

THOMAS JEFFERSON

WRITINGS

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AUTOBIOGRAPHY

1743-1790

With the Declaration of Independence

January 6, 1827

AT THE AGE of 77, I begin to make some memoranda and state some recollections of dates & facts concerning myself, for my own more ready reference & for the information of my family.

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

My father's education had been quite neglected; but being of a strong mind, sound judgment and eager after information, he read much and improved himself insomuch that he was chosen with Joshua Fry professor of Mathem. in W. & M. college to continue the boundary line between Virginia & N. Caroline which had been begun by Colo Byrd, and was afterwards employed with the same Mr. Fry to make the 1st map of Virginia which had ever been made, that of Capt Smith being merely a conjectural sketch. They possessed ex-

cellent materials for so much of the country as is below the blue ridge; little being then known beyond that ridge. He was the 3d or 4th settler of the part of the country in which I live, which was about 1737. He died Aug. 17. 1757, leaving my mother a widow who lived till 1776, with 6 dauers & 2. sons, myself the elder. To my younger brother he left his estate on James river called Snowden after the supposed birth-place of the family. To myself the lands on which I was born & live. He placed me at the English school at 5. years of age and at the Latin at 9. where I continued until his death. My teacher Mr. Douglas a clergyman from Scotland was but a superficial Latinist, less instructed in Greek, but with the rudiments of these languages he taught me French, and on the death of my father I went to the revd Mr. Maury a correct classical scholar, with whom I continued two years, and then went to Wm. and Mary college, to wit in the spring of 1760, where I continued 2. years. It was my great good fortune, and what probably fixed the destinies of my life that Dr. Wm. Small of Scotland was then professor of Mathematics, a man profound in most of the useful branches of science, with a happy talent of communication, correct and gentlemanly manners, & an enlarged & liberal mind. He, most happily for me, became soon attached to me & made me his daily companion when not engaged in the school; and from his conversation I got my first views of the expansion of science & of the system of things in which we are placed. Fortunately the Philosophical chair became vacant soon after my arrival at college, and he was appointed to fill it per interim: and he was the first who ever gave in that college regular lectures in Ethics, Rhetoric & Belles lettres. He returned to Europe in 1762, having previously filled up the measure of his goodness to me, by procuring for me, from his most intimate friend G. Wythe, a reception as a student of law, under his direction, and introduced me to the acquaintance and familiar table of Governor Fauquier, the ablest man who had ever filled that office. With him, and at his table, Dr. Small & Mr. Wythe, his amici omnium horarum, & myself, formed a partie quarree, & to the habitual conversations on these occasions I owed much instruction. Mr. Wythe continued to be my faithful and beloved Mentor in youth, and my most affectionate friend through

life. In 1767, he led me into the practice of the law at the bar of the General court, at which I continued until the revolution shut up the courts of justice. [For a sketch of the life & character of Mr. Wythe see my letter of Aug. 31. 20. to Mr. John Saunderson]

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

On the 1st of January, 1772 I was married to Martha Skelton widow of Bathurst Skelton, & daughter of John Wayles, then 23. years old. Mr. Wayles was a lawyer of much practice, to which he was introduced more by his great industry, punctuality & practical readiness, than to eminence in the science of his profession. He was a most agreeable companion, full of pleasantry & good humor, and welcomed in every society. He acquired a handsome fortune, died in May, 1773, leaving three daughters, and the portion which came on that event to Mrs. Jefferson, after the debts should be paid, which were very considerable, was about equal to my own patrimony, and consequently doubled the ease of our circumstances.

When the famous Resolutions of 1765, against the Stamp-act, were proposed, I was yet a student of law in Wmsbg. I attended the debate however at the door of the lobby of the

H. of Burgesses, & heard the splendid display of Mr. Henry's talents as a popular orator. They were great indeed; such as I have never heard from any other man. He appeared to me to speak as Homer wrote. Mr. Johnson, a lawyer & member from the Northern Neck, seconded the resols, & by him the learning & the logic of the case were chiefly maintained. My recollections of these transactions may be seen pa. 60, Wirt's life of P. H., to whom I furnished them.

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

Nothing of particular excitement occurring for a considerable time our countrymen seemed to fall into a state of insensibility to our situation. The duty on tea not yet repealed & the Declaratory act of a right in the British parl to bind us by their laws in all cases whatsoever, still suspended over us. But a court of inquiry held in R. Island in 1762, with a power to send persons to England to be tried for offences committed here was considered at our session of the spring of 1773. as demanding attention. Not thinking our old & leading members up to the point of forwardness & zeal which the times required, Mr. Henry, R. H. Lee, Francis L. Lee, Mr. Carr & myself agreed to meet in the evening in a private room of the Raleigh to consult on the state of things. There may have been a member or two more whom I do not recollect. We were all sensible that the most urgent of all measures was that of coming to an understanding with all the other colonies to consider the British claims as a common cause to all, & to

produce an unity of action: and for this purpose that a committee of correspondence in each colony would be the best instrument for intercommunication: and that their first measure would probably be to propose a meeting of deputies from every colony at some central place, who should be charged with the direction of the measures which should be taken by all. We therefore drew up the resolutions which may be seen in Wirt pa 87. The consulting members proposed to me to move them, but I urged that it should be done by Mr. Carr, my friend & brother in law, then a new member to whom I wished an opportunity should be given of making known to the house his great worth & talents. It was so agreed; he moved them, they were agreed to nem. con. and a comtee of correspondence appointed of whom Peyton Randolph, the Speaker, was chairman. The Govr. (then Ld. Dunmore) dissolved us, but the comtee met the next day, prepared a circular letter to the Speakers of the other colonies, inclosing to each a copy of the resols and left it in charge with their chairman to forward them by expresses.

The origination of these comtees of correspondence between the colonies has been since claimed for Massachusetts, and Marshall II. 151, has given into this error, altho' the very note of his appendix to which he refers, shows that their establishment was confined to their own towns. This matter will be seen clearly stated in a letter of Samuel Adams Wells to me of Apr. 2., 1819, and my answer of May 12. I was corrected by the letter of Mr. Wells in the information I had given Mr. Wirt, as stated in his note, pa. 87, that the messengers of Massachusetts. & Virga crossed each other on the way bearing similar propositions, for Mr. Wells shows that Mass. did not adopt the measure but on the receipt of our proposon delivered at their next session. Their message therefore which passed ours, must have related to something else, for I well remember P. Randolph's informing me of the crossing of our messengers.

