

THE WORKS OF



JOHN ADAMS

VOL. 3: DIARY, ESSAYS,
AUTOBIOGRAPHY

The Works of John Adams

Volume 3

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I have omitted some things in 1775, which must be inserted. *Endnote 002* On the eighteenth of September, it was resolved in Congress,—

“That a secret committee be appointed to contract for the importation and delivery of a quantity of gunpowder, not exceeding five hundred tons.

“That in case such a quantity of gunpowder cannot be procured, to contract for the importation of so much saltpetre, with a proportionable quantity of sulphur, as with the powder procured will make five hundred tons.

“That the committee be empowered to contract for the importation of forty brass field pieces, six pounders, for ten thousand stand of arms, and twenty thousand good plain double-bridled musket looks.

“That the said committee be empowered to draw on the treasurer to answer the said contracts, and

“That the said committee consist of nine members, any five of whom to be a quorum.

“The members chosen, Mr. Willing, Mr. Franklin. Mr. Livingston, Mr. Alsop, Mr. Deane, Mr. Dickinson, Mr. Langdon, Mr. McKean, and Mr. Ward.”

On the eighth of November, on motion,

“Resolved, That the secret committee appointed to contract for the importation of arms, ammunition, &c., be empowered to export to the foreign West Indies, on account and risk of the Continent, as much provision or any other produce, (except horned cattle, sheep, hogs, and poultry) as they may deem necessary for the importation of arms, ammunition, sulphur, and saltpetre” *Endnote 003*

On Wednesday, November 29th, it was *Endnote 004*

“Resolved, That a committee of five be appointed for the sole purpose of corresponding with our friends in Great Britain, Ireland, and other parts of the world, and that they lay their correspondence before Congress when directed.

“Resolved, That Congress will make provision to defray all such expenses as may arise by carrying on such a correspondence, and for the payment of such agents as they may send on this service. The members chosen, Mr. Harrison, Dr. Franklin, Mr. Johnson, Mr. Dickinson, and Mr. Jay.”

This last provision for an agent, was contrived, I presume, for Mr. Deane, who had been left out of the delegation by the State, but instead of returning home to Connecticut, remained in Philadelphia soliciting an appointment under the two foregoing committees, as an agent of theirs, first in the West Indies, and then in France. Unfortunately Mr. Deane was not well established at home. The good people of Connecticut thought him a man of talent and enterprise, but of more ambition than principle. He possessed not their esteem or confidence. He procured his first appointment in 1774 to Congress by an intrigue. Under the pretext of avoiding to commit the legislature of the State in any act of rebellion, he got a committee appointed with some discretionary powers, under which they undertook to appoint the members to Congress. Mr. Deane being one, was obliged to vote for himself to obtain a majority of the committee. On the third of November, 1774, the representatives indeed chose Mr. Deane among others, to attend Congress the next May; but on the second Thursday of October, 1775, the General Assembly of Governor and Company left him out. On the 16th of January, 1776, the new delegates appeared in Congress.

Endnote 005 To the two secret committees, that of commerce and that of correspondence, Mr. Deane applied, and obtained of them appointments as their agent. Dr. Franklin

also gave him private letters, one to Dr. Dubourg of Paris, a physician who had translated his works into French, and one to Mr. Dumas at the Hague, who had seen him in England. With these credentials Mr. Deane went, first to the West Indies, and then to France. He was a person of a plausible readiness and volubility with his tongue and his pen, much addicted to ostentation and expense in dress and living, but without any deliberate forecast or reflection, solidity of judgment or real information. The manner in which he made use of his powers we shall see hereafter. I had hitherto, however, thought well of his intentions, and had acted with him on terms of entire civility.

Within a day or two after the appointment in Congress of the committee of correspondence, Mr. Jay came to my chamber to spend an evening with me. I was alone, and Mr. Jay opened himself to me with great frankness. His object seemed to be an apology for my being omitted in the choice of the two great secret committees, of commerce and correspondence. He said in express terms, "that my character stood very high with the members, and he knew there was but one thing which prevented me from being universally acknowledged to be the first man in Congress, and that was this; there was a great division in the house, and two men had effected it, Samuel Adams and Richard Henry Lee, and as I was known to be very intimate with those two gentlemen, many others were jealous of me." My answer to all this was, that I had thought it very strange, and had imputed it to some secret intrigue out of doors, that no member from Massachusetts had been elected on either of those committees; that I had no pretensions to the distinction of the first man in Congress, and that if I had a clear title to it, I should be very far from assuming it or wishing for it. It was a station of too much responsibility and danger in the times and circumstances in which we lived and were destined to live. That I was a friend very much attached to Mr. Lee and Mr. Adams, because I knew

them to be able men and inflexible in the cause of their country. I could not therefore become cool in my friendship for them, for the sake of any distinctions that Congress could bestow. That I believed too many commercial projects and private speculations were in contemplation by the composition of those committees, but even these had not contributed so much to it, as the great division in the house on the subject of independence and the mode of carrying on the war. Mr. Jay and I, however, parted good friends and have continued such without interruption to this day. *Endnote 006*

