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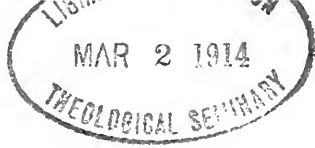












*THE Publisher of this work has provided, for its present and future management, such means as will enable him to issue its numbers in more speedy succession, and to give, especially to its editorial duties, a more careful attention than Mr. Sanderson's limited leisure has permitted him to bestow upon the first volumes. The contents of the present volume have either been prepared by, or published under the inspection of, Mr. Robert <sup>W</sup>Walt, Jr. who will continue to provide and arrange proper materials for the completion of the work. Communications, however, will continue to be received from gentlemen of high literary standing in various parts of the United States, from whom many interesting and valuable lives are anticipated. No exertions will be wanting, on the part of the Editor, to render the several Biographical sketches interesting, and no matter whatever will be admitted, which is not indubitably authentic. With this prospect, the Publisher may reasonably hope to gratify the expectations of his present subscribers, and to merit a liberal increase of the public patronage in favour of the enterprise*



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**EDWARD RUTLEDGE.**



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## RUTLEDGE.

DR. JOHN RUTLEDGE, a native of Ireland, arrived and settled in South Carolina about the year 1735. He pursued the practice of physic with considerable success till shortly after his marriage with Sarah Hert, a lady of a respectable family, possessing what was then considered an independent fortune. She was a woman highly gifted by nature, and of a well cultivated mind; to a strong intellect she united good manners and an amiable temper, and was distinguished through life for discretion, piety, and wisdom. Nor was it long before these virtues were put to a severe trial: at the age of twenty-seven she became a widow with seven children, of whom the eldest was John, celebrated for his eminent services during, and subsequent to, the revolutionary war; the youngest was Edward, the subject of this biographical sketch.

EDWARD RUTLEDGE was born in the city of Charleston, in the month of November, 1749. Of his early years, little more is remembered than the vivacity of his manners, the docility of his disposition, and his filial affection and obedience. His tutor was David Smith of New Jersey, who was said to be an able instructor in the learned languages; and although his pupil does not appear to have been what would now be termed a finished classical scholar, yet as he possessed both industry and capacity, it is probable his attainments were much above mediocrity: indeed, whatever advantage he may have possessed in the abilities of his preceptor, and the quickness of his own understanding, the term of his academic studies was not sufficiently protracted to mature his scholarship. Being destined to the profession of the law, and the numerous family of his mother pointing out the propriety of his making the earliest exertions for self-advancement, he was at an early age placed with his elder brother, who was at that period, or was rapidly becoming, the most distinguished pleader at the Charleston bar. With so brilliant and successful an example constantly before him, and with the prospect of a brother's patronage and assistance in the future prosecution of his profession, he had great incitement to self improvement, and gave many tokens of his future eminence; but although Coke,

Bacon, and other masters of the law were not neglected, a considerable portion of his time was certainly devoted to the cultivation of his fame, and of those graces of elocution for which he was afterwards so conspicuous. To complete his legal education, he was sent to England in the year 1769, and was entered a student at the Temple: his attendance upon the courts of law, and the houses of parliament, was unremitting, and he now had frequent opportunities of witnessing the oratorical exertions of Dunning, Wedderburne, Thurlow, Mansfield, Camden, and Chatham, (the brilliant characters of the day,) by which his taste was materially improved, and his mind enlarged. His successful representation of the peculiar manner of some of those eminent men, after a lapse of twenty years, proves that he was an attentive observer.

After the requisite number of terms, he was called to the bar before his departure from England, and having returned home, commenced the practice of law in 1773. Notwithstanding the supposed dryness and certain drudgery of the law, apparently so little suited to his gay and lively genius, he seems to have devoted his time and talents fairly to his profession, to have launched forth with great spirit and confidence, and to have been rewarded with the applause bestowed by his fellow citizens upon his earliest ef-

forts. He could not, at the age of twenty-three years, be a profound jurist, but his mind was naturally sound and logical; possessing considerable fluency of speech, quickness of apprehension, an exuberant fancy, an expressive countenance, an harmonious voice, and altogether what might be termed a graceful delivery. He never failed to dazzle where he did not convince, and, whatever were the merits of the case, those of the orator were seldom denied. It may prove beneficial to those diffident young lawyers, who are occasionally perplexed with a confusion of ideas at which they have sensibility enough to be distressed, to notice the relative opinion of Mr. Rutledge: he often remarked, that in the early period of his career, he had been more than once in the awkward predicament of being oppressed with his own incoherence, but reflecting that few of a large audience could immediately perceive what was sense or the reverse, that those who were capable of thus discriminating, were probably the most generous and indulgent to youthful orators, and that it was necessary at all events to succeed in his profession, he made it a positive rule never to sit down, or to hesitate, or halt, but to talk on, and brave it out with the best countenance he could assume. His advice was, not in any case whatever to write speeches for the purpose of committing them to memory,

observing very justly, that although written speeches may have succeeded in the days of Pericles, in our times more promptness is indispensable to the despatch of forensic business; and that the very encomiums which are attracted by the first written speeches of a lawyer, operate to the discouragement of those future extemporaneous exertions, which will exhibit him as unequal to himself, but without which he cannot conduct an extensive practice.

He was thus advancing with rapidity to professional eminence, when he was summoned by his countrymen to exert his talents on a more splendid theatre, to relinquish his private concerns, and take his seat in the great council of the nation, which assembled at Philadelphia, in 1774. This was the most exalted proof that could be given of the popularity of Mr. Rutledge, and of the general esteem in which he was held. In ordinary times, ordinary men may, and often do, attain the highest honors and employments of the state; their political success is generally owing to a certain forwardness in putting forth pretensions which, in other circumstances, would be withheld or discountenanced; but which, when pushed with the customary pertinacity, and having reference only to the common routine of legislation, the indulgence, or the good nature, or the indifference, of the community may tolerate and sanc-

tion;—perhaps also, we must in candour confess, that in this, as in every great community, a certain portion of it feels a kind of personal interest in supporting the claims of mediocrity, and widening the path to public stations; hence a seat in the national legislature may not furnish an unequivocal proof, or even a very strong presumption, of merit. Very different is the case where the independence of the country is endangered, and important rights and interests are to be discussed; the people are then more particular in the choice of their representatives, and seldom want sagacity to make the proper selection. The congresses of 1774, 1775 and 1776, and at a later period, the convention which formed the Federal Constitution, fully exemplify these remarks, and support the distinction. We may hope that our great national assembly will always contain, as it hitherto has done, a sufficient portion of wisdom and intelligence successfully to conduct our affairs, but we shall seldom see the intellectual character and strength of the union exhibited to so much advantage as they were at those periods. No parties then existed to limit and contract the sphere of selection—political honours were to be attained at the risk of property, liberty, and life—sound heads and stout hearts alone were candidates for preferment—and

the feeble, whether in mind or in spirit, shrunk from competition.

Among those, who, from a just perception of their own abilities, were induced to proffer their services in the foremost ranks of patriotism, few were better qualified to maintain the rights, and sustain the character of the country than Edward Rutledge. To the ardour of youth he added no inconsiderable degree of prudence; he was neither rash nor diffident, and although his enemies (for he was too zealous and active not to have enemies) charged him with vanity and self-sufficiency, he appears always to have been a candid listener to the reason and experience of others; and if it be considered a high honour, as it undoubtedly was, that so young a man was associated with Middleton, Lynch, John Rutledge, and Gadsden, the circumstance of his being ~~equal~~ <sup>equal</sup> on the poll will deservedly raise him in our estimation. The merchants, who were at this time a numerous and influential portion of the community, deprecated a total interdiction of trade with Great Britain, and, uniting with others in the colony, made strong opposition to Mr. Rutledge, who was more forward than his colleagues in announcing, with characteristic candour, his opinion in favour of that expedient. He tested his judgment in preferring permanent benefit to temporary relief, and con-

tributed in a material degree to excite in others that tone and feeling which bore us triumphantly through the difficulties which were increasing with an appalling rapidity.

It is difficult to ascertain what particular line of conduct he pursued in the congress of 1774, as one of the first resolutions of that enlightened body, without which the nation would not have been saved, was to debate with closed doors; and this measure was accompanied by an agreement of secrecy among its members. He appears, however, from one of his letters to the late judge Bee, a friend upon whose discretion the utmost reliance could be placed, that he was not attached to the most violent party. In this letter, dated October, 1774, he observes, "I long to tell you what we have done, but am prevented, from silence having been imposed upon us all by consent, the first week in congress; this, however, I may say, that the province will not be able to account for our conduct until we explain it, though it is justifiable upon the strictest principles of honour and policy. Dont be alarmed; we have done no mischief, though I am sure, if Mr. — had had his way, we should. But you may thank your stars you sent prudent men, and I trust that the youngest is not the least so. The gentleman to whom you alluded is, if possible, worse than ever; more violent,



more wrong-headed. But I do not mean to censure others; sufficient for me if I pursue a right line, and meet with the approbation of my countrymen."

The person alluded to in this extract was, no doubt, general Gadsden, with whom, from his excessive violence in politics, and his great apprehension of being supposed to be under the guidance of others, it was difficult to act. But he was a steady patriot and a bold spirit: ready to dare and to suffer every extremity in the cause of his country, he contributed largely, by his example, to mature the measures of the revolution.

Mr. Rutledge soon after received the approbation for which he expressed a solicitude, being formally thanked, with the other delegates, by the provincial congress, and again appointed a member of the next continental congress. Before he returned thither, an incident occurred which tends to elucidate the principles that governed him, and evince the firmness of his character.

In the early stages of the revolution it inevitably resulted that power was usurped, in the first instance, by a portion of the community, under the supposed or pretended sanction of the people, which it was impossible regularly to obtain; and that afterwards this power, by acquiescence, was considered as fairly derived and conferred. Thus a Charleston

meeting invited a more general meeting of the inhabitants, by delegates, the number and apportionment of whom it undertook to establish; and these, when assembled, professed themselves the representatives of the country at large, styled themselves a provincial congress, and gave almost unlimited authority to their general committee and their committee of safety. It was absolutely necessary to pursue this course, or abandon the cause altogether; and every political revolution must have some beginning of the same nature. But when the powers of government, however irregularly obtained, were distributed to the various committees and sub-committees, Mr. Rutledge invariably advocated a strict adherence to the authorities thus constituted, and was little disposed to consult, on all occasions, the clamour of the people, when opposed to those to whom they had given power and authority to act in their behalf. In fact, although he possessed sound whig principles, and could not be surpassed in his exertions to support and defend them, he was not less zealous in his opposition, nor firm in his detestation, towards the ascendancy of a mob, or an illegal attempt to coerce the constituted authorities. Had Mr. Rutledge been an actor in the French revolution, he would have been one of the earliest victims of the Jacobin club.

It appears that the body in South Carolina, called the Provincial Congress, appointed a general committee in Charleston, to exercise, during the recess of the former, almost all the powers of government, which, however prodigious, were perhaps necessary for the accomplishment of their purposes. Amongst other matters, they were particularly charged with the duty of practically directing the principles of what was termed the Association, or to superintend the enforcement of the act of non-importation.— Upon the return home of a family with their coach, horses, and household furniture, constituting part of their usual domestic establishment, it was made a question for the committee, whether these should be considered as goods, wares, and merchandise, (the words of the act of association,) and whether they should, under the circumstances of the case, be prevented from landing? The committee determined that these articles did not come within the spirit and meaning of the act, although they might be included in the letter, and that a rigid adherence to the latter would be an absurdity, because it would exclude arms and gunpowder, which were objects of the first necessity. This decision was not satisfactory to the people, and a town meeting was called to induce, or compel, the committee to rescind their resolution. Upon this occasion Mr. Rutledge stood

forward with great firmness in support of the committee, and though hitherto nursed by popular favour, and possessing, in the highest degree, the esteem and confidence of the public, he was received with shouts, and, as it is said, more humiliating marks of disapprobation. Undismayed by this uncourteous reception, he urged his points with spirit, eloquence, and ability, although without success. After commenting at large upon the meaning of the Association act, which, as a member of congress, he had assisted in framing, and showing that it was giving to it an extravagant construction to apply it in the present instance, he concluded by observing, that where no corrupt motives were insinuated, or could be suspected, it would be subversive of all order, and bring their own authority into utter contempt, rendering them incapable of acting for the service of the community, if in every case where their determination was misunderstood or disrelished, they were to be appealed from, overruled, and disgraced. The question was decided against him by a majority of one.