The next event which excited our sympathies for Massachusetts was the Boston port bill, by which that port was to be shut up on the 1st of June, 1774. This arrived while we were in session in the spring of that year. The lead in the house on these subjects being no longer left to the old members, Mr. Henry, R. H. Lee, Fr. L. Lee, 3. or 4. other members, whom

I do not recollect, and myself, agreeing that we must boldly take an unequivocal stand in the line with Massachusetts, determined to meet and consult on the proper measures in the council chamber, for the benefit of the library in that room. We were under conviction of the necessity of arousing our people from the lethargy into which they had fallen as to passing events; and thought that the appointment of a day of general fasting & prayer would be most likely to call up & alarm their attention. No example of such a solemnity had existed since the days of our distresses in the war of 55. since which a new generation had grown up. With the help therefore of Rushworth, whom we rummaged over for the revolutionary precedents & forms of the Puritans of that day, preserved by him, we cooked up a resolution, somewhat modernizing their phrases, for appointing the 1st day of June, on which the Port bill was to commence, for a day of fasting, humiliation & prayer, to implore heaven to avert from us the evils of civil war, to inspire us with firmness in support of our rights, and to turn the hearts of the King & parliament to moderation & justice. To give greater emphasis to our proposition, we agreed to wait the next morning on Mr. Nicholas, whose grave & religious character was more in unison with the tone of our resolution and to solicit him to move it. We accordingly went to him in the morning. He moved it the same day; the 1st of June was proposed and it passed without opposition. The Governor dissolved us as usual. We retired to the Apollo as before, agreed to an association, and instructed the commee of correspondce to propose to the corresponding commees of the other colonies to appoint deputies to meet in Congress at such place, *annually*, as should be convenient to direct, from time to time, the measures required by the general interest: and we declared that an attack on any one colony should be considered as an attack on the whole. This was in May. We further recommended to the several counties to elect deputies to meet at Wmsbg the 1st of Aug ensuing, to consider the state of the colony, & particularly to appoint delegates to a general Congress, should that measure be acceded to by the commees of correspondce generally. It was acceded to, Philadelphia was appointed for the place, and the 5th of Sep. for the time of meeting. We returned home, and

in our several counties invited the clergy to meet assemblies of the people on the 1st of June, to perform the ceremonies of the day, & to address to them discourses suited to the occasion. The people met generally, with anxiety & alarm in their countenances, and the effect of the day thro' the whole colony was like a shock of electricity, arousing every man & placing him erect & solidly on his centre. They chose universally delegates for the convention. Being elected one for my own county I prepared a draught of instructions to be given to the delegates whom we should send to the Congress, and which I meant to propose at our meeting. In this I took the ground which, from the beginning I had thought the only one orthodox or tenable, which was that the relation between Gr. Br. and these colonies was exactly the same as that of England & Scotland after the accession of James & until the Union, and the same as her present relations with Hanover, having the same Executive chief but no other necessary political connection; and that our emigration from England to this country gave her no more rights over us, than the emigrations of the Danes and Saxons gave to the present authorities of the mother country over England. In this doctrine however I had never been able to get any one to agree with me but Mr. Wythe. He concurred in it from the first dawn of the question What was the political relation between us & England? Our other patriots Randolph, the Lees, Nicholas, Pendleton stopped at the half-way house of John Dickinson who admitted that England had a right to regulate our commerce, and to lay duties on it for the purposes of regulation, but not of raising revenue. But for this ground there was no foundation in compact, in any acknowledged principles of colonization, nor in reason: expatriation being a natural right, and acted on as such, by all nations, in all ages. I set out for Wmsbg some days before that appointed for our meeting, but was taken ill of a dysentery on the road, & unable to proceed. I sent on therefore to Wmsbg two copies of my draught, the one under cover to Peyton Randolph, who I knew would be in the chair of the convention, the other to Patrick Henry. Whether Mr. Henry disapproved the ground taken, or was too lazy to read it (for he was the laziest man in reading I ever knew) I never learned: but he communicated it to nobody. Peyton Ran-

dolph informed the convention he had received such a paper from a member prevented by sickness from offering it in his place, and he laid it on the table for perusal. It was read generally by the members, approved by many, but thought too bold for the present state of things; but they printed it in pamphlet form under the title of "A Summary view of the rights of British America." It found its way to England, was taken up by the opposition, interpolated a little by Mr. Burke so as to make it answer opposition purposes, and in that form ran rapidly thro' several editions. This information I had from Parson Hurt, who happened at the time to be in London, whether he had gone to receive clerical orders. And I was informed afterwards by Peyton Randolph that it had procured me the honor of having my name inserted in a long list of proscriptions enrolled in a bill of attainder commenced in one of the houses of parliament, but suppressed in embryo by the hasty step of events which warned them to be a little cautious. Montague, agent of the H. of Burgesses in England made extracts from the bill, copied the names, and sent them to Peyton Randolph. The names I think were about 20 which he repeated to me, but I recollect those only of Hancock, the two Adamses, Peyton Randolph himself, Patrick Henry, & myself.* The convention met on the 1st of Aug, renewed their association, appointed delegates to the Congress, gave them instructions very temperately & properly expressed, both as to style & matter; and they repaired to Philadelphia at the time appointed. The splendid proceedings of that Congress at their 1st session belong to general history, are known to every one, and need not therefore be noted here. They terminated their session on the 26th of Octob, to meet again on the 10th May ensuing. The convention at their ensuing session of Mar, '75, approved of the proceedings of Congress, thanked their delegates and reappointed the same persons to represent the colony at the meeting to be held in May: and foreseeing the probability that Peyton Randolph their president and Speaker also of the H. of B. might be called off, they added me, in that event to the delegation.

