations and religions. The glorious task for which we first flew to Arms being thus accomplished, the liberties of our Country being fully acknowledged, and firmly secured by the smiles of heaven, on the purity of our cause, and the honest exertions of a feeble people (determined to be free) against a powerful Nation (disposed to oppress them) and the Character of those who have persevered, through every extremity of hardship; suffering and danger being immortalized by the illustrious appellation of the patriot Army: Nothing now remains but for the actors of this mighty Scene to preserve a perfect, unvarying, consistency of character through the very last act; to close the Drama with applause; and to retire from the Military Theatre with the same approbation of Angells and men which have crowned all their former virtuous Actions. For this purpose no disorder or licentiousness must be tolerated, every considerate and well disposed soldier must remember it will be absolutely necessary to wait with patience untill peace shall be declared or Congress shall be enabled to take proper measures for the security of the public stores &ca.; as soon as these Arrangements shall be made the General is confident there will be no delay in discharging with every mark of distinction and honor all the men enlisted for the war who will then have faithfully performed their engagements with the public. The General has already interested himself in their behalf; and he thinks he need not repeat the assurances of his disposition to be useful to them on the present, and every other proper occasion. In the mean time he is determined that no Military neglects or excesses shall go unpunished while he retains the command of the Army.

The Adjutant General will have such working parties detailed to assist in making the preparations for a general rejoicing as the Chief Engineer with the Army shall call for, and the Quarter Master Genl. will also furnish such materials as he may want.

The Quarter Master General will without delay procure such a number of Discharges to be printed as will be sufficient for all the men enlisted for the War; he will please to apply to Head Quarters for the form.

An extra ration of liquor to be issued to every man tomorrow, to drink Perpetual Peace, Independence and Happiness to the United States of America.
Farewell Orders to the Armies of the United States

George Washington
November 2, 1783

Rock Hill, near Princeton, November 2, 1783

The United States in Congress assembled after giving the most honorable testimony to the merits of the federal Armies, and presenting them with the thanks of their country for their long, eminent, and faithful services, having thought proper by their proclamation bearing date the 18th. day of October last to discharge such part of the Troops as were engaged for the war, and to permit the Officers on furlough to retire from service from and after tomorrow; which proclamation having been communicated in the public papers for the information and government of all concerned; it only remains for the Comdr in Chief to address himself once more, and that for the last time, to the Armies of the U. States (however widely dispersed the individuals who compose them may be) and to bid them an affectionate, a long farewell.

But before the Comdr. in Chief takes his final leave of those he holds most dear, he wishes to indulge himself a few moments in calling to mind a slight review of the past. He will then take the liberty of exploring, with his military friends, their future prospects, of advising the general line of conduct, which in his opinion, ought to be pursued, and he will conclude the Address by expressing the obligations he feels himself under for the spirited and able assistance he has experienced from them in the performance of an arduous Office.

A contemplation of the complete attainment (at a period earlier than could have been expected) of the object for which we contended against so formidable a power cannot but inspire us with astonishment and gratitude. The disadvantageous circumstances on our part, under which the war was undertaken, can never be forgotten. The singular interpositions of Providence in our feeble condition were such, as could scarcely escape the attention of the most unobserving; while the unparalleled perseverance of the Armies of the U. States, through almost every possible suffering and discouragement for the space of eight long years, was little short of a standing miracle.

It is not the meaning nor within the compass of this address to detail the hardships peculiarly incident to our service, or to describe the distresses, which in several instances have resulted from the extremes of hunger and nakedness, combined with the rigors of an inclement season; nor is it necessary to dwell on the dark side of our past affairs. Every American Officer and Soldier must now console himself for any unpleasant circumstances which may have occurred by a recollection of the uncommon scenes in which he has been called to Act no inglorious part, and the astonishing events of which he has been a witness, events which have seldom if ever before taken place on the stage of human action, nor can they probably ever happen again. For who has before seen a disciplined Army form’d at once from such raw materials? Who, that was not a witness, could imagine that the most violent local prejudices would cease so soon, and that Men who came from the different parts of the Continent, strongly disposed, by the habits of education, to despise and quarrel with each other, would instantly become but one patriotic band of Brothers, or who, that was not on the spot, can trace the steps by which such a wonderful revolution has been effected, and such a glorious period put to all our warlike toils?

It is universally acknowledged, that the enlarged prospects of happiness, opened by the
confirmation of our independence and sovereignty, almost exceeds the power of description. And shall not the brave men, who have contributed so essentially to these inestimable acquisitions, retiring victorious from the field of War to the field of agriculture, participate in all the blessings which have been obtained; in such a republic, who will exclude them from the rights of Citizens and the fruits of their labor. In such a Country, so happily circumstanced, the pursuits of Commerce and the cultivation of the soil will unfold to industry the certain road to competence. To those hardy Soldiers, who are actuated by the spirit of adventure the Fisheries will afford ample and profitable employment, and the extensive and fertile regions of the West will yield a most happy asylum to those, who, fond of domestic enjoyments are seeking for personal independence. Nor is it possible to conceive, that any one of the U. States will prefer a national bankruptcy and a dissolution of the union, to a compliance with the requisitions of Congress and the payment of its just debts; so that the Officers and Soldiers may expect considerable assistance in recommencing their civil occupations from the sums due to them from the public, which must and will most inevitably be paid.

In order to effect this desirable purpose and to remove the prejudices which may have taken possession of the minds of any of the good people of the States, it is earnestly recommended to all the Troops that with strong attachments to the Union, they should carry with them into civil society the most conciliating dispositions; and that they should prove themselves not less virtuous and useful as Citizens, than they have been persevering and victorious as Soldiers. What tho, there should be some envious individuals who are unwilling to pay the debt the public has contracted, or to yield the tribute due to merit; yet, let such unworthy treatment produce no invective or any instance of intemperate conduct; let it be remembered that the unbiased voice of the free Citizens of the United States has promised the just reward, and given the merited applause; let it be known and remembered, that the reputation of the foederal Armies is established beyond the reach of malevolence; and let a consciousness of their achievements and fame still incite the men, who composed them to honorable actions; under the persuasion that the private virtues of oeconomy, prudence, and industry, will not be less amiable in civil life, than the more splendid qualities of valour, perseverance, and enterprise were in the Field. Every one may rest assured that much, very much of the future happiness of the Officers and Men will depend upon the wise and manly conduct which shall be adopted by them when they are mingled with the great body of the community. And, although, the General has so frequently given it as his opinion, in the most public and explicit manner, that, unless the principles of the federal government were properly supported and the powers of the union increased, the honor, dignity, and justice of the nation would be lost forever. Yet he cannot help repeating, on this occasion, so interesting a sentiment, and leaving it as his last injunction to every Officer and every Soldier, who may view the subject in the same serious point of light, to add his best endeavors to those of his worthy fellow Citizens towards effecting these great and valuable purposes on which our very existence as a nation so materially depends.

The Commander in chief conceives little is now wanting to enable the Soldiers to change the military character into that of the Citizen, but that steady and decent tenor of behavior which has generally distinguished, not only the Army under his immediate command, but the different detachments and separate Armies through the course of the war. From their good sense and prudence he anticipates the happiest consequences; and while he congratulates them on the glorious occasion, which renders their services in the field no longer necessary, he wishes to express the strong obligations he feels himself under for the assistance he has received from every Class, and in every instance. He presents his thanks in the most serious and affectionate manner to the General Officers, as well for their counsel on many interesting occasions, as for their ardor in promoting the success of the plans he had adopted. To the Commandants of Regiments and Corps, and to the other Officers for their great zeal and attention, in carrying his orders promptly into execution. To the Staff, for their alacrity and exactness in performing the Duties of their several Departments. And to the Non Commissioned Officers and private Soldiers, for their extraordinary patience in suffering, as well as their invincible fortitude in Action. To the various branches of the Army the General takes this last and solemn opportunity of professing his
inviolable attachment and friendship. He wishes more than bare professions were in his power, that he were really able to be useful to them all in future life. He flatters himself however, they will do him the justice to believe, that whatever could with propriety be attempted by him has been done, and being now to conclude these his last public Orders, to take his ultimate leave in a short time of the military character, and to bid a final adieu to the Armies he has so long had the honor to Command, he can only again offer in their behalf his recommendations to their grateful country, and his prayers to the God of Armies. May ample justice be done them here, and may the choicest of heaven’s favors, both here and hereafter, attend those who, under the divine auspices, have secured innumerable blessings for others; with these wishes, and this benediction, the Commander in Chief is about to retire from Service. The Curtain of separation will soon be drawn, and the military scene to him will be closed for ever.
[Annapolis, December 23, 1783.]

Mr. President:

The great events on which my resignation depended having at length taken place; I have now the honor of offering my sincere Congratulations to Congress and of presenting myself before them to surrender into their hands the trust committed to me, and to claim the indulgence of retiring from the Service of my Country.

Happy in the confirmation of our Independence and Sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable Nation, I resign with satisfaction the Appointment I accepted with diffidence. A diffidence in my abilities to accomplish so arduous a task, which however was superseded by a confidence in the rectitude of our Cause, the support of the Supreme Power of the Union, and the patronage of Heaven.

The Successful termination of the War has verified the most sanguine expectations, and my gratitude for the interposition of Providence, and the assistance I have received from my Countrymen, encreases with every review of the momentous Contest.

While I repeat my obligations to the Army in general, I should do injustice to my own feelings not to acknowledge in this place the peculiar Services and distinguished merits of the Gentlemen who have been attached to my person during the War. It was impossible the choice of confidential Officers to compose my family should have been more fortunate. Permit me Sir, to recommend in particular those, who have continued in Service to the present moment, as worthy of the favorable notice and patronage of Congress.
I consider it an indispensable duty to close this last solemn act of my Official life, by commending the Interests of our dearest Country to the protection of Almighty God, and those who have the superintendence of them, to his holy keeping.

Having now finished the work assigned me, I retire from the great theatre of Action; and bidding an Affectionate farewell to this August body under whose orders I have so long acted, I here offer my Commission, and take my leave of all the employments of public life.
Session 13
The Political Effects of the Revolutionary War
Professor Taylor

Thursday, July 24
10:50 am--12:20 pm
Alexander Hamilton to John Jay

TO GIVE THEM THEIR FREEDOM WITH

George Rogers Clark
Page 238


Notes on the State of Viriginia, Query XIV: Justice

Thomas Jefferson
1781

The administration of justice and description of the laws?

The state is divided into counties. In every county are appointed magistrates, called justices of the peace, usually from eight to thirty or forty in number, in proportion to the size of the county, of the most discreet and honest inhabitants. They are nominated by their fellows, but commissioned by the governor, and act without reward. These magistrates have jurisdiction both criminal and civil. If the question before them be a question of law only, they decide on it themselves: but if it be of fact, or of fact and law combined, it must be referred to a jury. In the latter case, of a combination of law and fact, it is usual for the jurors to decide the fact, and to refer the law arising on it to the decision of the judges. But this division of the subject lies with their discretion only. And if the question relate to any point of public liberty, or if it be one of those in which the judges may be suspected of bias, the jury undertake to decide both law and fact. If they be mistaken, a decision against right, which is casual only, is less dangerous to the state, and less afflicting to the loser, than one which makes part of a regular and uniform system. In truth, it is better to toss up cross and pile in a cause, than to refer it to a judge whose mind is warped by any motive what-ever, in that particular case. But the common sense of twelve honest men gives still a better chance of just decision, than the hazard of cross and pile. These judges execute their process by the sheriff or coroner of the county, or by constables of their own appointment. If any free person commit an of-fence against the commonwealth, if it be below the degree of felony, he is bound by a justice to appear before their court, to answer it on indictment or information. If it amount to felony, he is committed to jail, a court of these justices is called; if they on examination think him guilty, they send him to the jail of the general court, before which court he is to be tried first by a grand jury of 2,4, of whom 13 must concur in opinion: if they find him guilty, he is then tried by a jury of 12 men of the county where the offence was committed, and by their verdict, which must be unanimous, he is acquitted or condemned without appeal. If the criminal be a slave the trial by the county court is final. In every case however, except that of high treason, there resides in the governor a power of par-don. In high treason, the pardon can only flow from the general assembly. In civil matters these justices have jurisdiction in all cases of whatever value, not appertaining to the department of the admiralty. This jurisdiction is twofold. If the mat-ter in dispute be of less value than 41/6 dollars, a single member may try it at any time and place within his county, and may award execution on the goods of the party cast. If it be of that or greater value, it is determinable before the county court, which consists of four at the least of those justices, and assembles at the court-house of the county on a certain day in every month. From their determination, if the matter be of the value of ten pounds sterling, or concern the title or bounds of lands, an appeal lies to one of the superior courts.

There are three superior courts, to wit, the high-court of chancery, the general court, and court of admiralty. The first and second of these receive appeals from the county courts, and also have original jurisdiction where the subject of controversy is of the value of ten pounds
sterling, or where it concerns the title or bounds of land. The jurisdiction of the admiralty is original altogether. The high-court of chancery is composed of three judges, the general court of five, and the court of admiralty of three. The two first hold their sessions at Richmond at stated times, the chancery twice in the year, and the general court twice for business civil and criminal, and twice more for criminal only. The court of admiralty sits at Williamsburgh whenever a controversy arises.

There is one supreme court, called the court of appeals, composed of the judges of the three superior courts, assembling twice a year at stated times at Richmond. This court receives appeals in all civil cases from each of the superior courts, and determines them finally. But it has no original jurisdiction.

If a controversy arise between two foreigners of a nation in alliance with the United States, it is decided by the Consul for their State, or, if both parties chuse it, by the ordinary courts of justice. If one of the parties only be such a foreigner; it is triable before the courts of justice of the country. But if it shall have been instituted in a county court, the foreigner may remove it into the general court, or court of chancery, who are to determine it at their first sessions, as they must also do if it be originally commenced before them. In cases of life and death, such foreigners have a right to be tried by a jury, the one half foreigners, the other natives.

All public accounts are settled with a board of auditors, consisting of three members, appointed by the general assembly, any two of whom may act. But an individual, dissatisfied with the determination of that board, may carry his case into the proper superior court.

A description of the laws.

The general assembly was constituted, as has been already shewn, by letters-patent of March the 9th, 1607, in the 4th year of the reign of James the First. The laws of England seem to have been adopted by consent of the settlers, which might easily enough be done whilst they were few and living all together. Of such adoption however we have no other proof than their practice, till the year 1661, when they were expressly adopted by an act of the assembly, except so far as 'a difference of condition' rendered them inapplicable. Under this adoption, the rule, in our courts of judicature was, that the common law of England, and the general statutes previous to the 4th of James, were in force here; but that no subsequent statutes were, unless we were named in them, said the judges and other partisans of the crown, but named or not named, said those who reflected freely. It will be unnecessary to attempt a description of the laws of England, as that may be found in English publications. To those which were established here, by the adoption of the legislature, have been since added a number of acts of assembly passed during the monarchy, and ordinances of convention and acts of assembly enacted since the establishment of the republic. The following variations from the British model are perhaps worthy of being specified.

Debtors unable to pay their debts, and making faithful de-livery of their whole effects, are released from confinement, and their persons for ever discharged from restraint for such previous debts: but any property they may afterwards acquire will be subject to their creditors.
The poor, unable to support themselves, are maintained by an assessment on the titheable persons in their parish. This assessment is levied and administered by twelve persons in each parish, called vestrymen, originally chosen by the house-keepers of the parish, but afterwards filling vacancies in their own body by their own choice. These are usually the most discreet farmers, so distributed through their parish, that every part of it may be under the immediate eye of some one of them. They are well acquainted with the details and economy of private life, and they find sufficient inducements to execute their charge well, in their philanthropy, in the approbation of their neighbours, and the distinction which that gives them. The poor who have neither property, friends, nor strength to labour, are boarded in the houses of good farmers, to whom a stipulated sum is annually paid. To those who are able to help themselves a little, or have friends from whom they derive some succours, inadequate however to their full maintenance, supplementary aids are given, which enable them to live comfortably in their own houses, or in the houses of their friends. Vagabonds, without visible property or vocation, are placed in workhouses, where they are well clothed, fed, lodged, and made to labour. Nearly the same method of providing for the poor prevails through all our states; and from Savannah to Portsmouth you will seldom meet a beggar. In the larger towns indeed they sometimes present themselves. These are usually foreigners, who have never obtained a settlement in any parish. I never yet saw a native American begging in the streets or highways. A subsistence is easily gained here: and if, by misfortunes, they are thrown on the charities of the world, those provided by their own country are so comfortable and so certain, that they never think of relinquishing them to become strolling beggars. Their situation too, when sick, in the family of a good farmer, where every member is emulous to do them kind offices, where they are visited by all the neighbours, who bring them the little rarities which their sickly appetites may crave, and who take by rotation the nightly watch over them, when their condition requires it, is without comparison better than in a general hospital, where the sick, the dying, and the dead are crammed together, in the same rooms, and often in the same beds. The disadvantages, inseparable from general hospitals, are such as can never be counterpoised by all the regularities of medicine and regimen. Nature and kind nursing save a much greater proportion in our plain way, at a smaller expense, and with less abuse. One branch only of hospital institution is wanting with us; that is, a general establishment for those labouring under difficult cases of chirurgery. The aids of this art are not equivocal. But an able chirurgeon cannot be had in every parish. Such a receptacle should therefore be provided for those patients: but no others should be admitted.

Marriages must be solemnized either on special licence, granted by the first magistrate of the county, on proof of the consent of the parent or guardian of either party under age, or after solemn publication, on three several Sundays, at some place of religious worship, in the parishes where the parties reside. The act of solemnization may be by the minister of any society of Christians, who shall have been previously licensed for this purpose by the court of the county. Quakers and Menonists however are exempted from all these conditions, and marriage among them is to be solemnized by the society itself.

A foreigner of any nation, not in open war with us, becomes naturalized by removing to the state to reside, and taking an oath of fidelity: and thereupon acquires every right of a native citizen: and citizens may divest themselves of that character, by declaring, by solemn deed, or
in open court, that they mean to expatriate themselves, and no longer to be citizens of this state.

Conveyances of land must be registered in the court of the county wherein they lie, or in the general court, or they are void, as to creditors, and subsequent purchasers.

Slaves pass by descent and dower as lands do. Where the descent is from a parent, the heir is bound to pay an equal share of their value in money to each of his brothers and sisters.

Slaves, as well as lands, were entailable during the monarchy: but, by an act of the first republican assembly, all donees in tail, present and future, were vested with the absolute dominion of the entailed subject.