Soon after this transaction he repaired to the congress of the United Provinces, in which he is known to have been an active and efficient member; but we are unacquainted with the details of his conduct, owing to the secrecy which was still prudently pre-

served. As the subjoined letter to Mr. Bee, written during the session, affords a pretty fair specimen of his familiar epistolary style, it cannot be unacceptable.

“*November 25th, 1775.*

“I should have done myself the pleasure of writing to you by the return of the express, but was so ill at that time, that I found it impossible. I am now much better, but still greatly distressed with a cough, which I see no prospect of getting rid of till I bend my course to a warmer and better climate.—So much for myself.

“Some time last summer, the officers at Boston fitted out a large schooner, and despatched her to Ireland for a supply of tongues, wines, &c.; on her return a few days ago, she was intercepted by one of our armed vessels in continental pay, and brought into harbour, with all her prog, and an abundance of letters from gentlemen in Ireland to their friends in Boston. These letters have been opened, and have afforded much amusement and some intelligence—We find by them, that administration are determined, at all events, to attempt the reduction of America,—that Boston will be made strong by twenty-two or twenty-five thousand men, in the course of next winter and spring; that lord Kinmore has added

to the king's bounty, that of ten and sixpence per man, for all who shall enlist under major Roche; that the city of Cork has followed the example, but more extensively; that lord Bellamont has the direction of the recruiting parties in that part of the kingdom; that the Roman Catholic priests have been applied to, to stimulate their flocks against us, which they have promised to do if the regiments to be raised be officered by gentlemen of their religious persuasion; in short, that all the powers of hell are to be let loose upon us. On the other hand, intelligence, by the same conveyance, informs us that all the whigs in the kingdom, (a very few excepted,) are warmly interested in our cause, that the common people are not less well affected; that several towns have resolved not to permit any officers to recruit amongst them, and have destroyed the drums of those who have been hardy enough to attempt it; and that the dislike to the service is so great and so general, that those employed therein meet with little or no success.—So much for Irish politics.

“You will, no doubt, ere this reaches you, have heard of our having taken Chamblée and St. John's. We are in daily expectation of hearing of the fall of Montreal and Quebec. I have that expedition much at heart, for I really think, and have long thought, that America will be saved in Canada. It

may put reconciliation to a greater distance, as his majesty will find great difficulty to persuade himself to part with arbitrary power, though it were established but in an acre of ground; however, it will make the cure radical, whenever it is effected; and really, we have lived in so unsettled a condition, for such a length of time, that I now wish to fight it fairly out, and either establish a connexion consistent with the principles of liberty, and placed upon a permanent basis, or have nothing more to do with them;—the latter I think most likely to be the case. The destruction of our towns, and the wanton manner in which it has been effected, a mode of warfare totally exploded among civilized nations, give us little reason to think that they will attempt to make peace; indeed if it be not soon set about, it will be in vain to wish for it for a long while; the minds of the people will be so inflamed by the acts of cruelty hitherto exercised, and daily committing against them, that they will not endure a connexion with men of such savage dispositions.

E. R.”

If Mr. Rutledge did return to South Carolina, according to the desire expressed in the above letter, he could not have remained there long, as he is known to have taken an active part in the trans-

actions of the ensuing year, and particularly in the discussions which preceded the Declaration of Independence. The resolution of congress, recommending the several provinces to erect permanent governments instead of the temporary institutions which then existed, was considered by that body, and by all America, as decisive of that event, and we find Mr. Rutledge associated with John Adams, and Richard Henry Lee, to draw a suitable preamble to it. He is said, together with many others, to have proposed some alterations to the original report of this celebrated declaration, but we are neither acquainted with their nature nor success. Full credit must certainly be given to Mr. Jefferson for the structure and wording of the draught, although in the enumeration of grievances, many members probably contributed their mite, and helped to swell the catalogue. Immediately after the adoption of this bold measure, misfortunes thickened so fast upon us, in the defeat of our army on Long Island, the derangement of our finances, and the consequent disaffection of large portions of the community, that many began to think the act was premature, if not inexpedient and rash. But congress soon showed that they had not acted from a short-lived ebullition of spirit, but from a steady, deep-rooted courage, which adversity might prove, but could not shake.



All their proceedings were marked by a dignity and firmness worthy of the cause in which they were engaged, and of every praise which a grateful posterity can bestow.

The British, deeming it a favourable crisis to renew their negotiations for peace, or rather their intrigues to create divisions amongst us, a committee of congress was appointed, at the request of lord Howe, to confer with him on the proposals he should make; and Dr. Franklin, John Adams, and Mr. Rutledge, were deputed for that purpose. The conference, as had been anticipated, was productive of no beneficial result. We may safely presume, from the characters of the commissioners, that our rights and grievances were ably and eloquently portrayed; such, indeed, we are informed, was the fact, and that the junior member took a very active part in the discussion; but we possess no particulars further than the report to congress, already before the public. Mr. Rutledge, however, who was always a free talker upon revolutionary topics, was accustomed to relate an anecdote of Dr. Franklin, very characteristic of that extraordinary man, and which does not appear to have been elsewhere noticed.

Upon taking leave of lord Howe, his lordship politely sent the commissioners to New York in his own barge, and just as they were approaching the

shore, the doctor began to chink some gold and silver coin in his breeches pocket, of which, upon their arrival at the wharf, he very formally offered a handful to the sailors who had rowed the boat. The commanding officer, not permitting them to accept the money, the doctor very deliberately replaced it in his pocket: when questioned by his associates upon so unexpected a procedure, he observed, "As these people are under the impression that we have not a farthing of hard money in the country, I thought I would convince them of their mistake; I knew, at the same time, that I risked nothing by an offer which their regulations and discipline would not permit them to accept." With this light anecdote we must conclude, with regret, all that we have to relate respecting Mr. Rutledge whilst in congress; and, as Americans, we must be satisfied to forego the gratification, derivable from a particular knowledge of the conduct and speeches of the distinguished patriots of that assembly, under the conviction which every reflecting mind must feel, that a public exhibition of their proceedings would have produced parties among the people, and perhaps such incurable jealousies and divisions as would have proved fatal to the prosperity of the rising republic.

Mr. Rutledge was again appointed to congress in the year 1779, but sickness compelled him to return home before he had reached the then seat of the general government. Indeed, from the time of his leaving congress in 1777, the affairs of his own state were becoming highly critical.—The population of South Carolina not being in proportion to the spirit of its citizens, the British supposed that its conquest could with certainty be effected; and commencing their operations with great vigour, had apparently accomplished their undertaking by the surrender of Charleston, in the year 1780. Previous to this event, the enemy had made several incursions, but were compelled to retreat. In 1779, they landed at Port Royal island with a party of regular troops under major Beard, and in order to dislodge them, it was advisable to make a large draught from the Charleston militia. Mr. Rutledge, who was always active in civil or military services, at that time commanded a company in the ancient battalion of artillery. His friend, Thomas Heyward, also a signer of the Declaration of Independence, commanded another; and it was highly affecting and animating to see them both marching to the attack. The result is well known: the enemy, composed of well disciplined troops, and equal in number—certain of victory, owing to the different qualities of the respective

forces, and the advantages of position which they possessed—and possessing assurance enough to propose a surrender at discretion—were nevertheless defeated and driven from the island. If, from the small number of forces engaged, this was not a battle to become very famous in the world, the individual danger was not thereby diminished; nor ought the glory to be less than when larger armies are in conflict, and more important consequences ensue: at any rate, our troops acquired all the reputation which it was possible to do, in their situation.

In the month of May, 1780, Charleston surrendered. Whilst it was closely invested, Mr. Rutledge was ordered by general Lincoln, the commander of the American forces, to endeavour to elude the vigilance of the enemy, and hasten the march of the troops which were advancing to the relief of the garrison. A similar attempt had been previously executed with success, by his friend, the present general Thomas Pinckney; but he, less fortunate, was taken prisoner. He was soon afterwards sent to St. Augustine, in company with others, who were termed dangerous rebels, where he was detained near twelve months before he was exchanged. With the other captives, he was landed at Philadelphia, in the neighbourhood of which he resided with his very particular friends, general C. C. Pinckney, and ge-

neral Thomas Pinckney, at that time prisoners, and their respective families, about six months; a house having been loaned to them near Germantown, by the late respectable and benevolent Dr. Logan. As soon as circumstances permitted, he proceeded to the south, where the American armies, under Greene, Sumpter, and Marion, were beginning to make a successful struggle. Before the evacuation of Charleston, the country was so far in possession of the Americans as to enable the citizens of Carolina to restore civil government; and Mr. Rutledge, in 1782, was one of the representatives who were convened at the village of Jacksonborough. The arrangements of this assembly respecting confiscations and banishments, although they would have been in the usual order of things during civil wars in other parts of the world, were soon severely reprobated by the liberality and humanity of the citizens of South Carolina, and were finally repealed, with few exceptions, and with some loss to the state; so that if there was error, for which there was surely great excitement, if not justification, it was speedily rectified. Mr. Rutledge had seen and suffered so much distress, that he could not but feel highly indignant at the disaffection and treachery of those who were supposed, in a great degree, to have contributed to produce it; and departing, no doubt, from the sound

principles of civil liberty for which he had been so zealous an advocate, he assented to a bill of pains and penalties. In the application, however, of an act so inconsistent with the correct notions on this subject which now prevail, he was governed by his characteristic benevolence and goodness of heart; he strenuously advocated the exemption of all those, the peculiarity of whose circumstances rendered their conduct in any degree excusable, or who had any plausible pretence for not joining the standard of their country. Soon after the adjournment of this enraged assembly, the city of Charleston was evacuated by the British, (December, 1782,) and Mr. Rutledge returned, with joy and triumph, to the place of his nativity, which contained his dearest friends and relations. Amongst these, not the least interesting was his venerable mother. She had endured some persecution from the British, not for her good will to the cause of America, for that could not be otherwise, but for her supposed power and capacity to aid that cause. The commandant of Charleston had ordered her to be removed from her country residence, and confined to the limits of the town, upon the suggestion that much was to be apprehended from a woman like Mrs. Rutledge. He did not distinctly state the nature of his apprehensions, but they were a flattering testimonial that the talents,

for which we have already given her credit, were peculiarly great.

Mr. Rutledge was now actively and successfully engaged in the practice of his profession, and services in the state legislature, and so continued for seventeen years: although, during this long period, he led a very laborious and useful life, taking every day deeper root in the affections of the community, yet so little variety was there in that life, so little marked was it by striking incidents, or uncommon achievements, that the particular detail of it might not be very interesting. The daily exercises of liberality, unremitted benevolence, and disinterested exertions in behalf of the widow and the orphan, and the helpless of every description, and an almost self-devotedness to relatives and friends, must necessarily fix an indelible impression in the hearts of those who surrounded him, and who felt the influence and benefit of his virtues; but they furnish no trait to dazzle or attract the world at large. Of his conduct as a public man, in the state legislature, more notice may be expected.