There is a secret in this business that ought to be explained. Mr. Arthur Lee, in London, had heard some insinuations against Mr. Jay, as a suspicious character, and had written to his brother, Richard Henry Lee, or to Mr. Samuel Adams, or both, and although they were groundless and injurious, as I have no doubt, my friends had communicated them too indiscreetly, and had spoken of Mr. Jay too lightly. Mr. Lee had expressed doubts whether Mr. Jay had composed the address to the people of Great Britain, and ascribed it to his father-in-law, Mr. Livingston, afterwards Governor of New Jersey. These things had occasioned some words and animosities, which, uniting with the great questions in Congress, had some disagreeable effects. *Endnote 007* Mr. Jay's great superiority to Mr. Livingston in the art of composition would now be sufficient to decide the question, if the latter had not expressly denied having any share in that address.

On Wednesday, June 12th, 1776, Congress "Resolved that a committee of Congress be appointed, by the name of a board of war and ordnance, to consist of five members, with a secretary, clerk," &c., and their extensive powers are stated. *Endnote 008* On the 13th, Congress having proceeded to the election of a committee to form the board of war and ordnance, the following members were chosen.

Mr. John Adams, Mr. Sherman, Mr. Harrison, Mr. Wilson, and Mr. E. Rutledge; and Richard Peters, Esq. was elected secretary. The duties of this board kept me in continual employment, not to say drudgery, from the 12th of June, 1776, till the 11th of November, 1777, when I left Congress forever. Not only my mornings and evenings were filled up with the crowd of business before the board, but a great part of my time in Congress was engaged in making, explaining, and justifying our reports and proceedings. It is said there are lawyers in the United States who receive five thousand guineas a year, and many are named who are said to receive to the amount of ten thousand dollars. However this may be, I don't believe there is one of them who goes through as much business for all his emoluments, as I did for a year and a half nearly, that I was loaded with that office. Other gentlemen attended as they pleased, but as I was chairman, or as they were pleased to call it, president, I must never be absent.

On Thursday, October 5th, 1775, sundry letters from London were laid before Congress and read, *Endnote 009* and a motion was made, that it be

“Resolved, That a committee of three be appointed to prepare a plan for intercepting two vessels which are on their way to Canada, laden with arms and powder, and that the committee proceed on this business immediately.”

The secretary has omitted to insert the names of this committee on the journals, but as my memory has recorded them, they were Mr. Deane, Mr. Langdon, and myself, three members who had expressed much zeal in favor of the motion. As a considerable part of my time, in the course of my profession, had been spent upon the sea-coast of Massachusetts, in attending the courts and lawsuits at Plymouth, Barnstable, Martha's Vineyard, to the southward, and in the counties of Essex, York, and Cumberland to the eastward, I had conversed much with

the gentlemen who conducted our cod and whale fisheries, as well as the other navigation of the country, and had heard much of the activity, enterprise, patience, perseverance, and daring intrepidity of our seamen. I had formed a confident opinion that, if they were once let loose upon the ocean, they would contribute greatly to the relief of our wants, as well as to the distress of the enemy. I became therefore at once an ardent advocate for this motion, which we carried, not without great difficulty. The opposition to it was very loud and vehement. Some of my own colleagues appeared greatly alarmed at it, and Mr. Edward Rutledge never displayed so much eloquence as against it. He never appeared to me to discover so much information and sagacity, which convinced me that he had been instructed out-of-doors by some of the most knowing merchants and statesmen in Philadelphia. It would require too much time and space to give this debate at large, if any memory could attempt it. Mine cannot. It was, however, represented as the most wild, visionary, mad project that ever had been imagined. It was an infant, taking a mad bull by his horns; and what was more profound and remote, it was said it would ruin the character, and corrupt the morals of all our seamen. It would make them selfish, piratical, mercenary, bent wholly upon plunder, &c. &c.

Endnote 010 These formidable arguments and this terrible rhetoric were answered by us by the best reasons we could allege, and the great advantages of distressing the enemy, supplying ourselves, and beginning a system of maritime and naval operations, were represented in colors as glowing and animating. The vote was carried, the committee went out, returned very soon, and brought in the report in these words:

“The committee appointed to prepare a plan for intercepting the two vessels bound to Canada, brought in a report, which was taken into consideration; whereupon,

Resolved, That a letter be sent to General Washington, to inform him that Congress having received certain intelligence of the sailing of two north-country built brigs, of no force, from England, on the 11th of August last, loaded with arms, powder, and other stores, for Quebee, without convoy, which, it being of importance to intercept, desire that he apply to the Council of Massachusetts Bay for the two armed vessels in their service, and despatch the same, with a sufficient number of people, stores, &c. particularly a number of oars, in order, if possible, to intercept the said two brigs and their cargoes, and secure the same for the use of the continent, also any other transports, laden with ammunition, clothing, or other stores, for the use of the ministerial army or navy in America, and secure them, in the most convenient places, for the purpose above mentioned; that he give the commander or commanders such instructions as are necessary, as also proper encouragement to the marines and seamen that shall be sent on this enterprise, which instructions are to be delivered to the commander or commanders, sealed up, with orders not to open the same until out of sight of land, on account of secrecy.