Bills of exchange, being protested, carry 10 per cent. interest from their date.

No person is allowed, in any other case, to take more than five per cent. per annum simple interest, for the loan of monies.

Gaming debts are made void, and monies actually paid to discharge such debts (if they exceeded 40 shillings) may be recovered by the payer within three months, or by any other person afterwards.

Tobacco, flour, beef, pork, tar, pitch, and turpentine, must be inspected- by persons publicly appointed, before they can be exported.

The erecting iron-works and mills is encouraged by many privileges; with necessary cautions however to prevent their dams from obstructing the navigation of the water-courses. The general assembly have on several occasions shewn a great desire to encourage the opening the great falls of James and Patowmac rivers. As yet, however, neither of these have been effected.

The laws have also descended to the preservation and improvement of the races of useful animals, such as horses, cattle, deer; to the extirpation of those which are noxious, as wolves, squirrels, crows, blackbirds; and to the guarding our citizens against infectious disorders, by obliging suspected vessels coming into the state, to perform quarantine, and by regulating the conduct of persons having such disorders within the state.

The mode of acquiring lands, in the earliest times of our settlement, was by petition to the general assembly. If the lands prayed for were already cleared of the Indian title, and the assembly thought the prayer reasonable, they passed the property by their vote to the petitioner. But if they had not yet been ceded by the Indians, it was necessary that the petitioner should previously purchase their right. This purchase the assembly verified, by enquiries of the Indian proprietors; and being satisfied of its reality and fairness, proceeded further to examine the reasonableness of the petition, and its consistence with policy; and, according to the result, either granted or rejected the petition. The company also some-times, though very rarely, granted lands, independantly of the general assembly. As the colony
increased, and individual applications for land multiplied, it was found to give too much occupation to the general assembly to enquire into and execute the grant in every special case. They therefore thought it better to establish general rules, according to which all grants should be made, and to leave to the governor the execution of them, under these rules. This they did by what have been usually called the land laws, amending them from time to time, as their defects were developed. According to these laws, when an individual wished a portion of unappropriated land, he was to locate and survey it by a public officer, appointed for that purpose: its breadth was to bear a certain proportion to its length: the grant was to be executed by the governor: and the lands were to be improved in a certain manner, within a given time. From these regulations there resulted to the state a sole and exclusive power of taking conveyances of the Indian right of soil: since, according to them, an Indian conveyance alone could give no right to an individual, which the laws would acknowledge. The state, or the crown, thereafter, made general purchases of the Indians from time to time, and the governor parcelled them out by special grants, conformed to the rules before described, which it was not in his power, or in that of the crown, to dispense with. Grants, unaccompanied by their proper legal circumstances, were set aside regularly by scire facias, or by bill in Chancery. Since the establishment of our new government, this order of things is but little changed. An individual, wishing to appropriate to himself lands still unappropriated by any other, pays to the public treasurer a sum of money proportioned to the quantity he wants. He carries the treasurer’s receipt to the auditors of public accounts, who thereupon debit the treasurer with the sum, and order the register of the land-office to give the party a warrant for his land. With this warrant from the register, he goes to the surveyor of the county where the land lies on which he has cast his eye. The surveyor lays it off for him, gives him its exact description, in the form of a certificate, which certificate he returns to the land-office, where a grant is made out, and is signed by the governor. This vests in him a perfect dominion in his lands, transmissible to whom he pleases by deed or will, or by descent to his heirs if he die intestate.

Many of the laws which were in force during the monarchy being relative merely to that form of government, or inculcating principles inconsistent with republicanism, the first assembly which met after the establishment of the commonwealth appointed a committee to revise the whole code, to reduce it into proper form and volume, and report it to the assembly. This work has been executed by three gentlemen, and reported; but probably will not be taken up till a restoration of peace shall leave to the legislature leisure to go through such a work.

The plan of the revisal was this. The common law of England, by which is meant, that part of the English law which was anterior to the date of the oldest statutes extant, is made the basis of the work. It was thought dangerous to attempt to reduce it to a text: it was therefore left to be collected from the usual monuments of it. Necessary alterations in that, and so much of the whole body of the British statutes, and of acts of assembly, as were thought proper to be retained, were digested into 126 new acts, in which simplicity of style was aimed at, as far as was safe. The following are the most remarkable alterations proposed:

To change the rules of descent, so as that the lands of any person dying intestate shall be divisible equally among all his children, or other representatives, in equal degree.
To make slaves distributable among the next of kin, as other moveables.

To have all public expences, whether of the general treasury, or of a parish or county, (as for the maintenance of the poor, building bridges, court-houses, &c.) supplied by assessments on the citizens, in proportion to their property.

To hire undertakers for keeping the public roads in repair, and indemnify individuals through whose lands new roads shall be opened.

To define with precision the rules whereby aliens should become citizens, and citizens make themselves aliens. To establish religious freedom on the broadest bottom.

To emancipate all slaves born after passing the act. The bill reported by the revisors does not itself contain this proposition; but an amendment containing it was prepared, to be offered to the legislature whenever the bill should be taken up, and further directing, that they should continue with their parents to a certain age, then be brought up, at the public expence, to tillage, arts or sciences, according to their geniusses, till the females should be eighteen, and the males twenty-one years of age, when they should be colonized to such place as the circumstances of the time, should render most proper, sending them: out with arms, implements of houshold and of the handicraft arts, feeds, pairs of the useful domestic animals, &c. to declare them a free and independant people, and extend to them our alliance and protection, till they shall have acquired strength; and to send vessels at the same time to other parts of the world for an equal number of white inhabitants; to induce whom to migrate hither, proper encouragements were to be proposed. It will probably be asked, Why not retain and incorporate the blacks into the state, and thus save the expence of supplying, by importation of white settlers, the vacancies they will leave? Deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations; the real distinctions which nature has made; and many other circumstances, will divide us into parties, and produce convulsions which will probably never end but in the extermination of the one or the other race. - To these objections, which are political, may be added others, which are physical and moral. The first difference which strikes us is that of colour. Whether the black of the negro resides in the reticular membrane between the skin and scarf-skin, or in the scarf-skin itself; whether it proceeds from the colour of the Mood, the colour of the bile, or from that of some other secretion, the difference is fixed in nature, and is as real as if its seat and cause were better known to us. And is this difference of no importance? Is it not the foundation of a greater or less share of beauty in the two races? Are not the fine mixtures of red and white, the expressions of every passion by greater or Less suffusions of colour in the one, preferable to that eternal monotony, which reigns in the countenances, that immovable veil of black which covers all the emotions of the other race? Add to these, flowing hair, a more elegant symmetry of form, their own judgment in favour of the whites, declared by their preference of them, as uniformly as is the preference of the Oranootan for the black women over those of his own species. The circumstance of superior beauty, is thought worthy attention in the propagation of our horses, dogs, and other domestic animals; why not in that of man? Besides those of colour, figure, and hair, there are other physical distinctions proving a difference of race. They have less hair on the face and body. They secrete less by the Edifies, and more by the glands of the skin,
which gives them a very strong and disagreeable odour. This greater degree of transpiration renders them more tolerant of heat, and less so of cold, than the whites. Perhaps too a difference of structure in the pulmonary apparatus, which a late ingenious experimentalist has discovered to be the principal regulator of animal heat, may have disabled them from extricating, in the act of inspiration, so much of that fluid from the outer air, or obliged them in expiration, to part with more of it. They seem to require less sleep. A black, after hard labour through the day, will be induced by the slightest amusements to sit up till midnight, or later, though knowing he must be out with the first dawn of the morning. They are at least as brave, and more adventure-some. But this may perhaps proceed from a want of forethought, which prevents their seeing a danger till it be present. When present, they do not go through it with more coolness or steadiness than the whites. They are more ardent after their female: but love seems with them to be more an eager desire, than a tender delicate mixture of sentiment and sensation. Their griefs are transient. Those numberless afflictions, which render it doubtful whether heaven has given life to us in mercy or in wrath, are less felt, and sooner forgotten with them. In general, their existence appears to participate more of sensation than reflection. To this must be ascribed their disposition to sleep when abstracted from their diversions, and unemployed in labour. An animal whose body is at rest, and who does not reflect, must be disposed to sleep of course. Comparing them by their faculties of memory, reason, and imagination, it appears to me, that in memory they are equal to the whites; in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid; and that in imagination they are dull, tasteless, and anomalous. It would be unfair to follow them to Africa for this investigation. We will consider them here, on the same stage with the whites, and where the facts are not apocryphal on which a judgment is to be formed. It will be right to make great allowances for the difference of condition, of education, of conversation, of the sphere in which they move. Many millions of them have been brought to, and born in America. Most of them indeed have been confined to tillage, to their own homes, and their own society: yet many have been so situated, that they might have availed themselves of the conversation of their masters; many have been brought up to the handicraft arts, and from that circumstance have always been associated with the whites. Some have been liberally educated, and all have lived in countries where the arts and sciences are cultivated to a considerable degree, and have had before their eyes samples of the best works from abroad. The Indians, with no advantages of this kind, will often carve figures on their pipes not destitute of design and merit. They will crayon out an animal, a plant, or a country, so as to prove the existence of a germ in their minds which only wants cultivation. They astonish you with strokes of the most sublime oratory; such as prove their reason and sentiment strong, their imagination glowing and elevated. But never yet could I find that a black had uttered a thought above the level of plain narration; never see even an elementary trait of painting or sculpture. In music they are more generally gifted than the whites with accurate ears for tune and time, and they have been found capable of imagining a small catch. Whether they will be equal to the composition of a more extensive run of melody, or of complicated harmony, is yet to be proved. Misery is often the parent of the most affecting touches in poetry.—Among the blacks is misery enough, God knows, but no poetry. Love is the peculiar estrum of the poet. Their love is ardent, but it kindles the senses only, not the imagination. Religion indeed has produced a Phyllis Whately; but it could not produce a poet. The compositions published under her name are below the dignity of criticism. The heroes of the Dunciad are to her, as Hercules to the author of that poem.
Ignatius Sancho has approached nearer to merit in composition; yet his letters do more
honour to the heart than the head. They breathe the purest effusions of friendship and general
philanthropy, and shew how great a degree of the latter may be compounded with strong
religious zeal. He is often happy in the turn of his compliments, and his stile is easy and
familiar, except when he affects a Shandean fabrication of words. But his imagination is wild
and extravagant, escapes incessantly from every restraint of reason and taste, and, in the
course of its vagaries, leaves a tract of thought as incoherent and eccentric, as is the course of
a meteor through the sky. His subjects should often have led him to a process of sober
reasoning: yet we find him always substituting sentiment for demonstration. Upon the whole,
though we admit him to the first place among those of his own colour who have presented
them-selves to the public judgment, yet when we compare him with the writers of the race
among whom he lived, and particularly with the epistolary class, in which he has taken his
own stand, we are compelled to enroll him at the bottom of the column. This criticism
supposes the letters published under his name to be genuine, and to have received amendment
from no other hand; points which would not be of easy investigation. The improvement of the
blacks in body and mind, in the first instance of their mixture with the whites, has been
observed by every one, and proves that their inferiority is not the effect merely of their
condition of life. We know that among the, Romans, about the Augustan age especially, the
condition of their slaves was much more deplorable than that of the blacks on the continent of
America. The two sexes were confined in separate apartments, because to raise a child cost
the master more than to buy one. Cato, for a very restricted indulgence to his slaves in this
particular, took from them a certain price. But in this country the slaves multiply as fast as the
free inhabitants. Their situation and manners place the commerce between the two sexes
almost without restraint.—The same Cato, on a principle of œconomy, always sold his sick
and superannuated slaves, He gives it as a standing precept to a master visiting his farm, to
sell his old oxen, old waggons, old tools, old and diseased servants, and every thing else
become useless. ’Vendat boves vetulos, plaustrum vetus, ferramenta vetera, servum senem,
servum morbosum, & si quid aliud supersit vendat.’ Cato de re rusticâ. c. 2. The American
slaves cannot enumerate this among the injuries and insults they receive. It was the common
practice to expose in the island Suet. Claud. of Æsculapius, in the Tyber, diseased slaves,
whose cure was like to become tedious. The Emperor Claudius, by an edict, gave freedom to
such of them as should recover, and first declared, that if any person chose to kill rather than
to expose them, it should be deemed homicide. The exposing them is a crime of which no
instance has existed with us; and were it to be followed by death, it would be punished
capitally. We are told of a certain Vedius Pollio, who, in the presence of Augustus, would
have given a slave as food to his fish, for having broken a glass. With the Romans, the regular
method of taking the evidence of their slaves was under torture. Here it has been thought
better never to resort to their evidence. When a master was murdered, all his slaves, in the
same house, or within hearing, were condemned to death. Here punishment falls on the guilty
only, and as precise proof is required against him as against a freeman. Yet notwithstanding
these and other discouraging circumstances among the Romans, their slaves were often their
rarest artists. They excelled too in science, insomuch as to be usually employed as tutors to
their master’s children. Epictetus, Terence, and Phædrus, were slaves. But they were of the
race of whites. It is not their condition then, but nature, which has produced the distinction.—
Whether further observation will or will not verify the conjecture, that nature has been less
bountiful to them in the endowments of the head, I believe that in those of the heart she will
be found to have done them justice. That disposition to theft with which they have been branded, must be ascribed to their situation, and not to any depravity of the moral sense. The man, in whose favour no laws of property exist, probably feels himself less bound to respect those made in favour of others. When arguing for ourselves, we lay it down as a fundamental, that laws, to be just, must give a reciprocation of right: that, without this, they are mere arbitrary rules of conduct, founded in force, and not in conscience: and it is a problem which I give to the master to solve, whether the religious precepts against the violation of property were not framed for him as well as his slave? And whether the slave may not as justifiably take a little from one, who has taken all from him, as he may slay one who would slay him? That a change in the relations in which a man is placed should change his ideas of moral right and wrong, is neither new, nor peculiar to the colour of the blacks. Homer tells us it was so 2600 years ago.

Ｈμισυ, γαζ τ’ ἀρετῆς ἀποαίνοια εὐρύθπα Ζεὸς
‘Ανερος, εντ’ ἀν μιν κατά δφλιον ἠμαζ ἐλησιν
Od. 17. 323.

Jove fix’d it certain, that whatever day

Makes man a slave, takes half his worth away.

But the slaves of which Homer speaks were whites. Notwithstanding these considerations which must weaken their respect for the laws of property, we find among them numerous instances of the most rigid integrity, and as many as among their better instructed masters, of benevolence, gratitude, and unshaken fidelity.—The opinion, that they are inferior in the faculties of reason and imagination, must be hazarded with great diffidence. To justify a general conclusion, requires many observations, even where the subject may be submitted to the Anatomical knife, to Optical glasses, to analysis by fire, or by solvents. How much more then where it is a faculty, not a substance, we are examining; where it eludes the research of all the senses; where the conditions of its existence are various and variously combined; where the effects of those which are present or absent bid defiance to calculation; let me add too, as a circumstance of great tenderness, where our conclusion would degrade a whole race of men from the rank in the scale of beings which their Creator may perhaps have given them. To our reproach it must be said, that though for a century and a half we have had under our eyes the races of black and of red men, they have never yet been viewed by us as subjects of natural history. I advance it therefore as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind. It is not against experience to suppose, that different species of the same genus, or varieties of the same species, may possess different qualifications. Will not a lover of natural history then, one who views the gradations in all the races of animals with the eye of philosophy, excuse an effort to keep those in the department of man as distinct as nature has formed them? This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates, while they wish to vindicate the liberty of human nature, are anxious also to
preserve its dignity and beauty. Some of these, embarrassed by the question 'What further is to be done with them?' join themselves in opposition with those who are actuated by sordid avarice only. Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without staining the blood of his master. But with us a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture.

The revised code further proposes to proportion crimes and punishments. This is attempted on the following scale.

[Chart Omitted]

Pardon and privilege of clergy are proposed to be abolished; but if the verdict be against the defendant, the court in their discretion, may allow a new trial. No attainer to cause a corruption of blood, or forfeiture of dower. Slaves guilty of offences punishable in others by labour, to be transported to Africa, or elsewhere, as the circumstances of the time admit, there to be continued in slavery. A rigorous regimen pro-posed for those condemned to labour.