It is a matter of notoriety, that, of all the states in the Union, those who suffered most from British rapacity and intestine warfare, were South Carolina and Georgia, inasmuch, as they were more nearly conquered than any of the others, and their wealth

consisted of that species of property most exposed to injury and destruction. Hence, at the restoration of peace, it was a subject of infinite difficulty to adjust the concerns of debtor and creditor; the former would have been reduced to absolute insolvency and misery, had the law been permitted to take its usual course; the latter, who had been half ruined by payments in depreciated paper, were clamorous for whatever balance still remained due to them. In this melancholy and unusual posture of things, Mr. Rutledge took, what he intended to be, a middle ground; and there being no specie in the country, he acceded to the law which enabled the debtor to tender property. This had the effect of shutting up the courts of justice, or of putting a stop to all suits, and was therefore an unwise measure, although (as has been amply shown by Mr. Jefferson's letter to Mr. Hammond,) not repugnant to the treaty of peace. When, however, the debtors, who were principally planters, were desirous of introducing slaves from Africa to supply the losses they had sustained during the war, and to enable them, as they suggested, to pay their debts, he made the most determined and successful opposition to that expedient whenever it was proposed, as it frequently was by a large portion of the legislature. He considered the existence of slavery in the southern states as an evil entailed upon us by our British ancestors.



upon whom all the original sin rests; and although it be an evil for which the wisest and most philanthropic can devise no adequate remedy, or one not worse than the disease itself, he would never consent to its increase or extension. Upon this point he was inflexible; and it was not till after his decease that a different policy was listened to by those, who had previously been guided by his eloquent reasoning. He gave his assent, in favour of debtors, to an instalment law, which allowed only certain portions of debts to be exacted, upon security being given for the whole; and which was, probably, the least exceptionable mode of interference that could be established on the subject. Upon its expiration, he opposed any further interference, such as valuation bills, &c. &c. and maintained that the law ought to pursue its fair, but rigorous, operations. He shortly after was a zealous advocate for the adoption of the Federal Constitution, which put an end to all attempts of a similar nature. No measure of any importance was adopted by the legislature, without his taking an active part in it; a great number originated with himself. His activity was incessant—his facility in transacting business scarcely equalled—his influence in the house proportioned to his high character, acknowledged talents, and great experience—and to use the language of Dr. Ramsay, a

contemporary witness, "for the good obtained, and the evil prevented, his memory will be long respected by his countrymen."

When hostilities commenced between France and England, as it was impossible that American feelings should be perfectly neutral, he may be classed with those who were enthusiastic in their wishes for the success of the former; but he never forgot what was due to his country; and the indignation of no man was more strongly excited by the conduct of Mr. Genêt, and of the French Directory. On the other hand, he considered our treaty with Great Britain of 1796, as making too great a sacrifice to that nation: perhaps the opposition he made to it tended in some degree to alienate him from the venerable statesman who was the framer of it, and with whom he had been in habits of intimacy, when associated in the congress of 1774. His merits he always took pleasure in descanting upon; and he never ceased to respect him, although he thought he had erred as a politician. In matters of this nature, as to what will be the precise operation of a treaty or any other act of policy, the most clear sighted see but a little distance; and it must be left to time or chance to distribute the palm of wisdom. It may with truth be affirmed, that as Mr. Rutledge was certainly governed by no party, or factious or

interested motives, if the evils which had been apprehended from the measure in question have not been realized, no person could rejoice more sincerely than he did at the failure of his anticipations, which were, at the same time, those of a large portion, probably a majority, of the American people.

He never sought offices, nor appeared desirous of public honours. Those which the state could confer, he always might readily have obtained. When the battalion of artillery, in which he always served, was constituted a regiment, he was immediately elected its colonel, and when his friend, General C. C. Pinckney, left the senate, he supplied the vacancy.

In the year 1798 he retired from the profession of the law, and was elected governor of the state; but he lived to complete only half the term for which he had been appointed. His constitution, never strong, was materially shattered by hereditary gout; and his increasing debility was apparent to all who saw him. He, nevertheless, continued to perform the duties of his station with his wonted activity and cheerfulness; but, at length, during the sitting of the legislature at Columbia, his indisposition was such as to make him anxious to return to Charleston, where he had left his family. The state constitution, however, requiring that the governor should for that period re-

main at the seat of government, he felt some scruples at violating the constitution (that is the mere letter of it,) without the sanction of the two popular branches of the legislature, and contrary to the advice of a friend, communicated to them his intention of returning home, under the expectation that they would readily express their approbation. But, as his adviser had anticipated, (for the clamour of party was beginning to rage with fury,) a sort of caviling debate arose as to the power of the house to absolve from a constitutional injunction; upon which, the motion to approve of the governor's departure, although it would have been carried if continued, was indignantly withdrawn. The governor was somewhat mortified at this conduct, and, determined not to furnish the least handle for censure, he remained until the time of adjournment. On his way to Charleston, he suffered inconveniences from excessive rains and cold, which he was ill qualified to endure, and soon after he arrived at his house, was unable to rise from his bed. He bore his last illness with great fortitude, and expired on the 23rd day of January, 1800.

Military and other funeral honours, of course, followed his decease; and it was not a less necessary consequence of that event, that so amiable, so benevolent, and so good a man, should be deeply lament-

ed. It was, in truth, a great shock to the community; for although others might have had equal claims to respect and esteem, no one was so much and so generally beloved.

The strong feeling which the death of Mr. Rutledge excited in the public mind, rendered it probable that a monument would be erected to his memory; and a native of Charleston, entirely disconnected with the family of the deceased, prepared the Latin epitaph which is subjoined. Although the design was not carried into execution, it contains a just outline of the character and services of the patriot, and may be resorted to hereafter when the busts and statues of our political fathers shall be placed in those magnificent buildings with which our cities may be adorned.

Carus, quod speramus, Deo;  
 Carus patriæ, propinquis, amicis,  
 Ob pietatem, virtutem, ingenium, benevolentiam,  
 Hoc sub marmore requiescit  
 Anno ætatis quinquagesimo, (heu quam immaturé!)  
 ademptus,  
**EDVARDUS RUTLEDGE,**  
 Civis optimus, Vir egregius;  
 De omnibus bene meritus, omnibus maximé  
 deflendus.

Vix juvenis, inter viros præclaros, quibus salus reipublicæ nostræ nascentis commissa fuit, ascriptus, sæviente bello memorabili cum rege populoque Britannico, non minùs ille eloquentiâ quàm alii armis, se strenuum libertatis defensorem præbuit; et post bellum feliciter gestum, libertatemque maximâ cum gloriâ vindicatam, in urbem suam redux, nullum boni civis officium non suscepit, aut susceptum, non ornavit. Nec in rebus publicis versatus, privatis non vacavit, aut conciliandæ amicitiae occasionem datam non avide amplexus est: ut cùm nùper ob tot tantasque virtutes, consentiente omnium voce, dignus visus est qui civitati, periculis undique obsitæ præesset, incertum sit utrum plausu publico, an privatâ lætitiâ, magis excipiretur.

Si non ita evitare potuit, sereno tamen vultu, animoque constanti mortem aspicere, didicerat; adeoque cùm dies vitæ ultimus non terruit, ut primus æternæ felicitatis videretur.

Quem Deus amavit, suo tempore ad se recepit: restat tamen, semperque restabit talium virtutum memoria, et tam dilecti capitis desiderium.

Abi, lector, hujusce erga Deum pietatis, erga homines benevolentiae, æmulus. Sic ille, etsi mortuus, adhuc vivet; sic tu, quem amisisti adhuc servabis: sic nomen Dei ab utroque laudibus efferetur.

**Marmor quod spectas,  
 Poni curavere  
 Legum-periti Carolopolitani,  
 Inter quos  
 Ipse legis-peritus doctus, facundus, acutus,  
 Primas ferè partes facile sibi vindicans,  
 Diu et sine invidiâ floruit.\***

That Edward Rutledge possessed eminent virtues, both as a public and private character, though they have been very imperfectly exhibited to view in this short account of his life, is admitted by all who had any knowledge of him. Our acquaintance with mankind would lead us to expect that these were attended by the usual spirit of detraction, more especially as he had none of those negative qualities which furnish the strongest shield against malignity. We do not recollect, however, that any defects of consequence, for he possessed no vices, were ever supposed to tarnish his fair fame. Envy and dulness, perhaps, accused him in early life of vanity; but if by this be meant a disposition to excite the admiration and applause of our fellow men, or to make some display of the powers of mind we are conscious of possessing, it is difficult to say who,

\* See note A at the end of the volume.

that is thus conscious of superiority, unless his vanity be absorbed by his pride, is exempt from the imputation; hence the charge does not merit a refutation. Where, indeed, it lies so much on the surface as constantly to obtrude itself to notice, or appears in everlasting and disgusting egotism, it, no doubt, is a deplorable failing, invariably exciting ridicule and contempt. But it would be the grossest libel on Mr. Rutledge to suppose him in the slightest degree obnoxious to such consequences. Though possessing not the least austerity of manners, no one approached him with levity or disrespect; and though he took great delight in descanting upon revolutionary occurrences, in which he had acted a principal part, and to which he was invited by the pleasure always conferred upon others, his anecdotes were devoid of ostentation, and bore a much nearer relation to the conduct and services of his associates, than to his own. Without arrogance or envy, and confiding with justice in his own sound judgment, he was a patient, candid, and polite listener to the arguments of others.

There is one portion of his character which might readily be misconceived, and ought therefore to be explained. When it is stated that he possessed the most affable and winning manners, procuring him a popularity which survived even the ordeal of jarring



politics, we are apt to figure to ourselves a man of smiles and bows, inclining to be all things to all men; but this would be forming a very erroneous opinion of Mr. Rutledge: for so far from having obsequious or courtier-like manners, his deportment, although, as we have already said, perfectly free from austerity, was composed, serious, and dignified; his heart was so well expressed in his fine countenance, that the dullest physiognomist could scarcely mistake the delineation of its feelings, and a stranger in distress might have singled him from a crowd, as the man most likely to bestow sympathy and relief. The truth is, his prepossessing manners, though somewhat refined by education and society, having their foundation in an amiable temper and a benevolent disposition, cost him no trouble to acquire or assume, and were very distinguishable from those superficial graces, (if graces they can be called,) which bear the stamp of frivolity and insincerity, and are rather injurious than beneficial to their possessor; and as to his being of that description of politicians who preserve their popularity by observing the course of events and joining the majority, who pretend to lead when they are led, and affect to take the helm when they are only floating down the stream, he was too ardent and impetuous to make such cold and selfish calculations; he

was, on the contrary, always forward in expressing his opinions, sometimes hasty, perhaps, in forming them, but whatever they were, he strove hard to procure their adoption, to direct the measures which his judgment approved, and, as it ought to be with every statesman conscious of the correctness of his views and principles, he was readier to give than to receive the impulse.

At the bar, his entire conduct was a model for imitation. Despising all low and illiberal practice, he was by no means backward in showing his indignation whenever it was displayed: to the junior members, he was ever prompt to extend his friendship and patronage; to the judges, he was polite and respectful; and to witnesses, he was considerate and candid, never attempting to puzzle or embarrass them, except there were strong signs of falsehood or corruption.

With all these qualities, he was lively and facetious, fond of bantering his associates, but never indulging in those coarse jests which encourage indecent familiarities, or that sarcastic wit which provokes mirth at the expense of friendship. In short, the various and many good traits of his character, seemed to be little, if at all, blended with their kindred or bordering defects. He was, it is true, a man of a very sanguine nature, which, united to his

warmth of feeling, occasioned him to excite expectations which he could not, in every instance, realize. But such must ever be the case in persons of his cast of mind, where their power to serve bears no proportion to their benevolence—where the one has limits, the other none. He was perfectly sincere, and although his deeds of kindness fell far short of his wishes and intentions, they were great in number, were widely extended, and by many are still spoken of with affection and gratitude.