“That a letter be written to the said Honorable Council, to put the said vessels under the General’s command and direction, and to furnish him instantly with every necessary in their power, at the expense of the Continent.

“That the General be directed to employ the said vessels, and others, if he judge necessary, to effect the purposes aforesaid; and that he be informed that the Rhode Island and Connecticut vessels of force, will be sent directly to their assistance.

“That a letter be written to Governor Cooke, informing him of the above, desiring him to despatch one or both the armed vessels of the Colony of Rhode Island on the same service, and that he use the precautions above mentioned.

“That a letter be written to Governor Trumbull, requesting of him the largest vessel in the service of the Colony of Connecticut, to be sent on the enterprise aforesaid, acquainting him with the above particulars, and recommending the same precautions.

“That the said ships and vessels of war be on the continental risk and pay, during their being so employed.”

“Friday, October 6. The committee appointed to prepare a plan, &c. brought in a further report, which was read.

“Ordered, to lie on the table for the perusal of the members.”

“Friday, October 13. The Congress, taking into consideration the report of the committee appointed to propose a plan, &c. after some debate,

“Resolved, That a swift sailing vessel, to carry ten carriage guns and a proportionable number of swivels, with eighty men, be fitted with all possible despatch for a cruise of three months, and that the commander be instructed to cruise eastward, for intercepting such transports as may be laden with warlike stores and other supplies for our enemies, and for such other purposes as the Congress shall direct. That a committee of three be appointed to prepare an estimate of the expense, and lay the same before the Congress, and to contract with proper persons to fit out the vessel.

“Resolved, That another vessel be fitted out for the same purposes, and that the said committee report their opinion of a proper vessel, and also an estimate of the expense.

“The following members were chosen to compose the committee. Mr. Deane, Mr. Langdon, and Mr. Gadsden.

“Resolved, That the further consideration of the report, be referred to Monday next.

“Monday, October 30. The committee appointed to prepare an estimate, and to fit out the vessels, brought in their report, which, being taken into consideration,

“Resolved, That the second vessel, ordered to be fitted out on the 13th instant, be of such a size as to carry fourteen guns and a proportionate number of swivels and men.

“Resolved, That two more vessels be fitted out with all expedition, the one to carry not exceeding twenty guns, and the other not exceeding thirty-six guns, with a proportionable number of swivels and men, to be employed in such manner, for the protection and defence of the United Colonies, as the Congress shall direct.

“Resolved, That four members be chosen and added to the former committee of three, and that these seven be a committee to carry into execution, with all possible expedition, as well the resolutions of Congress, passed the 13th instant, as those passed this day, for fitting out armed vessels.

“The members chosen, Mr. Hopkins, Mr. Hewes, Mr. Richard Henry Lee, and Mr. John Adams.

This committee immediately procured a room in a public house in the city, and agreed to meet every evening at six o’clock, in order to despatch this business with all possible celerity.

On Thursday, November 2d, Congress

“Resolved, That the committee appointed to carry into execution the resolves of Congress, for fitting out four armed vessels, be authorized to draw on the continental treasurers from time to time for as much cash as shall be necessary for the above purpose, not exceeding the sum of one hundred thousand dollars, and that the said committee have power to agree with such officers and scamen as are proper to man and command said vessels; and that the encouragement to such officers and scamen be one half of all ships of war made prize of by them, and one third of all transport vessels, exclusive of wages.

On the 8th of November, Congress

“Resolved, That the bills of sale, for the vessels ordered to be purchased, be made to the continental treasurers or those who shall succeed them in that office, in trust nevertheless for the use of the Continent or their representatives in Congress met.

On the 10th of November, Congress

“Resolved, That two battalions of marines be raised, consisting of one colonel, two lieutenant-colonels, two majors, and other officers, as usual in other regiments; that they consist of an equal number of privates with other battalions; that particular care be taken that no persons be appointed to offices, or enlisted into said battalions, but such as are good seamen, or so acquainted with maritime affairs as to be able to serve to advantage by sea when required; that they be enlisted and commissioned to serve for and during the present war between Great Britain and the Colonies, unless dismissed by order of Congress; that they be distinguished by the names of the first and second battalions of American marines, and that they be considered as part of the number which the continental army before Boston is ordered to consist of.