Another object of the revisal is, to diffuse knowledge more generally through the mass of the people. This bill proposes to lay off every county into small districts of five or six miles square, called hundreds, and in each of them to establish a school for teaching reading, writing, and arithmetic. The tutor to be supported by the hundred, and every person in it entitled to send their children three years gratis, and as much longer as they please, paying for it. These schools to be under a visitor, who is annually to choose the boy, of best genius in the school, of those whose parents are too poor to give them further education, and to send him forward to one of the grammar schools, of which twenty are proposed to be erected in different parts of the country, for teaching Greek, Latin, geography, and the higher branches of numerical arithmetic. Of the boys thus sent in any one year, trial is to be made at the grammar schools one or two years, and the best genius of the whole selected, and continued six years, and the residue dismissed. By this means twenty of the best geniuses will be raked from the rubbish annually, and be instructed, at the public expense, so far as the grammar schools go. At the end of six years instruction, one half are to be discontinued (from among whom the grammar schools will probably be supplied with future masters); and the other half, who are to be chosen for the superiority of their parts and disposition, are to be sent and continued three years in the study of such sciences as they shall choose, at William and Mary college, the plan of which is proposed to be enlarged, as will be hereafter explained, and extended to all the useful sciences. The ultimate result of the whole scheme of education would be the teaching all the children of the state reading, writing, and common arithmetic: turning out ten annually of superior genius, well taught in Greek, Latin, geography, and the higher branches of arithmetic: turning out ten others annually, of still superior parts, who, to those branches of learning, shall have added such of the sciences as their genius shall have led them to: the furnishing to the wealthier part of the people convenient schools, at which their children may be educated, at their own expense.—The general objects of this law are to provide an education adapted to the years, to the capacity, and the condition of every one, and directed to their freedom and happiness. Specific details were not proper for the law. These must be the business of the visitors entrusted with its execution. The first stage of this education being the schools of the hundreds, wherein the great mass of the people will receive
their instruction, the principal foundations of future order will be laid here. Instead therefore of putting the Bible and Testament into the hands of the children, at an age when their judgments are not sufficiently matured for religious enquiries, their memories may here be stored with the most useful facts from Grecian, Roman, European and American history. The first elements of morality too may be instilled into their minds; such as, when further developed as their judgments advance in strength, may teach them how to work out their own greatest happiness, by shewing them that it does not depend on the condition of life in which chance has placed them, but is always the result of a good conscience, good health, occupation, and freedom in all just pursuits. — Those whom either the wealth of their parents or the adoption of the state shall destine to higher degrees of learning, will go on to the grammar schools, which constitute the next stage, there to be instructed in the languages. The learning Greek and Latin, I am told, is going into disuse in Europe. I know not what their manners and occupations may call for: but it would be very ill-judged in us to follow their example in this instance. There is a certain period of life, say from eight to fifteen or sixteen years of age, when the mind, like the body, is not yet firm enough for laborious and close operations. If applied to such, it falls an early victim to premature exertion; exhibiting indeed at first, in these young and tender subjects, the flattering appearance of their being men while they are yet children, but ending in reducing them to be children when they should be men. The memory is then most susceptible and tenacious of impressions; and the learning of languages being chiefly a work of memory, it seems precisely fitted to the powers of this period, which is long enough too for acquiring the most useful languages antient and modern. I do not pretend that language is science. It is only an instrument for the attainment of science. But that time is not lost which is employed in providing tools for future operation; more especially as in this case the books put into the hands of the youth for this purpose may be such as will at the same time impress their minds with useful facts and good principles. If this period be suffered to pass in idleness, the mind becomes lethargic and impotent, as would the body it inhabits if unexercised during the same time. The sympathy between body and mind during their rise, progress and decline, is too strict and obvious to endanger our being misled while we reason from the one to the other. — As soon as they are of sufficient age, it is supposed they will be sent on from the grammar schools to the university, which constitutes our third and last stage, there to study those sciences which may be adapted to their views. — By that part of our plan which prescribes the selection of the youths of genius from among the classes of the poor, we hope to avail the state of those talents which nature has sown as liberally among the poor as the rich, but which perish without use; if not sought for and cultivated. — But of all the views of this law none is more important, none more legitimate, than that of rendering the people the safe, as they are the ultimate, guardians of their own liberty. For this purpose the reading in the first stage, where they will receive their whole education, is proposed, as has been said, to be chiefly historical. History by apprising them of the past will enable them to judge of the future; it will avail them of the experience of other times and other nations; it will qualify them as judges of the actions and designs of men; it will enable them to know ambition under every disguise it may assume; and knowing it, to defeat its views. In every government on earth is some trace of human weakness, some germ of corruption and degeneracy, which cunning will discover, and wickedness insensibly open, cultivate, and improve. Every government degenerates when trusted to the rulers of the people alone. The people them-selves therefore are its only safe depositories. And to render even them safe their minds must be improved to a certain degree. This indeed is not all that is
necessary, though it be essentially necessary. An amendment of our constitution must here come in aid of the public education. The influence over government must be shared among all the people. If every individual which composes their mass participates of the ultimate authority, the government will be safe; because the corrupting the whole mass will exceed any private resources of wealth: and public ones cannot be provided but by levies on the people. In this case every man would have to pay his own price. The government of Great-Britain has been corrupted, because but one man in ten has a right to vote for members of parliament. The sellers of the government therefore get nine-tenths of their price clear. It has been thought that corruption is restrained by confining the right of suffrage to a few of the wealthier of the people: but it would be more effectually restrained by an extension of that right to such numbers as would bid defiance to the means of corruption.

Lastly, it is proposed, by a bill in this revisal, to begin a public library and gallery, by laying out a certain sum annually in books, paintings, and statues.
Notes on the State of Virginia: Query XVII: Religion

Thomas Jefferson
1781

The different religions received into that state?

The first settlers in this country were emigrants from England, of the English church, just at a point of time when it was flushed with complete victory over the religious of all other persuasions. Possessed, as they became, of the powers of making, administering, and executing the laws, they shewed equal intolerance in this country with their Presbyterian brethren, who had emigrated to the northern government. The poor Quakers were flying from persecution in England. They cast their eyes on these new countries as asylums of civil and religious freedom; but they found them free only for the reigning sect. Several acts of the Virginia assembly of 1659, 1662, and 1693, had made it penal in parents to refuse to have their children baptized; had prohibited the unlawful assembling of Quakers; had made it penal for any master of a vessel to bring a Quaker into the state; had ordered those already here, and such as should come thereafter, to be imprisoned till they should abjure the country; provided a milder punishment for their first and second return, but death for their third; had inhibited all persons from suffering their meetings in or near their houses, entertaining them individually, or disposing of books which supported their tenets. If no capital execution took place here, as did in New-England, it was not owing to the moderation of the church, or spirit of the legislature, as may be inferred from the law itself; but to historical circumstances which have not been handed down to us. The Anglicans retained full possession of the country about a century. Other opinions began then to creep in, and the great care of the government to support their own church, having begotten an equal degree of indolence in its clergy, two-thirds of the people had become dissenters at the commencement of the present revolution. The laws indeed were still oppressive on them, but the spirit of the one party had subsided into moderation, and of the other had risen to a degree of determination which commanded respect.

The present state of our laws on the subject of religion is this. The convention of May 1776, in their declaration of rights, declared it to be a truth, and a natural right, that the exercise of religion should be free; but when they proceeded to form on that declaration the ordinance of government, instead of taking up every principle declared in the bill of rights, and guarding it by legislative sanction, they passed over that which asserted our religious rights, leaving them as they found them. The same convention, however, when they met as a member of the general assembly in October 1776, repealed all acts of parliament which had rendered criminal the maintaining any opinions in matters of religion, the forbearing to repair to church, and the exercising any mode of worship; and suspended the laws giving salaries to the clergy, which suspension was made perpetual in October 1779. Statutory oppressions in religion being thus wiped away, we remain at present under those only imposed by the common law, or by our own acts of assembly. At the common law, heresy was a capital offence, punishable by burning. Its definition was left to the ecclesiastical judges, before whom the conviction was, till the statute of the 1 El. c. 1. circumscribed it, by declaring, that nothing should be deemed heresy, but
what had been so determined by authority of the canonical scriptures, or by one of the
four first general councils, or by some other council having for the grounds of their
declaration the express and plain words of the scriptures. Heresy, thus circumscribed,
being an offence at the common law, our act of assembly of October 1777, c. 17. gives
cognizance of it to the general court, by declaring, that the jurisdiction of that court shall
be general in all matters at the common law. The execution is by the writ De haeretico
comburendo. By our own act of assembly of 1705, c. 30, if a person brought up in the
Christian religion denies the being of a God, or the Trinity, or asserts there are more Gods
than one, or denies the Christian religion to be true, or the scriptures to be of divine
authority, he is punishable on the first offence by incapacity to hold any office or
employment ecclesiastical, civil, or military; on the second by disability to sue, to take
any gift or legacy, to be guardian, executor, or administrator, and by three years
imprisonment, without bail. A father’s right to the custody of his own children being
founded in law on his right of guardianship, this being taken away, they may of course be
severed from him, and put, by the authority of a court, into more orthodox hands. This is
a summary view of that religious slavery, under which a people have been willing to
remain, who have lavished their lives and fortunes for the establishment of their civil
freedom. (*) The error seems not sufficiently eradicated, that the operations of the mind,
as well as the acts of the body, are subject to the coercion of the laws. But our rulers can
have authority over such natural rights only as we have submitted to them. The rights of
conscience we never submitted, we could not submit. We are answerable for them to our
God. The legitimate powers of government extend to such acts only as are injurious to
others. But it does me no injury for my neighbour to say there are twenty gods, or no god.
It neither picks my pocket nor breaks my leg. If it be said, his testimony in a court of
justice cannot be relied on, reject it then, and be the stigma on him. Constraint may make
him worse by making him a hypocrite, but it will never make him a truer man. It may fix
him obstinately in his errors, but will not cure them. Reason and free enquiry are the only
effectual agents against error. Give a loose to them, they will support the true religion, by
bringing every false one to their tribunal, to the test of their investigation. They are the
natural enemies of error, and of error only. Had not the Roman government permitted
free enquiry, Christianity could never have been introduced. Had not free enquiry been
indulged, at the aera of the reformation, the corruptions of Christianity could not have
been purged away. If it be restrained now, the present corruptions will be protected, and
new ones encouraged. Was the government to prescribe to us our medicine and diet, our
bodies would be in such keeping as our souls are now. Thus in France the emetic was
once forbidden as a medicine, and the potatoe as an article of food. Government is just as
infallible too when it fixes systems in physics. Galileo was sent to the inquisition for
affirming that the earth was a sphere: the government had declared it to be as flat as a
trencher, and Galileo was obliged to abjure his error. This error however at length
prevailed, the earth became a globe, and Descartes declared it was whirled round its axis
by a vortex. The government in which he lived was wise enough to see that this was no
question of civil jurisdiction, or we should all have been involved by authority in
vortices. In fact, the vortices have been exploded, and the Newtonian principle of
gravitation is now more firmly established, on the basis of reason, than it would be were
the government to step in, and to make it an article of necessary faith. Reason and
experiment have been indulged, and error has fled before them. It is error alone which
needs the support of government. Truth can stand by itself. Subject opinion to coercion: whom will you make your inquisitors? Fallible men; men governed by bad passions, by private as well as public reasons. And why subject it to coercion? To produce uniformity. But is uniformity of opinion desireable? No more than of face and stature. Introduce the bed of Procrustes then, and as there is danger that the large men may beat the small, make us all of a size, by lopping the former and stretching the latter. Difference of opinion is advantageous in religion. The several sects perform the office of a Censor morum over each other. Is uniformity attainable? Millions of innocent men, women, and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned; yet we have not advanced one inch towards uniformity. What has been the effect of coercion? To make one half the world fools, and the other half hypocrites. To support roguery and error all over the earth. Let us reflect that it is inhabited by a thousand millions of people. That these profess probably a thousand different systems of religion. That ours is but one of that thousand. That if there be but one right, and ours that one, we should wish to see the 999 wandering sects gathered into the fold of truth. But against such a majority we cannot effect this by force. Reason and persuasion are the only practicable instruments. To make way for these, free enquiry must be indulged; and how can we wish others to indulge it while we refuse it ourselves. But every state, says an inquisitor, has established some religion. No two, say I, have established the same. Is this a proof of the infallibility of establishments? Our sister states of Pennsylvania and New York, however, have long subsisted without any establishment at all. The experiment was new and doubtful when they made it. It has answered beyond conception. They flourish infinitely. Religion is well supported; of various kinds, indeed, but all good enough; all sufficient to preserve peace and order: or if a sect arises, whose tenets would subvert morals, good sense has fair play, and reasons and laughs it out of doors, without suffering the state to be troubled with it. They do not hang more malefactors than we do. They are not more disturbed with religious dissensions. On the contrary, their harmony is unparalleled, and can be ascribed to nothing but their unbounded tolerance, because there is no other circumstance in which they differ from every nation on earth. They have made the happy discovery, that the way to silence religious disputes, is to take no notice of them. Let us too give this experiment fair play, and get rid, while we may, of those tyrannical laws. It is true, we are as yet secured against them by the spirit of the times. I doubt whether the people of this country would suffer an execution for heresy, or a three years imprisonment for not comprehending the mysteries of the Trinity. But is the spirit of the people an infallible, a permanent reliance? Is it government? Is this the kind of protection we receive in return for the rights we give up? Besides, the spirit of the times may alter, will alter. Our rulers will become corrupt, our people careless. A single zealot may commence persecutor, and better men be his victims. It can never be too often repeated, that the time for fixing every essential right on a legal basis is while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going down hill. It will not then be necessary to resort every moment to the people for support. They will be forgotten, therefore, and their rights disregarded. They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion.
(*) Furneaux passim.
Notes on the State of Virginia, Query XVIII: Manners

Thomas Jefferson
1781

The particular customs and manners that may happen to be received in that state?

It is difficult to determine on the standard by which the manners of a nation may be tried, whether catholic, or particular. It is more difficult for a native to bring to that standard the manners of his own nation, familiarized to him by habit. There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. If a parent could find no motive either in his philanthropy or his self-love, for restraining the intemperance of passion towards his slave, it should always be a sufficient one that his child is present. But generally it is not sufficient. The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances. And with what execration should the statesman be loaded, who permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, destroys the morals of the one part, and the amor patriæ of the other. For if a slave can have a country in this world, it must be any other in preference to that in which he is born to live and labour for another: in which he must lock up the faculties of his nature, contribute as far as depends on his individual endeavours to the evanishment of the human race, or entail his own miserable condition on the endless generations proceeding from him. With the morals of the people, their industry also is destroyed. For in a warm climate, no man will labour for himself who can make another labour for him. This is so true, that of the proprietors of slaves a very small proportion indeed are ever seen to labour. And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.--But it is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one’s mind. I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.
Notes on the State of Virginia, Query XIX: Manufactures

Thomas Jefferson
1781

The present state of manufactures, commerce, interior and exterior trade?

We never had an interior trade of any importance. Our exterior commerce has suffered very much from the beginning of the present contest. During this time we have manufactured within our families the most necessary articles of clothing. Those of cotton will bear some comparison with the same kinds of manufacture in Europe; but those of wool, flax and hemp are very coarse, unsightly, and unpleasant: and such is our attachment to agriculture, and such our preference for foreign manufactures, that be it wise or unwise, our people will certainly return as soon as they can, to the raising raw materials, and exchanging them for finer manufactures than they are able to execute themselves.

The political oeconomists of Europe have established it as a principle that every state should endeavour to manufacture for itself: and this principle, like many others, we transfer to America, without calculating the difference of circumstance which should often produce a difference of result. In Europe the lands are either cultivated, or locked up against the cultivator. Manufacture must therefore be resorted to of necessity not of choice, to support the surplus of their people. But we have an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handicraft arts for the other? Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue. It is the focus in which he keeps alive that sacred fire, which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phænomenon of which no age nor nation has furnished an example. It is the mark set on those, who not looking up to heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on the casualties and caprice of customers. Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition. This, the natural progress and consequence of the arts, has sometimes perhaps been retarded by accidental circumstances: but, generally speaking, the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good-enough barometer whereby to measure its degree of corruption. While we have land to labour then, let us never wish to see our citizens occupied at a work-bench, or twirling a distaff. Carpenters, masons, smiths, are wanting in husbandry: but, for the general operations of manufacture, let our work-shops remain in Europe. It is better to carry provisions and materials to workmen there, than bring them to the provisions and materials, and with them their manners and principles. The loss by the transportation of commodities across the Atlantic will be made up in happiness and permanence of government. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body. It is the
manners and spirit of a people which preserve a republic in vigour. A degeneracy in these is a canker which soon eats to the heart of its laws and constitution.
Newburgh, March 31, 1783.

Dear Sir:

I have duly received your favors of the 17th. and 24th. Ulto. I rejoice most exceedingly that there is an end to our Warfare, and that such a field is opening to our view as will, with wisdom to direct the cultivation of it, make us a great, a respectable, and happy People; but it must be improved by other means than State politics, and unreasonable jealousies and prejudices; or (it requires not the second sight to see that) we shall be instruments in the hands of our Enemies, and those European powers who may be jealous of our greatness in Union to dissolve the confederation; but to attain this, altho’ the way seems extremely plain, is not so easy.

My wish to see the Union of these States established upon liberal and permanent principles, and inclination to contribute my mite in pointing out the defects of the present Constitution, are equally great. All my private letters have teemed with these Sentiments, and whenever this topic has been the subject of conversation, I have endeavoured to diffuse and enforce them; but how far any further essay by me might be productive of the wished for end, or appear to arrogate more than belongs to me, depends so much upon popular opinions, and the timper and dispositions of People, that it is not easy to decide. I shall be obliged to you however for the thoughts which you have promised me on this Subject, and as soon as you can make it convenient.

No Man in the United States is, or can be more deeply impressed with the necessity of a reform in our present Confederation than myself. No Man perhaps has felt the bad effects of it more sensibly; for the defects thereof, and want of Powers in Congress, may justly be ascribed the prolongation of the War, and consequently the expenses occasioned by it. More than half the perplexities I have experienced in the course of my command, and almost the whole of the difficulties and distress of the Army, have their origin here; but still the prejudices of some, the designs of others, and the mere Machinery of the Majority, makes address and management necessary to give weight to opinions which are to Combat the doctrines of those different classes of Men, in the field of Politics.

I would have been more full on this subject but the bearer (in the Clothing department) is waiting. I wish you may understand what I have written. I am etc.

P.S. The inclosed extract of a Letter to Mr Livingston, I give you in confidence; I submit it to your consideration, fully perswaded that you do not want inclination to gratify the Marquis’s Wishes as far as is consistent with our National honor.
Newburgh, April 24, 1783.

Dear Sir:

I received with much pleasure the kind congratulations contained in your letter of the 25th. Ulto. from Philadelphia, on the honorable termination of the War. No Man, indeed, can relish the approaching Peace with more heart felt, and grateful satisfaction than myself. A Mind always upon the stretch, and tortured with a diversity of perplexing circumstances, needed a respite; and I anticipate the pleasure of a little repose and retirement. It has been happy for me, always to have Gentlemen about me willing to share my troubles, and help me out of difficulties. to none of these can I ascribe a greater share of merit than to you.

I can scarce form an idea at this moment, when I shall be able to leave this place. the distresses of the Army for want of Money; the embarrassments of Congress, and the conseqt. delays, and disappointments on all sides, encompass me with difficulties; and produce, every day, some fresh source for uneasiness. But as I now see the Port opening to which I have been steering, I shall persevere till I have gained admittance. I will then leave the States to improve their present constitution, so as to make that Peace and Independence for which we have fought and obtained, a blessing to Millions yet unborn; but to do this, liberallity must supply the place of prejudice, and unreasonable jealousies must yield to that confidence, which ought to be placed in the sovereign Power of these States. In a word the Constitution of Congress must be competent to the general purposes of Government; and of such a nature as to bind us together. otherwise, we may well be compared to a rope of Sand, and shall as easily be broken and in a short time become the sport of European politics, altho’ we might have no great inclination to jar among ourselves.

From the intimation in your Letter, and what I have heard from others I presume this letter will find you in the State of Wedlock. On this happy event I pray you, and your Lady, to accept of my best wishes, and sincerest congratulations; in which Mrs. Washington joins hers most cordially. With the most Affectionate esteem, etc.
Letter to Reverend William Gordon

George Washington

June 8, 1783

Head Qrs., Newburgh, July 8, 1783.

Dear Sir: Your favor of the 19th. of June came to my hands on Sunday last by the Southern Mail; from this circumstance, and the date of it I conclude it has been to Philadelphia, a mistake not very unusual for the Post master at Fishkiln to commit.