As an orator, Mr. Rutledge was certainly very eminent, but not without faults, which we shall freely state. In the first place, his manner was rather studied, the rise and fall in his voice too regular, and though this, in a great measure, disappeared as he became engrossed with the subject, and lost sight of the orator, yet it was very different from the natural, unstudied, manner of his elder brother, (John Rutledge,) whose delivery was on that account preferred by the judicious. Secondly, he indulged too extensively in metaphorical language, and his figures were occasionally inaccurate and unclassical. But thus it must always be with all ready orators, who have a propensity to this kind of language. If a lively fancy and a severe judgment be not incompatible, the one can assuredly never keep pace with the other: images and points of similarity present themselves in a flash; the

sober criticism which detects incongruities, examines, arranges, or rejects, must necessarily be a comparatively slow process. A writer, or a framer of set speeches, can look back and reconsider, and if he cannot model his figures by the standard of good taste and consistency, he is at liberty to vary his phraseology, or suppress them altogether. Not so with the unprepared orator; and if such a writer as Addison could, in a single sentence, make his muse a horse, and then a ship, and then launch his ship not into water, what indulgence ought not to be allowed to the ardour and rapidity of an extemporaneous address? We must not, however, confound Mr. Rutledge with those injudicious rhetoricians, who fatigue themselves and their audience with perpetual efforts to shine; who cannot express a common idea in common language; who catch at every trope that flits across them; and who dash into mazes of metaphor, where they cannot see an inch before them, taking their chance of being disentangled, either as sublime or ridiculous. He had too much good sense and taste to indulge in such excesses, and was generally successful in this, the highest, but, at the same time, most hazardous species of eloquence. He could not otherwise, in an enlightened community, have acquired and maintained the reputation of a speaker, which he constantly possessed, and which, after all, must

be regarded by posterity as the most unequivocal proof of his merits. He was always smooth, fluent, animated, and very prompt at reply; his voice was clear and loud, his action easy and graceful, and his countenance in the highest degree prepossessing. To these qualities must be added that of character. Cicero says, "an orator must be a good man;" as the effect must be very different, where he is heard with suspicion and distrust, or with that favour and confidence, which a good character seldom fails to inspire.

He was said to address himself more to the passions than to the understanding, reflecting, no doubt, that although a man in searching after truth, and forming a resolution as to the course he shall adopt, or the measures he shall recommend, cannot pursue too strict an analysis, yet the object of all eloquence being merely to induce others to act with us, if mankind be so constituted, that where one will listen to reason or close logic, twenty are led by their feelings, it is the part of an orator to make use of that language which is best adapted to his audience, that which is best understood, the most impressive, and most likely to ensure success. Accordingly, ingenious, as he certainly was, in argument, and perfectly capable of pursuing all the intricacies of the most elaborate discussions, yet with juries, and po-

pular assemblies, or whenever the occasion permitted, he soon abandoned dry reasoning, and pursued the shorter road to the heart: it was there that he made his most forcible appeals. Wherever indignation was to be roused or animosity allayed, or the sense of honour, of patriotism, or public spirit awakened, he was a most triumphant speaker; but where objects of pity or distress presented themselves, and the tender passions were to be excited, he was superior to any of his contemporaries, and no one followed him but at a great distance.

The person of Mr. Rutledge was above the middle size, and inclining to corpulency; his complexion was florid and fair, and if not what would be termed a handsome man, the expression of his countenance was universally admired. He lost the greater part of his hair early in life, the remainder being perfectly white, and curling on his neck; so that, had it not been for the goodness of his teeth, and the smoothness of his visage, and the fine flow of his spirits, he would have been considered a much older man than he was. His dress was always old-fashioned, and, although apparently indifferent about it, he certainly would never have suffered a tailor to clothe him in the usual apparel of a man of his years. There was not the slightest affectation in this, but a man's consciousness of his age is proportioned to the activity

and variety of his past life, and the scenes through which he has passed; hence his own appeared to himself to be longer than it was, according to the usual estimate. Being latterly afflicted with gout, his gait was infirm, and he walked with a cane: before he was debilitated by this disease, his step was steady and quick, his arms usually folded across his breast, or his hands interlocked behind. His general demeanor was serene and composed, and when in a sitting posture, he usually rested his chin upon his hand, as if in serious contemplation. Colonel Trumbull's small picture of the Declaration of Independence contains a good likeness of him; in the large portrait it is said not to be exactly preserved.

Shortly after the arrival of Mr. Rutledge from Europe, he married Harriet, daughter of Henry Middleton, one of his colleagues in the congress of 1774—1775, and who succeeded Peyton Randolph, as president of that body. By this lady he left a son, Major Henry M. Rutledge of Tennessee, and a daughter now resident at Charleston. Upon the death of his first wife, he married Mary, now living, daughter of Thomas Shubrick, and widow of Nicholas Eveleigh, formerly comptroller of the treasury of the United States, by the appointment of General Washington.





**LYMAN HALL.**

VOL. III.

G



## HALL.

AMONG the most strenuous advocates of the colonial cause, was doctor LYMAN HALL, a delegate from Georgia. Although he does not appear to have acted a very conspicuous part in the proceedings of congress, he was nevertheless a useful member, and enjoyed the honour of representing that small, but patriotic, portion of the colony of Georgia, which, in opposition to the great majority of its inhabitants, resolved to unite in maintaining the general rights and liberties of the country. As a representative of the Parish of St. John, he possessed a peculiar claim to the attention of congress, because the example of that district, as was anticipated, proved a strong incitement to the whole colony in their final accession to the general confederacy: this event occurred within four months after the appointment of Dr. Hall, and the whole thirteen provinces now stood in hostile

array against the mother country. The weight of his influence, and his persuasive manner, mingled with a strong enthusiasm in relation to the cause which he advocated, materially influenced the parochial committee, of which he was chairman, and consequently the general inhabitants of the parish, in the adoption of that resolution which paved the way to the immediate accession of the colony of Georgia.

He was born in Connecticut, about the year 1731, where he received a classical education: he then commenced the study of medicine, and attained a proper knowledge of his profession at an early period of life. Before the age of twenty-one years, he married in his native province, and in 1752, removed to Dorchester, South Carolina. During the same year he again changed his residence, and established himself in the district of Medway, in Georgia, to which place he was accompanied by about forty families, originally from the New England states. He settled at Sunbury, where he continued the practice of physic until the commencement of the Revolutionary contest.

A wider field of utility now appeared before him than the practice of physic, under any circumstances, could afford; but it was materially magnified when contrasted with the confined nature of his situation

in Sunbury. The enthusiasm which now impelled him to risk his fortune in a peculiar manner, for the benefit of the common cause, was the result of pure patriotism. By accepting a prominent station he rendered himself more obnoxious to danger, and the locality of the Parish of St. John placed his property in a similar situation. As a frontier settlement, it was immediately exposed to the Creek Indians, to the royal province of Florida, and to invasion by sea, and it was actually through the two latter channels that not only the parish of St. John, but the greater part of Georgia, fell temporarily into the power of the British, at a subsequent period. Georgia, at that time presented a frontier of two hundred miles, and no part of the state then settled was more than forty miles wide, with a scattered population.

The patriotism of the parish was severely tested by a voluntary political separation from the other parishes of the colony; but the inconvenience to which the inhabitants submitted by breaking off, to a certain degree, all commercial communication, is truly worthy of admiration. After various vexatious parochial and provincial meetings, Dr. Hall attended a general meeting of the republican party, as representative of the parish of St. John, held at Savannah, in July 1774; but the measures pursued upon that occasion, neither corresponded with the views

of his constituents, nor of himself. The same body was again convened in Savannah, on the 18th January 1775, but it terminated in a petition to the king, soliciting a redress of grievances, and relief from the oppressive measures pursued by the British ministry, which met with the customary reception. The report of Dr. Hall created great dissatisfaction amongst his constituents, who resolved to oppose the temporizing policy which characterised the Savannah convention, by the most decisive measures. They applied, on the ninth of February following, to the committee of correspondence in Charleston, South Carolina, requesting permission to form an alliance with them, and to conduct trade and commerce according to the act of non-importation, to which they had already acceded. They strongly urged that, having detached themselves from the other parishes, they ought to be considered a separate body, comprehended within the spirit and equitable meaning of the continental association. A full committee of the colony of South Carolina, having taken the case into careful consideration, were of opinion, that while they had the highest sense of the patriotism of the parish, and recommended them to persevere in their laudable exertions, it would be a violation of the continental association to remove the prohibition in favour of any *part* of a province;—the precise words

of the law embracing an undivided colony or province.

The persevering inhabitants of St. John, however, were resolved to prosecute their claims to an equality with the confederated colonies, and accordingly passed certain resolutions, by which they bound themselves not to purchase any slave imported into Savannah, nor to trade in any manner with that city or elsewhere, excepting under the inspection of a committee, and then merely for absolute necessities. Although these resolutions did not precisely accord with the articles of the continental association, which required absolute and unqualified prohibition, yet the resources of the parish were not adequate to supply the wants of the inhabitants, and the rejection of their request by South Carolina, necessarily compelled them to rely upon the other parishes of their own colony. The next measure pursued by them was the appointment of a delegate to represent the parish in the next general congress, and on the 21st of March, 1775, Lyman Hall was unanimously elected.

It has often been remarked, that the success of the American revolution at its commencement, was materially assisted by the principal scenes of oppression having taken place in New England. The unanimity of feeling which has prevailed there from

its first settlement, was undoubtedly greater than in any other section of the country: hence the outrages committed excited general indignation with greater rapidity than they might have done in the middle or southern colonies. The quick and active circulation of this spirit, communicating itself with proportional celerity throughout the mass of the people, may have given an early importance to the contest, which dilatoriness would have destroyed, by placing it in the immediate power of the British to terminate it: the natives of those provinces were also scattered, in a peculiar manner, throughout the continent, and naturally feeling a deeper interest in the evils which befel the places of their birth, than the new neighbours by whom they were surrounded, they not only gave them a more quick and extensive dissemination, but expressed themselves with peculiar warmth and decision. Such may have been the case with the parish of St. John. About the year 1700, a number of persons emigrated from the immediate vicinity of Boston, and settled at Dorchester, in South Carolina, from which their descendants removed, as we have already remarked, to Medway, a district of St. John's parish, in 1752.

The patriotism of the parish attracted a specific reward: the county formed from it when the constitution of Georgia was adopted in 1777, was called



*Liberty*, as a memorial of its early representation in congress. The other counties received the names of Chatham, Effingham, Burke, Richmond, Wilkes, Glynn, and Camden, as a grateful token of respect towards those members of parliament, who distinguished themselves as advocates for the rights of the British colonists in America.

On the 13th of May, Mr. Hall announced his arrival to congress, and being admitted to a seat, produced his credentials, when it was unanimously resolved that he should be admitted as a delegate from the parish of St. John, in the colony of Georgia, subject to such regulations as the congress should determine relative to his voting. A difficulty soon arose upon this point: during the deliberations, it became necessary to take the opinion of congress by colonies, when the imperfect representation of Georgia, the greater part of which was actually opposed to all their proceedings, made it a question whether the parish of St. John could be considered as representing that colony. After some debate, Mr. Hall arose, and observed, that the present distressed situation of American affairs had rendered this congress indispensable;—that it was composed of delegates representing whole colonies;—and that, as he merely represented a portion of a colony, he did not insist upon giving his vote as a whole colony.

but was contented to hear and assist in the debates, and to give his vote in all cases except when the sentiments of congress were taken by colonies. He concluded by expressing an earnest desire, that the example which had been shown by the parish which he represented, would be speedily followed, and that the representation of Georgia would soon be complete.