Mr. Randolph was according to expectation obliged to leave the chair of Congress to attend the Gen. Assembly sum-

*See Girardin's *History of Virginia*, Appendix No. 12, note.

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

yet formed, I observed Mr. Jay, speaking to R. H. Lee, and leading him by the button of his coat, to me. "I understand, sir, said he to me, that this gentleman informed you that Govr Livingston drew the Address to the people of Gr Britain." I assured him at once that I had not received that information from Mr. Lee & that not a word had ever passed on the subject between Mr. Lee & myself; and after some explanations the subject was dropt. These gentlemen had had some sparrings in debate before, and continued ever very hostile to each other.

I prepared a draught of the Declaration committed to us. It was too strong for Mr. Dickinson. He still retained the hope of reconciliation with the mother country, and was unwilling it should be lessened by offensive statements. He was so honest a man, & so able a one that he was greatly indulged even by those who could not feel his scruples. We therefore requested him to take the paper, and put it into a form he could approve. He did so, preparing an entire new statement, and preserving of the former only the last 4. paragraphs & half of the preceding one. We approved & reported it to Congress, who accepted it. Congress gave a signal proof of their indulgence to Mr. Dickinson, and of their great desire not to go too fast for any respectable part of our body, in permitting him to draw their second petition to the King according to his own ideas, and passing it with scarcely any amendment. The disgust against this humility was general; and Mr. Dickinson's delight at its passage was the only circumstance which reconciled them to it. The vote being passed, altho' further observn on it was out of order, he could not refrain from rising and expressing his satisfaction and concluded by saying "there is but one word, Mr. President, in the paper which I disapprove, & that is the word *Congress*," on which Ben Harrison rose and said "there is but one word in the paper, Mr. President, of which I approve, and that is the word *Congress*."

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

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

* . . . * *

In Congress, Friday June 7. 1776. The delegates from Virginia moved in obedience to instructions from their constituents that the Congress should declare that these United colonies are & of right ought to be free & independent 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 measures should be immediately taken for procuring the assistance of foreign powers, and a Confederation be formed to bind the colonies more closely together.

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

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

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

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

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

That they were our power, & without them our declarations could not be carried into effect;

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

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

That some of them had expressly forbidden their delegates to con-

sent to such a declaration, and others had given no instructions, & consequently no powers to give such consent:

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

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

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

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

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

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

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

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

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

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

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

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

And that if these were agreed on, & our Declaration of Independ-

dance ready by the time our Ambassador should be prepared to sail, it would be as well as to go into that Declaration at this day.

On the other side it was urged by J. Adams, Lee, Wyrthe, and others

That no gentleman had argued against the policy or the right of separation from Britain, nor had supposed it possible we should ever renew our connection; that they had only opposed its being now declared:

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

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

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

That James the III. never declared the people of England out of his protection yet his actions proved it & the parliament declared it: No delegates then can be denied, or ever want, a power of declaring an existing truth:

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

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

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

That the people wait for us to lead the way:

That *they* are in favour of the measure, tho' the instructions given by some of their *representatives* are not:

That the voice of the representatives is not always consonant with

the voice of the people, and that this is remarkably the case in these middle colonies:

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

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

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

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

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

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

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

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

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

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

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

That to await the event of this campaign will certainly work delay, because during this summer France may assist us effectually by cutting off those supplies of provisions from England & Ireland on

which the enemy's armies here are to depend; or by setting in motion the great power they have collected in the West Indies, & calling our enemy to the defence of the possessions they have there:

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

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

And that the only misfortune is that we did not enter into alliance with France six months sooner, as besides opening their ports for the vent of our last year's produce, they might have marched an army into Germany and prevented the petty princes there from selling their unhappy subjects to subdue us.

It appearing in the course of these debates that the colonies of N. York, New Jersey, Pennsylvania, Delaware, Maryland, and South Carolina were not yet matured for falling from the parent stem, but that they were fast advancing to that state, it was thought most prudent to wait a while for them, and to postpone the final decision to July 1. but that this might occasion as little delay as possible a committee was appointed to prepare a declaration of independence. The committee were J. Adams, Dr. Franklin, Roger Sherman, Robert R. Livingston & myself. Committees were also appointed at the same time to prepare a plan of confederation for the colonies, and to state the terms proper to be proposed for foreign alliance. The committee for drawing the declaration of Independence desired me to do it. It was accordingly done, and being approved by them, I reported it to the house on Friday the 28th of June when it was read and ordered to lie on the table. On Monday, the 1st of July the house resolved itself into a committee of the whole & resumed the consideration of the original motion made by the delegates of Virginia, which being again debated through the day, was carried in the affirmative by the votes of N. Hampshire, Connecticut, Massachusetts, Rhode Island, N. Jersey, Maryland, Virginia, N. Carolina, & Georgia. S. Carolina and Pennsylvania voted against it: Delaware having but two members present, they were divided. The delegates for New York declared they were for it themselves & were assured their constituents were for it, but that their instructions having been drawn near a twelvemonth before, when reconciliation was still the general object, they were enjoined by them to do nothing which should impede that object. They therefore thought themselves not justifiable in voting on either side, and asked leave to withdraw from the question, which was given them. The committee rose & reported their resolution to the house. Mr. Edward Rutledge of S. Carolina then requested the determination might be put off to the next day, as he believed his

colleagues, tho' they disapproved of the resolution, would then join in it for the sake of unanimity. The ultimate question whether the house would agree to the resolution of the committee was accordingly postponed to the next day, when it was again moved and S. Carolina concurred in voting for it. In the meantime a third member had come post from the Delaware counties and turned the vote of that colony in favour of the resolution. Members of a different sentiment attending that morning from Pennsylvania also, their vote was changed, so that the whole 12 colonies who were authorized to vote at all, gave their voices for it; and within a few days, the convention of N. York approved of it and thus supplied the void occasioned by the withdrawing of her delegates from the vote.

