

The Scholar's Thomas Jefferson

The Scholar's Thomas Jefferson

*Vital Writings of a Vital
American*

By

M. Andrew Holowchak

Cambridge
Scholars
Publishing



The Scholar's Thomas Jefferson: Vital Writings of a Vital American

By M. Andrew Holowchak

This book first published 2021

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Copyright © 2021 by M. Andrew Holowchak

All rights for this book reserved. No part of this book may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the copyright owner.

ISBN (10): 1-5275-6167-4

ISBN (13): 978-1-5275-6167-0

To two longtime Jeffersonian GIANTS and patriots:
Richard Dixon, Esq.,
and Dr. White McKenzie "Ken" Wallenborn

CONTENTS

Preface xiii

PART I: Politics & Political Philosophy

A) Selections from Non-Epistolary Writings.....3

Summary View of the Rights of British America, 1774
Draft Constitution for Virginia, 1776
Declaration of Independence, 1776 (Original Draft)
Report on Government of Western Territory, 1784
Opinion on Residence Bill, 1790
Opinion on the Constitutionality of a National Bank, 1791
Opinion of the French Treaties, 1793
The Kentucky Resolutions, 1798 (Fair Copy)
First Inaugural Address, 1801
Second Inaugural Address, 1805
Act for Classifying Militia and Assigning Each Class its Particular Duties,
1805

B) Significant Political Letters67

TJ to James Madison, 15 Mar. 1789
TJ to James Madison, 6 Sept. 1789
TJ to Thomas Paine, 11 July 1789
TJ to Robert R. Livingston, 9 Sept. 1801
TJ to Meriwether Lewis, 21 June 1803
TJ to John Breckinridge, 12 Aug. 1803
TJ to Jean Baptiste Say, 1 Feb. 1804
TJ to John B. Colvin, 20 Sept. 1810
TJ to P.S. Dupont de Nemours, 24 Apr. 1816
TJ to John Taylor, 28 May 1816
TJ to Samuel Kercheval, 12 July 1816
TJ to Isaac H. Tiffany, 6 Aug. 1816
TJ to Roger Chew Weightman, 24 June 1826

C) Miscellanea (Selected Passages).....99

Alien and Sedition Acts, Ancient Politics, Army (Standing), Banks, Citizenship & Literacy, Colonies, Commerce, Constitutions, Debt/Spending, Declaration of Independence, Dictatorships, Economy (Political), Embargo, Entails and Primogeniture, Etiquette (Political), Expansionism, Federalism, Foreign Affairs, Government (Branches of), Government (Coercive/Corruptive), Government (Federal and Local), Government (Three Types of), Immigration/Expatriation, Impressment (British), Jury v. Judges, Justice, Law (Common), Law of Nations, Law of Nature, Liberty, Louisiana Purchase, Manufacture, Militia and Navy, Missouri Compromise, Money (Paper), Partisanship, Printing Presses/Newspapers, Property/Invention, Public Officials (Appointment and Removal of), Republicanism, Republicanism as Experiment, Republicanism & Participation, Republicanism & Size, Revolutions, Revolution (American), Revolution (French), Suffrage, Treaties, War & Peace, Wards

PART II: Morality & Religion

A) Selections from Non-Epistolary Writings..... 147

Bill Proportioning Crimes to Punishments, 1779
Bill Concerning Slaves, 1779
Bill for Establishing Religious Freedom, 1779
“Religion”, Query XVII, *Notes on Virginia*, 1787
“Manners”, Query XVIII, *Notes on Virginia*, 1787
Suggestions for Americans Traveling in Europe, 1788
Services to My Country: A Memorandum, c. 1800
Syllabus, 1803

B) Significant Epistolary Letters 165

TJ to Robert Skipwith, 3 Aug. 1771
TJ to James Monroe, 20 May 1782
TJ to Martha Jefferson, 11 Dec. 1783
TJ to Richard Price, 7 Aug. 1785
TJ to Peter Carr, 19 Aug. 1785
TJ to James Madison, 28 Oct. 1785
TJ to Maria Cosway, 12 Oct. 1786
TJ to Martha Jefferson, 28 Mar. 1787