“Ordered that a copy of the above be transmitted to the General.

On the 17th of November,

“A letter from General Washington, enclosing a letter and journal of Colonel Arnold, and sundry papers being received, the same were read, whereupon,—

“Resolved, That a committee of seven be appointed to take into consideration so much of the General’s letter as relates to the disposal of such vessels and cargoes belonging to the enemy, as shall fall into the hands of, or be taken by, the inhabitants of the United Colonies.

“The members chosen, Mr. Wythe, Mr. E. Rutledge, Mr. J. Adams, Mr. W. Livingston, Dr. Franklin, Mr. Wilson, and Mr. Johnson.

“Thursday, November 23. The committee, for fitting out armed vessels, laid before Congress a draught of rules for the government of the American navy, and articles to be signed by the officers and men employed in that service, which were read, and ordered to lie on the table for the perusal of the members.

“Saturday, November 25. Congress resumed the consideration of the report of the committee on General Washington’s letter, and the same being debated by paragraphs, was agreed to as follows.

“Whereas, it appears from undoubted information that many vessels which had cleared at the respective custom-houses in these Colonies, agreeable to the regulations established by Acts of the British Parliament, have in a lawless manner, without even the semblance of just authority, been seized by His Majesty’s ships of war and carried into the harbor of Boston and other ports, where they have been rifled of their cargoes, by orders of His Majesty’s naval and military officers there commanding, without the said vessels having been proceeded against by any form of trial, and without the charge of having offended against any law.

“And whereas orders have been issued in His Majesty’s name, to the commanders of his ships of war, ‘to proceed as in the case of actual rebellion against such of the seaport towns and places, being accessible to the King’s ships, in which any troops shall be raised, or military works erected,’ under color of which said orders, the commanders of His Majesty’s said ships of war have already burned and destroyed the flourishing and populous town of Falmouth, and have fired upon and much injured several other towns within the United Colonies, and dispersed at a late season of the year hundreds of helpless women and children, with a savage hope that those may perish under the approaching rigors of the season, who may chance to escape destruction

from fire and sword; a mode of warfare long exploded among civilized nations.

“And whereas the good people of these Colonies, sensibly affected by the destruction of their property, and other unprovoked injuries, have at last determined to prevent as much as possible a repetition thereof, and to procure some reparation for the same, by fitting out armed vessels and ships of force; in the execution of which commendable designs it is possible that those who have not been instrumental in the unwarrantable violences above mentioned may suffer, unless some laws be made to regulate, and tribunals erected competent to determine the propriety of captures. Therefore, Resolved,—

“1. That all such ships of war, frigates, sloops, cutters, and armed vessels, as are or shall be employed in the present cruel and unjust war against the United Colonies, and shall fall into the hands of, or be taken by, the inhabitants thereof, be seized and forfeited to and for the purposes hereinafter mentioned.

“2. That all transport vessels in the same service, having on board any troops, arms, ammunition, clothing, provisions, or military or naval stores, of what kind soever, and all vessels to whomsoever belonging, that shall be employed in carrying provisions or other necessaries to the British army or armies or navy, that now are, or shall hereafter be, within any of the United Colonies, or any goods, wares, or merchandises, for the use of such fleet or army, shall be liable to seizure, and with their cargoes shall be confiscated.” *Endnote 011*

I have been particular in transcribing the proceedings of this day, November 25th, 1775, because they contain the true origin and foundation of the American navy, and as I had at least as great a share in producing them as any man living or dead, they will show that my zeal and exertions afterwards in 1798, and 1799, and 1800, at every hazard,

and in opposition to a more powerful party than that against me in 1775, was but a perseverance in the same principles, systems, and views of the public interest.

On Tuesday, November 28th, the Congress resumed the consideration of the rules and orders for the navy of the United Colonies, and the same being debated by paragraphs were agreed to as follows. *Endnote 012* They were drawn up in the marine committee, and by my hand, but examined, discussed, and corrected by the committee. In this place I will take the opportunity to observe, that the pleasantest part of my labors for the four years I spent in Congress from 1774 to 1778, was in this naval committee. Mr. Lee, Mr. Gadsden, were sensible men, and very cheerful, but Governor Hopkins of Rhode Island, above seventy years of age, kept us all alive. Upon business, his experience and judgment were very useful. But when the business of the evening was over, he kept us in conversation till eleven, and sometimes twelve o'clock. His custom was to drink nothing all day, nor till eight o'clock in the evening, and then his beverage was Jamaica spirit and water. It gave him wit, humor, anecdotes, science, and learning. He had read Greek, Roman, and British history, and was familiar with English poetry, particularly Pope, Thomson, and Milton, and the flow of his soul made all his reading our own, and seemed to bring to recollection in all of us, all we had ever read. I could neither eat nor drink in these days. The other gentlemen were very temperate. Hopkins never drank to excess, but all he drank was immediately not only converted into wit, sense, knowledge, and good humor, but inspired us with similar qualities.

