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*The Rhode Island
Declaration of Independence*

May 4, 1776

LIPPITT



THE
RHODE ISLAND
Declaration of Independence

BY
CHARLES WARREN LIPPITT
GOVERNOR OF RHODE ISLAND

1895 - 1897

AN ADDRESS DELIVERED BEFORE THE

Rhode Island Citizen's Historical Association

ON THE 130TH ANNIVERSARY

OF THE
OF THE

DECLARATION OF INDEPENDENCE BY THE COLONY OF RHODE ISLAND

MAY 4, 1906

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PRESS OF E. L. FREEMAN COMPANY,
PROVIDENCE, R. I.

TO THE MEMBERS OF THE
Rhode Island Citizen's Historical Association,

THIS EFFORT TO ESTABLISH THE PRIORITY

OF THE

DECLARATION OF INDEPENDENCE BY THE COLONY OF RHODE
ISLAND AND PROVIDENCE PLANTATIONS

IS RESPECTFULLY DEDICATED BY

THE AUTHOR.

THE RHODE ISLAND DECLARATION OF INDEPENDENCE.

This celebration to-day is undoubtedly the first formal public recognition of the anniversary of the Rhode Island Declaration of Independence. In the northern part of the State the efforts of a single citizen, James S. Slater, have annually for several years directed attention to this important occasion. The National Society of Colonial Dames of America in Rhode Island, and the Bristol Chapter of the Rhode Island Society of the Sons of the American Revolution, have also held their annual meetings on May fourth, for a number of years, in honor of this anniversary.

The adjustment of this question is not between ourselves and our enemies. On the contrary, we now engage in friendly examination of official records to ascertain which colony was foremost in such formal action against the encroachments of parliament as to constitute separation from Great Britain. If any other colony substantiates, by unquestionable facts, claims prior to ours, however sad it may be to yield our position, let us remember it is relinquished to our friends and fellow countrymen.

It is our duty to determine if the honor of the first colonial declaration of independence rightfully belongs

to the people who occupied these Plantations in Revolutionary times. We would indeed be recreant descendants if we did not claim, substantiate, and perpetuate, the rightful honor of our ancestors.

May 31, 1775, a committee of the county of Mecklenburg met at Charlottestown and passed a preamble and twenty resolutions. They are entirely concerned with the affairs of that county and do not declare themselves in favor of independence, or renounce allegiance to Great Britain. They represent a commendable effort to maintain order and preserve the peace of their community during the interval between the failure of the representatives of Great Britain to conduct the government and satisfactory arrangements for some other acceptable authority to accomplish that object, as the following resolution declares:

“XVIII. That these Resolves be in full force and virtue, until instructions from the Provincial Congress, regulating the jurisprudence of the province, shall provide otherwise, or the legislative body of Great Britain, resign its unjust and arbitrary pretensions with respect to America.”

The resolutions of a county do not control a state, and the provisions arranged for Mecklenburg applied only to that county, and were not binding on any other.

After these resolutions had been adopted, published in several newspapers, and copies forwarded to the authorities in Great Britain, by some unfortunate circumstances they were entirely overlooked and forgotten. It was not until Mr. Peter Force, the compiler of the

“American Archives,” announced in the National Intelligencer of Dec. 18, 1838, over sixty-three years later, his discovery in the “New York Journal,” June 29, 1775, and subsequently in the “Massachusetts Spy,” of July 12, of that year, partial copies of these resolutions, that they again came to light. A copy of the entire series was subsequently found in the year 1847 in a copy of the “South Carolina Gazette,” June 13, 1775. Later Mr. Bancroft, Minister of the United States at London, found an entire series of the Mecklenburg Resolutions of May 31st, 1775, in the British State Paper Office, as published in the South Carolina Gazette of June 13, 1775. The copy of this paper was forwarded to the British Secretary of State by the colonial governor of Georgia in 1775, that “His Lordship might see the extraordinary resolves of the people of Charlottestown in Mecklenburg County.”

On the 30th of June, 1775, Governor Martin of North Carolina also forwarded a copy to the British Secretary of State.

On Friday, April 30, 1819, a little short of 44 years after these events in Mecklenburg County, the “Raleigh Register and North Carolina Gazette” published an article calling attention to a Declaration of Independence made by citizens of Mecklenburg County in North Carolina on May 20, 1775, eleven days before the meeting of May 31st referred to above. This document claims that the citizens of Mecklenburg, which then included the present county of Gabarrus, inspired by the occurrences in Massachusetts, organized themselves to protect their inalienable rights and liberties. On May 19, 1775, a meet-

ing was held composed of two delegates from each military company in the county. They were vested with unlimited powers. The news of the battle of Lexington arrived on the day the meeting assembled. After a long discussion of the objects for which they had convened, a series of resolutions was unanimously enacted. The declaration, which has attracted so much attention, is contained in the second and third of these resolutions, as follows:

“2. *Resolved*, That we the citizens of Mecklenburg County, do hereby dissolve the political bonds which have connected us to the Mother Country, and hereby absolve ourselves from our allegiance to the British Crown, and abjure all political connection, contract or association with that Nation, who have wantonly trampled on our rights and liberties—and inhumanely shed the innocent blood of American patriots at Lexington.”

“3. *Resolved*, that we do hereby declare ourselves a free and independent People, are and of right ought to be, a sovereign and self governing Association, under the control of no power other than that of our God and the General Government of the Congress; to the maintenance of which independence, we solemnly pledge to each other our mutual co-operation, our lives, our fortunes, and our most sacred honor.”

These resolutions from time to time have attracted considerable attention. No contemporary evidence of their authenticity has yet been discovered. The action of the supposed meeting of May 19th and 20th, 1775, rests upon the memory of certain citizens of Mecklenburg County who put them in writing, after the long

period of time referred to, from their recollection of the proceedings of the meeting.

Both Thomas Jefferson and John Adams were alive in 1819, at the time the Mecklenburg Resolutions of May 20, 1775, were published in the "Raleigh Register and North Carolina Gazette." Their intimate acquaintance with the circumstances attending the formation of the American nation in 1775 developed a keen interest in the subject. A copy of the Mecklenburg Resolutions was forwarded to Mr. Jefferson by Mr. Adams in a letter dated June 22, 1819. Mr. Jefferson replied in a communication to Mr. Adams dated July 9, 1819, in which he refers to many of the actors and the events of the time when these supposed resolutions first appeared, and discredits their authenticity from his general knowledge of all the circumstances. Mr. Adams in two letters to the Rev. William Bentley, one dated the 15th of July and one the 21st of August, 1819, unqualifiedly joined in the position taken by Mr. Jefferson. In the last of the two letters, Mr. Adams states:

"4. Is it possible that such resolutions should have escaped the vigilant attention of the scrutinizing, penetrating minds of Patrick Henry, R. H. Lee, Mr. Jefferson, Mr. Gadsden, Mr. Rutledge, Mr. Jay, Mr. Sherman, Mr. Samuel Adams, *Haud credo*. I can not believe that they were known to one member of Congress on the fourth of July, 1776."

It has also been possible to secure two letters of Mr. John Adams, not heretofore published, expressing in most emphatic terms his condemnation of the Mecklen-

burg Resolutions of May 20, 1775 (Exhibit A). It is evident that neither Mr. Jefferson nor Mr. Adams had any faith in the correctness of the Mecklenburg Declaration of Independence of May 20, 1775.

Four of the reputed signers of the Mecklenburg Declaration of May 20, 1775, were Thomas Polk, John Mc-Knitt Alexander, John Pfifer, and Waightstill Avery. These gentlemen, with two others, represented the county of Mecklenburg in the Third Provincial Congress of North Carolina, that met on the 21st of August, 1775. On the 23rd of August, a committee of the Congress reported a so-called test, to substantiate the loyalty and patriotism of the members of the Congress, which reads as follows:

“We, the subscribers, PROFESSING OUR ALLEGIANCE TO THE KING, AND ACKNOWLEDGING THE CONSTITUTIONAL EXECUTIVE POWER OF GOVERNMENT, do solemnly profess, testify, and declare that we do absolutely believe that neither the Parliament of Great Britain nor any member or constituent branch thereof have a right to impose taxes upon these Colonies to regulate the internal policy thereof: and that all attempts by fraud or force to establish and exercise such claims and powers are violations of the peace and security of the people, and ought to be resisted to the utmost,” etc.

“In testimony whereof we have hereto set our hands, this 23rd of August, 1775.”