TJ to Martha Jefferson, 21 May 1787
TJ to Peter Carr, 10 Aug. 1787
TJ to James Madison, 9 June 1793
TJ to William Green Munford, 18 June 1799
TJ to Bishop James Madison, 31 Jan. 1800
TJ to Benjamin Rush, 23 Aug. 1800
TJ to Martha Jefferson Randolph, 5 Feb. 1801
TJ to William Findley, 24 Mar. 1801
TJ to Isaac Story, 5 Dec. 1801
TJ to Joseph Priestley, 9 Apr. 1803
TJ to Edward Dowse, 19 Apr. 1803
TJ to Benjamin Rush, 21 Apr. 1803
TJ to Thomas Jefferson Randolph, 24 Nov. 1808
TJ to James Fishback, 27 Sept. 1809
TJ to Samuel Kercheval, 19 Jan. 1810
TJ to John Colvin, 20 Sept. 1810
TJ to John Adams, 22 Aug. 1813
TJ to William Canby, 18 Sept. 1813
TJ to John Adams, 12 Oct. 1813
TJ to John Adams, 28 Oct. 1813
TJ to Thomas Law, 13 June 1814
TJ to Edward Coles, 25 Aug. 1814
TJ to Miles King, 26 Sept. 1814
TJ to John Adams, 8 Apr. 1816
TJ to John Adams, 14 Oct. 1816
TJ to George Logan, 12 Nov. 1816
TJ to Vine Utley, 21 Mar. 1819
TJ to Thomas Parker, 15 May 1819
TJ to William Short, 31 Oct. 1819
TJ to John Adams, 14 Mar. 1820
TJ to William Short, 13 Apr. 1820
TJ to John Holmes, 22 Apr. 1820
TJ to William Short, 4 Aug. 1820
TJ to John Adams, 15 Aug. 1820
TJ to Benjamin Waterhouse, 26 June 1822
TJ to John Adams, 11 Apr. 1823
TJ to Jarred Sparks, 4 Feb. 1824
TJ to Alexander Smyth, 17 Jan. 1825

C) Miscellanea (Selected Passages).....245

Afterlife, Agrarianism (Moral), Ambition, Ancient Ethicians, Anger, Authenticity, Benevolence, Canons of Conduct, Character, Character (Jefferson's), Charity, Compromise/Conciliation, Cynosures/Exemplars (Moral), Death & Life, Domesticity, Friendship, Goodwill, Happiness, Harmony (Marital), Honesty, Hope, Humor, Industry, Integrity, Intemperance/Extravagance, Jesus, *Kairos* (Timeliness), Morality of Nations, Moral Sense, Palaverment, Pasquinade, Penal Reform, Politeness, Political Rancor, Power, Proximity, Prudence, Public Service/Retirement, Punishment, Quakers, Religion, Religious Freedom, Repentance, Resignation, Resolve, Rights, Self-Preservation, Self-Sufficiency, Simple Living, Sincerity, Slander, Slavery, Thrift, Travel, Tranquility, Truth, Urbanization, Virtue, Waste, Wisdom, Withdrawal

PART III: Theory & Praxis of Education**A) Selections from Non-Epistolary Writings.....279**

Bill for the More General Diffusion of Knowledge 1779
 Bill for Amending the Constitution of the College of William and Mary
 1779
 Bill for Establishing a Public Library 1779
Notes on Virginia, Query XIV (partial), 1787
 Bill for Establishing a System of Public Education 1817
 Rockfish Gap Report, 1818

B) Selections from Significant Educational Letters.....315

TJ to Martha Jefferson, 28 Nov. 1783
 TJ to Peter Carr, 19 Aug. 1785
 TJ to John Bannister, 15 Oct. 1785
 TJ to Peter Carr, 10 Aug. 1787
 TJ to John Garfield Jefferson, 11 June 1790
 TJ to William Green Munford, 18 June 1799
 TJ to Dr. Joseph Priestley, 27 Jan. 1800
 TJ to John Tyler, 26 May 1810
 TJ to Peter Carr, 7 Sept. 1814
 TJ to John Cooper, 7 Oct. 1814
 TJ to Joseph C. Cabell, 14 Jan. 1818

- TJ to Nathaniel Burwell, 14 Mar. 1818
- TJ to John Brazier, 24 Aug. 1819
- TJ to James Breckinridge, 15 Feb. 1821
- TJ to John Patten Emmet, 27 Apr. 1826

C) Miscellanea (Selected Passages).....349

Achievement & Education, Agriculture/Gardening, American Education, Architecture, Art (Sculpture & Painting), Astronomy, Baconianism, Books/Reading, Botany, Chemistry, Citizenship & Education, Classics, Commonplacing/Note-taking, Discipline (Students'), Education (General), Education (Higher), Ethics, European Education, Fine Arts, Geography, Geology, Government & Education, Health (Physical), History, Languages, Levels of Education, Liberty & Education, Library, Mathematics, Medicine, Meteorology, Military, Music, Natural History, Natural Philosophy, Orthography, Philosophy, Poetry, Public Education, Self-Motivation & Education, Systematicity of Education, University of Virginia, University of Virginia (Professors of), Utility & Education, William & Mary College, Writing