On the 15th of July, 1775, the convention of Georgia at length acceded to the general confederacy, from reasons specified by their deputies: they stated that their attention had at length been aroused by the alarming and critical situation of affairs upon the continent of America—that they were desirous of uniting with their sister colonies in the great and important cause in which they were engaged—that the conduct of parliament towards the other colonies had been oppressive—and that, although the prejudicial acts had not been extended to them, they could view this only as an omission arising from the apparent insignificance of their colony. The delegates appointed by the convention, were Archibald Bullock, John Houston, the Rev. Dr. Zubly, Noble Wimberly Jones, and Lyman Hall; three of whom attended at the adjourned meeting of congress, September 13, 1775.

Mr. Hall appears to have been absent until the 20th of May, when he presented new credentials, dated February 2d, 1776, confirming the re-election of Messrs. Houston, Bullock, and himself, and the addition of George Walton and Button Gwinnett to the delegation. The appointment of Mr. Bullock to the presidency of the provincial council prevented him from proceeding to congress: and Mr. Houston was directed, by a resolution of that body, to return to Georgia on public business, in June, 1776; hence only three members from that state were present at the signing of the Declaration of Independence. The approach of the enemy having rendered it insecure to continue the session of congress in Philadelphia, that body met, by adjournment, in Baltimore, on the 20th of December, 1776, when Mr. Hall presented credentials, dated October 9th, of his third re-election: in 1780, he made his final appearance as a national legislator.

But the abandonment of his profession, the devotion of his time, and the deprivation of domestic enjoyment, were not the only sacrifices that were made by Mr. Hall at that eventful period. When the British took possession of Georgia, he was compelled to remove his family to the north, and all his property was confiscated by that government. He returned to Georgia in 1782, before the evacuation

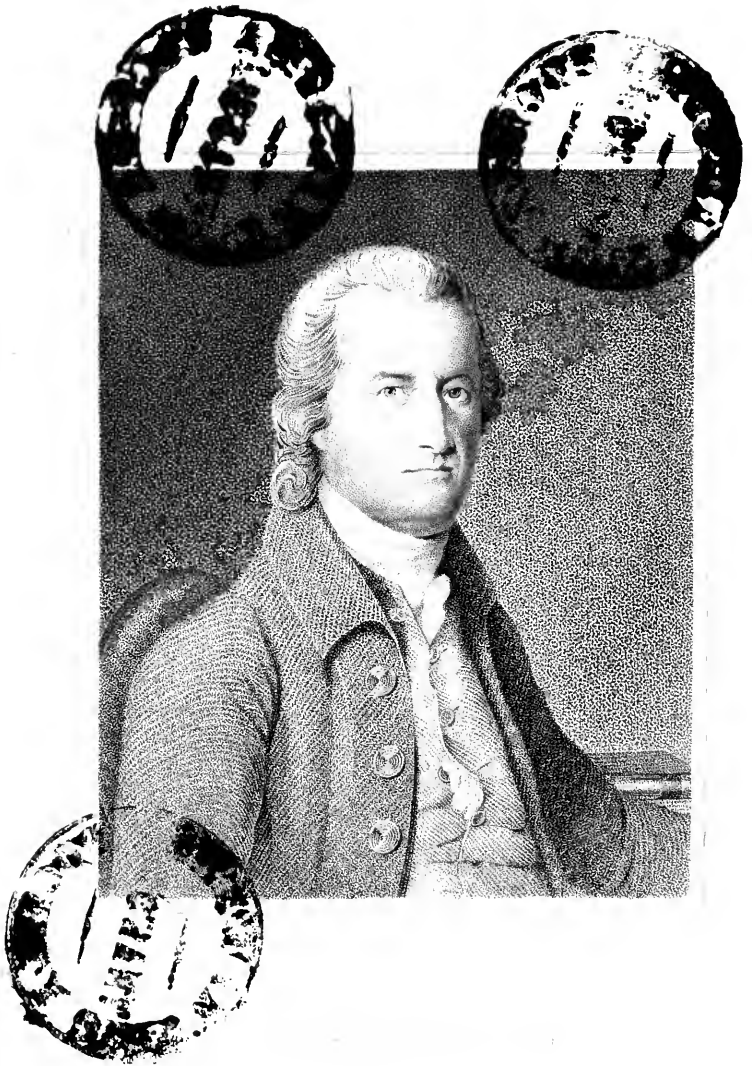
of Savannah, and was, in the succeeding year, appointed governor of the state. He afterwards settled in Burke county, retired from public life, and died about the sixtieth year of his age: one of the counties in that state now bears his name. His only son died not long before, and he left a widow in independent circumstances.

He was about six feet high, and finely proportioned: his manners were easy and polite, and his deportment affable and dignified: the force of his enthusiasm was tempered by discretion, and he was firm in all his purposes and principles: the ascendancy which he gained, sprung from his mild, persuasive manner, and calm, unruffled temper. Possessed of a strong, discriminating mind, he had the power of imparting his energy to others, and was peculiarly fitted to flourish in the perplexing and perilous scenes of the revolution.

**OLIVER WOLCOTT.**



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## WOLCOTT.

**HENRY WOLCOTT**, the ancestor of the family of that name in Connecticut, was an English gentleman of Tolland in Somersetshire, who was born in the year 1578. He was the owner of an estate worth five hundred pounds sterling per annum, which, considering the value of money at that period, was a considerable property. His wife was **Elizabeth Saunders**, to whom he was married about the year 1606. He is represented to have been a man of talents and energy, and in early life, much addicted to the habits and amusements of a country gentleman. Having adopted the principles of the sect of *Independents*, he became obnoxious to the government; and was thereby determined to remove to America. He first visited New England in 1628, but returned again to England, and brought over his family in the year 1630, and settled at **Dorchester** in Massachusetts.

Having sold the greater part of his estate in England, he undertook, in the year 1636, the settlement of Windsor in Connecticut. His principal associates were John Mason, a distinguished captain and warrior;\* Roger Ludlow, a well educated and correct lawyer, Mr. Stoughton and Mr. Newberry, gentlemen of good estates. These were the chief founders of Windsor, and they defrayed most of the expenses of the settlement. The religious pastor elected by them, was the Rev. Mr. Warham, a man distinguished, at that period, for learning and piety, and who accompanied Mr. Wolcott from England.

In the year 1639, the towns of Windsor, Hartford, and Wethersfield, associated as a commonwealth, and formed a constitution of civil government. This instrument is understood to have been drawn up by Roger Ludlow, and was approved by the free planters of the settlement. Considered with reference to the period when it was formed, this constitution may be pronounced to be the best system of democratical government which had then been devised. Experience has demonstrated that it was well calculated to promote and perpetuate the views of its founders. The charter granted by Charles II, in 1662, (prepared in Connecticut,) embraced the prin-

\* See note B, at the end of the volume.

ciples of this original compact, and they have been recently re-established in the new constitution adopted by the people. It may therefore be truly asserted, that the government of Connecticut, since 1639, has been conducted by the free representatives of the people; that its municipal regulations have secured a high degree of happiness and tranquillity, and have hitherto been less variable than those of any other government.

This constitution was adopted on the 14th January, 1639, at a meeting of all the free planters belonging to the three towns situated upon Connecticut river. The preamble stated that they formed themselves, by voluntary compact, into a distinct commonwealth, for the better establishment of order and government, and confederated together to maintain the purity and liberty of the gospel which they professed, and the discipline of churches according to its institution; and also to be governed in all civil affairs according to such laws as should be made agreeably with the constitution which they were about to adopt.

By this constitution it was ordained that two general assemblies or courts should annually be held in April and September respectively. At the first, called the court of election, all the public officers were annually elected, among whom were six magis-

trates besides the governor, empowered to administer justice according to the established laws, and in cases where no express law existed, to be governed by the word of God. These officers were chosen by the whole body of the freemen convened in general election; the governor by the greatest number of votes, and the magistrates by a majority. No person could fill the station of governor who was not a member of an approved church, and had previously been a magistrate in the colony; nor could any individual be elected to the office more than once in two years.

It was also ordained that the several towns should send their deputies to the court of election, and at the termination of the election, they should proceed to transact any public business, as at other courts. The court of September was assembled for the purpose of enacting salutary laws, and performing any other duties connected with the public service. Having established the mode of convoking the general courts, the constitution decreed that the towns of Windsor, Hartford and Wethersfield should respectively send four freemen as their deputies to every general court, and that any other towns which might hereafter become incorporated with the colony, should depute such a number, as the court in proportion to their free population, should determine

These deputies were vested with the whole power of the respective towns which they represented.

The constitution also provided that, in case the governor, or the majority of the magistrates should refuse or neglect, upon any urgent occasion, to call a general assembly, the freemen should, as a preparatory step to the legal exercise of their rights, petition them to summon it; and if the petition of a major part of the freemen produced no effect, then the constables of the several towns should, when requested by the petitioners, convoke an assembly. It was then provided, that this assembly should have the right of choosing a moderator, and of exercising all the powers of any other general assembly. All those regularly summoned by the governor were to consist of himself, four magistrates, and the major part of the deputies, and when there was an equal vote, the governor had a casting voice. It was also determined that no general court could be dissolved or adjourned without the consent of a major part of the members; and that, whenever a tax was imposed, the quota to be levied on each town should be established by a committee consisting of an equal number of delegates from the respective towns.

These courts, whether convened by the governor, or a majority of the freemen, held the supreme power of the commonwealth, and they alone pos-

sessed authority to make or repeal laws, to grant levies, to admit freemen, and to dispose of lands undisposed of, &c. &c.

Such, in substance, was the original constitution of Connecticut: "the formation of it," says the historian of that state, "at so early a period, when the light of liberty was wholly darkened in most parts of the earth, and the rights of men were so little understood in others, does great honour to the ability, integrity, and love of mankind," evinced by our venerable ancestors.\*

Henry Wolcott was elected a deputy to the first general assembly in April, 1639, and continued a member of the assembly, or one of the magistracy, till his death in 1655, in the seventy-eighth year of his age.

It is a memorable circumstance of a family so eminently distinguished in the annals of Connecticut, that after the decease of Henry Wolcott, some one of his descendants was annually chosen into the magistracy for a term of nearly eighty years, until the year 1754, when governor Roger Wolcott left the executive chair; and that some of the family have been members of the assembly, judges of the superior court, or magistrates, from the first settlement

\* Trumbull Hist. Conn. Vol. I, B. I, Ch. VI, p. 97, 98.

of the colony to this time, comprising a term of nearly two centuries.

Henry, the eldest son of Henry Wolcott, succeeded to the principal part of his estate, and was annually chosen a magistrate. He was named as one of the patentees in the charter granted to Connecticut, by Charles II, on the 20th of April, 1662. He died in 1680.

Simon Wolcott was the youngest son of the first Henry Wolcott. He was a farmer in Windsor; was born in England in 1625; immigrated to this country with his father's family; married to Martha Pitkin in 1661; and died at Windsor in 1687, leaving a numerous issue.

The youngest son of Simon was Roger Wolcott, who is distinguished in the annals of Connecticut. He was born at Windsor, January 4th, 1679. The impoverished state of the country, occasioned by Indian wars, and the labours and expenses incident to new settlements, deprived him of the advantages of an early education. He was bound as an apprentice to a mechanic, at the age of twelve years. At twenty-two, he established himself at East Windsor, where by industry and frugality, he acquired a competent estate. By regular degrees, he rose to the highest military and civil honours. He was commissary of

the Connecticut forces in the expedition against Canada, in 1711.