Congress proceeded the same day to consider the declaration of Independence which had been reported & lain on the table the Friday preceding, and on Monday referred to a comtee 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, reproaching the enslaving the inhabitants of Africa, was struck out in complaisance to South Carolina and Georgia, who had never attempted to restrain the importation of slaves, and who on the contrary still wished to continue it. Our northern brethren also I believe felt a little tender under those censures; for 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 & 4th days of July were, in the evening of the last, closed the declaration was reported by the comtee, 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 inherent and inalienable rights; that among these ^{certain} 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 abolish it, & to institute new government, laying it's foundation on such principles, & organizing 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 shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses & 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 expunge their former systems of government. The ^{alter} history of the present king of Great Britain is a history of unremitting injuries & usurpations, among which ^{repeated} appears no solitary fact to contradict the uniform tenor of the rest but all have in direct object the establishment ^{all having} 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 unswayed 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 accommodation 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 meantime 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 suffered the administration of justice by totally to cease in some of these states 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 harass our people and eat out their substance.

He has kept among us in times of peace standing armies

and ships of war without the consent of our legislatures. He has affected to render the military independant of, & superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitutions & unacknowledged by our laws, giving his assent to their acts of pretended legislation for quartering large bodies of armed troops among us; for protecting them by a mock-trial from punishment for any murders which they should commit on the inhabitants of these states; for cutting off our trade with all parts of the world; for imposing taxes on us without our consent; for depriving us [] of the benefits of trial by jury; 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 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 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 complicate the works of death, desolation & tyranny already begun with circumstances of cruelty and perfidy [] 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 [] endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished

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destruction of all ages, sexes, & conditions of existence. He has incited treasonable 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, capturing & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of INFIDEL powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the LIBERTIES of one people, with crimes which he urges them to commit against the LIVES of another.

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

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 ^{an unwar-}brethren. We have warned them from time to time ^{rantable} of attempts by their legislature to extend 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 expense 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 [] appealed to their native justice and magnanimity as well as to the ties of our common ^{and we have} kindred to disavow these usurpations which were ^{conjured} likely to interrupt our connection and correspond- ^{them by} ence. They too have been deaf to the voice of ^{would} justice & of consanguinity, and when occasions have been ^{inevitably} 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, ^{We must} but Scotch & foreign mercenaries to invade & de- ^{therefore} stroy us. These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce forever these unfeeling brethren. We must endeavor to forget our former love for them, and hold them as we hold the rest of mankind, enemies in war, in peace friends. We might have been a free and a great people together; but a communication of ^{and hold} grandeur & of freedom it seems is below their dig- ^{them as we} nity. Be it so, since they will have it. The road to ^{hold the rest} happiness & to glory is open to us too. We will tread ^{of mankind,} it apart from them, and acquiesce in the necessity ^{enemies in} which denounces our eternal separation []: ^{war, in} ^{peace} ^{friends.}

We therefore the representatives of the United States of America in General Congress assembled, appealing to the supreme judge of the world for the rectitude of our intentions, do in the name, & by the authority of the good people of these colonies, solemnly publish & declare that these united colonies are & of right ought to be free & utterly dissolve all political

connection which may here-
tofore have subsisted be-
tween us & the people or
parliament of Great Britain:
& finally we do assert & de-
clare these colonies to be free
& independent states, & that
as free & independent states,
they have full power to levy
war, conclude peace, contract
alliances, establish commerce,
& to do all other acts &
things which independent
states may of right do.

And for the support of
this declaration we mutually
pledge to each other our
lives, our fortunes, & our sa-
cred honor.

independent states; that they
are absolved from all alle-
giance to the British crown,
and that all political connec-
tion between them & the
state of Great Britain is, &
ought to be, totally dis-
solved; & that as free & in-
dependent states they have
full power to levy war, con-
clude peace, contract alli-
ances, establish commerce &
to do all other acts & things
which independent states
may of right do.

And for the support of this
declaration, with a firm reli-
ance on the protection of di-
vine providence we mutually
pledge to each other our
lives, our fortunes, & our sa-
cred honor.

The Declaration thus signed on the 4th, on paper was en-
grossed on parchment, & signed again on the 2d. of August.

* * *

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

On Friday July 12. the Committee appointed to draw the articles
of confederation reported them, and on the 22d. the house resolved
themselves into a committee to take them into consideration. On the
30th. & 31st. of that month & 1st. of the ensuing, those articles were
debated which determined the proportion or quota of money which

each state should furnish to the common treasury, and the manner
of voting in Congress. The first of these articles was expressed in the
original draught in these words. "Art. XI. All charges of war & all
other expenses that shall be incurred for the common defence, or
general welfare, and allowed by the United States assembled, shall
be defrayed out of a common treasury, which shall be supplied by
the several colonies in proportion to the number of inhabitants of
every age, sex & quality, except Indians not paying taxes, in each
colony, a true account of which, distinguishing the white inhabi-
tants, shall be triennially taken & transmitted to the Assembly of the
United States."

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

Mr. John Adams observed that the numbers of people were taken
by this article as an index of the wealth of the state, & not as subjects
of taxation, that as to this matter it was of no consequence by what
name you called your people, whether by that of freemen or of
slaves. That in some countries the labouring poor were called free-
men, in others they were called slaves; but that the difference as to
the state was imaginary only. What matters it whether a landlord
employing ten labourers in his farm, gives them annually as much
money as will buy them the necessaries of life, or gives them those

necessaries at short hand. The ten labourers add as much wealth annually to the state, increase it's exports as much in the one case as the other. Certainly 500 freemen produce no more profits, no greater surplus for the payment of taxes than 500 slaves. Therefore the state in which are the labourers called freemen should be taxed no more than that in which are those called slaves. Suppose by any extraordinary operation of nature or of law one half the labourers of a state could in the course of one night be transformed into slaves: would the state be made the poorer or the less able to pay taxes? That the condition of the laboring poor in most countries, that of the fishermen particularly of the Northern states, is as abject as that of slaves. It is the number of labourers which produce the surplus for taxation, and numbers therefore indiscriminately, are the fair index of wealth. That it is the use of the word "property" here, & it's application to some of the people of the state, which produces the fallacy. How does the Southern farmer procure slaves? Either by importation or by purchase from his neighbor. If he imports a slave, he adds one to the number of labourers in his country, and proportionably to it's profits & abilities to pay taxes. If he buys from his neighbor it is only a transfer of a labourer from one farm to another, which does not change the annual produce of the state, & therefore should not change it's tax. That if a Northern farmer works ten labourers on his farm, he can, it is true, invest the surplus of ten men's labour in cattle: but so may the Southern farmer working ten slaves. That a state of one hundred thousand freemen can maintain no more cattle than one of one hundred thousand slaves. Therefore they have no more of that kind of property. That a slave may indeed from the custom of speech be more properly called the wealth of his master, than the free labourer might be called the wealth of his employer: but as to the state, both were equally it's wealth, and should therefore equally add to the quota of it's tax.