Gentlemen of courage, honor and integrity, willing to risk their lives and their property in the cause of American liberty, could not on the 20th of May, 1775, have pledged

themselves to the so-called Mecklenburg Declaration of Independence, and a little over three months afterward in the presence of the delegates of North Carolina assembled in the Third Provincial Congress have willingly subscribed to the above test, which was signed by the four delegates from Mecklenburg County, as well as by all of the other members of said Congress.

In addition the delegates from Mecklenburg County joined with the other members of the Congress in unanimously adopting an address to the Inhabitants of Great Britain, pledging themselves in most vehement language as loyal subjects of His Majesty, King George the Third. (Exhibit D.) It is equally impossible to believe that these gentlemen could have joined in enacting the supposed Mecklenburg Resolutions of May 20, 1775, and on September 8, 1775, have formally bound themselves by the unusually explicit protestations and statements of the address to the Inhabitants of Great Britain. Such action is entirely irreconcilable with the approval of the supposed Mecklenburg Declaration of Independence of May 20, 1775, but is not incompatible with the authentic Mecklenburg Resolutions of May 31, 1775.

The Mecklenburg Declaration of Independence has been most completely and critically examined and discussed in an article in the North American Review for April, 1874, by Mr. James C. Welling, that abundantly proves from the official records of North Carolina, and other equally authoritative sources, that the supposed Mecklenburg meeting of May 20, 1775, and the resolutions claimed to have been adopted thereat, never oc-

curred, but that these circumstances were confused with the authentic resolutions passed at the meeting actually held on May 31, 1775.

James Fiske, in the *American Revolution*, characterizes the Mecklenburg Declaration of Independence as a "legend." Frothingham, after a careful investigation, states that he has not met with any contemporary reference in manuscript or in print to prove the existence of the convention or the public meeting which is said to have passed these resolutions.

Some recent claims in behalf of the Mecklenburg meeting of May 20th, 1775, have been carefully investigated by A. S. Salley, Jr., in a pamphlet published in Columbia, South Carolina, 1905, conclusively proving that the supposed declaration of independence of May 20th, 1775, has been undoubtedly mistaken for the authentic Mecklenburg resolutions on May 31st, 1775, which are not claimed to be a declaration of independence.

Notwithstanding the active warfare existing during the greater part of 1775, the colonists still entertained a strong feeling of dependence upon the mother country. It was apparently expected that after a short conflict Great Britain would recognize their rights and enable them to continue as English colonists, in the enjoyment of liberties they were not willing to relinquish. Ultimate independence had not been favorably considered by the mass of the colonists. The fear that it might be attempted induced several colonial governments to protest against such action.

Pennsylvania was one of the most conservative of the

colonies. Her people were unable to contemplate final separation from Great Britain. To prevent such a possibility, her General Assembly, November 9, 1775, instructed the State delegation in Continental Congress, as follows:

“Though the oppressive Measures of the British Parliament and Administration have compelled us to resist their violence by Force of Arms, yet we strictly enjoin you that you in behalf of this Colony dissent from, and utterly reject, any Propositions, should such be made, that may cause or lead to, a Separation from our Mother Country or a change of the Form of this Government. You are directed to make Report of your Proceedings to this House.” . . .

The sentiment of Pennsylvania naturally reflected itself in New Jersey, and the Provincial Congress and Council of Safety of the Colony, on the 28th of November, 1775, took the following action in relation to independence.

“The House took into consideration the inquiry had yesterday, touching the Petitions presented to this House; and it appearing from the Petitioners of the City of Burlington, who were called in and heard, that they signed the same from reports that some men affected independency, and being alarmed at such sentiments, they were induced to present the Petition, hoping that the House would discourage such sentiments by their Resolutions; whereupon, the several Petitions being read the second time,

“1. *Resolved*, That reports of Independency, in the apprehension of this House, are groundless.

“2. *Resolved*, That it be recommended to the Delegates of the Colony to use their utmost endeavors for the obtaining a redress of American grievances, and for restoring the union between the Colonies and Great Britain, upon constitutional principles.

“3. *Resolved*, That the said Delegates be directed not to give their assent to, but utterly to reject any propositions, if such should be made, that may separate this Colony from the Mother Country, or change the form of Government thereof.”

Maryland entertained similar conservative sentiments. The convention of the state assembled December 7, 1775. Undoubtedly reflecting the opinion of a considerable majority of her people, it placed upon its journal a declaration

“That the people of this province, strongly attached to the English constitution, and truly sensible of the blessings they have derived from it, warmly impressed with sentiments of affection for, and loyalty to, the house of Hanover, connected with the British nation by the ties of blood and interest, and being thoroughly convinced, that to be free subjects of the king of Great Britain, with all its consequences, is to be the freest members of any civil society in the known world, never did, nor do entertain any views or desires of independency.

“That as they consider their union with the mother country upon terms that may insure to them a permanent freedom, as their highest felicity, so would they view the fatal necessity of separating from her, as a misfortune next to the greatest that can befall them.” (Exhibit B.)

Intimately associated with these commonwealths by proximity and business connections, New York took a

similar position. Her provincial congress on the 14th, of December, 1775, "*Resolved*, That it is the opinion of this Congress that none of the people of this colony have withdrawn their allegiance from His Majesty. That the turbulent state of this colony arises not from a desire to become independent of the British Crown, but solely from the oppressive Acts of the British Parliament, devised for enslaving His Majesty's liege subjects in the American colonies, and the hostile attempts of the ministry to carry these Acts into execution."

Delaware joined her neighbors in the opposition to independence and instructed its delegates in the Continental Congress to promote reconciliation. (Exhibit C.) North Carolina took a stronger position. Her third Provincial Congress unanimously adopted, September 8th, 1775, an "Address to the Inhabitants of the British Empire" containing the following clauses:

"We have been told that Independence is our object; that we seek to shake off connection with the parent State. Cruel Suggestion! Do not all our professions, all our actions, uniformly contradict this?"

"We again declare, and we invoke that Almighty Being who searches the Recesses of the human heart, and knows our most secret Intentions, that it is our most earnest wish and prayer to be restored with the other United Colonies, to the State in which we and they were placed before the year 1763, disposed to glance over any Regulations which Britain had made previous to this, and which seem to be injurious and oppressive to these Colonies, hoping that at some future day she will be-

nighly interpose and remove from us every cause of complaint." (Exhibit D.)

Even in New England such ideas prevailed. Portsmouth, New Hampshire, December 25, 1775, instructed its delegates in the State Provincial Congress against the formation of a local government, fearing that such action would provide their enemies "with arguments to persuade the good people that we are aiming at independence, which we decidedly disavow."

The necessity of providing for those portions of the country not in actual control of the English forms of government to maintain public order forced action of a temporary character in some of the colonies. January 5, 1776, the Provincial Congress of New Hampshire enacted a form of government to continue during the present unhappy and unnatural contest with Great Britain. The preamble makes the usual recital, and closes as follows:

"Protesting and Declaring that we never sought to throw off our Dependency upon Great Britain, but felt ourselves happy under her Protection, while we could enjoy our Constitutional Rights and Privileges.— And that we shall rejoice if such a reconciliation between us and our Parent State can be effected as shall be approved by the Continental Congress, in whose prudence and Wisdom we confide."

Seven colonies, Maryland, Delaware, Pennsylvania, New Jersey, and New York, compactly situated in the centre of the country, North Carolina in the south and New Hampshire in the north, all protested against in-

dependence. A majority of the thirteen colonies, therefore, as late as March, 1776, stood opposed to any separation from the mother country.

The fourth Provincial Congress of North Carolina met at Halifax, April 4th, 1776, and was in session until May 14th, 1776. A committee reported to the congress, on April 12th, a suitable preamble reciting the prevailing conditions between the colonies and the mother country, and one resolution, as follows:

“Resolved: That the delegates for this Colony in the Continental Congress be empowered to concur with the delegates of the other Colonies in declaring independence, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a constitution and laws for this Colony, and of appointing delegates from time to time (under, the direction of a general representation thereof), to meet the delegates of the other Colonies for such purposes as shall be hereafter pointed out.” (Exhibit E.)

After consideration the report was unanimously adopted by the congress. The delegates attending the congress represented about three-fourths of the colony. The resolution confines itself entirely to instructions to the delegates of North Carolina in the Continental Congress. It does not decree that on and after its passage the colony of North Carolina shall be free and independent of the Kingdom of Great Britain. The legal and actual condition of North Carolina was precisely the same after this resolution was passed as before it was offered. As an indication of the patriotic sentiments and intentions

of a portion of the people of North Carolina, it is unquestionably commendable. It can not in any way be regarded as severing the connection between England and the colony of North Carolina.