I delayed not a moment to forwd. the letters which came to me under your cover of the 26th. of Feby. to New York. I did not answer the letter which accompanied them in due Season; not so much from the hurry of business, as because my Sentiments on the essential part of it had been communicated to you before; and because the Annunciation of Peace, which came close upon the heels of it, put an end to all speculative opinions with respect to the time and terms of it.

I now thank you for your kind congratulations on this event. I feel sensibly the flattering expressions, and fervent wishes with which you have accompanied them, and make a tender of mine, with much cordiality, in return. It now rests with the Confederated Powers, by the line of conduct they mean to adopt, to make this Country great, happy, and respectable; or to sink it into littleness; worse perhaps, into Anarchy and Confusion; for certain I am, that unless adequate Powers are given to Congress for the general purposes of the Federal Union that we shall soon moulder into dust and become contemptable in the Eyes of Europe, if we are not made the sport of their Politicks; to suppose that the general concern of this Country can be directed by thirteen heads, or one head without competent powers, is a solecism, the bad effects of which every Man who has had the practical knowledge to judge from, that I have, is fully convinced of; tho’ none perhaps has felt them in so forcible, and distressing a degree. The People at large, and at a distance from the theatre of Action, who only know that the Machine was kept in motion, and that they are at last arrived at the first object of their Wishes are satisfied with the event, without investigating the causes of the slow progress to it, or of the Expences which have accrued and which they now seem unwilling to pay; great part of which has arisen from that want of energy in the Federal Constitution which I am complaining of, and which I wish to see given to it by a Convention of the People, instead of hearing it remarked that as we have worked through an arduous Contest with the Powers Congress already have (but which, by the by, have been gradually diminishing) why should they be invested with more?

To say nothing of the invisible workings of Providence, which has conducted us through difficulties where no human foresight could point the way; it will appear evident to a close Examiner, that there has been a concatenation of causes to produce this Event; which in all probability at no time, or under any Circumstances, will combine again. We deceive ourselves therefore by this mode of reasoning, and what would be much worse, we may bring ruin upon ourselves by attempting to carry it into practice.

We are known by no other character among Nations than as the United States; Massachusetts or Virginia is no better defined, nor any more thought of by Foreign Powers than the County of Worcester in Massachusetts is by Virginia, or Glouster County in Virginia is by Massachusetts (respectable as they are); and yet these Counties, with as much propriety might oppose themselves to the Laws of the State in wch. they are, as an Individual State can oppose itself to...
the Federal Government, by which it is, or ought to be bound. Each of these Counties has, no doubt, its local polity and Interests. these should be attended to, and brought before their respective legislatures with all the force their importance merits; but when they come in contact with the general Interest of the State; when superior considerations preponderate in favor of the whole, their Voices should be heard no more; so should it be with individual States when compared to the Union. Otherwise I think it may properly be asked for what purpose do we farcically pretend to be United? Why do Congress spend Months together in deliberating upon, debating, and digesting plans, which are made as palatable, and as wholesome to the Constitution of this Country as the nature of things will admit of, when some States will pay no attention to them, and others regard them but partially; by which means all those evils which proceed from delay, are felt by the whole; while the compliant States are not only suffering by these neglects, but in many instances are injured most capitally by their own exertions; which are wasted for want of the United effort. A hundd. thousand men coming one after another cannot move a Ton weight; but the united strength of 50 would transport it with ease. so has it been with great part of the expence which has been incurred this War. In a Word, I think the blood and treasure which has been spent in it has been lavished to little purpose, unless we can be better Cemented; and that is not to be effected while so little attention is paid to the recommendations of the Sovereign Power.

To me it would seem not more absurd, to hear a traveller, who was setting out on a long journey, declare he would take no Money in his pocket to defray the Expences of it but rather depend upon chance and charity lest he should misapply it, than are the expressions of so much fear of the powers and means of Congress. For Heavens sake who are Congress? are they not the Creatures of the People, amenable to them for their Conduct, and dependant from day to day on their breath? Where then can be the danger of giving them such Powers as are adequate to the great ends of Government, and to all the general purposes of the Confederation (I repeat the wordgenl, because I am no advocate for their having to do with the particular policy of any State, further than it concerns the Union at large). What may be the consequences if they have not these Powers I am at no loss to guess; and deprecate the worst; for sure I am, we shall, in a little time, become as contemptable in the great Scale of Politicks as we now have it in our power to be respectable; and that, when the band of Union gets once broken, every thing ruinous to our future prospects is to be apprehended; the best that can come of it, in my humble opinion is, that we shall sink into obscurity, unless our Civil broils should keep us in remembrance and fill the page of history with the direful consequences of them.

You say that, Congress loose time by pressing a mode that does not accord with the genius of the People, and will thereby, endanger the Union; and that it is the quantum they want. Permit me to ask if the quantum has not already been demanded? Whether it has been obtained? and whence proceed the accumulated evils, and poignant distresses of many of the public Creditors, particularly in the Army? For my own part I hesitate not a moment to confess, that I see nothing wherein the Union is endangered by the late requisition of that body; but a prospect of much good, justice, and propriety from the compliance with it. I know of no Tax more convenient; none so agreeable, as that which every man may pay, or let it alone as his convenience, abilities, or Inclination shall prompt. I am therefore a warm friend to the Impost.

I can only repeat to you, that whenever Congress shall think proper to open the door of their Archives to you, (which can be best known, and with more propriety discovered through the Delegates of your own State), All my Records and Papers shall be unfolded to your View, and I shall be happy in your Company at Mr. Vernon, while you are taking such Extracts from them, as you may find convenient. It is a piece of respect wch. I think is due to the Sovereign Power to let it take the lead in this business (without any interference of mine). and another reason why I choose to withhold mine, to this epoch is, that I am positive no History of the Revolution can be perfect if the Historiographer has not free access to that fund of Information.

Mrs. Washington joins me in Compliments to Mrs. Gordon and I am etc.
Letter To John Augustine Washington

George Washington

June 15, 1783

Newburgh, June 15, 1783

My dear Brother:

I have received your favor of the 12th. of April from Berkley, and am obliged to you for the Acct. contained in it of our deceased brothers affairs. I have since heard that his Widow survived him but a little while. I am also obliged to you for taking upon you the direction of my mothers Interest at the little Fall Quarter, which I believe has been under most wretched Management. equally burthensome to me, and teasing to her.

In answer to the question you have propounded to me, respecting our Nephew Ferdinand, I must observe to you, that the presumption is, for I cannot speak with certainty, that our Navy, if it can be called one, will be laid up, or otherwise disposed of; consequently there can be no birth for Ferdinand there. It follows then, that there is only the other alternative of getting him on board a Merchant Ship, and this, possibly, may be the best of the two; your knowledge, together with that of his mothers friends, of the Trade, and Trading people of Virginia (where his Connections and Interests lies) will point him much better than I can do, to the proper channel for employment.

I wait here with much impatience, the arrival of the Definitive Treaty; this event will put a period not only to my military Service, but also to my public life; as the remainder of my natural one shall be spent in that kind of ease and repose which a man enjoys that is free from the load of public cares, and subject to no other Control than that of his own judgment, and a proper conduct for the walk of private Life.

It is much to be wished (but I think a good deal to be doubted) that the States would adopt a liberal and proper line of Conduct for the Government of this Country. It should be founded in justice. Prejudices, unreasonable jealousies, and narrow policy should be done away. Competent powers for all general purposes should be bestowed in the Sovereignty of the United States, or Anarchy and Confusion will soon succeed. Liberty, when it degenerates into licentiousness, begets confusion, and frequently ends in Tyranny or some woeful catastrophe, and to suppose that the Affairs of this Continent can be conducted by thirteen distinct Sovereignties, or by one without adequate powers, are mere solecisms in politics. It is in our United capacity we are known, and have a place among the Nations of the Earth. Depart from this, and the States separately would stand as unknown in the World and as contemptible (comparatively speaking) as an individual County in any one State is to the State itself; and in others perhaps, has never been heard of and would be as little attended to but for the sport of Politicians to answer their sinister views, or the purposes of designing Courts, if they should grow jealous of our rising greatness as an Empire, and wish to play off one State against another. We are a young Nation and have a character to establish. It behooves us therefore to set out right for first impressions will be lasting, indeed are all in all. If we do not fulfill our public engagement, if we do not religiously observe our Treaties. If we shall be faithless to, and regardless of those who have lent their money, given their personal Services, and spilt their Blood; and who are now returning home poor and penniless; in what light shall we be considered? And that there is but too much reason to apprehend these, none who see
the daily publications, and will attend to the c[onduct] of some of the States, can har[dly] have any doubt of. So far therefore as the claims of the Army are concerned, and the Half pay or commutation of it is to be effected. I have suffered Extracts of Original Papers, in my possession, to be published; to show the justice, oeconomy, and even the necessity that Congress were under of granting this, to keep the Army in the Field at so early a period as 1778. One of these I herewith send you.

My love, in which Mrs. Washington joins me, is offered to my Sister and your family; present my Complimts. to all enquiring friends, and be assured etc.
Letter to R. Lushington

John Jay
March 15, 1786

Sir,

I have been favoured with your letter of the 22nd ult., and immediately communicated it to the committee of our society for promoting the liberation of slaves, and protecting such as may be manumitted. They are taking proper measures on the occasion, and I flatter myself that our Legislature will interpose to prevent such enormities in future.

It is much to be wished that slavery may be abolished. The honour of the States, as well as justice and humanity, in my opinion, loudly call upon them to emancipate these unhappy people. To contend for our own liberty, and to deny that blessing to others, involves an inconsistency not to be excused.

Whatever may be the issue of the endeavours of you and others to promote this desirable end, the reflection that they are prompted by the best motives affords good reasons for persevering in them.

whose powers he feels most persuasive to righteousness, and is withdrawing from the ministry those temporary rewards, which proceeding from an approbation of their personal conduct, are an additional incitement to bad and unremitting labours for the instruction of mankind; that their civil rights have no dependence on our religious opinions, any more than our opinions in physics or geometry; that therefore the proscribing any citizen as unworthy the public confidence by laying upon him an incapacity of being called to the offices of trust and emolument, unless he profess or professes this or that religious opinion, is depriving him injuriously of those privileges and advantages to which in common with his fellow citizens he has a natural right, that it tends only to corrupt the principles of that religion it is meant to encourage, by bribing with a monopoly of worldly honours and emoluments, those who will externally profess and conform to it; that though indeed these are criminal who do not withstand such temptation, yet neither are those innocent who lay the bait in their way; that to suffer the civil magistrate to intrude his powers into the field of opinion, and to restrain the professor or propagation of principles on supposition of their ill tendency, is a dangerous fallacy, which at once destroys all religious liberty, because he being of course judge of that tendency will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own; that it is time enough for the rightful purposes of civil government, for its officers to interfere when principles break out into overt acts against peace and good order; and finally, that truth is great and will prevail if left to herself, that she is the proper and sufficient antagonist to error, and has nothing to fear from the free and open discussion of her human interposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them.

II. Be it enacted by the General Assembly, that no man shall be compelled to frequent or support any religious worship, place or ministry whatsoever, nor shall he be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities.

III. And though we well know that this assembly, elected by the people for the ordinary purposes of legislation only, have no power to restrain in the acts of succeeding assemblies, constituted with powers equal to our own, and that therefore to declare this act to be irrevocable would be of no effect in law; yet as we are free to declare, and do declare, that the rights hereby asserted are of the natural rights of mankind, and that if any act shall hereafter be passed to repeal the present, or to narrow its operation, such act will be an infringement of natural right.

81. SHAYS'S REBELLION

1786

(G. R. Minot, History of the Insurrection in Massachusetts, p. 82 fl.)

The commercial depression of 1785-86 hit Massachusetts with particular severity. The West India trade was stopped, farm prices fell sharply, and taxation, unfairly apportioned, was intolerably heavy; the poll tax, for example, accounted for forty per cent of the entire taxes. Foreclosures on lands led to a widespread hostility against lawyers and courts, and throughout the summer of 1786, town meetings demanded reform in the judicial system. The leaders, however, was deaf to the appeals for reform, and in the fall of 1786 a minor rebellion broke out in central and western Massachusetts. Under the leadership of Captain Daniel Shays, infuriated mobs broke up the meetings of courts, threatened the armory at Springfield. The outbreak excited fear and despair in the hearts of many observers, and was without influence in persuading Americans of the desirability of a stronger central government. After the uprising had been suppressed, the legislature enacted many of the reformed advocated by the Shaysites. Minot's History of the Insurrection gives many of the petitions and resolutions of the town meetings. On the Rebellion see also, A. C. McLaughlin, Confederation and Constitution, ch. x; J. T. Adams, New England in the Republic, ch. vi; J. P. Warren, "The Constitution and the Shays Rebellion," American Historical Review, Vol. XI; W. V. Wells, Life and Public Services of Samuel Adams, Vol. III, ch. ix; A. E. Morse, The Federalist Party in Massachusetts, ch. iii.

1. An Address to the People of the several towns in the county of Hampshire, now armed.

GENTLEMEN,

We have thought proper to inform you of some of the principal causes of the late risings of the people, and of their present movement, viz.

1st. The present expensive mode of collecting debts, which by reason of the great scarcity of cash, will of necessity fill all our goals with unhappy debtors; and thereby a reputable body of people rendered incapable of being serviceable either to themselves or the community.

2d. The monies raised by impost and excise being appropriated to discharge the interest of governmental securities, and not the foreign debt, when these securities are not subject to taxation.

3d. A suspension of the writ of Habeas Corpus, by which those persons who have stepped forth to assert and maintain the rights of the people, are liable to be taken and conveyed even to the most distant part of the Commonwealth, and thereby subjected to an unjust punishment.

4th. The unlimited power granted to Judges of the Peace and Sheriffs, Deputy Sheriffs, and Constables, by the Riot Act, indemnifying them to the prosecution thereof; when perhaps, wholly actuated from a principle of revenge, hatred, and envy.

Furthermore, be assured, that this body, now at arms, despire the idea of being instigated by British emissaries, which is so strenuously propagated by the enemies of our liberties: And also wish the most proper and speedy measures may be taken, to discharge both our foreign and domestic debt.

Per Order,

DANIEL GRAY, Chairman of the Committee.

2. To the Printer of the Hampshire Herald, Sirs,

It has some how or other fallen to my lot to be employed in a more conspicuous manner than some others of my fellow citizens, in stepping forth on defence of the rights and privileges of the people, more especially of the county of Hampshire.

Therefore, upon the desire of the people now at arms, I take this method to publish to the world of mankind in general, particularly the people of this Commonwealth, some of the principal grievances we complain of.

In the first place, I must refer you to a draught of grievances drawn up by a committee of the people, now at arms, under the signature of Daniel Gray, chairman, which is heartily approved of; some others also are here added, viz.

1st. The General Court, for certain obvious reasons, must be removed out of the town of Boston.

2d. A revision of the constitution is absolutely necessary.

3d. All kinds of governmental securities, now on interest, that have been bought of the original owners for two shillings, and the highest for six shillings and eight pence on the pound, and had received more interest than the principal cost the speculator who purchased them—that if justice was done, we verily believe, nay positively know, it would save this Commonwealth thousands of pounds.

4th. Let the lands belonging to this Commonwealth, at the eastward, be sold at the best advantage to pay the remainder of our domestic debt.

5th. Let the monies arising from impost and excise be appropriated to discharge the foreign debt.

6th. Let that act, passed by the General Court last June by a small majority of only seven, called the Supplementary Act, for twenty-five years to come, be repealed.

7th. The total abolition of the Inferior Court of Common Pleas and General Sessions of the Peace.

8th. Deputy Sheriffs totally set aside, as a useless set of officers in the community, and Constables who are really necessary, be empowered to do the duty, by which
THE NORTHWEST ORDINANCE

July 15, 1787

The Ordinance of April 23, 1784, Doc. No. 77, laid down the general principles of the American colonial system, but it did not provide in detail for the establishment of an administrative structure, and it was never put into effect. The immediate impetus for the Ordinance of 1787 came from a group of land speculators, members of the Ohio Company of Associates and of the Society of the Cincinnati, who wished to establish colonies in the Ohio country. The spokesmen of these groups were the Rev. Manasseh Cutler, Samuel Parsons, and General Rufus Putnam. These men succeeded in lobbying through a moribund Congress the famous Ordinance establishing a government in the Northwest territory. The authorship of the Ordinance is a matter of controversy, but it seems probable that Nathan Dane and Rufus King were the principal authors; fundamentally, of course, the Ordinance followed Jefferson’s Ordinance of 1784. See B. A. Hinshelwood, The Old Northwest; J. A. Barrett, Evolution of the Ordinance of 1787; W. F. and J. P. Cutter, Life, Journals, and Correspondence of the Manasseh Cutler, 2 Vols.; R. Bugs, Memoirs of Rufus Putnam; A. B. Hubblett, ed. Records of the Ohio Company of Associates; R. F. Hall, Life and Letters of Samuel Holden Parsons; R. King; J. P. Dunn, Indiana; B. W. Bond, Civilization of the Old Northwest; J. M. Merrim, “Legislative History of the Ordinance of 1787,” Am. Antiquarian Soc. Proc., Vol. V; C. R. King, Rufus King, Vol. I.; A. C. McLaughlin, Constitution and Constitution, ch. viist; F. L. Paxson, History of the American Frontier, ch. vi; J. B. McMaster, History of the People of the United States, Vol. I., ch. v.

An Ordinance for the government of the Territory of the United States northward of the River Ohio.

Be it ordained by the United States in Congress assembled, That the said territory, for the purposes of temporary government, be one district, subject, however, to be divided into two districts, as future circumstances may, in the opinion of Congress, make it expedient.