This committee soon purchased and fitted five vessels; the first we named Alfred, in honor of the founder of the greatest navy that ever existed. The second, Columbus, after the discoverer of this quarter of the globe. The third, Cabot, for the discoverer of this northern part of the

continent. The fourth, Andrew Doria, in memory of the great Genoese Admiral, and the fifth, Providence, for the town where she was purchased, the residence of Governor Hopkins, and his brother Ezek, whom we appointed first captain. We appointed all the officers of all the ships. At the solicitation of Mr. Deane, we appointed his brother-in-law, Captain Saltonstall.

Sometime in December, worn down with long and uninterrupted labor, I asked and obtained leave to visit my State and family. Mr. Langdon did the same. Mr. Deane was left out of the delegation by his State, and some others of the naval committee were dispersed, when Congress appointed a committee of twelve, one from each State, for naval affairs, so that I had no longer any particular charge relative to them; but as long as I continued a member of Congress, I never failed to support all reasonable measures reported by the new committee.

It is necessary that I should be a little more particular, in relating the rise and progress of the new government of the States.

On Friday, June 2d, 1775, *Endnote 013*

"The President laid before Congress a letter from the Provincial Convention of Massachusetts Bay, dated May 16th, which was read, setting forth the difficulties they labor under for want of a regular form of government, and as they and the other Colonies are now compelled to raise an army to defend themselves from the butcheries and devastations of their implacable enemies, which renders it still more necessary to have a regular established government, requesting the Congress to favor them with explicit advice respecting the taking up and exercising the powers of civil government, and declaring their readiness to submit to such a general plan as the Congress may direct for the Colonies, or make it their great study to establish such a form of government there as shall not only

promote their advantage, but the union and interest of all America.

This subject had engaged much of my attention before I left Massachusetts, and had been frequently the subject of conversation between me and many of my friends,—Dr. Winthrop, Dr. Cooper, Colonel Otis, the two Warrens, Major Hawley, and others, besides my colleagues in Congress,—and lay with great weight upon my mind, as the most difficult and dangerous business that we had to do; (for from the beginning, I always expected we should have more difficulty and danger, in our attempts to govern ourselves, and in our negotiations and connections with foreign powers, than from all the fleets and armies of Great Britain.) It lay, therefore, with great weight upon my mind, and when this letter was read, I embraced the opportunity to open myself in Congress, and most earnestly to entreat the serious attention of all the members, and of all the continent, to the measures which the times demanded. For my part, I thought there was great wisdom in the adage, “when the sword is drawn, throw away the scabbard.” Whether we threw it away voluntarily or not, it was useless now, and would be useless forever. *Endnote 014* The pride of Britain, flushed with late triumphs and conquests, their infinite contempt of all the power of America, with an insolent, arbitrary Scotch faction, with a Bute and Mansfield at their head for a ministry, we might depend upon it, would force us to call forth every energy and resource of the country, to seek the friendship of England’s enemies, and we had no rational hope, but from the *Ratio ultima regum et rerum-publicarum*. These efforts could not be made without government, and as I supposed no man would think of consolidating this vast continent under one national government, we should probably, after the example of the Greeks, the Dutch, and the Swiss, form a confederacy of States, each of which must have a separate

government. That the case of Massachusetts was the most urgent, but that it could not be long before every other Colony must follow her example. That with a view to this subject, I had looked into the ancient and modern confederacies for examples, but they all appeared to me to have been huddled up in a hurry, by a few chiefs. But we had a people of more intelligence, curiosity, and enterprise, who must be all consulted, and we must realize the theories of the wisest writers, and invite the people to erect the whole building with their own hands, upon the broadest foundation. That this could be done only by conventions of representatives chosen by the people in the several colonies, in the most exact proportions. That it was my opinion that Congress ought now to recommend to the people of every Colony to call such conventions immediately, and set up governments of their own, under their own authority; for the people were the source of all authority and original of all power. These were new, strange, and terrible doctrines to the greatest part of the members, but not a very small number heard them with apparent pleasure, and none more than Mr. John Rutledge, of South Carolina, and Mr. John Sullivan, of New Hampshire.

Congress, however, ordered the letter to lie on the table for further consideration.

On Saturday, June 3d, the letter from the convention of the Massachusetts Bay, dated the 16th of May, being again read, the subject was again discussed, and then,

“Resolved, That a committee of five persons be chosen, to consider the same, and report what in their opinion is the proper advice to be given to that Convention.”

The following persons were chosen by ballot, to compose that committee, namely, Mr. J. Rutledge, Mr. Johnson, Mr. Jay, Mr. Wilson, and Mr. Lee. These gentlemen had several conferences with the delegates from our State, in the

course of which, I suppose, the hint was suggested, that they adopted in their report.