In 1745, an expedition against Cape Breton was resolved upon by the general court of Massachusetts, and despatches were immediately sent to the neighbouring colonies, urging them to assist in the enterprise. On the 26th February, governor Law, of Connecticut, in consequence of these communications, convened a special assembly at Hartford, which promptly authorised the levy of eight companies; and Roger Wolcott, at that time lieutenant-governor, was appointed commander-in-chief. When the troops of Connecticut formed a junction with those of the other colonies, colonel Peperell, a gentleman of great landed interest, and largely engaged in commerce, was appointed commander-in-chief of the combined forces. Governor Wolcott was second in command, with the rank of major-general, and assisted in the capture of Louisburgh, June 17th, 1745. The popularity of these commanders, and the sacrifices which they made of ease and interest, gave them great influence over the inferior officers and privates.\*

When it was deemed expedient by the legislature, notwithstanding the long and expensive controversy

\* See note C, at the end of the volume.



of Connecticut with Rhode Island, relative to the Narraganset country, to resign the claim to those lands, Roger Wolcott was a member of the committee on the part of Connecticut, which in conjunction with the Rhode Island deputies, finally ascertained and properly distinguished the boundary line between the respective colonies, in 1728.

He was successively a member of the assembly and of the council, a judge of the county court, deputy governor, chief judge of the superior court, and from 1751 to 1754, governor. He died May 17th, 1767, in the eighty-ninth year of his age. He was free and affable, easy of access, of ready wit and great humour, a sincere christian, and a zealous advocate for the civil and religious privileges of his country, which he defended with a firm spirit. Although uneducated in early life, his literary attainments were respectable. He published several tracts, and a long poem, containing an account of the agency of John Winthrop in procuring from Charles II the charter of Connecticut, and describing, in the language of that day, the principal events of the Pequot war, as conducted by John Mason.

OLIVER WOLCOTT, the events of whose life are more particularly the subject of this memoir, was the youngest son of Roger Wolcott, and was born the

26th of November, 1726. He was graduated at Yale college in 1747. In the same year, he received a commission as captain in the army, from governor Clinton of New York, and immediately raised a company, at the head of which he marched to the defence of the northern frontiers, where he served until the regiment to which he was attached, was disbanded, in consequence of the peace of Aix-la-Chapelle. He then returned to Connecticut, and applied himself to the study of medicine, under the direction of his brother, Dr. Alexander Wolcott, then a distinguished practitioner. Before he was established in practice, the county of Litchfield was organized, and he was appointed the first sheriff of the county, in 1751. In the year 1774, he was promoted to the station of an assistant or counsellor, to which he was annually elected till the year 1786. While a member of the council, he was also chief judge of the court of common pleas for the county, and for many years, judge of the court of probate for the district of Litchfield. He served in the militia in every grade of office, from that of captain, to that of major-general. On all the questions preliminary to the revolutionary war, he was a firm advocate of the American cause. In July 1775, he was appointed by congress one of the commissioners of Indian affairs for the northern department.

This was a trust of great importance. Its object was to induce the Indian nations to remain neutral during the war. While he was engaged in this business, the controversies respecting boundaries between Connecticut and Pennsylvania, and between Vermont and New York, menaced the tranquillity of the colonies, and exposed them to the seductions of British partizans. Mr. Wolcott's influence was exerted, with great effect, to compromise these disputes, and to unite the New England settlers in support of the American cause.

In January 1776, he attended congress at Philadelphia, and remained with that body till the Declaration of Independence was adopted and signed. He then returned to Connecticut, and on the 15th of August, was appointed by governor Trumbull and the council of safety, to command fourteen regiments of the Connecticut militia, which were ordered for the defence of New York. This duty he performed till the force, amounting to more than five thousand men, was sub-divided into four brigades. He then returned home for a few weeks. In November, 1776, he resumed his seat in congress, and accompanied that body to Baltimore, during the eventful winter of 1777. The ensuing summer, he was constantly employed in superintending detachments of militia, and corresponding on military sub-

jects. After detaching several thousand men to the assistance of general Putnam on the North river, he headed a corps of between three and four hundred volunteers, who joined the northern army under general Gates, where he acquired a command of between one and two thousand militia, who aided in reducing the British army under general Burgoyne. In February, 1778, he attended congress at York Town, and continued with that body till July. In the summer of 1779, after the invasion of Connecticut by the British, he was in the field at the head of a division of the militia, for the defence of the sea coast. In 1780 he remained in Connecticut. From 1781 to 1783, he occasionally attended congress. In 1784 and 1785, he was one of the commissioners of Indian affairs for the Northern department, and in concert with Richard Butler and Arthur Lee, prescribed the terms of peace to the Six Nations of Indians. From 1786, he was annually elected lieutenant governor, till 1796, when he was chosen governor; which office he held till his death, on the first of December, 1797, in the seventy-second year of his age.

This brief recital of the services of Oliver Wolcott proves that during an active and laborious life, devoted to the public service, he constantly enjoyed the confidence of his fellow citizens—a confidence alike

honourable to him, and to the people of the state. He married Laura Collins, of Guilford, in the year 1755, with whom he lived till her death in 1795. In the arduous duties in which he was engaged during the revolutionary war, he was well supported by his wife, who during his almost constant absence from home, educated their children and conducted the domestic concerns of the family, including the management of a small farm, with a degree of fortitude, perseverance, frugality and intelligence, equal to that which, in the best days of ancient Rome, distinguished their most illustrious matrons. Had it not been for her aid, his public services could not have been rendered, without involving a total sacrifice of the interests of his family; with her aid, his house was a seat of comfort and hospitality; and by means of her assistance, he retained during life a small estate, a part of which was a patrimonial inheritance.

The person of Governor Wolcott was tall and erect, indicating great personal strength and dignity. His countenance manifested a sedate and resolute mind. His manners were urbane, and through life he was distinguished for modesty. Though firm and tenacious of his own opinions, which he distinctly expressed on all suitable occasions, he ever manifested great deference for the opinions of others. The state of Connecticut was, upon principle, well united

in support of the revolution, and during the war, was second only to Massachusetts in the effective force furnished for its defence. There were here no British governors, officers, judges, nor agents. Although a few respectable men were of opinion that the war was premature and indiscreet, yet as their opinions proceeded from their peculiar views of the public interests and policy, their opposition was in general limited by moderation. The consequence was that the war of the revolution produced in this state, few or none of those distressing effects which usually attend civil conflicts. The subject of these remarks was therefore able to maintain with his political opponents, and to extort from the enemy, the character of an inflexible republican, with the precious commendation of being just and humane in all his conduct. He was indeed a republican of the old school, and his ideas of government and social liberty were derived from the purest sources. He was never idle; dissipation had no charms for him. Though not a learned man by profession, the writings of the most celebrated historians, biographers, poets, and orators, both ancient and modern, were familiar to his mind, and afforded him the only relaxation in which he indulged from active exertions. He was intimately acquainted with public law, and with the works of the great luminaries of science, who flou-

rished in Europe subsequent to the reformation. His integrity was inflexible, his morals were strictly pure, and his faith that of an humble christian, untainted by bigotry or intolerance.

Governor Wolcott was personally acquainted with, and esteemed by, most of the great actors of the American revolution, and his name is recorded in connexion with many of its most important events. It is the glory of our country, that the fabric of American greatness was reared by the united toils and exertions of patriots in every state, supported by a virtuous and intelligent people. It is peculiar to *our revolution*, and distinguishes it from every other, that it was recommended, commenced, conducted, and terminated under the auspices of men, who, with few exceptions, enjoyed the public confidence during every vicissitude of fortune. It is therefore sufficient for any individual to say of him, that he was distinguished for his virtues, his talents, and his services during the *age of men*—

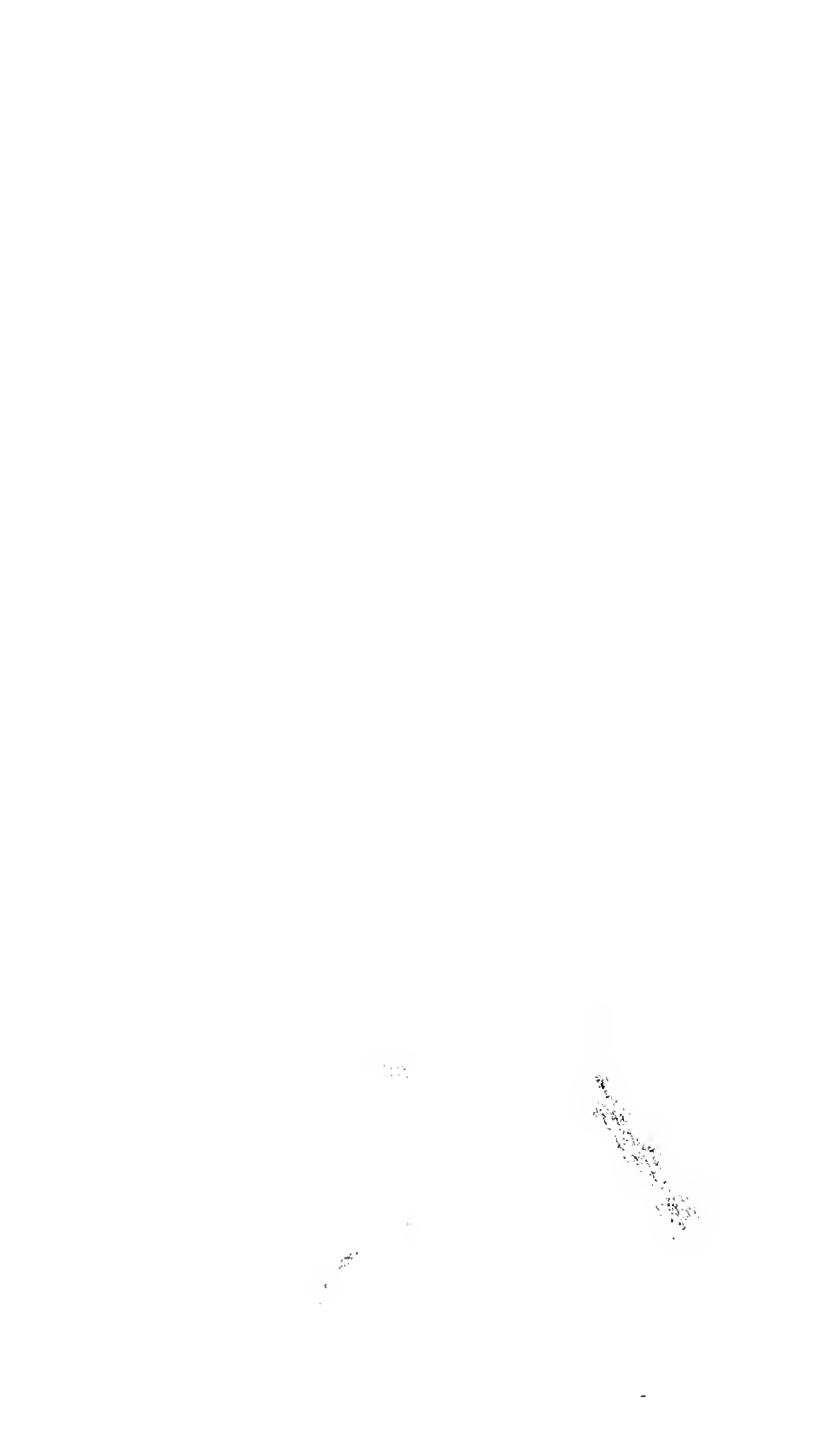
“Of men, on whom late time a kindling eye  
Shall turn, and tyrants tremble while they read.”

That Governor Wolcott was justly entitled to this distinction, was never disputed by his contemporaries.





**RICHARD STOCKTON.**



## STOCKTON.

**RICHARD STOCKTON**, the great-grand-father of the subject of the present memoir, emigrated from England previous to the year 1670, and resided a few years on Long Island, near the city of New York. He belonged, it is said, to an ancient and highly respectable family, and possessed an opulent fortune. About the year 1680, he purchased an extensive tract, or patent, of land, consisting of sixty-four hundred acres, of which the present borough of Princeton is nearly the centre: it extended from the province line of division between East and West Jersey, situated about two miles south of Princeton, to the river Millstone near the village of Kingston, three miles to the north.