Part IV: Collectanea

Miscellanea (Selected Passages)381

Adams (John), Adams (Samuel), Aging, Ambiguity, Americans (African) & Slavery, Americans (Native), Beer, Bolingbroke (Lord), Bonaparte (Napoleon), Books, Callender (James T.), Carr, Sr. (Dabney), Chain of Being, Cosmos (Origin of), Cosway (Maria), Dearborn (Henry), Deity, Destutt de Tracy (A.L.C.), Empiricism, England/English, Epistemology, Everyday Events, France/French, Franklin (Benjamin), Gallatin (Albert), Greece/Greeks, Hamilton (Alexander), Henry (Patrick), Jay (John), Lafayette (Marquis de), Letter Writing, Lewis (Meriwether), Madison (James), Man (Political Nature of), Man (Social Nature of), Marshall (John), Mason (George), Matter and Thought, Monroe (James), Montesquieu, Nominalism, *Notes on Virginia*, Perspective, Plato, Poplar Forest, Priestley (Joseph), Progress (Educational), Progress (Moral), Progress (Political), Progress (Scientific), Progress (Stages of), Reason, Science, Scientific Discovery, Scientific Method, Scientific Societies, Scientific Theories, Short (William), Small (William), Spain/Spanish, Trumbull (John), Washington (George), Women, Wythe (George)

Preface

As a scholar who has been well-schooled in philosophy, history, Classics, history and philosophy of science, and psychology and with a general interest in analytic understanding of and being situated in the world around me, it was easy for me to become fascinated by Thomas Jefferson when I first began to study his writings. He had a penetrating intellect—whenever he began any activity of significance, he became completely immersed in that activity and would produce something extraordinary (e.g. his First Inaugural Address and Thoughts on English Prosody)—and had a broad range of interests in all disciplines of any application to human betterment. He was a man of profound interest and accomplishments in politics, history, law, natural history, natural science, morality, architecture, agriculture and gardening, music, philology, belles lettres, and religion, *inter alia*. His disposition was sanguine and genial, though he was in possession of a serious turn of mind.

Jefferson was a man with a vision, essentially philosophical and forward-looking. He saw in the centuries to come a world of Jeffersonian republics in which government would be of and by the people through elected representatives, who were chosen by an informed citizenry on account of their genius (intelligence) and virtue, and whose first duty was to protect the rights of all citizens. All such republican nations would be on amicable terms with each other, practice freedom of religion, be engaged chiefly with husbandry, offer education in proportion to the need of each person, and promote industry through partnering with invention and technical science.

Jefferson's republican vision, fundamentally utopian but practicable, was based on a liberalist and progressivist interpretation of the sort of static communitarian models of virtuous societies envisioned by Plato and Aristotle millennia ago. As with the two Greek philosophers, happiness or human thriving was the aim, but unlike the two Greek philosophers, freedom through protection of citizens' rights was the means. Jefferson, thus, was a liberal eudaimonist.

Liberty for Jefferson did not mean everyone doing whatever one wished to do whenever one wished to do that. That was the sort of democratic ideal eschewed and detested by Plato, as it presupposed that all had the same capacity to govern—that the differences between men were

not large. Yet, Jefferson recognized, intelligence was not equally distributed among men; there were few Newtons, Washingtons, Sterns, and Palladios among men. So, the sort of participatory democracy practiced in ancient Athens was impracticable. There was need of elected representatives of the citizenry.

Yet history has shown that men governing, even those of good intentions, often over time neglect the good of the citizenry and pursue their own good. That is why Jefferson believed that citizens needed to watch over those elected and that terms of serving ought never to be long.

Yet in two other senses, Jefferson thought that all men were the same.

First, all had the same capacity for moral discernment—*viz.*, moral goodness—through moral sensibility. Each person had a moral sense: a faculty for perceiving the right course of action. Though innate, the moral sense, not unlike a bodily muscle, needed stimulation through appropriate exercise for optimal functioning. Understimulated through desuetude, it would become lethargic and of little good. Overstimulated through forced use in adiaborous situations, it would become hypersensitive and of little use in dire situations. Stimulation was not a matter of education—Jefferson was clear that education in morality was as useful as education in seeing—but of goading morally correct action through reading fine fiction and history, listening to eloquent sermons, befriending the right sort of persons, and emulation of moral exemplars, *inter alia*.