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

Mr. [James] Wilson said that if this amendment should take place the Southern colonies would have all the benefit of slaves, whilst the Northern ones would bear the burthen. That slaves increase the profits of a state, which the Southern states mean to take to themselves; that they also increase the burthen of defence, which would of course fall so much the heavier on the Northern. That slaves occupy the places of freemen and eat their food. Dismiss your slaves & free-

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

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

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

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

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

July 30. 31. Aug 1. Present 41. members. Mr. Chase observed that this article was the most likely to divide us of any one proposed in the draught then under consideration. That the larger colonies had threatened they would not confederate at all if their weight in congress should not be equal to the numbers of people they added to the confederacy; while the smaller ones declared against a union if they did not retain an equal vote for the protection of their rights. That it was of the utmost consequence to bring the parties together, as should we sever from each other, either no foreign power will ally with us at all, or the different states will form different alliances, and thus increase the horrors of those scenes of civil war and bloodshed which in such a state of separation & independence would render us a miserable people. That our importance, our interests, our peace required that we should confederate, and that mutual sacrifices should be made to effect a compromise of this difficult question. He was of opinion the smaller colonies would lose their rights, if they were not in some instances allowed an equal vote; and therefore that a discrimination should take place among the questions which would come before Congress. That the smaller states should be secured in all questions concerning life or liberty & the greater ones in all respecting property. He therefore proposed that in votes relating to money, the voice of each colony should be proportioned to the number of its inhabitants.

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

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

John Adams advocated the voting in proportion to numbers. He said that we stand here as the representatives of the people. That in some states the people are many, in others they are few; that therefore their vote here should be proportioned to the numbers from whom it comes. Reason, justice, & equity never had weight enough on the face of the earth to govern the councils of men. It is interest alone which does it, and it is interest alone which can be trusted. That therefore the interests within doors should be the mathematical representatives of the interests without doors. That the individuality of the colonies is a mere sound. Does the individuality of a colony

increase its wealth or numbers. If it does, pay equally. If it does not add weight in the scale of the confederacy, it cannot add to their rights, nor weigh in argument. A. has £50. B. £500. C. £1000. in partnership. Is it just they should equally dispose of the monies of the partnership? It has been said we are independent individuals making a bargain together. The question is not what we are now, but what we ought to be when our bargain shall be made. The confederacy is to make us one individual only; it is to form us, like separate parcels of metal, into one common mass. We shall no longer retain our separate individuality, but become a single individual as to all questions submitted to the confederacy. Therefore all those reasons which prove the justice & expediency of equal representation in other assemblies, hold good here. It has been objected that a proportional vote will endanger the smaller states. We answer that an equal vote will endanger the larger. Virginia, Pennsylvania, & Massachusetts are the three greater colonies. Consider their distance, their difference of produce, of interests & of manners, & it is apparent they can never have an interest or inclination to combine for the oppression of the smaller. That the smaller will naturally divide on all questions with the larger. Rhode isd, from its relation, similarity & intercourse will generally pursue the same objects with Massachusetts; Jersey, Delaware & Maryland, with Pennsylvania.

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

Mr. [Stephen] Hopkins observed there were 4 larger, 4 smaller,

& 4 middle-sized colonies. That the 4 largest would contain more than half the inhabitants of the confederated states, & therefore would govern the others as they should please. That history affords no instance of such a thing as equal representation. The Germanic body votes by states. The Helvetic body does the same; & so does the Belgic confederacy. That too little is known of the ancient confederations to say what was their practice.

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

* * *

These articles reported July 12. 76 were debated from day to day, & time to time for two years, were ratified July 9, '78, by 10 states, by N. Jersey on the 26th. of Nov. of the same

year, and by Delaware on the 23d. of Feb. following. Maryland alone held off 2 years more, acceding to them Mar. 1, '81. and thus closing the obligation.

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

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

On the 12th. I obtained leave to bring in a bill declaring tenants in tail to hold their lands in fee simple. In the earlier times of the colony when lands were to be obtained for little or nothing, some provident individuals procured large grants, and, desirous of founding great families for themselves, settled them on their descendants in fee-tail. The transmission of this property from generation to generation in the same name raised up a distinct set of families who, being privileged by law in the perpetuation of their wealth were thus formed into a Patrician order, distinguished by the splendor and luxury of their establishments. From this order too the king habitually selected his Counsellors of State, the hope of which distinction devoted the whole corps to the interests & will of the crown. To annul this privilege, and instead of an aristocracy of wealth, of more harm and danger, than benefit, to society, to make an opening for the aristocracy of virtue and talent, which nature has wisely provided for the direction of the interests of society, & scattered with equal hand through all its conditions, was deemed essential to a well ordered republic. To effect it no violence was necessary, no deprivation of natural right, but rather an enlargement of it by a repeal of the law. For this would authorize the present holder to divide the property among his children equally, as his affections were

divided; and would place them, by natural generation on the level of their fellow citizens. But this repeal was strongly opposed by Mr. Pendleton, who was zealously attached to ancient establishments; and who, taken all in all, was the ablest man in debate I have ever met with. He had not indeed the poetical fancy of Mr. Henry, his sublime imagination, his lofty and overwhelming diction; but he was cool, smooth and persuasive; his language flowing, chaste & embellished, his conceptions quick, acute and full of resource; never vanquished; for if he lost the main battle, he returned upon you, and regained so much of it as to make it a drawn one, by dexterous manoeuvres, skirmishes in detail, and the recovery of small advantages which, little singly, were important altogether. You never knew when you were clear of him, but were harassed by his perseverance until the patience was worn down of all who had less of it than himself. Add to this that he was one of the most virtuous & benevolent of men, the kindest friend, the most amiable & pleasant of companions, which ensured a favorable reception to whatever came from him. Finding that the general principle of entails could not be maintained, he took his stand on an amendment which he proposed, instead of an absolute abolition, to permit the tenant in tail to convey in fee simple, if he chose it: and he was within a few votes of saving so much of the old law. But the bill passed finally for entire abolition.