On Wednesday, June 7th,

“On motion, Resolved, That Thursday, the 20th of July next, be observed throughout the twelve United Colonies as a day of humiliation, fasting, and prayer; and that Mr. Hooper, Mr. J. Adams, and Mr. Paine, be a committee to bring in a resolve for that purpose.

“The committee appointed to prepare advice, in answer to the letter from the Convention of Massachusetts Bay, brought in their report, which was read and ordered to lie on the table for consideration.

“On Friday, June 9th. the report of the committee on the letter from the Convention of Massachusetts Bay being again read, the Congress came into the following resolution.

“Resolved, That no obedience being due to the Act of Parliament for altering the charter of the Colony of Massachusetts Bay, nor to a Governor or Lieutenant-Governor who will not observe the directions of, but endeavor to subvert, that charter, the Governor and Lieutenant-Governor of that Colony are to be considered as absent, and their offices vacant; and as there is no Council there, and the inconveniences arising from the suspension of the powers of government are intolerable, especially at a time when General Gage hath actually levied war, and is carrying on hostilities against his Majesty’s peaceable and loyal subjects of that Colony; that, in order to conform as near as may be to the spirit and substance of the charter, it be recommended to the Provincial Convention to write letters to the inhabitants of the several places, which are entitled to representation in Assembly, requesting them to choose such representatives, and that the Assembly when chosen do elect Counsellors; and that such assembly or Council exercise the powers of government, until a

Governor of His Majesty's appointment will consent to govern the Colony according to its charter.

"Ordered, That the President transmit a copy of the above to the Convention of Massachusetts Bay."

Although this advice was in a great degree conformable to the New York and Pennsylvania system, or in other words, to the system of Mr. Dickinson and Mr. Duane, I thought it an acquisition, for it was a precedent of advice to the separate States to institute governments, and I doubted not we should soon have more occasions to follow this example. Mr. John Rutledge and Mr. Sullivan had frequent conversations with me upon this subject. Mr. Rutledge asked me my opinion of a proper form of government for a State. I answered him that any form that our people would consent to institute, would be better than none, even if they placed all power in a house of representatives, and they should appoint governors and judges; but I hoped they would be wiser, and preserve the English Constitution in its spirit and substance, as far as the circumstances of this country required or would admit. That no hereditary powers ever had existed in America, nor would they, or ought they to be introduced or proposed; but that I hoped the three branches of a legislature would be preserved, an executive, independent of the senate or council, and the house, and above all things, the independence of the judges. Mr. Sullivan was fully agreed with me in the necessity of instituting governments, and he seconded me very handsomely in supporting the argument in Congress. Mr. Samuel Adams was with us in the opinion of the necessity, and was industrious in conversation with the members out of doors, but he very rarely spoke much in Congress, and he was perfectly unsettled in any plan to be recommended to a State, always inclining to the most democratical forms, and even to a single sovereign assembly, until his constituents afterwards in Boston compelled him to vote for three branches. Mr. Cushing was

also for one sovereign assembly, and Mr. Paine was silent and reserved upon the subject, at least to me.

Not long after this, Mr. John Rutledge returned to South Carolina, and Mr. Sullivan went with General Washington to Cambridge, so that I lost two of my able coadjutors. But we soon found the benefit of their cooperation at a distance.

On Wednesday, October 18th, the delegates from New Hampshire laid before the Congress a part of the instructions delivered to them by their Colony, in these words:—

“We would have you immediately use your utmost endeavors to obtain the advice and direction of the Congress, with respect to a method for our administering justice, and regulating our civil police. We press you not to delay this matter, as its being done speedily will probably prevent the greatest confusion among us.”

This instruction might have been obtained by Mr. Langdon, or Mr. Whipple, but I always supposed it was General Sullivan who suggested the measure, because he left Congress with a stronger impression upon his mind of the importance of it, than I ever observed in either of the others. Be this, however, as it may have been, I embraced with joy the opportunity of haranguing on the subject at large, and of urging Congress to resolve on a general recommendation to all the States to call conventions and institute regular governments. I reasoned from various topics, many of which, perhaps, I could not now recollect. Some I remember; as,

1. The danger to the morals of the people from the present loose state of things, and general relaxation of laws and government through the Union.

2. The danger of insurrections in some of the most disaffected parts of the Colonies, in favor of the enemy, or as they called them, the mother country, an expression that I thought it high time to erase out of our language.

3. Communications and intercourse with the enemy, from various parts of the continent could not be wholly prevented, while any of the powers of government remained in the hands of the King's servants.

4. It could not well be considered as a crime to communicate intelligence, or to act as spies or guides to the enemy, without assuming all the powers of government.

5. The people of America would never consider our Union as complete, but our friends would always suspect divisions among us, and our enemies who were scattered in larger or smaller numbers, not only in every State and city, but in every village through the whole Union, would forever represent Congress as divided and ready to break to pieces, and in this way would intimidate and discourage multitudes of our people who wished us well.