The North Carolina resolution does not stand in the same degree with the action of the Rhode Island General Assembly in September, 1765, over ten years prior to the passage of said resolution. At that time, the Rhode Island Assembly passed a series of resolutions as follows:

RHODE ISLAND RESOLVES ON THE STAMP ACT,
SEPTEMBER 16, 1765.

“This Assembly, taking into the most serious consideration, an act passed by the Parliament of Great Britain, at their last session, for levying stamp duties, and other internal duties, in North America, do resolve,—

“1. That the first adventurers, settlers of this, His Majesty’s colony and dominion of Rhode Island and Providence Plantations, brought with them and transmitted to their posterity, and all other His Majesty’s subjects since inhabiting this, His Majesty’s colony, all the privileges and immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain.

“2. That by a charter granted by King Charles the Second, in the fifteenth year of his reign, the colony, aforesaid, is declared and entitled to all the privileges and immunities of natural born subjects, to all intents and purposes, as if they had been abiding and born within the realm of England.

“3. That His Majesty’s liege people of this colony have enjoyed the right of being governed by their own Assem-

bly, in the article of taxes and internal police; and that the same hath never been forfeited, or any other way yielded up; but hath been constantly recognized by the King and people of Britain.

“4. That, therefore, the General Assembly of this colony have, in their representative capacity, the only exclusive right to levy taxes and imposts upon the inhabitants of this colony; and that every attempt to vest such power in any person or persons, whatever, other than the General Assembly, aforesaid, is unconstitutional, and hath a manifest tendency to destroy the liberties of the people of this colony.

“5. That His Majesty’s liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance designed to impose any internal taxation whatsoever upon them, other than the laws or ordinances of the General Assembly, aforesaid.

“6. That all the officers in this colony, appointed by the authority thereof, be, and they are hereby, directed to proceed in the execution of their respective offices in the same manner as usual; and that this Assembly will indemnify and save harmless all the said officers on account of their conduct, agreeably to this resolution.”—(Rhode Island Colonial Records, 1757–1769, v. 6, pp. 451–452.)

These Rhode Island resolutions were characterized by Judge Staples as “little short of a declaration of entire independence of the British government.”

Prof. Gammell states: “These resolutions, taken as a whole, are nearly equivalent to a declaration of independence.”

The action of the Rhode Island legislature, taking effect from and after its passage, placed the colony in

a position, in defense of the liberties and rights of its people, entirely different from the action of North Carolina. Rhode Island enacted a law not dependent upon the action of any future body, not postponing the time in which its action should become effective to a distant period, or permitting it to rest upon the contingency of the action of another legislative body; but then and there, in plain, unmistakable language, the colony refused to abide by the act of the English Parliament, denied the right of that body to impose such taxes, and authorized its official representatives to ignore all laws in relation to the vexed question of the Stamp Act except those enacted by the Rhode Island legislature. It also assumed, without equivocation, the antagonistic and, so to speak, rebellious position of protecting its own officers against the power of England in consequence of any action they might take in executing the mandates of the colony of Rhode Island.

May 1st, 1776, the province of Massachusetts Bay, passed

“AN ACT FOR ESTABLISHING THE STILE OF COMMISSIONS WHICH SHALL HEREAFTER BE ISSUED, AND FOR ALTERING THE STILE OF WRITS, PROCESSES, AND ALL LAW PROCEEDINGS, WITHIN THIS COLONY; AND FOR DIRECTING HOW RECOGNIZANC(E)S TO THE USE OF THIS GOVERNMENT, SHALL, FOR THE FUTURE, BE TAKEN AND PROSECUTED.” (Exhibit F.)

The preamble recites the grievances of the colony against the King of Great Britain.

The bill provides that certain changes shall be made in the legal papers named, as follows:

First, That the name and style of the King of Great Britain, France, and Ireland, Defender of the Faith, etc., shall be changed to the name and style of the Government and People of the Massachusetts Bay in New England.

Second, That they shall be dated in the year of the Christian era, and shall not bear the date of the year of the reign of any king or queen of Great Britain.

Third, That the money recovered and levied upon recognizances or any suits upon recognizances, shall be paid into the treasury of the colony for the use and benefit thereof.

Fourth, Three sections of the act, the 2d, 5th, and 6th, particularly specify that they shall not take effect until June first, 1776, thirty days after the bill was passed.

At the close of the second section, which is perhaps the most important of all in the act, the following limitations of the enactments therein contained are incorporated:

First, "Until some recommendation of the American congress,"

Second, "Or act, order, or resolve, of a general American legislature,"

Third, "Or of the legislature of this colony," shall be made and passed, otherwise directing and prescribing.

Certain commissions, civil and military, previously issued, are continued in force by section 3, until September 19, 1776, and section 4 provides that said com-

missions may be made conformable to the style and date of this act.

The bill does not repeal any of the acts of allegiance then existing in the statutes of Massachusetts, nor in any way abrogate the provisions regarding allegiance in the charter of Massachusetts, the fundamental law of the colony. The limitation clauses clearly anticipate that the act was not to be permanent and that it almost inevitably would be superseded by acts of legislative bodies then in existence or likely to be formed. Nothing it contains justifies the claim that by the passage of this act the colony of Massachusetts had severed her connection with Great Britain to take effect on and after its passage, or on June first, 1776.

This act was under consideration by the Massachusetts general legislature for the greater part of the month of April, and was discussed, amended, and otherwise considered by a conference of the two houses before it was passed on May first, 1776.

Contemporary evidence clearly indicates that this bill was not considered even in spirit to formally renounce all allegiance.

John Winthrop, a prominent member of the Massachusetts Provincial Congress, in a letter, dated Watertown, April 1776, to John Adams, states:

. . . . "Our people are impatiently waiting for the Congress to declare off from Great Britain. If they should not do it pretty soon, I am not sure but this colony will do it for themselves. Pray, how would such a step be relished by the Congress? Would they ap-

prove of it? or would they think it too precipitate? Would it endanger the breaking the union of the colonies? These are very important questions, and I shall be extremely glad to know your sentiments upon them.” . . .

Mr. Adams replies as follows, on May 6th, 1776:

. . . . “Our people, you say, are impatiently waiting for the Congress to declare off from Great Britain. What my own sentiments are upon the question is not material. But others ask to what purpose should we declare off. Our privateers are at liberty, our trade is open, the colonies are sliding into new governments, a confederation may be formed; but why should we declare we never will be reconciled to Great Britain again upon any terms whatsoever?

“You ask how it could be relished by the Congress, if our colony should declare off. I am happy to hear that our colony is disusing a certain name in all commissions, acts, and law processes, and I should like very well if they would choose a governor, or at least ask leave of Congress to do it; but I can not advise them to make any public declarations separate from our sister colonies.” . . .

On June first, 1776, when three sections of the act in question became a law, Dr. Winthrop replies to Mr. Adams, after treating of several other matters, as follows:

“The style of commissions, law processes, etc., is altered by an act, and instead of George the Third, it is to be ‘The Government and People of the Massachusetts Bay.’”

The Boston newspapers naturally gave much space to the proceedings of the Massachusetts legislature and printed many acts in full, yet neither the *New England Chronicle* in either of its five editions for May, 1776, nor the *Continental Journal* of May 30th, 1776, the first number issued, makes any reference to this act of May first, 1776. Each of these newspapers is on file in the Boston Athenæum. Neither of the four editions of the *Boston Gazette* for May, 1776, which was printed at Watertown, where the Massachusetts assembly was in session, makes any reference to this act.

The colonial newspapers at that time did not deem the act of sufficient importance to print. An examination of the files of some prominent English newspapers of 1776 indicates that it was not noticed in those publications.

Baneroft states, "On the first day of May, 1776, Massachusetts expunged the regal style from all public proceedings, and substituted the name of her government and people." That was all the act accomplished.

The sentiments of Rhode Island in relation to taxation and independence were much more decided than those of the other colonies. In 1732-33 the colony petitioned the House of Commons against the Sugar Act, then pending before that body, and therein Rhode Island first proclaimed the principle that afterward became the war-cry of the Revolution: "No Taxation without Representation." Her people unquestionably committed the first overt acts in connection with the Revolution. The attack upon the *St. John* in 1764, followed soon

after by the burning of the Maidstone's boat on the common at Newport, in 1765, and the capture and destruction in Newport Harbor in 1769 of the King's armed sloop Liberty, indicated the feeling of the people concerning the oppressive measures of Great Britain. The State was fortunate in her leaders. Governor Ward, years before the question of independence was generally discussed, had foreseen the probabilities, and as early as 1766, in writing to his son, said: "These colonies are destined to an early independence, and you will live to see my words verified."