In that one of the bills for organizing our judiciary system which proposed a court of chancery, I had provided for a trial by jury of all matters of fact in that as well as in the courts of law. He defeated it by the introduction of 4. words only, "*if either party chuse.*" The consequence has been that as no suitor will say to his judge, "Sir, I distrust you, give me a jury" juries are rarely, I might say perhaps never seen in that court, but when called for by the Chancellor of his own accord.

The first establishment in Virginia which became permanent was made in 1607. I have found no mention of negroes in the colony until about 1650. The first brought here as slaves were by a Dutch ship; after which the English commenced the trade and continued it until the revolutionary war. That suspended, ipso facto, their further importation for the present, and the business of the war pressing constantly on the

legislature, this subject was not acted on finally until the year 78. when I brought in a bill to prevent their further importation. This passed without opposition, and stopped the increase of the evil by importation, leaving to future efforts its final eradication.

The first settlers of this colony were Englishmen, loyal subjects to their king and church, and the grant to Sr. Walter Raleigh contained an express Proviso that their laws "should not be against the true Christian faith, now professed in the church of England." As soon as the state of the colony admitted, it was divided into parishes, in each of which was established a minister of the Anglican church, endowed with a fixed salary, in tobacco, a glebe house and land with the other necessary appendages. To meet these expenses all the inhabitants of the parishes were assessed, whether they were or not, members of the established church. Towards Quakers who came here they were most cruelly intolerant, driving them from the colony by the severest penalties. In process of time however, other sectarisms were introduced, chiefly of the Presbyterian family; and the established clergy, secure for life in their glebes and salaries, adding to these generally the emoluments of a classical school, found employment enough, in their farms and schoolrooms for the rest of the week, and devoted Sunday only to the edification of their flock, by service, and a sermon at their parish church. Their other pastoral functions were little attended to. Against this inactivity the zeal and industry of sectarian preachers had an open and undisputed field; and by the time of the revolution, a majority of the inhabitants had become dissenters from the established church, but were still obliged to pay contributions to support the Pastors of the minority. This unrighteous compulsion to maintain teachers of what they deemed religious errors was grievously felt during the regal government, and without a hope of relief. But the first republican legislature which met in 76. was crowded with petitions to abolish this spiritual tyranny. These brought on the severest contests in which I have ever been engaged. Our great opponents were Mr. Pendleton & Robert Carter Nicholas, honest men, but zealous churchmen. The petitions were referred to the commence of the whole house on the state of the country; and after desperate contests

in that committee, almost daily from the 11th of Octob. to the 5th of December, we prevailed so far only as to repeal the laws which rendered criminal the maintenance of any religious opinions, the forbearance of repairing to church, or the exercise of any mode of worship: and further, to exempt dissenters from contributions to the support of the established church; and to suspend, only until the next session levies on the members of that church for the salaries of their own incumbents. For although the majority of our citizens were dissenters, as has been observed, a majority of the legislature were churchmen. Among these however were some reasonable and liberal men, who enabled us, on some points, to obtain feeble majorities. But our opponents carried in the general resolutions of the commence of Nov. 19. a declaration that religious assemblies ought to be regulated, and that provision ought to be made for continuing the succession of the clergy, and superintending their conduct. And in the bill now passed was inserted an express reservation of the question Whether a general assessment should not be established by law, on every one, to the support of the pastor of his choice; or whether all should be left to voluntary contributions; and on this question, debated at every session from 76 to 79 (some of our dissenting allies, having now secured their particular object, going over to the advocates of a general assessment) we could only obtain a suspension from session to session until 79. when the question against a general assessment was finally carried, and the establishment of the Anglican church entirely put down. In justice to the two honest but zealous opponents, who have been named I must add that altho' from their natural temperaments, they were more disposed generally to acquiesce in things as they are, than to risk innovations, yet whenever the public will had once decided, none were more faithful or exact in their obedience to it.

The seat of our government had been originally fixed in the peninsula of Jamestown, the first settlement of the colonists; and had been afterwards removed a few miles inland to Williamsburg. But this was at a time when our settlements had not extended beyond the tide water. Now they had crossed the Alleghany; and the center of population was very far removed from what it had been. Yet Williamsburg was still the

depository of our archives, the habitual residence of the Governor & many other of the public functionaries, the established place for the sessions of the legislature, and the magazine of our military stores: and it's situation was so exposed that it might be taken at any time in war, and, at this time particularly, an enemy might in the night run up either of the rivers between which it lies, land a force above, and take possession of the place, without the possibility of saving either persons or things. I had proposed it's removal so early as Octob. 76. but it did not prevail until the session of May. 79.

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

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

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

Mr. Madison came into the House in 1776. a new member and young; which circumstances, concurring with his extreme modesty, prevented his venturing himself in debate before his