Be it ordained by the authority aforesaid, That the estates, both of resident and non-resident inhabitants in said territory, dying intestate, shall descend to, and be distributed among their children, and the descendants of deceased child, in equal parts; the descendants of deceased child and grandson to take the share of their deceased parent; and such parts shall be distributed among them, and where there shall be no children or descendants, then in equal parts to the next of kin, in equal degree; and among collateral, the children of deceased brother or sister of the intestate shall have, in equal parts among them, their deceased parents’ share; and there shall in no case be a distinction between kindred of the whole and half-blood; saving, in all cases, to the widow of the intestate her third part of the real estate for life, and one-third part of the personal estate, and this law relative to descendants and children, shall remain in full force until altered by the legislature of the district. And until the governor and judges shall adopt laws as herein before mentioned, estates in the said territory may be devised or bequeathed by wills in writing, signed and sealed by him or her in whom the estate may be (being of full age), and attested by three witnesses; and real estates may be conveyed by lease and release, or bargain and sale, signed and delivered by the person, being of full age, in whom the estate may be, and attested by witnesses; provided such wills be duly proved, and such conveyances be acknowledged, or the execution thereof duly proved, and be recorded within one year after proper magistrate’s courts, and registers shall be appointed for that purpose; and personal property may be transferred by delivery; saving, however, to the French and Canadian inhabitants, and other settlers of the Kaskaskies, St. Vincents and the neighboring villages who have here-tofore professed themselves citizens of Virginia, their laws and customs now in force among them, relative to the descent and conveyance of property.

The North for the prevention of crimes and injuries, the laws to be adopted or made shall have force in all parts of the district, and for the execution of process, criminal and civil, the governor shall make proper divisions thereof; and he shall proceed from time to time as circumstances may require, to lay out the parts of the district in which the Indian titles shall have been extinguished, into counties and townships, subject to such alterations as may thereafter be made by the legislature. So as there shall be five thousand free male inhabitants of full age in the district, upon giving proof thereof to the governor, they shall receive authority, with time and place, to elect representatives from their counties or townships to represent them in the general assembly: Provided, That, for every five hundred free male inhabitants, there shall be one representative, and so on progressively with the number of free male inhabitants shall the right of representation increase, until the number of representatives shall amount to twenty-five; after which, the number and proportion of representatives shall be regulated by the legislature: Provided, That no person be eligible or qualified to act as a representative unless he shall have been a citizen of one of the United States three years, and be a resident in the district, or unless he shall have resided in the district three years; and, in either case, shall likewise hold in his own right, in fee simple, two hundred acres of land within the same: Provided, also, That a freehold in fifty acres of land in the district, having been a citizen of one of the
Session 14
Establishing Self-Government
Professor Burkett

Thursday, July 24
1:45 pm--3:15 pm
Massachusetts Constitution

March 2, 1780

A CONSTITUTION OR FRAME OF GOVERNMENT, Agreed upon by the Delegates of the People of the STATE OF MASSACHUSETTS-BAY,--In Convention,--Begun and held at Cambridge, on the First of September, 1779, and continued by Adjournments to the Second of March, 1780.

Preamble.

The end of the institution, maintenance and administration of government, is to secure the existence of the body-politic; to protect it; and to furnish the individuals who compose it, with the power of enjoying, in safety and tranquility, their natural rights, and the blessings of life: And whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity and happiness.

The body-politic is formed by a voluntary association of individuals: It is a social compact, by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good. It is the duty of the people, therefore, in framing a Constitution of Government, to provide for an equitable mode of making laws, as well as for an impartial interpretation, and a faithful execution of them; that every man may, at all times, find his security in them.

We, therefore, the people of Massachusetts, acknowledging, with grateful hearts, the goodness of the Great Legislator of the Universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably, without fraud, violence or surprise, of entering into an original, explicit, and solemn compact with each other; and of forming a new Constitution of Civil Government, for ourselves and posterity; and devoutly imploring His direction in so interesting a design, DO agree upon, ordain and establish, the following Declaration of Rights, and Frame of Government, as the CONSTITUTION of the COMMONWEALTH of MASSACHUSETTS.

Part the First. A Declaration of the Rights of the Inhabitants of the Commonwealth of Massachusetts.

Art. I.--All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.

II.--It is the right as well as the duty of all men in society, publicly, and at stated seasons, to worship the SUPREME BEING, the great creator and preserver of the universe. And no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping GOD in the manner and season most agreeable to the dictates of his own conscience; or for his religious profession or sentiments; provided he doth not disturb the public peace, or obstruct others in their religious worship.

III.--As the happiness of a people, and the good order and preservation of civil government, essentially depend upon piety, religion and morality; and as these cannot be generally diffused through a community, but by the institution of the public worship of GOD, and of
public instructions in piety, religion and morality: Therefore, to promote their happiness and
to secure the good order and preservation of their government, the people of this
Commonwealth have a right to invest their legislature with power to authorize and require,
and the legislature shall, from time to time, authorize and require, the several towns,
parishes, precincts, and other bodies-politic, or religious societies, to make suitable
provision, at their own expense, for the institution of the public worship of GOD, and for the
support and maintenance of public protestant teachers of piety, religion and morality, in all
cases where such provision shall not be made voluntarily.

And the people of this Commonwealth have also a right to, and do, invest their legislature
with authority to enjoin upon all the subjects an attendance upon the instructions of the
public teachers aforesaid, at stated times and seasons, if there be any on whose instructions
they can conscientiously and conveniently attend.

Provided notwithstanding, that the several towns, parishes, precincts, and other bodies-
politic, or religious societies, shall, at all times, have the exclusive right of electing their
public teachers, and of contracting with them for their support and maintenance.

And all monies paid by the subject to the support of public worship, and of the public
teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public
teacher or teachers of his own religious sect or denomination, provided there be any on
whose instructions he attends: otherwise it may be paid towards the support of the teacher
or teachers of the parish or precinct in which the said monies are raised.

And every denomination of christians, demeaning themselves peaceably, and as good
subjects of the Commonwealth, shall be equally under the protection of the law: And no
subordination of any one sect or denomination to another shall ever be established by law.

IV.--The people of this Commonwealth have the sole and exclusive right of governing
themselves as a free, sovereign, and independent state; and do, and forever hereafter shall,
exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter,
be by them expressly delegated to the United States of America, in Congress assembled.

V.--All power residing originally in the people, and being derived from them, the several
magistrates and officers of government, vested with authority, whether legislative,
executive, or judicial, are their substitutes and agents, and are at all times accountable to
them.

VI.--No man, nor corporation, or association of men, have any other title to obtain
advantages, or particular and exclusive privileges, distinct from those of the community,
than what arises from the consideration of services rendered to the public; and this title
being in nature neither hereditary, nor transmissible to children, or descendants, or
relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and
unnatural.

VII.--Government is instituted for the common good; for the protection, safety, prosperity
and happiness of the people; and not for the profit, honor, or private interest of any one
man, family, or class of men; Therefore the people alone have an incontestible, unalienable,
and indefeasible right to institute government; and to reform, alter, or totally change the
same, when their protection, safety, prosperity and happiness require it.
VIII.--In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

IX.--All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

X.--Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: But no part of the property of any individual, can, with justice, be taken from him, or applied to public uses without his own consent, or that of the representative body of the people: In fine, the people of this Commonwealth are not controllable by any other laws, than those to which their constitutional representative body have given their consent. And whenever the public exigencies require, that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

XI.--Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property, or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay; conformably to the laws.

XII.--No subject shall be held to answer for any crime or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself. And every subject shall have a right to produce all proofs, that may be favorable to him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his council, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate; but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law, that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury.

XIII.--In criminal prosecutions, the verification of facts in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen.

XIV.--Every subject has a right to be secure from all unreasonable searches, and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure: and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws.
XV.--In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherways used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high-seas, and such as relate to mariners wages, the legislature shall hereafter find it necessary to alter it.

XVI.--The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth.

XVII.--The people have a right to keep and to bear arms for the common defence. And as in time of peace armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it.

XVIII.--A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government: The people ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: And they have a right to require of their law-givers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

XIX.--The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives; and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

XX.--The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

XXI.--The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

XXII.--The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening, and confirming the laws, and for making new laws, as the common good may require.

XXIII.--No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

XXIV.--Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

XXV.--No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.
XXVI.--No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

XXVII.--In time of peace no soldier ought to be quartered in any house without the consent of the owner; and in time of war such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

XXVIII.--No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX.--It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is therefore not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well; and that they should have honorable salaries ascertained and established by standing laws.

XXX.--In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: The executive shall never exercise the legislative and judicial powers, or either of them: The judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws and not of men.

Part the Second. The Frame of Government.

The people, inhabiting the territory formerly called the Province of Massachusetts-Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body-politic or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

Chapter I. The Legislative Power.

Section I. The General Court.

Art. I.--The department of legislation shall be formed by two branches, a Senate and House of Representatives: each of which shall have a negative on the other.

The legislative body shall assemble every year, on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and shall be styled, The General Court of Massachusetts.

II.--No bill or resolve of the Senate or House of Representatives shall become a law, and have force as such, until it shall have been laid before the Governor for his revisal: And if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the Senate or House of Representatives, in which soever the same shall have originated; who shall enter the
objections sent down by the Governor, at large, on their records, and proceed to reconsider the said bill or resolve: But if, after such reconsideration, two thirds of the said Senate or House of Representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two thirds of the members present, shall have the force of a law: But in all such cases the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the Commonwealth.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the Governor within five days after it shall have been presented, the same shall have the force of a law.

III.--The General Court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, plaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixt; and for the awarding and making out of execution thereupon: To which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy or depending before them.

IV.--And further, full power and authority are hereby given and granted to the said General Court, from time to time, to make, ordain, and establish, all manner of wholesome and reasonable orders, laws, statutes, and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this Constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this Form of Government otherwise provided for; and to set forth the several duties, powers and limits; of the several civil and military officers of this Commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this Constitution; and to impose and levy proportional and reasonable assessments, rates, and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose, and levy reasonable duties and excises, upon any produce, goods, wares, merchandise, and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the Governor of this Commonwealth for the time being, with the advice and consent of the Council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practised, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth taken anew once in every ten years at least, and as much oftener as the General Court shall
Chapter I.

Section II. Senate.

Art. I.--There shall be annually elected by the freeholders and other inhabitants of this Commonwealth, qualified as in this Constitution is provided, forty persons to be Counsellors and Senators for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may from time to time be divided by the General Court for that purpose: And the General Court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known to the inhabitants of the Commonwealth, the limits of each district, and the number of Counsellors and Senators to be chosen therein; provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six Senators.

And the several counties in this Commonwealth shall, until the General Court shall determine it necessary to alter the said districts, be districts for the choice of Counsellors and Senators, (except that the counties of Dukes County and Nantucket shall form one district for that purpose) and shall elect the following number for Counsellors and Senators, viz:

- Suffolk: Six
- Essex: Six
- Middlesex: Five
- Hampshire: Four
- Plymouth: Three
- Barnstable: One
- Bristol: Three
- York: Two
- Dukes County and Nantucket: One
- Worcester: Five
- Cumberland: One
- Lincoln: One
- Berkshire: Two.

II.--The Senate shall be the first branch of the legislature; and the Senators shall be chosen in the following manner, viz: There shall be a meeting on the first Monday in April annually, forever, of the inhabitants of each town in the several counties of this Commonwealth; to be called by the Selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be Senators and Counsellors: And at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate within the Commonwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the
Senators for the district of which he is an inhabitant. And to remove all doubts concerning the meaning of the word "inhabitant" in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this State, in that town, district, or plantation, where he dwelleth, or hath his home.

The Selectmen of the several towns shall preside at such meetings impartially; and shall receive the votes of all the inhabitants of such towns present and qualified to vote for Senators, and shall sort and count them in open town meeting, and in presence of the Town Clerk, who shall make a fair record in presence of the Selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the Selectmen and the Town-Clerk, and shall be sealed up, directed to the Secretary of the Commonwealth for the time being, with a superscription, expressing the purport of the contents thereof, and delivered by the Town-Clerk of such towns, to the Sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May annually; or it shall be delivered into the Secretary’s office seventeen days at least before the said last Wednesday in May; and the Sheriff of each county shall deliver all such certificates by him received, into the Secretary’s office seventeen days before the said last Wednesday in May.

And the inhabitants of plantations unincorporated, qualified as this Constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for Counsellors and Senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation-meetings for that purpose shall be held annually on the same first Monday in April, at such place in the plantations respectively, as the Assessors thereof shall direct; which Assessors shall have like authority for notifying the electors, collecting and returning the votes, as the Selectmen and Town-Clerks have in their several towns, by this Constitution. And all other persons living in places unincorporated (qualified as aforesaid) who shall be assessed to the support of government by the Assessors of an adjacent town, shall have the privilege of giving in their votes for Counsellors and Senators, in the town where they shall be assessed, and be notified of the place of meeting by the Selectmen of the town where they shall be assessed, for that purpose, accordingly.

III.--And that there may be a due convention of Senators on the last Wednesday in May annually, the Governor, with five of the Council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day he shall issue his summons to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly: Provided nevertheless, that for the first year the said returned copies shall be examined by the President and five of the Council of the former Constitution of Government; and the said President shall, in like manner, issue his summons to the persons so elected, that they may take their seats as aforesaid.

IV.--The Senate shall be the final judge of the elections, returns and qualifications of their own members, as pointed out in the Constitution; and shall, on the said last Wednesday in May annually, determine and declare who are elected by each district, to be Senators, by a majority of votes: And in case there shall not appear to be the full number of Senators returned elected by a majority of votes for any district, the deficiency shall be supplied in the following manner, viz. The members of the House of Representatives, and such Senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of Senators wanting, if there be so many voted for; and, out of these,
shall elect by ballot a number of Senators sufficient to fill up the vacancies in such district: And in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the Senate, arising by death, removal out of the State, or otherwise, shall be supplied as soon as may be after such vacancies shall happen.

V.--Provided nevertheless, that no person shall be capable of being elected as a Senator, who is not seized in his own right of a freehold within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate to the value of six hundred pounds at least, or of both to the amount of the same sum, and who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district, for which he shall be chosen.

VI.--The Senate shall have power to adjourn themselves, provided such adjournments do not exceed two days at a time.

VII.--The Senate shall choose its own President, appoint its own officers, and determine its own rules of proceeding.

VIII.--The Senate shall be a court with full authority to hear and determine all impeachments made by the House of Representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices. But, previous to the trial of every impeachment, the members of the Senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this Commonwealth: But the party, so convicted, shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

IX.--Not less than sixteen members of the Senate shall constitute a quorum for doing business.

Chapter I.

Section III. House of Representatives.

Art. I.--There shall be in the Legislature of this Commonwealth, a representation of the people, annually elected, and founded upon the principle of equality.

II.--And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty rateable polls, may elect one Representative: Every corporate town, containing three hundred and seventy-five rateable polls, may elect two Representatives: Every corporate town, containing six hundred rateable polls, may elect three Representatives; and proceeding in that manner, making two hundred and twenty-five rateable polls the mean increasing number for every additional Representative.

Provided nevertheless, that each town now incorporated, not having one hundred and fifty rateable polls, may elect one Representative: but no place shall hereafter be incorporated with the privilege of electing a Representative, unless there are within the same one
hundred and fifty rateable polls.

And the House of Representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this Constitution.

The expenses of travelling to the General Assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the House, and does not depart without leave.

III.--Every member of the House of Representatives shall be chosen by written votes; and for one year at least next preceding his election shall have been an inhabitant of, and have been seized in his own right of a freehold of the value of one hundred pounds within the town he shall be chosen to represent, or any rateable estate to the value of two hundred pounds; and he shall cease to represent the said town immediately on his ceasing to be qualified as aforesaid.

IV.--Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a Representative or Representatives for the said town.

V.--The members of the House of Representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.

VI.--The House of Representatives shall be the Grand Inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the Senate.

VII.--All money-bills shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

VIII.--The House of Representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

IX.--Not less than sixty members of the House of Representatives shall constitute a quorum for doing business.

X.--The House of Representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own Speaker; appoint their own officers, and settle the rules and orders of proceeding in their own house: They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the House, by any disorderly, or contemptuous behaviour, in its presence; or who, in the town where the General Court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the House; or who shall assault any of them therefor; or who shall assault, or arrest, any witness, or other person, ordered to attend the House, in his way in going, or returning; or who shall rescue any person arrested by the order of the House.
And no member of the House of Representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the General Assembly.

XI.--The Senate shall have the same powers in the like cases; and the Governor and Council shall have the same authority to punish in like cases. Provided, that no imprisonment on the warrant or order of the Governor, Council, Senate, or House of Representatives, for either of the above described offences, be for a term exceeding thirty days.

And the Senate and House of Representatives may try, and determine, all cases where their rights and privileges are concerned, and which, by the Constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may respectively think best.

**Chapter II. Executive Power.**

**Section I. Governor.**

Art. I.--There shall be a Supreme Executive Magistrate, who shall be styled, THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS; and whose title shall be--HIS EXCELLENCY.

II.--The Governor shall be chosen annually: And no person shall be eligible to this office, unless at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding; and unless he shall, at the same time, be seized in his own right, of a freehold within the Commonwealth, of the value of one thousand pounds; and unless he shall declare himself to be of the christian religion.

III.--Those persons who shall be qualified to vote for Senators and Representatives within the several towns of this Commonwealth, shall, at a meeting, to be called for that purpose, on the first Monday of April annually, give in their votes for a Governor, to the Selectmen, who shall preside at such meetings; and the Town Clerk, in the presence and with the assistance of the Selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the Selectmen, and transmit the same to the Sheriff of the county, thirty days at least before the last Wednesday in May; and the Sheriff shall transmit the same to the Secretary’s office seventeen days at least before the said last Wednesday in May; or the Selectmen may cause returns of the same to be made to the office of the Secretary of the Commonwealth seven days at least before the said day; and the Secretary shall lay the same before the Senate and the House of Representatives, on the last Wednesday in May, to be by them examined: And in case of an election by a majority of all the votes returned, the choice shall be by them declared and published: But if no person shall have a majority of votes, the House of Representatives shall, by ballot, elect two out of four persons who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the Senate of the two persons so elected; on which, the Senate shall proceed, by ballot, to elect one, who shall be declared Governor.

IV.--The Governor shall have authority, from time to time, at his discretion, to assemble and call together the Counsellors of this Commonwealth for the time being; and the
Governor, with the said Counsellors, or five of them at least, shall, and may, from time to
time, hold and keep a Council, for the ordering and directing the affairs of the
Commonwealth, agreeably to the Constitution and the laws of the land.

V.--The Governor, with advice of Council, shall have full power and authority, during the
session of the General Court, to adjourn or prorogue the same to any time the two Houses
shall desire; and to dissolve the same on the day next preceding the last Wednesday in
May; and, in the recess of the said Court, to prorogue the same from time to time, not
exceeding ninety days in any one recess; and to call it together sooner than the time to
which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require
the same: And in case of any infectious distemper prevailing in the place where the said
Court is next at any time to convene, or any other cause happening whereby danger may
arise to the health or lives of the members from their attendance, he may direct the session
to be held at some other the most convenient place within the State.