In the troubled times of the Stamp Act, Bancroft states: "The Rhode Island Governor stood alone among the governors in his refusal to take the oath to support the Stamp Act."

Governor Ward had unusual influence with the people of the State, and his personal views undoubtedly contributed to Rhode Island's prominent position in colonial affairs. His rival in the politics of the State, Governor Stephen Hopkins, was equally clear in his anticipations of coming events. Without hesitation his opinions were freely expressed.

In October, 1774, Colonel Paul Revere was in Philadelphia. During his visit he chanced to be in conversation with several of the congressional delegates at a time when Hopkins was present. The probability of England's repealing the obnoxious acts was the subject of discussion. Suddenly turning and facing the company, he said:

"Gentlemen, those of you who indulge this opinion, I think, deceive yourselves. Powder and ball will decide

this question. The gun and bayonet alone will finish the contest in which we are engaged, and any of you who can not bring your mind to this mode of adjusting the question had better retire in time, as it will not, perhaps, be in your power after the first blood shall have been shed."

The Rhode Island Assembly met May 1st, 1776, at the State house on Benefit street, in Providence. On May fourth the act separating the colony from Great Britain was passed unanimously in the upper house, and with sixty members of the lower house present all but six voted in favor of the bill and it became a law.

AN ACT REPEALING AN ACT, INTITLED "AN ACT FOR THE MORE, EFFECTUALLY SECURING TO HIS MAJESTY THE ALLEGIANCE OF HIS SUBJECTS, IN THIS HIS COLONY AND DOMINION OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS;" AND ALTERING THE FORMS OF COMMISSIONS, OF ALL WRITS AND PROCEEDINGS IN THE COURTS, AND OF THE OATHS PRESCRIBED BY LAW. (Exhibit H.)

The preamble states in concise and pertinent language the cause of the colony against the king. Its first clause:

"Whereas, in all states, existing by compact, protection and allegiance are reciprocal, the latter being due only in consequence of the former,"

testifies to the world a fundamental principle of allegiance and government. The remainder of the preamble charges George III with a total failure to protect, and with such positive acts of oppression that no other course is open to the colony except self-protection by force.

The first enactment logically follows and repeals allegiance in the colony and dominion of Rhode Island to the Kingdom of Great Britain.

The second enactment follows with equal propriety. All legal forms heretofore in use, by which the people of the State indicated their dependence upon the sovereign of Great Britain, were forever swept away. The name of the king upon all public papers was abolished, and there was substituted, "The Governor and Company of the English Colony of Rhode Island and Providence Plantations."

From that time Rhode Island became a free and independent State.

Immediately upon the passage of the act it was printed on a suitable broadside, duly signed by the authority of the colony, and distributed. It was at once noticed in the local papers. The next morning the Providence Gazette forever removed from the head of its columns the arms of Great Britain and substituted therefor the arms of Rhode Island. The proclamation was forwarded to the assemblies of other colonies and was prominently noticed in newspapers of the day.

The Boston Gazette of May 20, 1776, mentioned the act by title as having been passed.

The Continental Journal of May 30, 1776, prints the Rhode Island act of May 4th in full.

The New England Chronicle of May 23, 1776, prints the Rhode Island act of May 4th in full, giving it the important place of nearly all the first column of the first page.

The Remembrancer for 1776, a magazine published in London and entitled an Impartial Repository of Public Events, prints the Rhode Island act of May 4, 1776, almost entire.

The Rhode Island declaration was published in prominent English papers. The London Chronicle for August 3, 1776, printed the whole of the Rhode Island act, giving it nearly a column. It is indexed in the newspaper: "Rhode Island, all Allegiance to the Crown of Britain Renounced by the General Assembly."

The national Declaration of Independence of July 4, 1776, was printed in the London Chronicle of August 17th, of the same year.

The Rhode Island act was also printed in the following London papers:

The Morning Chronicle and London Advertiser, No. 2249, August 5th, 1776.

The Daily Advertiser, August 5th, 1776.

The Gazetteer and New Daily Advertiser, August 5th, 1776.

The Morning Post and Daily Advertiser, August 6th, 1776.

No mention was found in any of these papers of the Massachusetts act of May first, 1776.

Governor Cooke wrote to General Washington, on May 6, 1776, as follows: "I also enclose a copy of an Act discharging the inhabitants of this Colony from allegiance to the King of Great Britain, which was carried in the House of Deputies, after a debate, with but six dissen-

tient voices; there being upwards of sixty members present."

Not only in the daily publications, but in many histories recognized as authorities upon American affairs, the Rhode Island act is prominently noticed.

E. Benjamin Andrews, in his History of the United States, says: "May 4 (1776), Rhode Island formally declared her independence of Great Britain, by a solemn act, abjuring her allegiance to the British crown. . . . It constitutes Rhode Island as the oldest independent state in America."

Bancroft, in his History of the United States, says: "The despondency and hesitation of the assembly of Pennsylvania was in marked contrast with the fortitude of Rhode Island, whose general assembly, on the fourth day of May (1776), passed an act, discharging the inhabitants of that colony from allegiance to the king of Great Britain. . . . The overturn was complete; the act was at once a declaration of independence, and an organization of a self-constituted republic."

Bryant and Gay, History of the United States, after referring to the act of May fourth, 1776, and quoting largely from it, then states: "Thus the first colony to declare her absolute independence of the crown, was Rhode Island."

Chief Justice Job Durfee states: "She was the first to enact and declare independence. In May, preceding the declaration of the fourth of July by the Continental Congress, the general assembly of this state repealed the act more effectually to secure allegiance to the king, and

enacted an oath of allegiance to the state, and required that all judicial processes should be in the name of the state, and no longer in His Majesty's name; whereby, Rhode Island, from that moment, became, and is at this day, the oldest sovereign and independent state in the western world."

Green, History of Rhode Island: "The last colonial assembly of Rhode Island met on the first day of May (1776). On the fourth, two months before the congressional declaration of independence, it solemnly renounced its allegiance to the British crown, no longer closing its session with 'God Save the King!' but taking in its stead, as expressive of their new relations, 'God Save the United Colonies!'"

Mowry, History of the United States: "The first state actually to declare herself independent of Great Britain was Rhode Island. This act was passed, May 4, 1776."

Smith, The Thirteen Colonies: "In this wise, in May, 1776, the Rhode Island and Providence Plantations, before any other colony declared their absolute independence of the British crown."

Judge Staples, in Rhode Island in the Continental Congress, referring to the act of May 4, 1776, states: "It is believed to be the earliest vote of the kind passed by any of the colonies. It severed the connection between Rhode Island and the British crown, and the English colony of Rhode Island became henceforth a sovereign state."

These authorities unquestionably confer on Rhode Island priority in declaring independence.

The Connecticut Assembly convened May 9, 1776, and

during the session passed an act repealing an act of this colony, entitled, "An Act Against High Treason." It was also enacted that all writs and processes in "law or equity shall issue in the name of the Governor and Company of the Colony of Connecticut, instead of his Majesty's Name." . . . and "that no writ or process shall have or bear any date save the year of our Lord Christ only." The oaths of allegiance and supremacy were repealed and new forms of oaths in harmony with the above acts were prescribed.

At a convention of the colony of Virginia on Wednesday, May 15, 1776, a preamble and two resolutions were unanimously passed. The principal resolution is as follows:

"Resolved unanimously, that the delegates appointed to represent this colony in General Congress, be instructed to propose to that respectable body to declare the United Colonies free and independent states, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain; and that they give the assent of this colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the colonies at such time and in the manner as to them shall seem best: Provided, that the power of forming government for, and the regulations of the internal concerns of each colony, be left to the respective colonial legislatures."

In response to the advice of the Continental Congress, the colony of New Jersey on July 2, 1776, agreed upon a set of charter rights and the form of the constitution, which contained this clause:

“Provided always, and it is the true Intent and Meaning of this Congress, That if a Reconciliation between Great Britain and these Colonies should take Place, and the latter be again taken under the Protection and Government of the Crown of Great Britain, this Charter shall be null and void, otherwise to remain firm and inviolable.”

After a diligent search in the published acts of the colonies of New York, Pennsylvania, Delaware, Maryland, South Carolina, and Georgia, no act in any way separating these colonies from Great Britain has been discovered.

South Carolina, Feb. 13, 1777, established an oath of abjuration and allegiance to the state.