Second, all men had sufficient rationality to run their own affairs, without the intrusions of government. All that was needed to aid ratiocination was the most general sort of education in reading, writing, arithmetic, and basic geometry. For general education to be available to all male citizens—Jefferson, like most others of his day, had conservative views concerning the education of females, who were to be educated mostly in the Fine Arts—there needed to be a system of education. General education needed to be publically accessible, while education at the various “colleges”, for more aspirant learners and future teachers, and at a university, for the most able citizens—the future scientists and politicians—was to be mostly at the expenses of each student (though Jefferson included certain incentives for indigent citizens in his two main bills, some 40 years apart).

Thus, the right sort of political structure needed to be put into place to encourage human thriving. One of the difficulties, in Jefferson’s mind, was the irrelevance of ancient political thinking, mostly because the largest conceivable political unit that was stable was a polis—a city-state. Nations replaced poleis over time, and the relatively enormous size of nations—Jefferson once envisaged the United States to cover the whole of

North America—demanded a different vision of governing for there to be stability. Many in Jefferson's day acknowledged, following Aristotle, that a nation that was too large would be ungovernable.

Jefferson disagreed. He proposed that government over a large expanse of land could work, and work well, through dividing, and again dividing. The national government would comprise state governments, which would comprise county governments, which would comprise, at the smallest level, ward governments. Wards he envisioned to be of such a size that all the children could readily access their ward school. Each would have a justice of the peace, a captain of militia, and such infrastructure that it would be self-sufficient and capable of its own internal improvements. Stability and rough political independence of all wards would result in stability of the counties, which would result in stability of states, and then, of the nation. Turbulence in any one ward, with so many wards in a country, would have little effect on federal stability. Jefferson was not just championing states' rights, but also counties' and even wards' rights.

At each level of governing, there would be such amount of governors to ensure stability. Government too thick would cripple human liberty. Government too thin would be anarchic. Yet of the errors of thick and thin government, Jefferson always leaned toward government too thin, as the problem attending on thick government, forfeiture of freedom, was greater.

The political policy of divide and divide again, thus, meant that a government could, *pace* Aristotle, be large and stable. Yet stability was possible only when all citizens were politically engaged, as all were to be concerned with and participated in governmental affairs to their fullest capacity. All were to be participants in wards; the more able, in counties; and the most able, in affairs of a state or of the federal government. Full participation demanded a citizenry committed to lifelong learning and continual moral improvement. Those of greatest learning and moral discernment were to be among the governors of a Jeffersonian republic, as Jefferson was clear that leaders needed not only high intelligence but also large regard for morality.

Another key ingredient of Jeffersonian republicanism was equality. For liberty to flourish, equality was essential. Jefferson wished all persons to have roughly the same starting point in life. To work toward that ideal, he eliminated entails and primogeniture, proposed that all Virginians of full age should have 50 acres of land—those owning less to be allotted that amount of acreage to give them 50 acres—worked successfully toward religious freedom, and, as we have already seen, pushed for general public

education. With each Virginian roughly having the same starting point, success would be a matter of an individual's planning, drive, and industry.

And so, Jefferson's republicanism was essentially a vision of a political structure, grounded on the notion of the fundamental moral goodness of each person, each having a moral-sense faculty. The political structure was to be actualized through activity that was morality-driven—by recognition of each citizen that liberty and happiness could only be had when all persons were involved in political activities to the extent that their abilities and time would allow. Consequently, to try to understand Jefferson's political thinking without a firm grasp of his view of morality and his view of education is naïve, hence the focus of this collection including not only political writings, but also moral and educational writings.

Yet that too limits our understating of the man. Jefferson was nearly omnilegent, and to some extent polymathic. He was interested in any subject that conduced toward human betterment—in practical, not pedantic, learning. He smuggled seeds into the United States when the penalty for that was death, brought Merino sheep into the country, worked on decimalizing the monetary system, sought a system of changing the English language to accommodate neology, donated much to charities, collected Indian dialects, was a patron of the Fine Arts, practiced and championed husbandry, created his own bible by detesting the New Testament of its “dung”, collected and preserved old Virginian laws for posterity, sponsored the Lewis and Clark Expedition, practiced Natural Philosophy and Natural History and corresponded with some of the foremost scientists of his day, worked toward educational reform, and loved animals, birds especially. Mockingbirds, plentiful in Virginia, were much loved by Jefferson and so taken was he by the nightingales of France that he wished to import them to the United States. In addition to those things, he was a loving father and a loving, and much loved, grandfather. Because of interest in all things that conduced toward human improvement, I have included a section titled *Collectanea*.