And the Governor shall dissolve the said General Court on the day next preceding the last
Wednesday in May.

VI.--In cases of disagreement between the two Houses, with regard to the necessity,
expediency or time of adjournment, or prorogation, the Governor, with advice of the
Council, shall have a right to adjourn or prorogue the General Court, not exceeding ninety
days, as he shall determine the public good shall require.

VII.--The Governor of this Commonwealth, for the time being, shall be the commander-in-
chief of the army and navy, and of all the military forces of the State, by sea and land; and
shall have full power, by himself, or by any commander, or other officer or officers, from
time to time, to train, instruct, exercise and govern the militia and navy; and, for the
special defence and safety of the Commonwealth, to assemble in martial array, and put in
warlike posture, the inhabitants thereof, and to lead and conduct them, and with them, to
encounter, repel, resist, expel and pursue, by force of arms, as well as by sea as by land,
within or without the limits of this Commonwealth, and also to kill, slay and destroy, if
necessary, and conquer, by all fitting ways, enterprizes and means whatsoever, all and
every such person and persons as shall, at any time hereafter, in a hostile manner, attempt
or enterprize the destruction, invasion, detriment, or annoyance of this Commonwealth; and
to use and exercise, over the army and navy, and over the militia in actual service, the law
martial, in time of war or invasion, and also in time of rebellion, declared by the legislature
to exist, as occasion shall necessarily require; and to take and surprise by all ways and
means whatsoever, all and every such person or persons, with their ships, arms,
ammunition and other goods, as shall, in a hostile manner, invade, or attempt the invading,
conquering, or annoying this Commonwealth; and that the Governor be intrusted with all
these and other powers, incident to the offices of Captain-General and Commander-in-Chief,
and Admiral, to be exercised agreeably to the rules and regulations of the Constitution, and
the laws of the land, and not otherwise.

Provided, that the said Governor shall not, at any time hereafter, by virtue of any power by
this Constitution granted, or hereafter to be granted to him by the legislature, transport any
of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the
same, without their free and voluntary consent, or the consent of the General Court; except
so far as may be necessary to march or transport them by land or water, for the defence of
such part of the State, to which they cannot otherwise conveniently have access.

VIII.--The power of pardoning offences, except such as persons may be convicted of before
the Senate by an impeachment of the House, shall be in the Governor, by and with the
advice of Council: But no charter of pardon, granted by the Governor, with advice of the
Council, before conviction, shall avail the party pleading the same, notwithstanding any
general or particular expressions contained therein, descriptive of the offence, or offences
intended to be pardoned.

IX.--All judicial officers, the Attorney-General, the Solicitor-General, all Sheriffs, Coroners,
and Registers of Probate, shall be nominated and appointed by the Governor, by and with
the advice and consent of the Council; and every such nomination shall be made by the
Governor, and made at least seven days prior to such appointment.

X.--The Captains and subalterns of the militia shall be elected by the written votes of the
train-band and alarm list of their respective companies, of twenty-one years of age and
upwards: The field-officers of Regiments shall be elected by the written votes of the
captains and subalterns of their respective regiments: The Brigadiers shall be elected in like
manner, by the field officers of their respective brigades: And such officers, so elected, shall
be commissioned by the Governor, who shall determine their rank.

The Legislature shall, by standing laws, direct the time and manner of convening the
electors, and of collecting votes, and of certifying to the Governor the officers elected.

The Major-Generals shall be appointed by the Senate and House of Representatives, each
having a negative upon the other; and be commissioned by the Governor.

And if the electors of Brigadiers, field-officers, captains or subalterns, shall neglect or refuse
to make such elections, after being duly notified, according to the laws for the time being,
then the Governor, with advice of Council, shall appoint suitable persons to fill such offices.

And no officer, duly commissioned to command in the militia, shall be removed from his
office, but by the address of both houses to the Governor, or by fair trial in court martial,
pursuant to the laws of the Commonwealth for the time being.

The commanding officers of regiments shall appoint their Adjutants and Quarter-masters;
the Brigadiers their Brigade-Majors; and the Major-Generals their Aids: and the Governor
shall appoint the Adjutant General.

The Governor, with advice of Council, shall appoint all officers of the continental army,
whom by the confederation of the United States it is provided that this Commonwealth shall
appoint,--as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments and companies, made in pursuance of
the militia laws now in force, shall be considered as the proper divisions of the militia of this
Commonwealth, until the same shall be altered in pursuance of some future law.

XI.--No monies shall be issued out of the treasury of this Commonwealth, and disposed of
(except such sums as may be appropriated for the redemption of bills of credit or
Treasurer's notes, or for the payment of interest arising thereon) but by warrant under the
hand of the Governor for the time being, with the advice and consent of the Council, for the
necessary defence and support of the Commonwealth; and for the protection and
preservation of the inhabitants thereof, agreeably to the acts and resolves of the General
XII.--All public boards, the Commissary-General, all superintending officers of public 
magazines and stores, belonging to this Commonwealth, and all commanding officers of 
forts and garrisons within the same, shall, once in every three months, officially and without 
requisition, and at other times, when required by the Governor, deliver to him an account of 
all goods, stores, provisions, ammunition, cannon with their appendages, and small arms 
with their accoutrements, and of all other public property whatever under their care 
respectively; distinguishing the quantity, number, quality and kind of each, as particularly 
as may be; together with the condition of such forts and garrisons: And the said 
commanding officer shall exhibit to the Governor, when required by him, true and exact 
plans of such forts, and of the land and sea, or harbour or harbours adjacent.

And the said boards, and all public officers, shall communicate to the Governor, as soon as 
may be after receiving the same, all letters, dispatches, and intelligences of a public nature, 
which shall be directed to them respectively.

XIII.--As the public good requires that the Governor should not be under the undue 
influence of any of the members of the General Court, by a dependence on them for his 
support--that he should, in all cases, act with freedom for the benefit of the public--that he 
should not have his attention necessarily diverted from that object to his private concerns--
and that he should maintain the dignity of the Commonwealth in the character of its chief 
 magistrate--it is necessary that he should have an honorable stated salary, of a fixed and 
permanent value, amply sufficient for those purposes, and established by standing laws: 
And it shall be among the first acts of the General Court, after the Commencement of this 
Constitution, to establish such salary by law accordingly.

Permanent and honorable salaries shall also be established by law for the Justices of the 
Supreme Judicial Court.

And if it shall be found, that any of the salaries aforesaid, so established, are insufficient, 
they shall, from time to time, be enlarged, as the General Court shall judge proper.

Chapter II.

Section II. Lieutenant-Governor.

Art. I.--There shall be annually elected a Lieutenant-Governor of the Commonwealth of 
Massachusetts, whose title shall be HIS HONOR--and who shall be qualified, in point of 
religion, property, and residence in the Commonwealth, in the same manner with the 
Governor: And the day and manner of his election, and the qualifications of the electors, 
shall be the same as are required in the election of a Governor. The return of the votes for 
this officer, and the declaration of his election, shall be in the same manner: And if no one 
person shall be found to have a majority of all the votes returned, the vacancy shall be filled 
by the Senate and House of Representatives, in the same manner as the Governor is to be 
elected, in case no one person shall have a majority of the votes of the people to be 
Governor.

II.--The Governor, and in his absence the Lieutenant-Governor, shall be President of the 
Council, but shall have no vote in Council: And the Lieutenant-Governor shall always be a
member of the Council, except when the chair of the Governor shall be vacant.

III.--Whenever the chair of the Governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the Lieutenant-Governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the Governor, and shall have and exercise all the powers and authorities, which by this Constitution the Governor is vested with, when personally present.

Chapter II.

Section III. Council, and the Manner of Settling Elections by the Legislature.

Art. I.--There shall be a Council for advising the Governor in the executive part of government, to consist of nine persons besides the Lieutenant-Governor, whom the Governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together. And the Governor, with the said Counsellors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

II.--Nine Counsellors shall be annually chosen from among the persons returned for Counsellors and Senators, on the last Wednesday in May, by the joint ballot of the Senators and Representatives assembled in one room: And in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the Council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of Senators left shall constitute the Senate for the year. The seats of the persons thus elected from the Senate, and accepting the trust, shall be vacated in the Senate.

III.--The Counsellors, in the civil arrangements of the Commonwealth, shall have rank next after the Lieutenant-Governor.

IV.--Not more than two Counsellors shall be chosen out of any one district of this Commonwealth.

V.--The resolutions and advice of the Council shall be recorded in a register, and signed by the members present; and this record may be called for at any time by either House of the Legislature; and any member of the Council may insert his opinion contrary to the resolution of the majority.

VI.--Whenever the office of the Governor and Lieutenant-Governor shall be vacant, by reason of death, absence, or otherwise, then the Council or the major part of them, shall, during such vacancy, have full power and authority, to do, and execute, all and every such acts, matters and things, as the Governor or the Lieutenant-Governor might or could, by virtue of this Constitution, do or execute, if they, or either of them, were personally present.

VII.--And whereas the elections appointed to be made by this Constitution, on the last Wednesday in May annually, by the two Houses of the Legislature, may not be completed on that day, the said elections may be adjourned from day to day until the same shall be completed. And the order of elections shall be as follows; the vacancies in the Senate, if any, shall first be filled up; the Governor and Lieutenant-Governor shall then be elected, provided there should be no choice of them by the people: And afterwards the two Houses
shall proceed to the election of the Council.

Chapter II.

Section IV. Secretary, Treasurer, Commissary, etc.

Art. I.--The Secretary, Treasurer and Receiver-General, and the Commissary-General, Notaries-Public, and Naval-Officers, shall be chosen annually, by joint ballot of the Senators and Representatives in one room. And that the citizens of this Commonwealth may be assured, from time to time, that the monies remaining in the public Treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as Treasurer and Receiver-General more than five years successively.

II.--The records of Commonwealth shall be kept in the office of the Secretary, who may appoint his Deputies, for whose conduct he shall be accountable, and he shall attend the Governor and Council, the Senate and House of Representatives, in person, or by his deputies, as they shall respectively require.

Chapter III. Judiciary Power.

Art. I.--The tenure that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behaviour, excepting such concerning whom there is different provision made in this Constitution: Provided, nevertheless, the Governor, with consent of the Council, may remove them upon the address of both Houses of the Legislature.

II.--Each branch of the Legislature, as well as the Governor and Council, shall have authority to require the opinions of the Justices of the Supreme Judicial Court, upon important questions of law, and upon solemn occasions.

III.--In order that the people may not suffer from the long continuance in place of any Justice of the Peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of Justices of the Peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

IV.--The Judges of Probate of Wills, and for granting letters of administration, shall hold their courts at such places or places, on fixed days, as the convenience of the people shall require. And the Legislature shall, from time to time, hereafter appoint such times and places; until which appointments, the said Courts shall be helden at the times and places which the respective Judges shall direct.

V.--All causes of marriage, divorce and alimony, and all appeals from the Judges of Probate, shall be heard and determined by the Governor and Council until the Legislature shall, by law, make other provisions.

Chapter IV. Delegates to Congress.

The delegates of this Commonwealth to the Congress of the United States, shall, sometime
in the month of June annually, be elected by the joint ballot of the Senate and House of Representatives, assembled together in one room; to serve in Congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the Governor, and the great seal of the Commonwealth; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

Chapter V. The University at Cambridge, and Encouragement of Literature, etc.

Section I. The University.

Art. I.--Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty six, laid the foundation of Harvard-College, in which University many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences, which qualified them for public employments, both in Church and State: And whereas the encouragement of Arts and Sciences, and all good literature, tends to the honor of God, the advantage of the christian religion, and the great benefit of this, and the other United States of America--It is declared, That the PRESIDENT AND FELLOWS OF HARVARD-COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy: And the same are hereby ratified and confirmed unto them, the said President and Fellows of Harvard-College, and to their successors, and to their officers and servants, respectively, forever.

II.--And whereas there have been at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard-College in Cambridge, in New-England, or to the President and Fellows of Harvard-College, or to the said College, by some other description, under several charters successively: IT IS DECLARED, That all the said gifts, grants, devises, legacies and conveyances, are hereby forever confirmed unto the President and Fellows of Harvard-College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

III.--And whereas by an act of the General Court of the Colony of Massachusetts-Bay, passed in the year one thousand six hundred and forty-two, the Governor and Deputy-Governor, for the time being, and all the magistrates of that jurisdiction, were, with the President, and a number of the clergy in the said act described, constituted the Overseers of Harvard-College: And it being necessary, in this new Constitution of Government, to ascertain who shall be deemed successors to the said Governor, Deputy-Governor and Magistrates: IT IS DECLARED, That the Governor, Lieutenant-Governor, Council and Senate of this Commonwealth, are, and shall be deemed, their successors; who, with the President of Harvard-College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining to the Overseers of Harvard-College; PROVIDED, that nothing herein shall be construed to prevent the Legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the Legislature of the late Province of the Massachusetts-Bay.
Chapter V.

Section II. The Encouragement of Literature, etc.

Wisdom, and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislators and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools in the towns; to encourage private societies and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humour, and all social affections, and generous sentiments among the people.

Chapter VI. Oaths and Subscriptions; Incompatibility of and Exclusion from Offices; Pecuniary Qualifications; Commissions; Writs; Confirmation of Laws; Habeas Corpus; The Enacting Style; Continuance of Officers; Provision for a future Revival of the Constitution, etc.

Art I.--Any person chosen Governor, Lieutenant-Governor, Counsellor, Senator, or Representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.--

"I, A. B. do declare, that I believe the christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the Constitution as one qualification for the office or place to which I am elected."

And the Governor, Lieutenant-Governor, and Counsellors, shall make and subscribe the said declaration, in the presence of the two Houses of Assembly; and the Senators and Representatives first elected under this Constitution, before the President and five of the Council of the former Constitution, and, forever afterwards, before the Governor and Council for the time being.

And every person chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.--

"I, A. B. do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachusetts is, and of right ought to be, a free, sovereign and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever: And that I do renounce and adjure all allegiance, subjection and obedience to the King, Queen or Government of Great Britain, (as the case may be) and every other foreign Prince, Person, Prelate, State or Potentate, hath, or ought to have, any jurisdiction, superiority, preeminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their
Constituents in the Congress of the United States: And I do further testify and declare, that no man or body of men hath or can have any right to absolve or discharge me from the obligation of this oath, declaration or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me GOD.

"I, A. B. do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as; according to the best of my abilities and understanding, agreeably to the rules and regulations of the Constitution, and the laws of this Commonwealth." "So help me GOD."

Provided always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words "I do swear," "and adjure," "oath or," "and abjuration," in the first oath; and in the second oath, the words "swear and;" and in each of them the words "So help me GOD;" subjoining instead thereof, "This I do under the pains and penalties of perjury."

And the said oaths or affirmations shall be taken and subscribed by the Governor, Lieutenant Governor, and Counsellors, before the President of the Senate, in the presence of the two Houses of Assembly; and by the Senators and Representatives first elected under this Constitution, before the President and five of the Council of the former Constitution; and forever afterwards before the Governor and Council for the time being: And by the residue of the officers aforesaid, before such persons and in such manner as from time to time shall be prescribed by the Legislature.

II.--No Governor, Lieutenant Governor, or Judge of the Supreme Judicial Court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this Constitution they are admitted to hold, saving that the Judges of the said Court may hold the offices of Justices of the Peace through the State; nor shall they hold any other place or office, or receive any pension or salary from any other State or Government or Power whatever.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz:--Judge of Probate--Sheriff--Register of Probate--or Register of Deeds--and never more than any two offices which are to be held by appointment of the Governor, or the Governor and Council, or the Senate, or the House of Representatives, or by the election of the people of the State at large, or of the people of any county, military offices and the offices of Justices of the Peace excepted, shall be held by one person.

No person holding the office of Judge of the Supreme Judicial Court--Secretary--Attorney General--Solicitor General--Treasurer or Receiver General--Judge of Probate--Commissary General--President, Professor, or Instructor of Harvard College--Sheriff--Clerk of the House of Representatives--Register of Probate--Register of Deeds--Clerk of the Supreme Judicial Court--Clerk of the Inferior Court of Common Pleas--or Officer of the Customs, including in this description Naval Officers--shall at the same time have a seat in the Senate or House of Representatives; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the Senate or House of Representatives; and the
place so vacated shall be filled up.

And the same rule shall take place in case any judge of the said Supreme Judicial Court, or Judge of Probate, shall accept a seat in Council; or any Counsellor shall accept of either of those offices or places.

And no person shall ever be admitted to hold a seat in the Legislature, or any office of trust or importance under the Government of this Commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption in obtaining an election or appointment.

III.--In all cases where sums of money are mentioned in this Constitution, the value thereof shall be computed in silver at six shillings and eight pence per ounce: And it shall be in the power of the Legislature from time to time to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require.

IV.--All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the Governor, and attested by the Secretary or his Deputy, and have the great seal of the Commonwealth affixed thereto.

V.--All writs, issuing out of the clerk’s office in any of the Courts of law, shall be in the name of the Commonwealth of Massachusetts: They shall be under the seal of the Court from whence they issue: They shall bear test of the first Justice of the Court to which they shall be returnable, who is not a party, and be signed by the clerk of such court.

VI.--All the laws which have heretofore been adopted, used and approved in the Province, Colony or State of Massachusetts Bay, and usually practiced on in the Courts of law, shall still remain and be in full force, until altered or repealed by the Legislature; such parts only excepted as are repugnant to the rights and liberties contained in this Constitution.

VII.--The privilege and benefit of the writ of habeas corpus shall be enjoyed in this Commonwealth in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the Legislature, except upon the most urgent and pressing occasions, and for a limited time not exceeding twelve months.

VII.--The enacting style, in making and passing all acts, statutes and laws, shall be--"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same."

IX.--To the end there may be no failure of justice or danger arise to the Commonwealth from a change of the Form of Government--all officers, civil and military, holding commissions under the government and people of Massachusetts Bay in New-England, and all other officers of the said government and people, at the time this Constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead: And all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority; until the General Court and the supreme and executive officers under this Constitution are designated and invested with their respective trusts, powers and authority.
X.--In order the more effectually to adhere to the principles of the Constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary—the General Court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the Selectmen of the several towns, and to the Assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations for the purpose of collecting their sentiments on the necessity or expediency of revising the Constitution, in order to amendments.