6. The absurdity of carrying on war against a king, when so many persons were daily taking oaths and affirmations of allegiance to him.

7. We could not expect that our friends in Great Britain would believe us united and in earnest, or exert themselves very strenuously in our favor, while we acted such a wavering, hesitating part.

8. Foreign nations, particularly France and Spain, would not think us worthy of their attention while we appeared to be deceived by such fallacious hopes of redress of grievances, of pardon for our offences, and of reconciliation with our enemies.

9. We could not command the natural resources of our own country. We could not establish manufactories of arms, cannon, saltpetre, powder, ships, &c., without the powers of government; and all these and many other preparations ought to be going on in every State or Colony, if you will, in the country.

Although the opposition was still inveterate, many members of Congress began to hear me with more patience, and some began to ask me civil questions. "How

can the people institute governments?" My answer was, "By conventions of representatives, freely, fairly, and proportionably chosen." "When the convention has fabricated a government, or a constitution rather, how do we know the people will submit to it?" "If there is any doubt of that, the convention may send out their project of a constitution, to the people in their several towns, counties, or districts, and the people may make the acceptance of it their own act." "But the people know nothing about constitutions." "I believe you are much mistaken in that supposition; if you are not, they will not oppose a plan prepared by their own chosen friends; but I believe that in every considerable portion of the people, there will be found some men, who will understand the subject as well as their representatives, and these will assist in enlightening the rest." "But what plan of a government would you advise?" "A plan as nearly resembling the government under which we were born, and have lived, as the circumstances of the country will admit. Kings we never had among us. Nobles we never had. Nothing hereditary ever existed in the country; nor will the country require or admit of any such thing. But governors and councils we have always had, as well as representatives. A legislature in three branches ought to be preserved, and independent judges." "Where and how will you get your governors and councils?" "By elections." "How,—who shall elect?" "The representatives of the people in a convention will be the best qualified to contrive a mode."

After all these discussions and interrogatories, Congress was not prepared nor disposed to do any thing as yet. They must consider farther.

"Resolved, That the consideration of this matter be referred to Monday next.

Monday arrived, and Tuesday and Wednesday passed over, and Congress not yet willing to do any thing.

On Thursday, October 26th, the subject was again brought on the carpet, and the same discussions repeated; for very little new was produced. After a long discussion, in which Mr. John Rutledge, Mr. Ward, Mr. Lee, Mr. Gadsden, Mr. Sherman, Mr. Dyer, and some others had spoken on the same side with me, Congress resolved, that a committee of five members be appointed to take into consideration the instructions given to the delegates of New Hampshire, and report their opinion thereon. The members chosen,—Mr. John Rutledge, Mr. J. Adams, Mr. Ward, Mr. Lee, and Mr. Sherman.

Although this committee was entirely composed of members as well disposed to encourage the enterprise as could have been found in Congress, yet they could not be brought to agree upon a report and to bring it forward in Congress, till Friday, November 3d, when Congress, taking into consideration the report of the committee on the New Hampshire instructions, after another long deliberation and debate,—

“Resolved, That it be recommended to the Provincial Convention of New Hampshire, to call a full and free representation of the people, and that the representatives, if they think it necessary, establish such a form of government, as in their judgment will best produce the happiness of the people, and most effectually secure peace and good order in the Province, during the continuance of the present dispute between Great Britain and the Colonies.

By this time I mortally hated the words, “Province,” “Colonies,” and “Mother Country,” and strove to get them out of the report. The last was indeed left out, but the other two were retained even by this committee, who were all as high Americans as any in the house, unless Mr. Gadsden should be excepted. Nevertheless, I thought this resolution a triumph, and a most important point gained.

Mr. John Rutledge was now completely with us in our desire of revolutionizing all the governments, and he brought forward immediately some representations from his own State, when

“Congress, then taking into consideration the State of South Carolina, and sundry papers relative thereto being read and considered.

“Resolved, That a committee of five be appointed to take the same into consideration, and report what in their opinion is necessary to be done. The members chosen, Mr. Harrison, Mr. Bullock, Mr. Hooper, Mr. Chase, and Mr. S. Adams.

On November 4th,

“The committee appointed to take into consideration the State of South Carolina, brought in their report, which being read,” a number of resolutions passed, the last of which will be found in page 235 of the Journals, at the bottom.

“Resolved, That if the Convention of South Carolina shall find it necessary to establish a form of government in that Colony, it be recommended to that Convention to call a full and free representation of the people, and that the said representatives, if they think it necessary, shall establish such a form of government as in their judgment will produce the happiness of the people, and most effectually secure peace and good order in the Colony, during the continuance of the present dispute between Great Britain and the Colonies.