Yet in spite of the breadth and depth of Jefferson's gaping mind, he is regrettably best known for his political feats—both his successes (Declaration of Independence, Louisiana Purchase, and numerous bills drafted) and his failures (e.g., wartime governor of Virginia, embargo during second term as President, and numerous bills drafted but not passed). Consequently, though all collections of Jefferson's thousands of writings offer a sampling of the diversity of his interests, all compilations focus on Jefferson the politician, and that is lamentable for scholars who wish to know the true Thomas Jefferson.

This book, *The Scholar's Thomas Jefferson: Vital Writings of a Vital Man*, aims to remedy that shortcoming. It is a unique collection of Jefferson's writings, tailored to scholars who wish to have access to all aspects of his far-reaching mind. There are sections on politics and political theory, morality and religion, theory and praxis of education, and miscellanea, which is a sort of grab bag for relevant topics that do not neatly fit under the first three parts.

There are thus four parts of the book.

Part I covers Jefferson on politics and political philosophy. There are selections from non-epistolary writings—e.g., his draft of the Declaration of Independence, Opinion on the Constitutionality of a National Bank, and First Inaugural Address, which I consider to be his finest political writing—a large number of important political letters, and selected passages with political content, in encyclopedic form.

Part II, titled Morality & Religion, begins with key non-epistolary writings such as Notes on Religion, Bill for Religious Freedom, and Jefferson's Syllabus. There follows numerous letters on morality and religion, and again, selected passages with moral and religious content, in encyclopedic form. I include his thinking on religion with morality because, as I have shown in several publications, true and naturalized religion is equivalent to morality. Both embrace the same axial principles: duties to and love of God, duties to and love of man, and a commitment to truth.

Theory & Praxis of Education is the title of the third part. I include several educational bills, the Rockfish Gap Report, and a selection on education from *Notes on Virginia*. There follows a section of key educational letters, and an encyclopedia of significant passages from his writings.

Part IV, Collectanea, is a potpourri, which concerns topics that are relevant to understanding the mind of Jefferson, but do not readily fit into the first three sections. It includes topics such as Jefferson on persons such as Alexander Hamilton, Patrick Henry, and Joseph Priestley; Jefferson on Greeks, British, and African and Native Americans; and philosophical issues like his deism, nominalism, empiricism, progressivism, and the nature of humans, among many other things.

In spite of inclusion of numerous significant writings, much has been overpassed, due to the constraints of length. I have made it my aim to include what I consider to be the essential writings concerning politics, morality, religion, and education and a representative sample of Jeffersonian nuggets in the final section to give readers a sampling of the breadth and depth of his mind, yet it remains a sampling. And so, in the alphabetized

topics in each part, titled Miscellanea, I list other writings to which readers can refer for additional information on a particular topic. The aim approximately is exhaustion.

PART I

Politics & Political Philosophy

Selections from Non-Epistolary Writings

Summary View of the Rights of British America, 1774

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

To remind him that our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right which nature has given to all men, of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, and of there establishing new societies, under such laws and regulations as to them shall seem most likely to promote public happiness. That their Saxon ancestors had, under this universal law, in like manner left their native wilds and woods in the north of Europe, had possessed themselves of the island of Britain, then less charged with inhabitants, and had established there that system of laws which has so long been the glory and protection of that country. Nor was ever any claim of superiority or dependence asserted over them by that mother country from which

they had migrated; and were such a claim made, it is believed that his majesty's subjects in Great Britain have too firm a feeling of the rights derived to them from their ancestors, to bow down the sovereignty of their state before such visionary pretensions. And it is thought that no circumstance has occurred to distinguish materially the British from the Saxon emigration. America was conquered, and her settlements made, and firmly established, at the expence of individuals, and not of the British public. Their own blood was spilt in acquiring lands for their settlement, their own fortunes expended in making that settlement effectual; for themselves they fought, for themselves they conquered, and for themselves alone they have right to hold. Not a shilling was ever issued from the public treasures of his majesty, or his ancestors, for their assistance, till of very late times, after the colonies had become established on a firm and permanent footing. That then, indeed, having become valuable to Great Britain for her commercial purposes, his parliament was pleased to lend them assistance against an enemy, who would fain have drawn to herself the benefits of their commerce, to the great aggrandizement of herself, and danger of Great Britain. Such assistance, and in such circumstances, they had often before given to Portugal, and other allied states, with whom they carry on a commercial intercourse; yet these states never supposed, that by calling in her aid, they thereby submitted themselves to her sovereignty. Had such terms been proposed, they would have rejected them with disdain, and trusted for better to the moderation of their enemies, or to a vigorous exertion of their own force. We do not, however, mean to under-rate those aids, which to us were doubtless valuable, on whatever principles granted; but we would shew that they cannot give a title to that authority which the British parliament would arrogate over us, and that they may amply be repaid by our giving to the inhabitants of Great Britain such exclusive privileges in trade as may be advantageous to them, and at the same time not too restrictive to ourselves. That settlements having been thus effected in the wilds of America, the emigrants thought proper to adopt that system of laws under which they had hitherto lived in the mother country, and to continue their union with her by submitting themselves to the same common sovereign, who was thereby made the central link connecting the several parts of the empire thus newly multiplied.