The legislative body that enacted the Rhode Island Declaration of Independence was established by the charter of the colony granted in 1663 by King Charles the Second. It had been since then the duly recognized government of Rhode Island. It was not elected for a special purpose, but for the general government of the colony. It was not a provincial assemblage, created in the emergency caused by the failure of Great Britain's authorities to maintain order and before the formation of another staple government. It did not vehemently protest that it had no thought of independence and legislated only to cover the interval until the authority of Great Britain should be restored. It did not disavow nor seek to explain its own acts tending toward independence. Rhode Island understood and appreciated her rights. She made no apologies. The period of dignified petition for the recognition of her liberties had passed.

Without hesitation or undue debate, with the courage of conviction and the determination to be free, the authority that had governed the colony for nearly one hundred and thirteen years forever terminated its allegiance to Great Britain.

The act was in entire harmony with the past history of the colony. Its repeated overt acts against the authority of England, extending from 1764 to 1772, had placed it far in advance of the other colonies in the entirely unofficial popular uprisings against Great Britain. They were followed as a legitimate consequence by the first unofficial suggestion for a permanent Congress of the American colonies, published in the "Providence Gazette" for May 14, 1774:

"It seems to be the universal opinion in America, that the Union of the Colonies is of the greatest Importance to their Security, and therefore ought to be pursued by every good Man in this Country. It is hoped that the Wisdom of this great People will ever be exerted to make the Union perpetual; and for this Purpose it is proposed that there be an Assembly of the AMERICAN STATES, consisting of Deputies from the Representative Body in each Colony, to form a League and COVENANT for the Colonies to enter into, and fix the UNION upon a basis which may, by the Blessing of Heaven, be durable as the World, and lay a foundation for Freedom and Happiness in America to all future Ages." (Exhibit K.)

The official acts of Rhode Island in some respects antedated the irrepressible popular efforts of her people in behalf of liberty. As early as 1732-33 the colony, through its agent in London, officially petitioned and

protested against the passage of the Sugar Act by the English House of Commons. It proclaimed the then novel principle that the people of Rhode Island could not rightfully be taxed by the House of Commons, as they were not represented in that body. This official claim of the Revolutionary contention "No Taxation without Representation" was emphatically rejected.

Rhode Island in her Stamp Act Resolutions, Sept. 16, 1765, was the only colony to direct her colonial officers to defy the power of Great Britain and to execute the laws of the colony.

The first official call for the Continental Congress was voted at the Providence town meeting held May 17, 1774.

"That the deputies of this town be requested to use their influence at the approaching session of the General Assembly of this colony, for permitting a congress, as soon as may be, of the representatives of the General Assemblies of the several colonies and provinces of North America, for establishing the firmest union; and adopting such measures as to them shall appear the most effectual to answer that important purpose; and to agree upon proper methods for executing the same."

Rhode Island was the first to elect congressional delegates. On June 15, 1774, less than a month after the passage of the Providence resolutions, her General Assembly elected Stephen Hopkins and Samuel Ward to represent the colony in the Continental Congress.

April 25, 1775, the Rhode Island Assembly authorized an army of observation of fifteen hundred men.

June 15th, 1775, the Rhode Island legislature authorized the first Colonial Navy, and placed it under the command of Commodore Abraham Whipple. The day he received his commission, after a sharp action, he defeated the tender of the *Rose* frigate, drove her upon the Conanicut shore, and captured her stores and outfit. This was the first action between an official vessel, duly commissioned by any of the colonies, and any vessel in the service of the King. To Commodore Whipple, therefore, belongs the honor of firing the first cannon upon the seas in the defense of American liberty against any portion of the King's navy.

Rhode Island's energetic action on the sea in her own behalf was followed, August 26, 1775, by the formal instructions of her General Assembly to the colony's Congressional delegates

“to use their whole influence, at the ensuing Congress, for building at the Continental expense, a fleet of sufficient force, for the protection of these colonies, and for employing them in such manner and places as will most effectually annoy our enemies, and contribute to the common defense of these colonies”

Bancroft states, after citing these circumstances, “This was the origin of our navy.”

In May, 1775, it became evident that Governor Wanton was not in harmony with the people of the colony. He had just been elected for the seventh time. In various ways he had exhibited decided opposition to the cause of colonial defense, and had even refused to sign the commissions for the officers of the new army.

“By all which he hath manifested his intentions to defeat the good people of these colonies in their present glorious struggle to transmit inviolate to posterity, those sacred rights they have received from their ancestors.”

With the decision and courage that usually marked the action of the colony he was disqualified by the Assembly. Nov. 7, 1775, Governor Wanton, having continued his opposition to the cause of liberty, was formerly deposed, the office of Governor declared vacant, and the Deputy-Governor, Nicholas Cooke, elected to fill the vacancy.

By such successive steps Rhode Island approached independence, and the colony became, by enactment, May 4th, 1776, a free and independent republic. Her people, inspired with ardent patriotism, hesitated at no sacrifice to maintain their position.

On sea as on land, the armed forces of the colony strove valorously for the colonial cause. In privateering, the State was particularly successful, and secured large profits from these enterprises. The activity and success of the State's private armed vessels gained wide reputation, and caused Providence to be known as the “Hornet's Nest.”

At Trenton, in 1777, a considerable portion of Washington's army consisted of Col. Hitchcock's brigade, formed in greater part of three Rhode Island regiments, Hitchcock's, Varnum's, and Lippitt's. These men participated in the action at Assunpink Creek, joined in the fateful march the following night, and fought at Princeton in the morning. After the contest, and on the field of bat-

tle, Gen. Washington, taking Col. Hitchcock by the hand, expressed high admiration of his conduct and that of his troops and desired him to convey his thanks to the brigade.

At Springfield, in 1780, a portion of Col. Angell's regiment, consisting of 170 men, in checking for forty minutes the advance of 1,500 of the enemy, rendered signal service to the Continental cause. Washington highly complimented this regiment in general orders, and wrote to Gov. Greene, as follows:—

“The gallant behavior of Col. Angell's, on the 23d instant at Springfield, reflects the highest honor upon the officers and men. They disputed an important pass with so obstinate a bravery that they lost upwards of forty in killed, wounded, and missing, before they gave up their ground to a vast superiority of force.” . . . He adds, in conclusion: “The ready and ample manner in which your State has complied with the requisitions of the Committee of co-operation, both as to men and supplies, entitle her to the thanks of the public, and affords the highest satisfaction to your Excellency's most obedient servant George Washington.”

Rhode Island was equally marked for her financial support of the patriot cause, as stated by the late Judge Horatio Rogers.

“In 1783, the Continental Loan Office accounts show that only four states had contributed more to the public treasury than Rhode Island, diminutive as she was, and in proportion to population none could compare with her. With less than a quarter of the inhabitants

of Maryland she held half again as much of the public debt. Though only one-eighth as populous as Virginia, she was a public creditor in more than double the amount of that great state; and while North Carolina and South Carolina each possessed more than three times the number of inhabitants of Rhode Island, yet this state held upwards of six times more of the public debt than the former, and upwards of seven times more than the latter."

In proclaiming the action of Rhode Island and her people in the conflict for American liberty, and in submitting evidence of their services in the Continental cause, it is never to be forgotten that each of the thirteen colonies was inspired with similar patriotism and an equal determination to achieve Independence. Each furnished its quota of ennobling sacrifices and heroic deeds. In grateful recognition thereof we confidently maintain the claims of Rhode Island.

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EXHIBITS.

Exhibit A.

Copy of the letter from John Adams to the Rev. William Bentley, never before published, made by Mr. Clarence S. Brigham, from the original manuscript in the library of the American Antiquarian Society, Worcester, Massachusetts.

QUINCY July 20th 1819.

dear Sir

I thank you for myself, and for Mr Marston for the kindness you did us by your letter of the 17th Which I received this morning. And at the same time I received the letter from Mr Jefferson, of which my Son has made the inclosed Copy at my desire for your use.

This letter is to me inestimable for the most material facts in it, I certainly know to be correct and exact. It has convinced me that the Mecklengburg resolutions are mere fictions. I wish I could request you to publish this letter entire; but I cannot, because I have not the writers consent—you may make such discreet use of it as you think proper. I have wrote to Mr Jefferson inclosing the Essex Register, and have received this answer which to me is entirely satisfactory in all its parts. It will be difficult for Posterity to detect the Multitudinous falsehoods which were published from day to day during the Revolution, and ever since, but fictions of this kind, five and forty years after the pretended fact, ought

to be discountenanced by every man of honor, and this in particular ought to be hunted from the dark Cavern from which it originated, the more ingenious the invention the more detestable—

I am Sir your greatly obliged Friend and
Humble Servant

Revnd William Bentley

(Signed)

JOHN ADAMS

Copy of a letter from John Adams to the Rev. William Bentley, never before published, made by Mr. Clarence S. Brigham, from the original manuscript in the library of the American Antiquarian Society, Worcester, Massachusetts.