In the year 1682 or 1683, he, with a number of associates, formed a settlement upon this tract, and they were the first white or European settlers in that

district. He resided there about twenty-three years, and died at an advanced age in 1705, leaving several children. A large portion of his landed estate devolved upon his son Richard, who died at the same place in the year 1720. His surviving issue of both sexes was numerous, but he devised the family seat to his youngest son John, the father of him whose services, talents, and merit, it is the particular purpose of this sketch to commemorate.

John Stockton was a man of great respectability, and resided on his estate as an independent country gentleman, in the full enjoyment of affluence and domestic tranquillity. Possessed of a strictly moral and religious character, he was the enemy of vice and the friend of virtue. As the patron of science, he was a liberal friend to the college of New Jersey, which was established in the vicinity of his estate during the latter part of his life. He presided as chief judge of the court of Common Pleas in the county of Somerset for many years previous to his death, which occurred in the year 1757.

**RICHARD STOCKTON**, whose name is affixed to the Declaration of Independence, was the eldest son of John Stockton. He was born at the ancient family seat of his forefathers, near Princeton, in the county of Somerset, on the first day of October, A. D. 1730. He received all the advantages which a finished

education could confer upon a powerful and comprehensive mind. His instruction in the rudiments of classical science was, in early youth, confided to that profound scholar, the **Rev. Doctor Samuel Finley**, under whose tuition he resided at an academy in **West Nottingham** in the then province of **Maryland**. This seminary was at that period the most celebrated and flourishing in the colonies to the south of **New England**. Having remained in that situation about two years, he was sent to the college of **New Jersey** at **Newark**, where he diligently pursued his studies for several years, and received the honours of the first annual commencement at **Nassau Hall**, **A. D. 1748**, which was then celebrated at that ancient town under the auspices of the eminent and learned divine, **President Burr**. At this early age he indicated that intellectual superiority which, ripened by experience, was so brilliantly evolved in the course of his public and professional career.

Soon after he was graduated, he applied himself to the study of the law, under the direction of the honourable **David Ogden**, of **Newark**, at that time the most eminent lawyer in the province. He was admitted to the bar in the term of **August 1754**, and to the grade of counsellor in **1758**, when he immediately established himself at his paternal seat, and rose with remarkable rapidity to the first ranks in

the forum. He stood, in fact, for many years and by universal consent, unrivalled at the bar, although a number of his professional contemporaries were men of learning and brilliant talents. His high and well-merited celebrity as an able and eloquent advocate, did not permit his professional services to be circumscribed within the limits of his native colony. He was frequently invited to conduct cases of importance in the neighbouring colony of Pennsylvania, where he acquired the friendship and esteem of Dickenson, Shippen, Chew, and other distinguished members of the bar. In 1763 he received the degree of Sergeant at law.

Having acquired a very competent fortune, he relaxed from the toils of professional business in the years 1766 and 1767, and visited England, Scotland, and Ireland. He embarked at New York in the month of June 1766, for London, where he safely arrived after a prosperous passage. The fame of his high character and distinguished abilities had preceded him, and he was received with flattering attention by the most eminent men of the kingdom. He was presented at the court of St. James by one of the king's ministers, and had the honour of personally presenting to his majesty an address of the trustees of the college of New Jersey, signed by Edward Shippen, Esq., then president of the board,

acknowledging the condescension manifested by the king towards the colonies, in the repeal of the stamp act: this address was favourably received. The services rendered by Mr. Stockton to the college during his visit to Great Britain, were so numerous and various, that on his return to America he received the formal thanks of the board of trustees.

He was freely consulted on the state of American affairs by the marquis of Rockingham, whose hospitality he enjoyed during a week's residence at his country seat in Yorkshire, and, it is believed, by the earl of Chatham, and other distinguished members of parliament, who were friendly to the American Colonies. He frankly communicated to these gentlemen his decided opinion against the policy which had originated the stamp act, then so prudently and happily repealed, and assured them of his firm conviction that the colonists would never submit to be taxed by the British parliament.

In the months of February and March, A. D. 1767, he visited the capital of North Britain, where he was received with flattering marks of friendship and respect by many eminent noblemen, gentlemen, and literati, of that part of the kingdom. He often adverted in a particular manner to the hospitality and politeness of the earl of Leven. This illustrious nobleman was the commander-in-chief of Edinburgh

castle, and resided in that city. His princely hospitality towards strangers in general, and particularly respectable Americans, was very conspicuous, and he favoured Mr. Stockton with his peculiar confidence and friendship. So general, indeed, was the friendly disposition manifested towards him at Edinburgh, that soon after his arrival, he was visited in a formal manner by the lord provost and council of that city, who complimented him with a public dinner, at which an address was delivered by the lord provost congratulating him on his safe arrival in the Capital of the North. They unanimously conferred upon him the freedom of the city, as a testimony of the public sense of his conspicuous character and talents, which honour was acknowledged by Mr. Stockton in a suitable address delivered with that superior eloquence for which he was at all times so highly distinguished.

At this period he visited the ancient town of Paisley near Glasgow, where he was deputed by the trustees of the college of New Jersey to visit the Rev. Doctor Witherspoon, who had been recently elected president of that institution. The reluctance, however, of the female branches of his family to emigrate to America, had induced him to decline the appointment, and Mr Stockton was authorised to employ all his powers of persuasion in favour of the



college, to procure the reversal of that decision. Happily his strong representations materially promoted the interests of the college, by removing many of those objections which had caused that eminent divine to reject the appointment. Upon re-consideration, he, a few months subsequent to the interview with Mr. Stockton, acceded to the nomination. The determination of Doctor Witherspoon was not only of material benefit to the college, but to the country at large. His profound learning and distinguished character imparted additional lustre and celebrity to the seat of learning over which he presided, and the cause of the colonists found a powerful support during the revolutionary contest, in the fervent patriotism, matured experience, and eminent wisdom, of that great statesman.

Mr. Stockton, in the progress of his tour through the United Kingdom, arrived at Dublin in the month of October, 1766, where he was received in a manner becoming his rank in society and personal merit. During a short residence in Ireland, he was strongly impressed by the contrast existing between the natural luxuriance of that fine country, and the miserable and degraded state of the poorer classes of society, groaning under the exactions and oppressions of a foreign government. He admired and sympathised with the generous but distressed peo-

ple of Ireland; and the personal opportunities which he possessed of viewing the situation to which they had been reduced, is believed to have had a powerful influence over his mind, and to have increased the opposition which he afterwards manifested to an acquiescence in, or submission to, the plans of the British ministry, which endeavoured to introduce the evils of colonial subjection into his native land.

It may prove interesting to notice two incidents that occurred during his residence in Great Britain, by which his life was placed in imminent peril, and his country was nearly deprived of one of its firmest friends and most eloquent advocates. He was attacked at night in the city of Edinburgh by a desperate robber, and after a severe contest, in which he successfully and skilfully defended himself with a small sword, now in the possession of his youngest son, he repelled the attack without receiving any material injury; but the robber, although wounded, succeeded in making his escape.

The manner in which his life was a second time preserved, made an indelible impression on his mind, and he frequently related the circumstance in language manifesting a high sensibility, and ardent gratitude to the protecting providence which had saved him from destruction. He had engaged his passage

in a packet for the purpose of crossing the Irish channel, but his baggage, being accidentally detained, did not arrive before the vessel had departed. Although he was seriously disappointed by this detention, it proved the cause of his preservation. The packet, in which he intended to embark, was shipwrecked in a violent storm, and every person on board perished, including the British general Stanwise and his suite. Mr. Stockton, a few days after, passed the Irish channel in safety.

During his residence in London, he was a frequent attendant at Westminster hall, for the purpose of hearing the arguments of Sir Fletcher Norton, John Dunning, Charles Yorke, Moreton, Eyre, Wallace, Blackstone, and other celebrated sergeants and lawyers, who were distinguished by their forensic eloquence and learning. His attention, at the same time, was directed to the decisions and opinions of Mansfield, Camden, Yates, Wilmot, Bathurst, and other great men, who, at that brilliant period of British history, dignified and adorned the judicial character of the kingdom. It is also believed that he enjoyed several opportunities of witnessing the overpowering eloquence of Chatham, the British Demosthenes, as well as the interesting and animated debates of Burke, Barré, and other celebrated orators of the British parliament.

At this period the eloquence of the drama was characterised by unusual splendour. Although inimical to an habitual indulgence in theatrical amusements, which was equally repugnant to his religious sentiments and feelings, and to the dignity and simplicity which became his station and his country, he did not deem it inconsistent with his duty to depart, in some degree, from his usual habits, and enrich his extensive fund of eloquence, by witnessing the sublime delineations and elevated genius of the inimitable Garrick. He frequently observed that, on several occasions, particularly in the ghost scene of *Hamlet*, the astonishing efforts of that extraordinary man caused him to experience a feeling similar to the rising of the hair described in the "*steteruntque comæ, et erectis auribus,*" in a well known passage of a celebrated writer of antiquity.

Engrafting the advantages derived from these various sources on the fertile stock of his native genius, and perfecting those acquirements in the elegant embellishments of classical science for which he was remarkable, his original eloquence became highly cultivated and improved.

He was also introduced to the earl of Chesterfield, distinguished as a politician, but still more as a man whose polished and fascinating manners justly entitled him to the high character which he possess-

ed as the most accomplished gentleman of his age. Mr. Stockton frequently reverted with pleasure to his agreeable and interesting interview with that nobleman. The first impression produced in his mind, at the moment of introduction, was that of an infirm old man, who had lost his teeth and his hearing, and whose person was neither pleasing nor prepossessing. But when he began to speak, these transient ideas instantly vanished: his eyes became brilliant, and his whole manner was so persuasive and enchanting, as to cause Mr. Stockton, in relating the circumstance, to observe, that no language could convey an adequate idea of the powerful effect which it produced. "I forgot," he continued, "that he was deaf and without teeth, and he appeared to me remarkably handsome."

Mr. Stockton was forcibly impressed with the general ignorance prevalent in Great Britain in relation to the American character and people, which was observable among all classes of society. Finding that those who, in other respects, possessed extensive information, were little more enlightened on this subject than the ignorant and uninstructed, he immediately foresaw, with his natural sagacity, the unpleasant consequences that would probably result from this universal want of knowledge. Hence he used every practicable exertion to dissipate the ob-

scurity which rested upon that important topic. As the mass of the people materially misunderstood and depreciated the character and feelings of the cis-atlantic community, it was his earnest desire to remove these partial and illiberal impressions, by elevating the American character to that degree of just consideration, which, according to his opinion, it properly merited. Had the views and patriotic exertions of Mr. Stockton been more extensively propagated and supported, it is probable that an union might have been effected on principles consistent with the rights and interests of both countries. But the warnings and counsels of the best and wisest men in various parts of the empire were disregarded, and the nation was speedily precipitated into the calamities of a civil war, which, happily for America, terminated in the separation of the colonies from the mother country, and deprived the British king of what has been justly termed the fairest jewel in his crown.

Mr. Stockton had now been more than a year absent from home, during which period his professional business had been principally conducted by his friends, and more particularly by his brother-in-law, the late Elias Boudinot, Esq. Under these circumstances he became anxious to return to America, and his solicitude was greatly increased by the

knowledge that his arrival was earnestly anticipated by his family and friends. Neither the amusements of the British capital, nor the fascinations of fashionable life, nor the pointed attentions which at that peculiar period were liberally lavished upon distinguished Americans, could longer detain him from the endearments of domestic life, and the society of a wife and family to whom he was tenderly attached. He embarked in a vessel bound to New York, in the month of August, and after a prosperous passage of twenty-six days, arrived at the port of destination about the 14th of September, 1767. He was received by his neighbours, relatives, and friends, who testified their admiration of his character by escorting him to his residence, with the highest respect and most cordial affection.