But that not long were they permitted, however far they thought themselves removed from the hand of oppression, to hold undisturbed the rights thus acquired, at the hazard of their lives, and loss of their fortunes. A family of princes was then on the British throne, whose treasonable crimes against their people brought on them afterwards the exertion of those sacred and sovereign rights of punishment reserved in the hands of the peo-

ple for cases of extreme necessity, and judged by the constitution unsafe to be delegated to any other judicature. While every day brought forth some new and unjustifiable exertion of power over their subjects on that side the water, it was not to be expected that those here, much less able at that time to oppose the designs of despotism, should be exempted from injury.

Accordingly that country, which had been acquired by the lives, the labours, and the fortunes, of individual adventurers, was by these princes, at several times, parted out and distributed among the favourites and followers of their fortunes, and, by an assumed right of the crown alone, were erected into distinct and independent governments; a measure which it is believed his majesty's prudence and understanding would prevent him from imitating at this day, as no exercise of such a power, of dividing and dismembering a country, has ever occurred in his majesty's realm of England, though now of very antient standing; nor could it be justified or acquiesced under there, or in any other part of his majesty's empire.

That the exercise of a free trade with all parts of the world, possessed by the American colonists, as of natural right, and which no law of their own had taken away or abridged, was next the object of unjust encroachment. Some of the colonies having thought proper to continue the administration of their government in the name and under the authority of his majesty king Charles the first, whom, notwithstanding his late deposition by the commonwealth of England, they continued in the sovereignty of their state; the parliament for the commonwealth took the same in high offence, and assumed upon themselves the power of prohibiting their trade with all other parts of the world, except the island of Great Britain. This arbitrary act, however, they soon recalled, and by solemn treaty, entered into on the 12th day of March, 1651, between the said commonwealth by their commissioners, and the colony of Virginia by their house of burgesses, it was expressly stipulated, by the 8th article of the said treaty, that they should have free trade as the people of England do enjoy to all places and with all nations, according to the laws of that commonwealth. But that, upon the restoration of his majesty king Charles the second, their rights of free commerce fell once more a victim to arbitrary power; and by several acts of his reign, as well as of some of his successors, the trade of the colonies was laid under such restrictions, as shew what hopes they might form from the justice of a British parliament, were its uncontrolled power admitted over these states. History has informed us that bodies of men, as well as individuals, are susceptible of the spirit of tyranny. A view of these acts of parliament for regulation, as it has been affectedly called, of the American trade, if all other evidence were removed out of the case, would undeniably evince the truth of this observation. Besides the duties they

impose on our articles of export and import, they prohibit our going to any markets northward of Cape Finesterre, in the kingdom of Spain, for the sale of commodities which Great Britain will not take from us, and for the purchase of others, with which she cannot supply us, and that for no other than the arbitrary purposes of purchasing for themselves, by a sacrifice of our rights and interests, certain privileges in their commerce with an allied state, who in confidence that their exclusive trade with America will be continued, while the principles and power of the British parliament be the same, have indulged themselves in every exorbitance which their avarice could dictate, or our necessities extort; have raised their commodities, called for in America, to the double and treble of what they sold for before such exclusive privileges were given them, and of what better commodities of the same kind would cost us elsewhere, and at the same time give us much less for what we carry thither than might be had at more convenient ports. That these acts prohibit us from carrying in quest of other purchasers the surplus of our tobaccos remaining after the consumption of Great Britain is supplied; so that we must leave them with the British merchant for whatever he will please to allow us, to be by him reshipped to foreign markets, where he will reap the benefits of making sale of them for full value. That to heighten still the idea of parliamentary justice, and to shew with what moderation they are like to exercise power, where themselves are to feel no part of its weight, we take leave to mention to his majesty certain other acts of British parliament, by which they would prohibit us from manufacturing for our own use the articles we raise on our own lands with our own labour. By an act passed in the 5th Year of the reign of his late majesty king George the second, an American subject is forbidden to make a hat for himself of the fur which he has taken perhaps on his own soil; an instance of despotism to which no parallel can be produced in the most arbitrary ages of British history. By one other act, passed in the 23d year of the same reign, the iron which we make we are forbidden to manufacture, and heavy as that article is, and necessary in every branch of husbandry, besides commission and insurance, we are to pay freight for it to Great Britain, and freight for it back again, for the purpose of supporting not men, but machines, in the island of Great Britain. In the same spirit of equal and impartial legislation is to be viewed the act of parliament, passed in the 5th year of the same reign, by which American lands are made subject to the demands of British creditors, while their own lands were still continued unanswerable for their debts; from which one of these conclusions must necessarily follow, either that justice is not the same in America as in Britain, or else that the British parliament pay less regard to it here than there. But that we do not point out to his majesty the