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

So far we were proceeding in the details of reformation only; selecting points of legislation prominent in character & principle, urgent, and indicative of the strength of the general pulse of reformation. When I left Congress, in 76. it was in the persuasion that our whole code must be reviewed, adapted to our republican form of government, and, now that we had no negatives of Councils, Governors & Kings to restrain us from doing right, that it should be corrected, in all it's parts, with a single eye to reason, & the good of those for whose government it was framed. Early therefore in the session of 76. to which I returned, I moved and presented a bill for the revision of the laws; which was passed on the 24th. of October, and on the 3th. of November Mr. Pendleton, Mr. Wythe, George Mason, Thomas L. Lee and myself were appointed a committee to execute the work. We agreed to meet at Fredericksburg to settle the plan of operation and to distribute the work. We met there accordingly, on the 13th. of January 1777. The first question was whether we should propose to abolish the whole existing system of laws, and prepare a new and complete Institute, or preserve the general

system, and only modify it to the present state of things. Mr. Pendleton, contrary to his usual disposition in favor of ancient things, was for the former proposition, in which he was joined by Mr. Lee. To this it was objected that to abrogate our whole system would be a bold measure, and probably far beyond the views of the legislature; that they had been in the practice of revising from time to time the laws of the colony, omitting the expired, the repealed and the obsolete, amending only those retained, and probably meant we should now do the same, only including the British statutes as well as our own: that to compose a new Institute like those of Justinian and Bracton, or that of Blackstone, which was the model proposed by Mr. Pendleton, would be an arduous undertaking, of vast research, of great consideration & judgment; and when reduced to a text, every word of that text, from the imperfection of human language, and it's incompetence to express distinctly every shade of idea, would become a subject of question & chicanery until settled by repeated adjudications; that this would involve us for ages in litigation, and render property uncertain until, like the statutes of old, every word had been tried, and settled by numerous decisions, and by new volumes of reports & commentaries; and that no one of us probably would undertake such a work, which, to be systematical, must be the work of one hand. This last was the opinion of Mr. Wythe, Mr. Mason & myself. When we proceeded to the distribution of the work, Mr. Mason excused himself as, being no lawyer, he felt himself unqualified for the work, and he resigned soon after. Mr. Lee excused himself on the same ground, and died indeed in a short time. The other two gentlemen therefore and myself divided the work among us. The common law and statutes to the 4. James I. (when our separate legislature was established) were assigned to me; the British statutes from that period to the present day to Mr. Wythe, and the Virginia laws to Mr. Pendleton. As the law of Descents, & the criminal law fell of course within my portion, I wished the comtee to settle the leading principles of these, as a guide for me in framing them. And with respect to the first, I proposed to abolish the law of primogeniture, and to make real estate descendible in parcenary to the next of kin, as personal property is by the statute of distribution.

Mr. Pendleton wished to preserve the right of primogeniture, but seeing at once that that could not prevail, he proposed we should adopt the Hebrew principle, and give a double portion to the elder son. I observed that if the eldest son could eat twice as much, or do double work, it might be a natural evidence of his right to a double portion; but being on a par in his powers & wants, with his brothers and sisters, he should be on a par also in the partition of the patrimony, and such was the decision of the other members.

On the subject of the Criminal law, all were agreed that the punishment of death should be abolished, except for treason and murder; and that, for other felonies should be substituted hard labor in the public works, and in some cases, the *Lex talionis*. How this last revolting principle came to obtain our approbation, I do not remember. There remained indeed in our laws a vestige of it in a single case of a slave. It was the English law in the time of the Anglo-Saxons, copied probably from the Hebrew law of "an eye for an eye, a tooth for a tooth," and it was the law of several antient people. But the modern mind had left it far in the rear of it's advances. These points however being settled, we repaired to our respective homes for the preparation of the work.

Feb. 6. In the execution of my part I thought it material not to vary the diction of the antient statutes by modernizing it, nor to give rise to new questions by new expressions. The text of these statutes had been so fully explained and defined by numerous adjudications, as scarcely ever now to produce a question in our courts. I thought it would be useful also, in all new draughts, to reform the style of the later British statutes, and of our own acts of assembly, which from their verbosity, their endless tautologies, their involutions of case within case, and parenthesis within parenthesis, and their multiplied efforts at certainty by *saids* and *aforesaids*, by *ors* and by *ands*, to make them more plain, do really render them more perplexed and incomprehensible, not only to common readers, but to the lawyers themselves. We were employed in this work from that time to Feb. 1779, when we met at Williamsburg, that is to say, Mr. Pendleton, Mr. Wythe & myself, and meeting day by day, we examined critically our several parts, sentence by sentence, scrutinizing and amending

until we had agreed on the whole. We then returned home, had fair copies made of our several parts, which were reported to the General Assembly June 18, 1779. by Mr. Wyrthe and myself, Mr. Pendleton's residence being distant, and he having authorized us by letter to declare his approbation. We had in this work brought so much of the Common law as it was thought necessary to alter, all the British statutes from Magna Charta to the present day, and all the laws of Virginia, from the establishment of our legislature, in the 4th. Jac. 1. to the present time, which we thought should be retained, within the compass of 126 bills, making a printed folio of 90 pages only. Some bills were taken out occasionally, from time to time, and passed; but the main body of the work was not entered on by the legislature until after the general peace, in 1785. when by the unwearied exertions of Mr. Madison, in opposition to the endless quibbles, chicaneries, perversions, vexations and delays of lawyers and demi-lawyers, most of the bills were passed by the legislature, with little alteration.

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

Beccaria and other writers on crimes and punishments had satisfied the reasonable world of the unrightfulness and inefficacy of the punishment of crimes by death; and hard labor on roads, canals and other public works, had been suggested as a proper substitute. The Revisors had adopted these opinions; but the general idea of our country had not yet advanced to that point. The bill therefore for proportioning

crimes and punishments was lost in the House of Delegates by a majority of a single vote. I learnt afterwards that the substitute of hard labor in public was tried (I believe it was in Pennsylvania) without success. Exhibited as a public spectacle, with shaved heads and mean clothing, working on the high roads produced in the criminals such a prostration of character, such an abandonment of self-respect, as, instead of reforming, plunged them into the most desperate & hardened depravity of morals and character.—To pursue the subject of this law.—I was written to in 1785 (being then in Paris) by Directors appointed to superintend the building of a Capitol in Richmond, to advise them as to a plan, and to add to it one of a prison. Thinking it a favorable opportunity of introducing into the state an example of architecture in the classic style of antiquity, and the Maison quarrée of Nismes, an ancient Roman temple, being considered as the most perfect model existing of what may be called Cubic architecture, I applied to M. Clerissault, who had published drawings of the Antiquities of Nismes, to have me a model of the building made in stucco, only changing the order from Corinthian to Ionic, on account of the difficulty of the Corinthian capitals. I yielded with reluctance to the taste of Clerissault, in his preference of the modern capital of Scamozzi to the more noble capital of antiquity. This was executed by the artist whom Choiseul Gouffier had carried with him to Constantinople, and employed while Ambassador there, in making those beautiful models of the remains of Grecian architecture which are to be seen at Paris. To adapt the exterior to our use, I drew a plan for the interior, with the apartments necessary for legislative, executive & judiciary purposes, and accommodated in their size and distribution to the form and dimensions of the building. These were forwarded to the Directors in 1786. and were carried into execution, with some variations not for the better, the most important of which however admit of future correction. With respect to the plan of a Prison, requested at the same time, I had heard of a benevolent society in England which had been indulged by the government in an experiment of the effect of labor in *solitary confinement* on some of their criminals, which experiment had succeeded beyond expectation. The same idea had