QUINCY July 28th 1819

MY INESTIMABLE FRIEND.

The Essex Register, its Editors, and Printers are not only Innocent but meritorious for Publishing the pretended Mecklengburg Resolutions. I have transmitted to Mr Jefferson the National Register, for his satisfaction. Such imposters, which our Polished English friends call Hoaxes, and boares, I am impolite enough to think, ought to be called forgerys, and Villanys, and the Authors of them ought to be exposed to public Resentment, for their tendency is to produce confusion and uncertainty in the minds of the present generation, and in all History.

I hope the author of the second North Carolina volcano will be detected and brought to shame.

I will now add, that I am greatly obliged to the proprietors of the Essex Register; for kindly sending me that paper, but as it is an expence and trouble to them, it hurts my feelings, because the necessitys of my Family

must prevent me from subscribing for it, though I think it is the best paper amongst the many that I receive, and cannot read.

I am Sir, with great Esteem, and sincere affection, your
obliged Friend and humble Sernt

JOHN ADAMS

Revnd William Bentley

Exhibit B.

MARYLAND CONVENTION.

January 18, 1776.

“ Resolved unanimously, That the following declaration be entered on their journals:

“ We, the delegates of the freemen of Maryland in convention, affected with the deepest concern by the opinion declared in the king’s speech to parliament on the 27th day of October last, and expressed in the address of the lords spiritual and temporal to his majesty in answer thereto, that the necessary preparations for defence made by these colonies, are carried on for the purpose of establishing an independent empire, and being desirous to remove from the mind of the king, an opinion which we feel to be highly injurious to the people of this province, and to declare and manifest to his majesty, to the parliament, the people of Great Britain, and to the

whole world, the rectitude and purity of our intentions in the present opposition to the measures of the British ministry and parliament, do declare :

“That the people of this province, strongly attached to the English constitution, and truly sensible of the blessings they have derived from it, warmly impressed with sentiments of affection for, and loyalty to, the house of Hanover, connected with the British nation by the ties of blood and interest, and being thoroughly convinced, that to be free subjects of the king of Great Britain, with all its consequences, is to be the freest members of any civil society in the known world, never did, nor do entertain any views or desires of independency.

“That as they consider their union with the mother country upon terms that may insure to them a permanent freedom, as their highest felicity, so would they view the fatal necessity of separating from her, as a misfortune next to the greatest that can befall them.

“Descended from Britons, entitled to the privileges of Englishmen, and inheriting the spirit of their ancestors, they have seen with the most extreme anxiety the attempts of parliament to deprive them of those privileges, by raising a revenue upon them, and assuming a power to alter the charters, constitutions, and internal polity of the colonies without their consent. The endeavors of the British ministry to carry those attempts into execution by military force have been their only motive for taking up arms, and to defend themselves against those endeavors is the only use they mean to make of them,

entitled to freedom, they are determined to maintain it at the hazard of their lives and fortunes.”—(Proceedings of the Conventions of the Province of Maryland, 1774, 1775, and 1776, p. 120–121.)

Exhibit C.

DELAWARE HOUSE OF REPRESENTATIVES.

March 22, 1776.

“To the delegates of the ‘Three Lower Counties on Delaware’ the following instructions were at this time given:

“In the House of Representatives for the Counties of New Castle, Kent, and Sussex, upon Delaware. At New Castle, Friday, March 22. P.M.:

“Instructions to the Deputies appointed by this Government to meet in General Congress:

“1st. That you embrace every favorable opportunity to effect a reconciliation with Great Britain, on such principles as may secure to your constituents a full and lasting enjoyment of all their just rights and privileges; and, as the most probable means of obtaining such desirable ends, you are to cultivate with the greatest care the union which so happily prevails throughout the United Colonies, and consequently to avoid and discourage any separate treaty.

“ 2d. Notwithstanding our earnest desire of peace with Great Britain, upon the terms aforesaid, you are nevertheless to join with the other colonies in all such military operations as may be judged proper and necessary for the common defence, until such a peace can be happily obtained.

“ 3d. On every necessary occasion you are decently, but firmly, to urge the right of this government to an equal voice in Congress with any other Province on this continent, as the inhabitants thereof have their all at stake as well as others.

“ Extract from the minutes.

“ JAMES BOOTH,

“ Clerk of the Assembly.”

(W. T. Read's "Life and Correspondence of George Read," p. 148, 149.)

Exhibit D.

THE COLONIAL RECORDS OF NORTH CAROLINA.

Vol. X.—1775-1776. Pages 201-203.

THIRD PROVINCIAL CONGRESS.

EXTRACT FROM "THE JOURNAL OF PROCEEDINGS" OF THE
PROVINCIAL CONGRESS OF NORTH CAROLINA, HELD
AT HILLSBOROUGH FROM AUGUST 20th TO
SEPTEMBER 10, A. D. 1775.

“FRIDAY, SEPTEMBER 8, 1775.

“Mr. Hooper laid before the house an Address to the Inhabitants of the British Empire; and the same being read, was unanimously received, and is as follows, viz,

“FRIENDS AND FELLOW CITIZENS,

“The fate of the contest which at present subsists between these American Colonies and the British Ministers who now sit at the helm of public affairs, will be one

of the most important Epochs which can mark the Annals of the British history. Foreign Nations with anxious expectation wait the result, and see with amazement the blind infatuated Policy which the present Administration pursues to subjugate these Colonies, and reduce them from being loyal and useful Subjects to an absolute dependance and abject Slavery, as if the descendants of those Ancestors, who have shed Rivers of Blood, and expended Millions of Treasure, in fixing upon a lasting foundation the Liberties of the British Constitution, saw with envy the once happy state of this Western Region, and strove to exterminate the patterns of those Virtues which shone with a Lustre which bid fair to Rival and Eclipse their own.

“To enjoy the Fruits of our own honest Industry; to call that our own which we earn with the labour of our hands and the sweat of our Brows; to regulate that internal policy by which we and not they are to be affected; these are the mighty Boons we ask. And Traitors, Rebels, and every harsh appellation that Malice can dictate or the Virulence of language express, are the returns which we receive to the most humble Petitions and earnest supplications. We have been told that Independance is our object; that we seek to shake off connection with the parent State. Cruel Suggestion! Do not all our professions, all our actions, uniformly contradict this?

“We again declare, and we invoke that Almighty Being who searches the Recesses of the human heart and knows our most secret Intentions, that it is our most earnest wish and prayer to be restored with the other United Colonies, to the State in which we and they were placed before the year 1763, disposed to glance over any Regulations which Britain had made previous to this, and which seem to be injurious and oppressive to these

Colonies, hoping that at some future day she will benignly interpose and remove from us every cause of complaint.

“Whenever we have departed from the forms of the Constitution, our own safety and self preservation have dictated the expedient; and if in any Instances we have assumed powers which the laws invest in the Sovereign or his representatives, it has been only in defence of our persons, properties and those rights which God and the Constitution have made Unalienably ours. As soon as the cause of our Fears and Apprehensions are removed, with joy will we return these powers to their regular channels; and such Institutions formed from mere necessity, shall end with that necessity that created them.

“These expressions flow from an affection bordering upon devotion to the succession of the house of Hanover as by law established, from Subjects who view it as a Monument that does honor to human nature; a Monument capable of teaching Kings how glorious it is to reign over a free People. These are the heart felt effusions of Men ever ready to spend their Blood and Treasure when constitutionally called upon, in support of the succession of His Majesty King George the third, his Crown and dignity, and who fervently wish to Transmit his Reign to future ages as the Ord of common happiness to his people. Could these our Sentiments reach the Throne, surely our Sovereign would forbid the horrors of War and desolation to intrude into this once peaceful and happy Land, and would stop that deluge of human Blood which now threatens to overflow this Colony, Blood too precious to be shed but in a common cause against the common enemy of Great Britain and her sons.

“This declaration we hold forth as a Testimony of

Loyalty to our Sovereign, and Affection to our parent State, and as a sincere earnest of our present and future intentions.

“We hope hereby to remove those impressions which have been made by the representations of weak and wicked men to the prejudice of this Colony, who thereby intended that the rectitude of our designs might be brought into distrust; and sedition, Anarchy, and confusion, spread through this loyal province.