injustice of these acts, with intent to rest on that principle the cause of their nullity; but to shew that experience confirms the propriety of those political principles which exempt us from the jurisdiction of the British parliament. The true ground on which we declare these acts void is, that the British parliament has no right to exercise authority over us.

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

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

That the act passed in the 4th year of his majesty's reign, intitled An act for granting certain duties in the British colonies and plantations in America, &c.

One other act, passed in the 5th year of his reign, intitled An act for granting and applying certain stamp duties and other duties in the British colonies and plantations in America, &c.

One other act, passed in the 6th year of his reign, intitled An act for the better securing the dependency of his majesty's dominions in America upon the crown and parliament of Great Britain; and one other act, passed in the 7th year of his reign, intitled An act for granting duties on paper, tea, &c. form that connected chain of parliamentary usurpation, which has already been the subject of frequent applications to his majesty, and the houses of lords and commons of Great Britain; and no answers having yet been condescended to any of these, we shall not trouble his majesty with a repetition of the matters they contained.

But that one other act, passed in the same 7th year of the reign, having been a peculiar attempt, must ever require peculiar mention; it is intitled An act for suspending the legislature of New York. One free and inde-

pendent legislature hereby takes upon itself to suspend the powers of another, free and independent as itself; thus exhibiting a phenomenon unknown in nature, the creator and creature of its own power. Not only the principles of common sense, but the common feelings of human nature, must be surrendered up before his majesty's subjects here can be persuaded to believe that they hold their political existence at the will of a British parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men, whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? Can any one reason be assigned why 160,000 electors in the island of Great Britain should give law to four millions in the states of America, every individual of whom is equal to every individual of them, in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves, not of one, but of 160,000 tyrants, distinguished too from all others by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant.

That by an act, to discontinue in such manner and for such time as are therein mentioned the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in North America, which was passed at the last session of British parliament; a large and populous town, whose trade was their sole subsistence, was deprived of that trade, and involved in utter ruin. Let us for a while suppose the question of right suspended, in order to examine this act on principles of justice: An act of parliament had been passed imposing duties on teas, to be paid in America, against which act the Americans had protested as inauthoritative. The East India company, who till that time had never sent a pound of tea to America on their own account, step forth on that occasion the assertors of parliamentary right, and send hither many ship loads of that obnoxious commodity. The masters of their several vessels, however, on their arrival in America, wisely attended to admonition, and returned with their cargoes. In the province of New England alone the remonstrances of the people were disregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this the master of the vessel was governed by his obstinacy, or his instructions, let those who know, say. There are extraordinary situations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily re-

strained within limits strictly regular. A number of them assembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known and were amenable to the laws of the land, against which it could not be objected that they had ever, in any instance, been obstructed or diverted from their regular course in favour of popular offenders. They should therefore not have been distrusted on this occasion. But that ill fated colony had formerly been bold in their enmities against the house of Stuart, and were now devoted to ruin by that unseen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependents, whose constant office it has been to keep that government embroiled, and who, by their treacheries, hope to obtain the dignity of the British knighthood, without calling for a party accused, without asking a proof, without attempting a distinction between the guilty and the innocent, the whole of that antient and wealthy town is in a moment reduced from opulence to beggary. Men who had spent their lives in extending the British commerce, who had invested in that place the wealth their honest endeavours had merited, found themselves and their families thrown at once on the world for subsistence by its charities. Not the hundredth part of the inhabitants of that town had been concerned in the act complained of; many of them were in Great Britain and in other parts beyond sea; yet all were involved in one indiscriminate ruin, by a new executive power, unheard of till then, that of a British parliament. A property, of the value of many millions of money, was sacrificed to revenge, not repay, the loss of a few thousands. This is administering justice with a heavy hand indeed! and when is this tempest to be arrested in its course? Two wharfs are to be opened again when his majesty shall think proper. The residue which lined the extensive shores of the bay of Boston are forever interdicted the exercise of commerce. This little exception seems to have been thrown in for no other purpose than that of setting a precedent for investing his majesty with legislative powers. If the pulse of his people shall beat calmly under this experiment, another and another will be tried, till the measure of despotism be filled up. It would be an insult on common sense to pretend that this exception was made in order to restore its commerce to that great town. The trade which cannot be received at two wharfs alone must of necessity be transferred to some other place; to which it will soon be followed by that of the two wharfs. Considered in this light, it would be an insolent and cruel mockery at the annihilation of the town of Boston.