Although Mr. John Rutledge united with me and others, in persuading the committee to report this resolution, and the distance of Carolina made it convenient to furnish them with this discretionary recommendation, I doubt whether Mr. Harrison or Mr. Hooper were, as yet, sufficiently advanced to agree to it. Mr. Bullock, Mr. Chase, and Mr. Samuel Adams, were very ready for it. When it was under consideration, I labored afresh to expunge the words

“Colony,” and “Colonies,” and insert the words “State,” and “States,” and the word “dispute,” to make way for that of “war,” and the word “Colonies,” for the word “America,” or “States,” but the child was not yet weaned. I labored, also, to get the resolution enlarged, and extended into a recommendation to the people of all the States, to institute governments, and this occasioned more interrogatories from one part and another of the House. “What plan of government would you recommend?” &c. Here it would have been the most natural to have made a motion that Congress should appoint a committee to prepare a plan of government, to be reported to Congress and there discussed, paragraph by paragraph, and that which should be adopted should be recommended to all the States. But I dared not make such a motion, because I knew that if such a plan was adopted it would be, if not permanent, yet of long duration, and it would be extremely difficult to get rid of it. And I knew that every one of my friends, and all those who were the most zealous for assuming governments, had at that time no idea of any other government but a contemptible legislature in one assembly, with committees for executive magistrates and judges. These questions, therefore, I answered by sporting off hand a variety of short sketches of plans, which might be adopted by the conventions; and as this subject was brought into view in some way or other almost every day, and these interrogatories were frequently repeated, I had in my head and at my tongue’s end as many projects of government as Mr. Burke says the Abbé Sieyes had in his pigeon-holes, not however, constructed at such length, nor labored with his-metaphysical refinements. I took care, however, always to bear my testimony against every plan of an unbalanced government.

I had read Harrington, Sidney, Hobbes, Nedham, and Locke, but with very little application to any particular views, till these debates in Congress, and the

interrogatories in public and private, turned my thoughts to these researches, which produced the "Thoughts on Government," the Constitution of Massachusetts, and at length the "Defence of the Constitutions of the United States," and the "Discourses on Davila," writings which have never done any good to me, though some of them undoubtedly contributed to produce the Constitution of New York, the Constitution of the United States, and the last Constitutions of Pennsylvania and Georgia. They undoubtedly, also, contributed to the writings of Publius, called the Federalist, which were all written after the publication of my work in Philadelphia, New York, and Boston. Whether the people will permit any of these Constitutions to stand upon their pedestals, or whether they will throw them all down, I know not. Appearances at present are unfavorable and threatening. I have done all in my power according to what I thought my duty. I can do no more.

About the sixth of December, 1775, I obtained leave of Congress to visit my family, and returned home. The General Court sat at Watertown, our army was at Cambridge, and the British in Boston. Having a seat in Council, I had opportunity to converse with the members of both houses, to know their sentiments, and to communicate mine. The Council had unanimously appointed me in my absence, *Endnote 016* without any solicitation or desire on my part, Chief Justice of the State. I had accepted the office because it was a post of danger, but much against my inclination. I expected to go no more to Congress, but to take my seat on the bench. But the General Court would not excuse me from again attending Congress, and again chose me a member, with all my former colleagues, except Mr. Cushing, who I believe declined, and in his room Mr. Gerry was chosen, who went with me to Philadelphia, and we took our seats in Congress on Friday, February 9th,

1776. In this gentleman I found a faithful friend, and an ardent, persevering lover of his country, who never hesitated to promote, with all his abilities and industry, the boldest measures reconcilable with prudence. Mr. Samuel Adams, Mr. Gerry, and myself, now composed a majority of the Massachusetts delegation, and we were no longer vexed or enfeebled by divisions among ourselves, or by indecision, or indolence. On the 29th of February, 1776, William Whipple, Esq. appeared as one of the delegates from New Hampshire, another excellent member in principle and disposition, as well as understanding.

I returned to my daily routine of service in the board of war, and a punctual attendance in Congress, every day, in all their hours. I returned, also, to my almost daily exhortations to the institution of Governments in the States, and a declaration of independence. I soon found there was a whispering among the partisans in opposition to independence, that I was interested; that I held an office under the new government of Massachusetts; that I was afraid of losing it, if we did not declare independence; and that I consequently ought not to be attended to. This they circulated so successfully, that they got it insinuated among the members of the legislature in Maryland, where their friends were powerful enough to give an instruction to their delegates in Congress, warning them against listening to the advice of interested persons, and manifestly pointing me out to the understanding of every one. This instruction was read in Congress. *Endnote 017* It produced no other effect upon me than a laughing letter to my friend, Mr. Chase, *Endnote 018* who regarded it no more than I did. These chuckles I was informed of, and witnessed for many weeks, and at length they broke out in a very extraordinary manner. When I had been speaking one day on the subject of independence, or the institution of governments, which I always considered as the same thing, a gentleman of great