“We have discharged a duty which we owe to the world, to ourselves and posterity; and may the Almighty God give success to the means we make use of so far as they are aimed to produce just, lawful, and good purposes, and the Salvation and happiness of the whole British Empire.”

Exhibit E.

THE COLONIAL RECORDS OF NORTH CAROLINA.

Vol. X.—1775-1776. Page 512.

FOURTH PROVINCIAL CONGRESS.

EXTRACT FROM "THE JOURNAL OF THE PROVINCIAL CONGRESS, HELD AT HALIFAX, NORTH CAROLINA, FROM APRIL 4th TO MAY 14, 1776.

FRIDAY, APRIL 12, 1776.

"The select committee to take into consideration the usurpations and violences attempted and committed by the King and Parliament of Britain against America, and the further measures to be taken for frustrating the same, and for the better defence of this Province, reported as follows, to wit:

"It appears to your committee, that pursuant to the plan concerted by the British Ministry for subjugating America, the King and Parliament of Great Britain have usurped a power over the persons and properties of the people unlimited and uncontroled; and disregarding

their humble petitions for peace, liberty and safety, have made divers legislative acts, denouncing war, famine, and every species of calamity, against the Continent in general. The British fleets and armies have been, and still are daily employed in destroying the people, and committing the most horrid devastations on the country. That Governors in different Colonies have declared protection to slaves, who should imbrue their hands in the blood of their masters. That the ships belonging to America are declared prizes of war, and many of them have been violently seized and confiscated. In consequence of all which multitudes of the people have been destroyed, or from easy circumstances reduced to the most lamentable distress.

And whereas the moderation hitherto manifested by the United Colonies and their sincere desire to be reconciled to the mother country on constitutional principles, have procured no mitigation of the aforesaid wrongs and usurpations, and no hopes remain of obtaining redress by those means alone which have been hitherto tried, your committee are of opinion that the House should enter into the following resolve, to wit:

“Resolved, That the delegates for this Colony in the Continental Congress be impowered to concur with the delegates of the other Colonies in declaring Independency, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a Constitution and laws for this Colony, and of appointing delegates from time to time (under the direction of a general representation thereof), to meet the delegates of the other Colonies for such purposes as shall be hereafter pointed out.

“The Congress taking the same into consideration, unanimously concurred therewith.”

Exhibit F.

ACTS AND RESOLVES

OF THE

PROVINCE OF MASSACHUSETTS BAY.

VOL. 5. PAGE 481.

(REPRINT.)

1769-1780.

CHAPTER 22.

“AN ACT FOR ESTABLISHING THE STILE OF COMMISSIONS WHICH SHALL HEREAFTER BE ISSUED, AND FOR ALTERING THE STILE OF WRITS, PROCESSES, AND ALL LAW PROCEEDINGS, WITHIN THIS COLONY; AND FOR DIRECTING HOW RECOGNIZANC(E)S TO THE USE OF THIS GOVERNMENT, SHALL, FOR THE FUTURE, BE TAKEN AND PROSECUTED.”

WHEREAS the petitions of the United Colonies, to George the Third, king of Great Brit(t)ain, for the redress of great and manifest gr(i)ev(e)ances, have not only been rejected but treated with scorn and contempt, and their opposition to designs evidently formed to reduce them to a state of servile subjection, and their necessary defence against hostile forces actually employed to subdue them, have been declar(e)'d rebellion; and

whereas an unjust war has been commenc(e)'d against them, which the commanders of Brit(t)ish fleets and armies have prosecuted, and still continue to prosecute, with their utmost vigour, in cruel manners, and have directed their veng(e)ance principally against this colony, wasting, spoiling and destroying the country, burning houses and defenceless towns, and exposing the helpless inhabitants to every mis(s)ery,—by which inhumane and barbarous treatment, by the commandment of George the Third, king of Great Brit(t)ain, &c., the people of this colony consider themselves greatly injur(e)d, and have been obli(d)ged to have recourse to arms to repel such injuries; and whereas, under such circumstances, the absurdity of issuing commissions, writs, processes and other proceedings in law, and in the courts of justice within this colony, in the name and stile of the king of Great Brit(t)ain, is very apparent, and the tendency it has to keep up ideas inconsistent with the saf(e)ty of this government has given the good people of this colony great uneasiness,—

Be it therefore enacted by the Council and House of Represent(i)(a)tives in General Court assembled, and by the authority of the same,

(SECT. 1.) That all civil commissions, writs and precepts for conven(e)ing the general court or assembly, which shall hereafter be made out in this colony, shall be in the stile and name of the Government and People of the Mass(e)(a)chusetts Bay, in New England; and all commissions, both civil and military, shall be dated in the year of the Christian (a)era, and shall not bear the

date of the year of the reign of any king or queen of Great Brit(t)ain.

(SECT. 2.) And that all writs, processes and proceedings in law, and in any of the courts of justice in this colony, which have been used (and) (or) accust(u)(o)-med, or, by any of the laws of this colony, are required to be issued, used or practiced in law, and in any of the courts of justice in this colony, in the name and stile of the king of Great Brit(t)ain, France and Ireland, Defender of the Faith, &c., or in any other words implying or intending the same, shall, from and after the first day of June, one thousand seven hundred and seventy-six, be made, issued, used and practiced, in the name and stile of the Government and People of the Mass(e)(a)chusetts Bay, in New England, and no other; and shall bear the date of the year of the Christian aera, and shall not bear the date of the year of the reign of any king or queen of Great Brit(t)ain, until (1) some (recommendation) (accommodation) of the American Congress, or act, order, or resolve, of a general American legislature, or of the legislature of this colony, shall be made and passed, otherwise directing and preseribing.

And be it enacted,

(SECT. 3.) That all commissions, civil and military, which have been issued by the major part of the council of this colony s(e)(i)nce the nineteenth day of September, one thousand seven hundred and seventy-five, shall have the same force and effect as if this act had not been made, the stile and date therein notwithstanding, until(l) the

nineteenth day of September, one thousand seven hundred and seventy-six, and no longer.

Provided, nevertheless,—

(SECT. 4.) That when any such commissions shall be brought to the council of this colony, to be made conformable to the stile and date by this act required for is(s)uing commissions hereafter, the council are hereby impowered and directed to cause the same to be done.

And be it further enacted,

(SECT. 5.) That all recogni(s)(z)ances that heretofore have been used and accustomed to be taken to the king of Great Brit(t)ain, by the stile and title of our sovereign lord the king, shall, from and after the first day of June, one thousand seven hundred and seventy-six, be taken to the government and people of the Mass(e)-(a)chusetts Bay, in New England; and when a scire facias, or other legal process shall be issued thereon against the recognizor or recogni(s)(z)ors, they shall be in the name and behalf of the said government and people; and when judgment shall be rendered thereon, the money recovered and levied shall be paid into the treasury of this colony, for the use of the same.

And be it further enacted,

(SECT. 6.) That all suits upon recogn(z)(in)an(c)es which have been heretofore taken within this colony to the king of Great Brit(t)ain, under any name, character or form of words, whatsoever, that have been or that may be hereafter forfeited (if any suits should be brought thereon) shall, from and after the said first day of June,

be commenced and prosecuted in the name and behalf of the government and people of the Mass(e)(a)chusetts Bay, in New England, and not in the name of the said king; and the money recovered and levied on such suits shall be likewise paid into the treasury of this colony, for the use and benefit of the said people. (Passed May 1, 1776.

A true Copy, Carefully compared with the original, and found correct.

(Signed) J. HARRY BONGARTZ,

Librarian of the State of R. I. Law Library.

Exhibit H.

RHODE ISLAND ACTS AND RESOLVES.

MAY SESSION, 1776, PAGE 22.

AN ACT REPEALING AN ACT, INTITLED, "AN ACT FOR THE MORE EFFECTUALLY FECURING TO HIS MAJEFTY THE ALLEGIANCE OF HIS SUBJECTS, IN THIS HIS COLONY AND DOMINION OF RHODE-ISLAND AND PROVIDENCE PLANTATIONS;" AND ALTERING THE FORMS OF COMMIFFIONS, OF ALL WRITS AND PROCEFFES IN THE COURTS, AND OF THE OATHS PREFCRIBED BY LAW.