And if it shall appear by the returns made, that two thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the General Court shall issue precepts, or direct them to be issued from the Secretary’s office to the several towns, to elect Delegates to meet in Convention for the purpose aforesaid.

The said Delegates to be chosen in the same manner and proportion as their Representatives in the second branch of the Legislature are by this Constitution to be chosen.

XI.--This form of government shall be enrolled on parchment, and deposited in the Secretary’s office, and be a part of the laws of the land—and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

James Bowdoin, President.

Attest. Samuel Barrett, Secretary.

Session 15
“On the Brink of a Precipice”: The Revolution in Peril
Professor Taylor

Friday, July 25
9:00 am--10:30 am
Agreeably to your request and my promise I sit down to give you my ideas of the defects of our present system, and the changes necessary to save us from ruin. They may perhaps be the reveries of a projector rather than the sober views of a politician. You will judge of them, and make what use you please of them.

The fundamental defect is a want of power in Congress. It is hardly worth while to show in what this consists, as it seems to be universally acknowledged, or to point out how it has happened, as the only question is how to remedy it. It may however be said that it has originated from three causes — an excess of the spirit of liberty which has made the particular states show a jealousy of all power not in their own hands; and this jealousy has led them to exercise a right of judging in the last resort of the measures recommended by Congress, and of acting according to their own opinions of their propriety of necessity, a diffidence in Congress of their own powers, by which they have been timid and indecisive in their resolutions, constantly making concessions to the states, till they have scarcely left themselves the shadow of power; a want of sufficient means at their disposal to answer the public exigencies and of vigor to draw forth those means; which have occasioned them to depend on the states individually to fulfill their engagements with the army, and the consequence of which has been to ruin their influence and credit with the army, to establish its dependence on each state separately rather than on them, that is rather than the whole collectively.

It may be pleaded, that Congress had never any definitive powers granted them and of course could do nothing more than recommend. The manner in which Congress was appointed would warrant, and the public good required, that they should have considered themselves as vested with full power to preserve the republic from harm. They have done many of the highest acts of sovereignty, which were always cheerfully submitted to the declaration of independence the declaration of war, the levying an army, creating a navy, emitting money making alliances with foreign powers, appointing a dictator — all these implications of a complete sovereignty were never disputed, and ought to have been a standard for the whole conduct of Administration. Undefined powers are discretionary powers, limited only by the object for which they were given — in the present case, the independence and freedom of America. The confederation made no difference; for as it has not been generally adopted, it had no operation. But from what I recollect of it, Congress have even descended from the authority which the spirit of that act gives them, while the particular states have no further attended to it than as it suited their pretensions and convenience. It would take too much time to enter into particular instances, each of which separately might appear inconsiderable; but united are of serious import. I only mean to remark, not to censure.

But the confederation itself is defective and requires to be altered; it is neither fit for ar, nor peace. The idea of an uncontrollable sovereignty in each state, over its internal police, will defeat the other powers given to Congress, and make our union feeble and precarious. There are instances without number, where acts necessary for the general good, and which rise out of the powers given to Congress must interfere with the internal police can effectually though indirectly counteract the arrangements of Congress. You have already had example of this for which I refer you to your own memory.
The confederation gives the states individually too much influence in the affairs of the army; they should have nothing to do with it. The entire formation and disposal of our military forces out to belong to Congress. It is an essential cement of the union; and it ought to be the policy of Congress to destroy all ideas of states attachments in the army and make it look up wholly to them. For this purpose all appointments, promotions, and provisions whatsoever ought to be made by them. It may be apprehended that this may be dangerous to liberty. But nothing appears more evident to me, than that we run much greater risk of having a weak and disunited federal government, than one which will be able to usurp upon the rights of the people. Already some of the lines of the army would obey their states in opposition to Congress notwithstanding the pains we have taken to preserve the unity of the army — if anything would hinder this it would be the personal influence of the General, a melancholy and mortifying consideration.

The forms of our state constitutions must always give them great weight in our affairs and will make it too difficult to bend them to the pursuit of a common interest, too easy to oppose whatever they do not like and to form partial combinations subversive of the general one. There is a wide difference between our situation and that of an empire under one simple form of government, distributed into counties provinces or districts, which have no legislatures but merely magistratical bodies to execute the laws of a common sovereign. Here the danger is that the sovereign will have too much power to oppress the parts of which it is composed. In our case, that of an empire composed of confederated states each with a government completely organized within itself, having all the means to draw its subjects to a close dependence on itself — the danger is directly the reverse. It is that the common sovereign will not have power sufficient to unite the different members together, and direct the common forces to the interest and happiness of the whole.

The leagues among the old Grecian republics are a proof of this. They were continually at war with each other, and for want of union fell a prey on their neighbors. They frequently held general councils, but their resolutions were not further observed than as they suited the interests and inclinations of all the parties and at length, they sunk entirely into contempt.

Our own experience should satisfy us. We have felt the difficulty of drawing out the resources of the country and inducing the states to combine in equal exertions for the common cause. The ill success of our last attempt is striking. Some have done a great deal, others little or scarcely anything. The disputes about boundaries testify how flattering a prospect we have of future tranquility, if we do no frame in time a confederacy capable of deciding the differences and compelling the obedience of the respective members.

The confederation too gives the power of the purse too entirely to the state legislatures. It should provide perpetual funds in the disposal of Congress by a land tax, poll tax, or the like. All imposts upon commerce ought to be laid by Congress and appropriated to their use, for without certain revenues, a government can have no power; that power, which holds the purse strings absolutely, must rule. This seems to be a medium, which without making Congress altogether independent will tend to give reality to its authority.
Another defect in our system is want of method and energy in the administration. This has partly resulted from the other defect, but in a great degree from prejudice and the want of a proper executive. Congress have kept the power too much into their own hands and have meddled too much with details of ever sort. Congress is properly a deliberative corps and it forgets itself when it attempts to play the executive. It is impossible such a body, numerous as it is, constantly fluctuating, can ever act with sufficient decision, or with system. Two thirds of the members, one half the time, cannot know what has gone before them or what connection the subject in hand has to what has been transacted on former occasions. The members, who have been more permanent, will only give information, that promotes the side they espouse, in the present case, and will as often mislead as enlighten, The variety of business must distract, and the proneness of every assembly to debate must at all times delay.

Lately Congress, convinced of these inconveniences, have gone into the measure of appointing boards. But this is in my opinion a bad plan. A single man, in each department of the administration, would be greatly preferable. It would give us a chance of more knowledge, more activity, more responsibility and of course more zeal and attention. Boards partake of a part of the inconveniences assemblies. Their decisions are slower their energy less their responsibility more diffused. They will not have the same abilities and knowledge as an administration by single men. Men of the first pretensions will not so readily engage in them, because they will be less conspicuous, of less importance, have less opportunity of distinguishing themselves The members of boards will take less pains to inform themselves and arrive to eminence, because they have fewer motives to do it. All these reasons conspire to give a preference to the plan of vesting the great executive departments of the state in the hands of individuals. As these men will be of course at all times under the direction of Congress, we shall blend the advantages of a monarchy and republic in our constitution.

A question has been made, whether single men could be found to undertake these offices. I think they could, because there would be then everything to excite the ambition of candidates. But in order to this Congress by their manner of appointing them and the line of duty marked out must show that they are in earnest in making these offices, offices of real trust and importance. I fear a little vanity has stood in the way of these arrangements, as though they would lessen the importance of Congress and leave them nothing to do. But they would have precisely the same rights and powers as heretofore, happily disencumbered of the detail. They would have to inspect the conduct of their ministers, deliberate upon their plans originate others for the public good — only observing this rule that they ought to consult their ministers, and get all the information and advice they could from them, before they entered into any new measures of made changes in the old.

A third defect is the fluctuating constitution of our army. This has been a pregnant source of evil; all our military misfortunes, three fourths of our civil embarrassments are to be ascribed to it. The General has so fully enumerated the mischief of it in a late letter to Congress that I could only repeat what he as said, and therefore refer you to that letter.

The imperfect and unequal provision made for the army is a fourth defect which you will find delineated in the same letter. Without a speedy change the army must dissolve; it is now a mob, rather than an army, without clothing, without pay, without provision, without morals, without discipline. We begin to hate the country for its neglect of us; the country begins to hate us for our oppressions of them. Congress have long been jealous of us; we have now lost all confidence in them, and give the worst construction to all they do. Held together by the slenderest ties we are ripening for a dissolution.

The present mode of supplying the army — by states purchases — is not one of the least considerable defects of our system. It is too precarious a dependence, because the states will never be sufficiently impressed with our necessities. Each will make its own ease a primary object, the supply of the army a secondary one. The variety of channels through which the business is
transacted will multiply the number of persons employed and the opportunities of embezzling
public money. From the popular spirit on which most of the governments turn, the state agents,
will be men of less character and ability, nor will there be so rigid a responsibility among them as
there might easily be among those in the employ of the continent, of course not so much diligence
care or economy. Very little of the money raised in the several states will go into the Continental
treasure, on pretence, that is all exhausted in providing the quotas of supplies, and the public will
be without funds for the other demands of governments. The expense will be ultimately much
greater and the advantages much smaller. We actually feel the insufficiency of this plan and have
reason to dread under it a ruinous extremity of want.

These are the principle defects in the present system that now occur to me. There are many
inferior ones in the organization of particular departments and many errors of administration
which might be pointed out; but the task would be troublesome and tedious, and if we had once
remedied those I have mentioned the others would not be attended with much difficulty.

I shall now propose the remedies, which appear to me applicable to our circumstance, and
necessary to extricate our affairs from their present deplorable situation.

The first step must be to give Congress powers competent to the public exigencies. This ma
happen in two ways, one by resuming and exercising the discretionary powers I suppose to have
been originally vested in them for the safety of the states and resting their conduct on the candor
of their country men and the necessity of the conjuncture: the other by calling immediately a
convention of all the states with full authority to conclude finally upon a general confederation,
stating to them beforehand explicitly the evils arising from a want of power in Congress, and the
impossibly of supporting the contest on its present footing, that the delegates may come
possessed of proper sentiments as well as proper authority to give to the meeting. Their
commission should include a right of vesting Congress with the whole or a proportion of the
unoccupied lands, to be employed for the purpose of raising revenue, reserving the jurisdiction to
the states by whom they are granted.

The first plan, I expect will be thought too bold an expedient by the generality of Congress; and
indeed their practice hitherto has riveted the opinion of their want of power, that the success of
this experiment may very well be doubted.

I see no objection to the other mode, that has any weight in competition with the reasons for it.
The Convention should assemble the 1st of November next, the sooner, the better; our disorders
are too violent to admit of a common or lingering remedy. The reasons for which I require them
to be vested with plenipotentiary authority are that the business may suffer no delay in the
execution, and may in reality come to effect. A convention may agree upon a confederation;
the states individuality hardly ever will. We must have one at all events, and a vigorous one if we
mean to succeed in the contest and be happy hereafter. As I said before, to engage the states to
comply with this mode, Congress ought to confess to them plainly and unanimously the
impracticability of supporting our affairs on the present footing and without a solid coercive union.
I ask that the Convention should have a power of vesting the whole or a part of the unoccupied
land in Congress, because it necessary that body should have some property as a fun of the
arrangements of finance; and I know of no other kind that can be given them.

The confederation in my opinion should give Congress complete sovereignty; except as to that
part of internal police, which relates to the rights of property and life among individuals and to
raising money by internal taxes. It is necessary, that everything, belonging to this, should be
regulated by the state legislatures. Congress should have complete sovereignty in all that relates
to war, peace, trade, finance, and to the management of foreign affairs, the right of declaring war
of raising armies, officering, paying them, directing their motions in ever respect, of equipping
fleets and doing the same with them, of building fortifications arsenals magazines of making
peace on such conditions as they thing proper, of regulating trade, determining with what
countries it shall be carried on, granting indulgencies laying prohibitions on all the articles of
export or import, imposing duties, granting bounties and premiums for raising exporting importing
and applying to their own use the product of these duties, only giving credit to the states on
whom they are raised in the general account of revenues and expenses, instituting admiralty
courts of coining money, establishing banks on such terms, and with such privileges as they think
proper, appropriating funds and doing whatever else relates to the operations of finance,
transacting everything with foreign nations, making alliances offensive and defensive, treaties of
commerce.

The confederation should provide certain perpetual revenues, productive and easy of collection, a
land tax, poll tax or the like, which together with the duties on trade and the unlocated lands
would give Congress a substantial existence, and a stable foundation for their schemes of finance.
What more supplies were necessary should occasionally demanded of the states, in the present
mode of quotas.

The second step I would recommend is that Congress should instantly appoint the following great
officers of state — a secretary for foreign affairs — a president of war — a president of marine —
a financier — a president of trade; instead of this last a board of Trade may be preferable as the
regulations of trade are slow and gradual and require prudence and experience (more than other
qualities) for which boards are very well adapted.

Congress should choose for these offices, men of the first abilities, property and character in the
continent and such as have had the best opportunities of being acquainted with the several
branches.

These offices should have nearly the same powers and functions as those in France analogous to
them, and each should be chief in his department, with subordinate boards composed of assistant
clers to execute his orders.

In my opinion a plan of this kind would be of inconceivable utility to our affairs; its benefits would
be very speedily felt. It would give new life and energy to the operations of government. Business
would be conducted with dispatch method and system. A million of abuses now existing would be
corrected, and judicious plans would be formed and executed for the public good.

And, in future, My Dear Sir, two things let me recommend, as fundamental rules for the conduct
of Congress — to attach the army to them by every motive, to maintain an air of authority (not
domineering) in all their measures with the states. The manner in which a ting is done has more
influence than is commonly imagined. Men are governed by opinion; this opinion is as much
influenced by appearances as by realities; if a government appears to be confident of its own
powers, it is the surest way to inspire the same confidence in others; if it is diffident, it may be
certain, there will be a still greater diffidence in others, and that its authority will not be
distrusted, controverted, but contemned.

I wish too Congress would always consider that a kindness consists as much in the manner as in
the thing; the best things done hesitatingly and with an ill graces lose their effect, and produce
disgust rather than satisfaction or gratitude. In what Congress have at any time done for the
army, they have commonly been too late. They have seemed to yield to importunity rather than
to sentiments of justice or to a regard to the accommodation of their troops. An attention to this
idea is of more importance than it may be thought. I who have seen all the workings and progress
of the present discontentes, am convinced, that a want of this has not been among the most
inconsiderable causes.
Mount Vernon, October 7, 1785.

Dear Sir:

The assurances of your friendship, after a silence of more than six years, are extremely pleasing to me. Friendships, formed under the circumstances that ours commenced, are not easily eradicated; and I can assure you, that mine has undergone no diminution; every occasion, therefore, of renewing it, will give me pleasure, and I shall be happy at all times to hear of your welfare.

The war, as you have very justly observed, has terminated most advantageously for America, and a fair field is presented to our view; but I confess to you freely, My Dr. Sir, that I do not think we possess wisdom or Justice enough to cultivate it properly. Illiberality, Jealousy, and local policy mix too much in all our public councils for the good government of the Union. In a word, the confederation appears to me to be little more than a shadow without the substance; and Congress a nugatory body, their ordinances being little attended to. To me, it is a solecism in politics: indeed it is one of the most extraordinary things in nature, that we should confederate as a Nation, and yet be afraid to give the rulers of that nation, who are the creatures of our making, appointed for a limited and short duration, and who are amenable for every action, and recallable at any moment, and are subject to all the evils which they may be instrumental in producing, sufficient powers to order and direct the affairs of the same. By such policy as this the wheels of Government are clogged, and our brightest prospects, and that high expectation which was entertained of us by the wondering world, are turned into astonishment; and from the high ground on which we stood, we are descending into the vale of confusion and darkness.

That we have it in our power to become one of the most respectable Nations upon Earth, admits, in my humble opinion, of no doubt; if we would but pursue a wise, just, and liberal policy towards one another, and would keep good faith with the rest of the World: that our resources are ample and encreasing, none can deny; but while they are grudgingly applied, or not applied at all, we give a vital stab to public faith, and shall sink, in the eyes of Europe, into contempt.

It has long been a speculative question among Philosophers and wise men, whether foreign Commerce is of real advantage to any Country; that is, whether the luxury, effeminacy, and corruptions which are introduced along with it; are counter-balanced by the convenience and wealth which it brings with it; but the decision of this question is of very little importance to us: we have abundant reason to be convinced, that the spirit for Trade which pervades these States is not to be restrained; it behooves us then to establish just principles; and this, any more than other matters of national concern, cannot be done by thirteen heads differently constructed and organized. The necessity, therefore, of a controuling power is obvious; and why it should be withheld is beyond my comprehension.

The Agricultural Society, lately established in Philadelphia, promises extension usefulness if it is
prosecuted with spirit. I wish most sincerely that every State in the Union would institute similar ones; and that these Societies would correspond fully and freely with each other, and communicate all useful discoveries founded on practice, with a due attention to climate, soil, and Seasons to the public.

The great works of improving and extending the inland navigations of the two large rivers Potomac and James, which interlock with the waters of the Western Territory, are already begun, and I have little doubt of their success. The consequences to the Union, in my judgment are immense: more so in a political, than in a commercial view; for unless we can connect the new States which are rising to our view in those regions, with those on the Atlantic by interest, (the only binding cement, and no otherwise to be effected but by opening such communications as will make it easier and cheaper for them to bring the product of their labour to our markets, instead of going to the Spaniards southerly, or the British northerly), they will be quite a distinct people; and ultimately may be very troublesome neighbours to us. In themselves considered merely as a hardy race, this may happen; how much more so, if linked with either of those powers in politics and commerce.

It would afford me great pleasure to go over those grounds in your State with a mind more at ease, than when I travelled them in 1775 and 1776; and to unite in congratulating on the happy change, with those characters, who participated of [sic] the anxious moments we passed in those days, and for whom I entertain a sincere regard; but I do not know whether to flatter myself with the enjoyment of it: the deranged state of my affairs, from an absence and total neglect of them for almost nine years, and a pressure of other matters, allow me little leisure for gratifications of this sort. Mrs. Washington offers her compliments and best wishes to Mrs. Warren, to which be pleased to add those of, dear Sir, &c.
Letter to Elbridge Gerry

Rufus King
April 30, 1786

We go on in Congress as when you left us. Three days since October only have nine States been on the Floor. Eight are now here, when we shall have nine is a melancholy uncertainty. I proposed a few days since that Congress should resolve, that provided on a certain day, sufficiently distant for information to reach all the States in season, the States were not so represented as to give power to administer the Government, Congress would adjourn without day. Something of this kind must be done. It is a mere farce to remain here as we have done since last October. Foreigners know our situation and the friends of free Governments through the world must regret it.