By the act for the suppression of riots and tumults in the town of Boston, passed also in the last session of parliament, a murder committed there

is, if the governor pleases, to be tried in the court of King's Bench, in the island of Great Britain, by a jury of Middlesex. The witnesses, too, on receipt of such a sum as the governor shall think it reasonable for them to expend, are to enter into recognizance to appear at the trial. This is, in other words, taxing them to the amount of their recognizance, and that amount may be whatever a governor pleases; for who does his majesty think can be prevailed on to cross the Atlantic for the sole purpose of bearing evidence to a fact? His expences are to be borne, indeed, as they shall be estimated by a governor; but who are to feed the wife and children whom he leaves behind, and who have had no other subsistence but his daily labour? Those epidemical disorders, too, so terrible in a foreign climate, is the cure of them to be estimated among the articles of expence, and their danger to be warded off by the almighty power of parliament? And the wretched criminal, if he happen to have offended on the American side, stripped of his privilege of trial by peers of his vicinage, removed from the place where alone full evidence could be obtained, without money, without counsel, without friends, without exculpatory proof, is tried before judges predetermined to condemn. The cowards who would suffer a countryman to be torn from the bowels of their society, in order to be thus offered a sacrifice to parliamentary tyranny, would merit that everlasting infamy now fixed on the authors of the act! A clause for a similar purpose had been introduced into an act, passed in the 12th year of his majesty's reign, intitled An act for the better securing and preserving his majesty's dockyards, magazines, ships, ammunition, and stores; against which, as meriting the same censures, the several colonies have already protested.

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

That we next proceed to consider the conduct of his majesty, as holding the executive powers of the laws of these states, and mark out his deviations from the line of duty: By the constitution of Great Britain, as well as of the several American states, his majesty possesses the power of refusing to pass into a law any bill which has already passed the other two branches of legislature. His majesty, however, and his ancestors, conscious of the impropriety of opposing their single opinion to the united wisdom of two houses of parliament, while their proceedings were unbiassed by

interested principles, for several ages past have modestly declined the exercise of this power in that part of his empire called Great Britain. But by change of circumstances, other principles than those of justice simply have obtained an influence on their determinations; the addition of new states to the British empire has produced an addition of new, and sometimes opposite interests. It is now, therefore, the great office of his majesty, to resume the exercise of his negative power, and to prevent the passage of laws by any one legislature of the empire, which might bear injuriously on the rights and interests of another. Yet this will not excuse the wanton exercise of this power which we have seen his majesty practise on the laws of the American legislatures. For the most trifling reasons, and sometimes for no conceivable reason at all, his majesty has rejected laws of the most salutary tendency. The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been hitherto defeated by his majesty's negative: Thus preferring the immediate advantages of a few African corsairs to the lasting interests of the American states, and to the rights of human nature, deeply wounded by this infamous practice. Nay, the single interposition of an interested individual against a law was scarcely ever known to fail of success, though in the opposite scale were placed the interests of a whole country. That this is so shameful an abuse of a power trusted with his majesty for other purposes, as if not reformed, would call for some legal restrictions.

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

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

One of the articles of impeachment against Tresilian, and the other judges of Westminster Hall, in the reign of Richard the second, for which they suffered death, as traitors to their country, was, that they had advised the king that he might dissolve his parliament at any time; and succeeding kings have adopted the opinion of these unjust judges. Since the establishment, however, of the British constitution, at the glorious revolution, on its free and antient principles, neither his majesty, nor his ancestors, have exercised such a power of dissolution in the island of Great Britain; and when his majesty was petitioned, by the united voice of his people there, to dissolve the present parliament, who had become obnoxious to them, his ministers were heard to declare, in open parliament, that his majesty possessed no such power by the constitution. But how different their language and his practice here! To declare, as their duty required, the known rights of their country, to oppose the usurpations of every foreign judicature, to disregard the imperious mandates of a minister or governor, have been the avowed causes of dissolving houses of representatives in America. But if such powers be really vested in his majesty, can he suppose they are there placed to awe the members from such purposes as these? When the representative body have lost the confidence of their constituents, when they have notoriously made sale of their most valuable rights, when they have assumed to themselves powers which the people never put into their hands, then indeed their continuing in office becomes dangerous to the state, and calls for an exercise of the power of dissolution. Such being the causes for which the representative body should, and