WHEREAS in all States, exifting by Compact, Protection and Allegiance are reciprocal, the latter being only due in Confequence of the former; And whereas GEORGE the Third, King of Great-Britain, forgetting his Dignity,

regardlefs of the Compact moft folemnly entered into, ratified and confirmed, to the Inhabitants of this Colony, by his illuftrious Anceftors, and till of late fully recognized by Him—and entirely departing from the Duties and Character of a good King, inftead of protecting, is endeavoring to deftroy the good People of this Colony, and of all the United Colonies, by fending Fleets and Armies to America, to confifcate our Property, and fpread Fire, Sword and Defolation, throughout our Country, in order to compel us to fubmit to the moft debafing and deteftable Tyranny; whereby we are obliged by Neceffity, and it becomes our higheft Duty, to ufe every Means, with which God and Nature have furnifhed us, in Support of our invaluable Rights and Privileges; to oppofe that Power which is exerted only for our Deftruction.

BE it therefore Enacted by this General Affembly, and by the Authority thereof it is Enacted, That an Act intituled, “An Act for the more effectual fecuring to his Majefty the Allegiance of his Subjects in this his Colony and Dominion of Rhode-Ifland and Providence Plantations,” be, and the fame is hereby, repealed.

AND be it further Enacted by this General Affembly, and by the Authority thereof it is Enacted, That in all Commiffions for Offices, civil and military, and in all Writs and Proceffes in Law, whether original, judicial or executory, civil or criminal, wherever the Name and Authority of the faid King is made Ufe of, the fame fhall be omitted, and in the Room thereof the Name and Authority of the Governor and Company of this Colony fhall be fubftituted, in the following Words, to wit:

“The Governor and Company of the English Colony of Rhode-Island and Providence Plantations:” That all such Commissions, Writs and Proceffes, shall be otherwise of the same Form and Tenure as they heretofore were: That the Courts of Law be no longer entitled nor considered as the King’s Courts: And that no Instrument in Writing, of any Nature or Kind, whether public or private, shall in the Date thereof mention the Year of the said King’s Reign: Provided nevertheless That nothing in this Act contained shall render void or vitiate any Commission, Writ, Procefs or Instrument, heretofore made or executed, on Account of the Name and Authority of the said King being therein inserted.

AND be it further Enacted by the Authority aforesaid, That the Oaths or Engagements to be administered to the Officers appointed in this Colony shall be as follow, to wit:

GENERAL OFFICERS.

“You being by the free Vote of the Freemen of this Colony of Rhode-Island and Providence Plantations elected unto the Place of do solemnly engage to be true and faithful unto this said Colony, and in your said Office equal Justice to do unto all Persons, poor and rich, within this Jurisdiction, to the utmost of your Skill and Ability, without Partiality, according to the Laws established, or that may be established, by the General Assembly of this Colony, as well in matters military as civil: And this Engagement you make and give upon the Peril of the Penalty of Perjury.

DEPUTIES.

“You being chosen to the Place of a Deputy, to sit in the General Assembly, do solemnly engage, that you will be true and faithful to this Colony of Rhode-Island and Providence Plantations; and that you will do equal Right and Justice to all persons who shall appeal unto you for your Judgment in their respective Cases, according to the Laws established or that may be established, by the General Assembly of this said Colony; And this Engagement you make and give upon the Peril of the Penalty of Perjury.

JUDGES OF THE SUPERIOR COURT.

“You being by the General Assembly of this Colony chosen to the Place of a Justice of the Superior Court of Judicature, Court of Assize, and General Gaol Delivery, in and throughout the Colony, do solemnly engage to be true and faithful to this said Colony, and to execute the Office unto which you are chosen as afore-said with fidelity, to the best of your Skill and Knowledge, according to the Laws established, or that may be established, by the General Assembly of this said Colony: and this Engagement you make and give upon the Peril of the Penalty of Perjury.”

(Public Notaries, Clerks of the Superior and Inferior Courts, Justices of the Inferior Courts, and Sheriffs, to take the same Oaths as the Justices of the Superior Court, *mutatis mutandis*.)

GRAND JURORS.

“You A. B. being of the Grand Inqueft, on the Behalf of the Governor and Company of the English Colony of Rhode-Ifland and Providence Plantations, do hereby promife and engage to make a true Return to this Court of all fuch Bills as fhall be prefented to you, or fuch Breakers of Law as fhall come to your Knowledge: And this Engagement you make and give upon the Peril of the Penalty of Perjury.”

PETIT JURORS IN CIVIL CAUFES.

“You A. B. being of this Jury of Trials, fhall well and truly try the Iffue of this Cafe, and all Cafes that fhall be committed unto you from this Court, between the Parties, Plaintiff and Defendant, according to Law and Evidence; and to keep together until you agree of a Verdict in the Cafe or Cafes committed to you, and make true Return of the Verdict or Verdicts unto this Court; and to keep your own and Fellow’s Secrets: And this Engagement you make and give upon the Peril of the Penalty of Perjury.”

PETIT JURORS IN CRIMINAL CAUFES.

“You A. B. being of this Jury of Trials, fhall well and truly try, and true Deliverance make, between the Governor and Company of the English Colony of Rhode-Ifland and Providence Plantations, and the Prifoner at the Bar, according to Law and Evidence; and to keep together until you are agreed of a Verdict or Verdicts, in the Cafe or Cafes that fhall be committed to you from

this Court, and to keep your own and Fellow's Secrets: And this Engagement you make and give upon the Peril of the Penalty of Perjury."

TOWN OFFICERS.

"You A. B. do hereby solemnly engage to be true and faithful unto this Colony of Rhode-Island and Providence Plantations, and that you will well and truly, according to the Laws established, or that may be established by the General Assembly of said Colony, execute the Office of for the ensuing Year or until another be engaged in your Room, or you be legally discharged therefrom: And this Engagement you make and give upon the Peril of the Penalty of Perjury."

MILITARY COMMISSIONED OFFICERS.

"You A. B. being by the General Assembly chosen and elected unto the Place and Office of do solemnly swear to be true and faithful unto this Colony of Rhode-Island and Providence Plantations, and to the Authority therein established by the General Assembly: And you do also further engage well and truly to execute the Office of to which you are elected according to your Commission: and to perform and observe all the laws made and provided for the Support and well ordering the Militia, without Partiality; and that you will observe and follow such orders and Instructions as you shall from Time to Time receive from Your Superiors. So help you God."

CLERK OF A COMPANY OF MILITIA.

“You A. B. do solemnly swear well and truly to perform and execute the Office of Clerk of the Company, or Trained Band, under the Command of C. D. to the utmost of your Skill and Ability, without Partiality, according to the Laws of this Colony which relate to your office. So help you God.”

A True Copy, carefully compared with the original and found correct.

(Signed) J. HARRY BONGARTZ,

Librarian, State of Rhode Island Law Library.

Exhibit K.

EARLIEST SUGGESTION FOR A PERPETUAL CONGRESS OF
THE AMERICAN STATES.

Providence Gazette, May 14th, 1774. (Signed) NEW ENGLAND.

“It seems to be the universal opinion in America, that the Union of the Colonies is of the greatest Importance to their Security, and therefore ought to be pursued by every good Man in this Country. It is hoped that the Wisdom of this great People will ever be exerted to make the Union perpetual; and for this Purpose it is proposed that there be an Assembly of the AMERICAN STATES, consisting of Deputies from the Representative Body in each Colony, to form a League and COVENANT for the Colonies

to enter into, and fix the UNION upon a basis which may, by the Blessing of Heaven, be durable as the World, and lay a foundation for Freedom and Happiness in America to all future Ages.

“The American will undoubtedly, in future Time, make the most grand and noble Figure that ever was exhibited by any People under Heaven, and their Conduct, at this important Era, will be of infinite Moment to their future Glory and Happiness; therefore we may justly expect the greatest Exertions of our Patriots to compleat the Freedom of America, for which they have long and gloriously contended.—Then will they reap the full Harvest of Fame, and when their Praise is echoed from Tongue to Tongue, all the People will say, Amen. Britain will also unite her voice (for she will soon be sensible that the LIBERTY of America is Life to her) and sound their fame to distant Nations.—The Glory of American Freedom will startle Europe, alarm the World, rouse up the Spirit of Liberty in despotic Regions, and kindle the heavenly Fire in the Bosoms of Slaves.—Tyrants will be bound in Fetters of Iron, and their insulted People will resume their native Majesty; the Nations will be drest in new Colours and appear in the new Dignity of human Nature. But we forbear;—if the one Half should be told, the World would not contain the Pages that must be written.

“It is proposed that the constitutional Toast to be drank forever hereafter, be ‘THE UNION OF THE COLONIES, AND THE FREEDOM OF AMERICA.’”

NEW ENGLAND.

July 25 1907





JUN 13 1989