Resolves have been passed upon Resolves—and letter after letter has been sent to the deficient States, and all without the desired effect. We are without money or the prospect of it in the Federal Treasury; and the States, many of them, care so little about the Union, that they take no measures to keep a representation in Congress. The civil list begin to clamour—there is not money to pay them: they are now unpaid for a longer period than since the circulation of Paper Money. The handful of troops over the Ohio are mutinous and desert because they are unpaid. The money borrowed in Europe is exhausted and this very day our Foreign Ministers have it not in their power to receive their salaries for their support.

Where, my dear friend, will the evils consequent to this inattention in the States terminate? The people of the States do not know their dangerous situation; this torpor and inactivity should alarm the Guardians of the People; but indeed the Legislatures seem the least attentive. Pray think of our situation and advise me. I can open my heart with freedom to you; you are now at home, and will be concerned in the Government of the State. Can there be no means devised whereby Massachusetts can yield something to the common Treasury? Since the organization of the Board of Treasury, the State has paid nothing. We are told of it in Congress—we justify by declaring that past exertions have exhausted us; but that we should revive, when the States would accede to such commercial Regulations as would place the American Navigation on an equal footing with that of Foreigners.

This is ostensible—but poor as we are I hope we could do more than we now accomplish—indeed the State neither pays anything to the federal Treasury, nor supports her Delegates.

The Life and Correspondence of Rufus King. Edited by Charles R. King. 6 vols. New York: G. P. Putnam’s Sons, 1894-1900. 1:133-34
Letter to John Jay

George Washington
August 1, 1786

Your sentiments, that our affairs are drawing rapidly to a crisis, accord with my own. What the event will be, is also beyond the reach of my foresight. We have errors to correct; we have probably had too good an opinion of human nature in forming our confederation. Experience has taught us, that men will not adopt and carry into execution measures the best calculated for their own good, without the intervention of a coercive power. I do not conceive we can exist long as a nation without having lodged some where a power, which will pervade the whole Union in as energetic a manner, as the authority of the State Governments extends over the several States.

To be fearful of investing Congress, constituted as that body is, with ample authorities for national purposes, appears to me the very climax of popular absurdity and madness. Could Congress exert them for the detriment of the public, without injuring themselves in an equal or greater proportion? Are not their interests inseparably connected with those of their constituents? By the rotation of appointment, must they not mingle frequently with the mass of Citizens? Is it not rather to be apprehended, if they were possessed of the powers before described, that the individual members would be induced to use them, on many occasions, very timidly and inefficaciously for fear of losing their popularity and future election? We must take human nature as we find it: perfection falls not to the share of mortals. Many are of opinion that Congress have too frequently made use of the suppliant humble tone of requisition, in applications to the States, when they had a right to assert their imperial dignity and command obedience. Be that as it may, requisitions are a perfect nihility where thirteen sovereign independent disunited States are in the habit of discussing and refusing compliance with them at their option. Requisitions are actually little better than a jest and a bye word throughout the land. If you tell the Legislatures they have violated the Treaty of Peace, and invaded the prerogatives of the confederacy, they will laugh in your face. What then is to be done? Things cannot go on in the same train forever. It is much to be feared, as you observe, that the better kind of people, being disgusted with the circumstances, will have their minds prepared for any revolution whatever. We are apt to run from one extreme into another. To anticipate and prevent disastrous contingencies, would be the part of wisdom and patriotism.

What astonishing changes a few years are capable of producing. I am told that even respectable characters speak of a monarchical form of Government without horror. From thinking proceeds speaking, thence to acting is often but a single step. But how irrevocable and tremendous! what a triumph for our enemies to verify their predictions! what a triumph for the advocates of despotism to find that we are incapable of governing ourselves, and that systems founded on the basis of equal liberty are merely ideal and fallacious! Would to God that wise measures may be taken in time to avert the consequences we have but too much reason to apprehend.
The inefficacy of our government becomes daily more and more apparent. Our treasury and our credit are in a sad situation; and it is probable that either the wisdom or the passions of the people will produce changes. A spirit of licentiousness has infected Massachusetts, which appears more formidable than some at first apprehended. Whether similar symptoms will not soon mark a like disease in several other States is very problematical.

The public papers herewith sent contain everything generally known about these matters. A reluctance to taxes, an impatience of government, a rage for property and little regard to the means of acquiring it, together with a desire of equality in all things, seem to actuate the mass of those who are uneasy in their circumstances. To these may be added the influence of ambitious adventurers, and the speculations of the many characters who prefer private to public good, and of others who expect to gain more from wrecks made by tempests than from the produce of patient and honest industry. As the knaves and fools of this world are forever in alliance, it is easy to perceive how much vigour and wisdom a government, from its construction and administration, should possess, in order to repress the evils which naturally flow from such copious sources of injustice and evil.

Much, I think, is to be feared from the sentiments which such a state of things is calculated to infuse into the minds of the rational and well-intended. In their eyes, the charms of liberty will daily fade; and in seeking for peace and security, they will too naturally turn towards systems in direct opposition to those which oppress and disquiet them.

If faction should long bear down law and government, tyranny may raise its head, or the more sober part of the people may even think of a king.

In short, my dear sir, we are in a very unpleasant situation. Changes are necessary; but, what they ought to be, what they will be, and how and when to be produced, are arduous questions. I feel for the cause of liberty, and for the honour of my countrymen who have so nobly asserted it, and who, at present, so abuse its blessings. If it should not take root in this soil, little pains will be taken to cultivate it in any other.

Federalist No. 15

Publius (Alexander Hamilton)

December 1, 1787

The Insufficiency Of The Present Confederation To Preserve The Union

IN THE course of the preceding papers I have endeavored, my fellow-citizens, to place before you in a clear and convincing light the importance of Union to your political safety and happiness. I have unfolded to you a complication of dangers to which you would be exposed, should you permit that sacred knot which binds the people of America together to be severed or dissolved by ambition or by avarice, by jealousy or by misrepresentation. In the sequel of the inquiry through which I propose to accompany you, the truths intended to be inculcated will receive further confirmation from facts and arguments hitherto unnoticed. If the road over which you will still have to pass should in some places appear to you tedious or irksome, you will recollect that you are in quest of information on a subject the most momentous which can engage the attention of a free people, that the field through which you have to travel is in itself spacious, and that the difficulties of the journey have been unnecessarily increased by the mazes with which sophistry has beset the way. It will be my aim to remove the obstacles from your progress in as compendious a manner as it can be done, without sacrificing utility to dispatch.

In pursuance of the plan which I have laid down for the discussion of the subject, the point next in order to be examined is the "insufficiency of the present Confederation to the preservation of the Union." It may perhaps be asked what need there is of reasoning or proof to illustrate a position which is not either controverted or doubted, to which the understandings and feelings of all classes of men assent, and which in substance is admitted by the opponents as well as by the friends of the new Constitution. It must in truth be acknowledged that, however these may differ in other respects, they in general appear to harmonize in this sentiment at least: that there are material imperfections in our national system and that something is necessary to be done to rescue us from impending anarchy. The facts that support this opinion are no longer objects of speculation. They have forced themselves upon the sensibility of the people at large, and have at length extorted from those, whose mistaken policy has had the principal share in precipitating the extremity at which we are arrived, a reluctant confession of the reality of those defects in the scheme of our federal government which have been long pointed out and regretted by the intelligent friends of the Union.

We may indeed with propriety be said to have reached almost the last stage of national humiliation. There is scarcely anything that can wound the pride or degrade the character of an independent nation which we do not experience. Are there engagements to the performance of which we are held by every tie respectable among men? These are the subjects of constant and unblushing violation. Do we owe debts to foreigners and to our own citizens contracted in a time of imminent peril for the preservation of our political existence? These remain without any proper or satisfactory provision for their discharge. Have we valuable territories and important posts in the possession of a foreign power which, by express stipulations, ought long since to have been surrendered? These are still retained to the prejudice of our interests, not less than of our rights. Are we in a condition to resent or to repel the aggression? We have neither troops, nor treasury, nor government. Are we even in a condition to remonstrate with dignity? The just imputations on our own faith in respect to the same treaty ought first to be removed. Are we entitled by nature and compact to a free participation in the navigation of the Mississippi? Spain excludes us from it. Is public credit an indispensable resource in time of public danger? We seem to have
abandoned its cause as desperate and irretrievable. Is commerce of importance to national wealth? Ours is at the lowest point of declension. Is respectability in the eyes of foreign powers a safeguard against foreign encroachments? The imbecility of our government even forbids them to treat with us. Our ambassadors abroad are the mere pageants of mimic sovereignty. Is a violent and unnatural decrease in the value of land a symptom of national distress? The price of improved land in most parts of the country is much lower than can be accounted for by the quantity of waste land at market, and can only be fully explained by that want of private and public confidence, which are so alarmingly prevalent among all ranks and which have a direct tendency to depreciate property of every kind. Is private credit the friend and patron of industry? That most useful kind which relates to borrowing and lending is reduced within the narrowest limits, and this still more from an opinion of insecurity from the scarcity of money. To shorten an enumeration of particulars which can afford neither pleasure nor instruction, it may in general be demanded, what indication is there of national disorder, poverty, and insignificance that could befall a community so peculiarly blessed with natural advantages as we are, which does not form a part of the dark catalogue of our public misfortunes?

This is the melancholy situation to which we have been brought by those very maxims and counsels which would now deter us from adopting the proposed Constitution; and which, not content with having conducted us to the brink of a precipice, seem resolved to plunge us into the abyss that awaits us below. Here, my countrymen, impelled by every motive that ought to influence an enlightened people, let us make a firm stand for our safety, our tranquillity, our dignity, our reputation. Let us at last break the fatal charm which has too long seduced us from the paths of felicity and prosperity.

It is true, as has been before observed, that facts too stubborn to be resisted have produced a species of general assent to the abstract proposition that there exist material defects in our national system; but the usefulness of the concession on the part of the old adversaries of federal measures is destroyed by a strenuous opposition to a remedy upon the only principles that can give it a chance of success. While they admit that the government of the United States is destitute of energy, they contend against conferring upon it those powers which are requisite to supply that energy. They seem still to aim at things repugnant and irreconcilable; at an augmentation of federal authority without a diminution of State authority; at sovereignty in the Union and complete independence in the members. They still, in fine, seem to cherish with blind devotion the political monster of an imperium in imperio. This renders a full display of the principal defects of the Confederation necessary in order to show that the evils we experience do not proceed from minute or partial imperfections, but from fundamental errors in the structure of the building, which cannot be amended otherwise than by an alteration in the first principles and main pillars of the fabric.

The great and radical vice in the construction of the existing Confederation is in the principle of LEGISLATION for STATES or GOVERNMENTS, in their CORPORATE or COLLECTIVE CAPACITIES, and as contradistinguished from the INDIVIDUALS of which they consist. Though this principle does not run through all the powers delegated to the Union, yet it pervades and governs those on which the efficacy of the rest depends. Except as to the rule of appointment, the United States has an indefinite discretion to make requisitions for men and money; but they have no authority to raise either by regulations extending to the individual citizens of America. The consequence of this is that though in theory their resolutions concerning those objects are laws constitutionally binding on the members of the Union, yet in practice they are mere recommendations which the States observe or
disregard at their option.

It is a singular instance of the capriciousness of the human mind that after all the admonitions we have had from experience on this head, there should still be found men who object to the new Constitution, for deviating from a principle which has been found the bane of the old and which is in itself evidently incompatible with the idea of GOVERNMENT; a principle, in short, which, if it is to be executed at all, must substitute the violent and sanguinary agency of the sword to the mild influence of the magistracy.

There is nothing absurd or impracticable in the idea of a league or alliance between independent nations for certain defined purposes precisely stated in a treaty regulating all the details of time, place, circumstance, and quantity, leaving nothing to future discretion, and depending for its execution on the good faith of the parties. Compacts of this kind exist among all civilized nations, subject to the usual vicissitudes of peace and war, of observance and non-observance, as the interests or passions of the contracting powers dictate. In the early part of the present century there was an epidemical rage in Europe for this species of compacts, from which the politicians of the times fondly hoped for benefits which were never realized. With a view to establishing the equilibrium of power and the peace of that part of the world, all the resources of negotiation were exhausted, and triple and quadruple alliances were formed; but they were scarcely formed before they were broken, giving an instructive but afflicting lesson to mankind, how little dependence is to be placed on treaties which have no other sanction than the obligations of good faith, and which oppose general considerations of peace and justice to the impulse of any immediate interest or passion.

If the particular States in this country are disposed to stand in a similar relation to each other, and to drop the project of a general DISCRETIONARY SUPERINTENDENCE, the scheme would indeed be pernicious and would entail upon us all the mischiefs which have been enumerated under the first head; but it would have the merit of being, at least, consistent and practicable. Abandoning all views towards a confederate government, this would bring us to a simple alliance offensive and defensive; and would place us in a situation to be alternate friends and enemies of each other, as our mutual jealousies and rivalships, nourished by the intrigues of foreign nations, should prescribe to us.

But if we are unwilling to be placed in this perilous situation; if we still will adhere to the design of a national government, or, which is the same thing, of a superintending power, under the direction of a common council, we must resolve to incorporate into our plan those ingredients which may be considered as forming the characteristic difference between a league and a government; we must extend the authority of the Union to the persons of the citizens—the only proper objects of government.

Government implies the power of making laws. It is essential to the idea of a law that it be attended with a sanction; or, in other words, a penalty or punishment for disobedience. If there be no penalty annexed to disobedience, the resolutions or commands which pretend to be laws will, in fact, amount to nothing more than advice or recommendation. This penalty, whatever it may be, can only be inflicted in two ways: by the agency of the courts and ministers of justice, or by military force; by the COERCION of the magistracy, or by the COERCION of arms. The first kind can evidently apply only to men; the last kind must of necessity be employed against bodies politic, or communities, or States. It is evident that there is no process of a court by which the observance of the laws can in the last resort be enforced. Sentences may be denounced against them for violations of their duty; but these sentences can only be carried into execution by the sword. In an association where the general authority is confined to the collective bodies of the communities that compose it,
every breach of the laws must involve a state of war; and military execution must become
the only instrument of civil obedience. Such a state of things can certainly not deserve the
name of government, nor would any prudent man choose to commit his happiness to it.

There was a time when we were told that breaches by the States of the regulations of the
federal authority were not to be expected; that a sense of common interest would preside
over the conduct of the respective members, and would beget a full compliance with all the
constitutional requisitions of the Union. This language, at the present day, would appear as
wild as a great part of what we now hear from the same quarter will be thought, when we
shall have received further lessons from that best oracle of wisdom, experience. It at all
times betrayed an ignorance of the true springs by which human conduct is actuated, and
belied the original inducements to the establishment of civil power. Why has government
been instituted at all? Because the passions of men will not conform to the dictates of
reason and justice without constraint. Has it been found that bodies of men act with more
rectitude or greater disinterestedness than individuals? The contrary of this has been
inferred by all accurate observers of the conduct of mankind; and the inference is founded
upon obvious reasons. Regard to reputation has a less active influence, when the infamy of
a bad action is to be divided among a number than when it is to fall singly upon one. A spirit
of faction, which is apt to mingle its poison in the deliberations of all bodies of men, will
often hurry the persons of whom they are composed into improprieties and excesses for
which they would blush in a private capacity.

In addition to all this, there is in the nature of sovereign power an impatience of control that
disposes those who are invested with the exercise of it to look with an evil eye upon all
external attempts to restrain or direct its operations. From this spirit it happens that in
every political association which is formed upon the principle of uniting in a common
interest a number of lesser sovereignties, there will be found a kind of eccentric tendency in
the subordinate or inferior orbs by the operation of which there will be a perpetual effort in
each to fly off from the common center. This tendency is not difficult to be accounted for. It
has its origin in the love of power. Power controlled or abridged is almost always the rival
and enemy of that power by which it is controlled or abridged. This simple proposition will
teach us how little reason there is to expect that the persons intrusted with the
administration of the affairs of the particular members of a confederacy will at all times be
ready with perfect good humor and an unbiased regard to the public weal to execute the
resolutions or decrees of the general authority. The reverse of this results from the
constitution of man.

If, therefore, the measures of the Confederacy cannot be executed without the intervention
of the particular administrations, there will be little prospect of their being executed at all.
The rulers of the respective members, whether they have a constitutional right to do it or
not, will undertake to judge of the propriety of the measures themselves. They will consider
the conformity of the thing proposed or required to their immediate interests or aims; the
momentary conveniences or inconveniences that would attend its adoption. All this will be
done; and in a spirit of interested and suspicious scrutiny, without that knowledge of
national circumstances and reasons of state, which is essential to a right judgment, and
with that strong predilection in favor of local objects, which can hardly fail to mislead the
decision. The same process must be repeated in every member of which the body is
constituted; and the execution of the plans, framed by the councils of the whole, will always
fluctuate on the discretion of the ill-informed and prejudiced opinion of every part. Those
who have been conversant in the proceedings of popular assemblies; who have seen how
difficult it often is, when there is no exterior pressure of circumstances, to bring them to
harmonious resolutions on important points, will readily conceive how impossible it must be
to induce a number of such assemblies, deliberating at a distance from each other, at different times and under different impressions, long to co-operate in the same views and pursuits.

In our case the concurrence of thirteen distinct sovereign wills is requisite under the Confederation, to the complete execution of every important measure that proceeds from the Union. It has happened as was to have been foreseen. The measures of the Union have not been executed; and the delinquencies of the States have step by step matured themselves to an extreme, which has, at length, arrested all the wheels of the national government and brought them to an awful stand. Congress at this time scarcely possess the means of keeping up the forms of administration, till the States can have time to agree upon a more substantial substitute for the present shadow of a federal government. Things did not come to this desperate extremity at once. The causes which have been specified produced at first only unequal and disproportionate degrees of compliance with the requisitions of the Union. The greater deficiencies of some States furnished the pretext of example and the temptation of interest to the complying, or to the least delinquent States. Why should we do more in proportion than those who are embarked with us in the same political voyage? Why should we consent to bear more than our proper share of the common burden? There were suggestions which human selfishness could not withstand, and which even speculative men, who looked forward to remote consequences, could not without hesitation combat. Each State yielding to the persuasive voice of immediate interest or convenience has successively withdrawn its support, till the frail and tottering edifice seems ready to fall upon our heads and to crush us beneath its ruins.

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