been suggested in France, and an Architect of Lyons had proposed a plan of a well contrived edifice on the principle of solitary confinement. I procured a copy, and as it was too large for our purposes, I drew one on a scale, less extensive, but susceptible of additions as they should be wanting. This I sent to the Directors instead of a plan of a common prison, in the hope that it would suggest the idea of labor in solitary confinement instead of that on the public works, which we had adopted in our Revised Code. It's principle accordingly, but not it's exact form, was adopted by Latrobe in carrying the plan into execution, by the erection of what is now called the Penitentiary, built under his direction. In the meanwhile the public opinion was ripening by time, by reflection, and by the example of Pensylva, where labor on the highways had been tried without approbation from 1786 to 89. & had been followed by their Penitentiary system on the principle of confinement and labor, which was proceeding auspiciously. In 1796. our legislature resumed the subject and passed the law for amending the Penal laws of the commonwealth. They adopted solitary, instead of public labor, established a gradation in the duration of the confinement, approximated the style of the law more to the modern usage, and instead of the settled distinctions of murder & manslaughter, preserved in my bill, they introduced the new terms of murder in the 1st & 2d degree. Whether these have produced more or fewer questions of definition I am not sufficiently informed of our judiciary transactions to say. I will here however insert the text of my bill, with the notes I made in the course of my researches into the subject.

Feb. 7. The acts of assembly concerning the College of Wm. & Mary, were properly within Mr. Pendleton's portion of our work. But these related chiefly to it's revenue, while it's constitution, organization and scope of science were derived from it's charter. We thought, that on this subject a systematical plan of general education should be proposed, and I was requested to undertake it. I accordingly prepared three bills for the Revisal, proposing three distinct grades of education, reaching all classes. 1. Elementary schools for all children generally, rich and poor. 2. Colleges for a middle

degree of instruction, calculated for the common purposes of life, and such as would be desirable for all who were in easy circumstances. And 3d. an ultimate grade for teaching the sciences generally, & in their highest degree. The first bill proposed to lay off every county into Hundreds or Wards, of a proper size and population for a school, in which reading, writing, and common arithmetic should be taught; and that the whole state should be divided into 24 districts, in each of which should be a school for classical learning, grammar, geography, and the higher branches of numerical arithmetic. The second bill proposed to amend the constitution of Wm. & Mary College, to enlarge it's sphere of science, and to make it in fact an University. The third was for the establishment of a library. These bills were not acted on until the same year '96. and then only so much of the first as provided for elementary schools. The College of Wm. & Mary was an establishment purely of the Church of England, the Visitors were required to be all of that Church; the Professors to subscribe it's 39 Articles, it's Students to learn it's Catechism, and one of it's fundamental objects was declared to be to raise up Ministers for that church. The religious jealousies therefore of all the dissenters took alarm lest this might give an ascendancy to the Anglican sect and refused acting on that bill. Its local eccentricity too and unhealthy autumnal climate lessened the general inclination towards it. And in the Elementary bill they inserted a provision which completely defeated it, for they left it to the court of each county to determine for itself when this act should be carried into execution, within their county. One provision of the bill was that the expenses of these schools should be borne by the inhabitants of the county, every one in proportion to his general tax-rate. This would throw on wealth the education of the poor; and the justices, being generally of the more wealthy class, were unwilling to incur that burthen, and I believe it was not suffered to commence in a single county. I shall recur again to this subject towards the close of my story, if I should have life and resolution enough to reach that term; for I am already tired of talking about myself.

The bill on the subject of slaves was a mere digest of the

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

I considered 4 of these bills, passed or reported, as forming a system by which every fibre would be eradicated of ancient or future aristocracy; and a foundation laid for a government truly republican. The repeal of the laws of entail would prevent the accumulation and perpetuation of wealth in select families, and preserve the soil of the country from being daily more & more absorbed in Mortmain. The abolition of primogeniture, and equal partition of inheritances removed the feudal and unnatural distinctions which made one member of every family rich, and all the rest poor, substituting equal partition, the best of all Agrarian laws. The restoration of the rights of conscience relieved the people from taxation for the support of a religion not theirs; for the establishment was truly of the religion of the rich, the dissenting sects being entirely composed of the less wealthy people; and these, by the bill for a general education, would be qualified to understand their rights, to maintain them, and to exercise with intelligence their parts in self-government: and all this would be

effected without the violation of a single natural right of any one individual citizen. To these too might be added, as a further security, the introduction of the trial by jury, into the Chancery courts, which have already engulfed and continue to engulf, so great a proportion of the jurisdiction over our property.

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

Being now, as it were, identified with the Commonwealth itself, to write my own history during the two years of my administration, would be to write the public history of that portion of the revolution within this state. This has been done by others, and particularly by Mr. Girardin, who wrote his Continuation of Burke's history of Virginia while at Milton, in this neighborhood, had free access to all my papers while composing it, and has given as faithful an account as I could myself. For this portion therefore of my own life, I refer altogether to his history. From a belief that under the pressure of the invasion under which we were then laboring the public would have more confidence in a Military chief, and that the Military commander, being invested with the Civil power also, both might be wielded with more energy promptitude and effect for the defence of the state, I resigned the administration at the end of my 2d. year, and General Nelson was appointed to succeed me.

Soon after my leaving Congress in Sep. '76, to wit on the last day of that month, I had been appointed, with Dr. Franklin, to go to France, as a Commissioner to negotiate treaties of alliance and commerce with that government. Silas Deane,