In the year 1768, he was elevated to a seat in the supreme royal legislative judiciary, and executive council of the province, enjoying at the same time the full favour of the royal government, and the undiminished confidence of his friends and fellow citizens. In 1774 he was appointed one of the judges of the supreme court, and for some time performed the duties of that office as an associate with his old preceptor, David Ogden, Esq. During a happy interval of a few years, he cultivated and embellished an extensive and fertile landed estate, where he re-

sided in the perfect enjoyment of every domestic blessing, surrounded by his family, and possessed of an ample fortune.

But the storm which had been so long and gloomily gathering, now began to burst over the land, and prognosticate the desolation which attended the climax of its fury. The domestic felicity of Mr. Stockton was necessarily interrupted by the portentous aspect of public affairs, which indicated the approach of extensive private and political calamity. Holding a high and honourable station under the government of a monarch whose personal character he greatly respected, although he believed him to be misled by a corrupt ministry, and who had honoured him with especial marks of confidence, he was now compelled either to renounce his allegiance to that sovereign, or depart from the duties which he owed to his native land, and dissolve the ties that bound him to a country which contained the sepulchres of his ancestors.

Although the sacrifice may have been painful, it was made cheerfully and without hesitation. When the counsels of the marquis of Rockingham, the earl of Chatham, and other British patriots, were rejected, and he discovered that the British ministry had again resolved to enforce the odious right which they claimed of taxing the American colonies with-



out their own consent, or granting them any representation in parliament, he promptly selected the course of conduct which he conceived it his duty to adopt. Although he had received numerous indications of official favour and personal attention from the king and many of the most eminent statesmen of the British empire, yet, after contributing his strenuous exertions, in the first stages of the dispute, to effect a reconciliation between the mother country and the colonies, on principles consistent with civil liberty and the just rights of his country, he considered himself bound by paramount obligations, when the crisis of serious contest had arrived, to enrol himself among the defenders of American freedom. Separating, therefore, from his fellow members of the royal council, to whom as individuals he was warmly attached, but who, with the exception of lord Stirling, John Stevens, Esq. and himself, were all royalists or neutrals, he exerted himself on all proper occasions among the primary assemblies of the people, to procure the organization of a prudent and well directed opposition to the arbitrary measures of the British ministry.

On the 21st of June, 1776, the public confidence reposed in the patriotism, firmness, and abilities, of Mr. Stockton, was honourably manifested by the proceedings of the provincial congress of New Jer-

sey, which elected him a member of the general congress then sitting in the city of Philadelphia. Among his colleagues was the Rev. Dr. Wither-  
spoon, to whose happy immigration into America he is supposed to have been peculiarly instrumental. He, in conjunction with his fellow delegates from New Jersey, was empowered and directed to unite with the representatives of the other colonies in the most vigorous measures for supporting the just rights and liberties of America, and, if it should be deemed necessary or expedient, to concur in declaring the United Colonies independent of Great Britain, entering into a confederation for union and common defence, making treaties for commerce and assistance, and adopting such other measures as might appear necessary to effect the accomplishment of these great designs.

Mr. Stockton immediately took his seat in the continental congress, and was present at the debates which preceded the promulgation of that memorable charter of national independence to which his name is affixed. It has been remarked by Dr. Benjamin Rush, who was a member of the same congress, that Mr. Stockton was silent during the first stages of this momentous discussion, listening with thoughtful and respectful attention to the arguments that were offered by the supporters and opponents of

the important measure then under consideration. Although it is believed that, in the commencement of the debate, he entertained some doubts as to the policy of an immediate declaration of independence, yet in the progress of the discussion his objections were entirely removed, particularly by the irresistible and conclusive arguments of the honourable John Adams, and he fully concurred in the final vote in favour of that bold and decisive measure. This concurrence he expressed in a short but energetic address, which he delivered in congress towards the close of the debate.

He manifested his accustomed diligence and ability in the performance of his congressional duties, and was frequently appointed on the more important committees. His acute perceptions, logical powers of reasoning, superior eloquence, remarkable sagacity, and matured experience of men and things, united with a profound knowledge of law and politics, were properly appreciated by his associates, among whom he held a distinguished rank.

In the month of September, 1776, at the first joint meeting of the state delegates under the new constitution, William Livingston, Esq. and Mr. Stockton were the first republican candidates for the office of governor. On the first ballot they received an equal number of votes, but, as the emergency of

the crisis required an immediate nomination, the friends of Mr. Stockton were induced to acquiesce in the final election of his competitor. He was, however, immediately chosen, by a unanimous vote, chief justice of the state, which office he declined.

It is important, in relation to all matters connected with the infancy of the republic and the character of our political fathers, to correct the errors which have designedly or accidentally been introduced into the histories of that momentous period. An anecdote related by Dr. Gordon in his historical letters concerning the American revolution, in relation to the contested election of Mr. Livingston, is manifestly undeserving of credit, and would imply a deficiency of patriotism on the part of Mr. Stockton, which never existed. He observes that the legislature, in electing the first governor of New Jersey, was at first divided by an equality of suffrages between Mr. Livingston and Mr. Stockton. At this crisis, he asserts that Mr. Stockton refused to permit the employment of his horses in the public service, which denial being made known to the members of the house, they were induced immediately to devolve the choice upon Mr. Livingston.

Connected with a work so pregnant with fables and misrepresentations as the letters of Dr. Gordon, this passage might have been permitted to pass with-

out animadversion, but it assumes a more important character in relation to the special biography of Mr. Stockton. It charges him with a lukewarmness in the cause of his country which he was incapable of feeling, and burdens his character with the indirect displeasure of the legislature, which, it is expressly proved, by the subsequent measures of that body, was never entertained. The circumstance which is related by Dr. Gordon never occurred; its absurdity is rendered palpable by a reference to the records of the day, which prove the unanimous election of Mr. Stockton as chief justice of the state, by the identical legislature which is supposed, on the preceding day, to have so highly disapproved of his conduct as to reject him as governor. When to this mark of confidence, is added his re-election to congress on the 30th of November, about three months subsequent to this hypothetical occurrence, we are enabled properly to estimate the assertion of Dr. Gordon.

Mr. Stockton, during the summer and autumn of 1776, continued an assiduous and laborious attendance on his duties in congress. On the 26th of September, he was deputed, in conjunction with his friend and fellow-member, George Clymer, Esq. of Pennsylvania, on a committee to inspect the northern army. They were empowered to contract for

provisions; to provide barracks and clothing for the troops; to make regulations for the hospitals in the northern department; to remove or suspend any persons employed therein, and employ such as they might think necessary and proper; to assist in the military councils relative to the best mode of re-enlisting the army; and, finally, to report to congress the state of the army, and any further regulations which they might think necessary for its better government and supply. They proceeded to Albany, Saratoga, &c. and every facility to effect the important objects of their mission was afforded by the polite attentions and cordial concurrence of general Schuyler, who commanded the northern army. This service having been discharged in a successful and exemplary manner, Mr. Stockton immediately resumed his seat in congress.

A paramount duty soon required his absence from the public councils. The residence of his wife and infant family being in the direct route of the triumphant enemy, he was compelled to make preparations for removing them to a place of safety. After remaining in his dwelling to the latest period that the safety of his family admitted, affording to the remnant of our distressed army every assistance within his power, as the dejected troops passed along in melancholy succession, he conveyed his wife and

younger children into the county of Monmouth, about thirty miles from the supposed route of the British army.

On the 30th of November, he was, together with his friend and compatriot, John Covenhoven, Esq., at whose house he resided, unfortunately captured by a party of refugee royalists,\* dragged from his bed by night, stripped and plundered of his property, and carried by the way of Amboy to New York. At Amboy he was exposed to the severity of extremely cold weather, in the common gaol, which barbarity, together with his subsequent treatment in New York, laid the foundation of the disease which terminated his existence in 1781. On his removal to New York, he was ignominiously consigned to the common prison, and without the least regard for his rank, age, and delicate health, for some time treated with unusual severity. He was not only deprived of the comforts, but the necessaries, of life, having been left more than twenty-four hours without food, and afterward afforded a very coarse and limited supply. The inhuman treatment which he received,

\* His capture was occasioned by the information of a man acquainted with the place of his temporary residence; and it is gratifying to add, that the informant was afterwards indicted, convicted, and punished for the offence.

so repugnant to the principles of civilized warfare, and so intolerable to an individual who had been accustomed to all the comforts and delicacies of life, depressed his spirits and seriously affected his health.

So excessively malignant, indeed, was the conduct of the British in relation to Mr. Stockton, that it attracted the special attention of the general congress, whose proceedings upon the subject are annexed:

“Friday, January 3d, 1777.

“Whereas congress hath received information that the honourable Richard Stockton, of New Jersey, and a member of this congress, hath been made a prisoner by the enemy, and that he hath been ignominiously thrown into a common gaol, and there detained:

“*Resolved*, that general Washington be directed to make immediate inquiry into the truth of this report, and if he finds reason to believe it well founded, that he send a flag to general Howe remonstrating against this departure from that humane procedure which has marked the conduct of these states to prisoners who have fallen into their hands; and to know of general Howe whether he chooses this shall be the future rule for treating all such, on both



sides, as the fortune of war may place in the hands of either party.’’\*’

After the release of Mr. Stockton, his constitution was so materially impaired that he was never again able, except by occasional counsel and advice, to render any important services to his country. In fact, during the few remaining years of his life, he was never perfectly restored to health. His fortune, which had been ample, was greatly diminished, both by the depreciation of the continental currency, and the wanton depredations of the British army. His papers and library, one of the best possessed by any private citizen at that period, were burned; his domestic animals, (particularly his fine stock of horses,) and almost all his personal property, were plundered or destroyed, and his farm laid waste. Mr. Stockton now found himself the proprietor of little more than his devastated lands, and was compelled to have recourse to the temporary aid of some of his friends, whose losses had been less extensive, for a present supply of such articles of necessity as were essential to relieve the pressure of absolute suffering.

It is not remarkable that these complicated afflictions entirely destroyed his health and spirits, during the declining years of his life. He languished a long time, oppressed with a protracted malady, the last

\* Journals of Congress, Vol. iii, p. 6.

stages of which were rendered peculiarly distressing by a malignant cancerous affection, and died on the twenty-eighth day of February, 1781, at his residence near Princeton, in the county of Somerset, in the fifty-first year of his age.\* Previous to interment, his remains were conveyed to the college hall, where, in the presence of a numerous and afflicted audience, consisting of the friends, relatives, and fellow citizens, of the deceased patriot, and the students of the college, an interesting funeral discourse was delivered by the Rev. Doctor Samuel S. Smith, then vice president of that celebrated seat of science.

Mr. Stockton was at all times a sensible and dignified speaker, remarkable for solidity, perspicuity, and energy. He was a profound and erudite lawyer, and his decisions and opinions while on the bench, in committees of congress, on admiralty questions, and in the high court of Errors of New Jersey, were considered of high authority. His study of the great orators of antiquity, with whose writings, in the original languages, he was familiar, his acquaintance with the best writers of modern times, and his practical opportunities of hearing the Cice-

\* Mr. Stockton was afflicted with a cancer in the neck, and for many months the pain was so extreme, that he could not enjoy the least repose without the aid of anodyne medicines.

ros and Demosthenes' of Great Britain, uniting with his native genius, invested him with a superior and powerful eloquence, which has rarely been exceeded in this country. He also possessed a natural inclination towards music, and a refined taste for poetry, painting, and the fine arts in general.

Mr. Stockton, when unadorned by the gorgeous robes of judicial office that prevailed previous to the revolution, was neat but simple in his dress. Before the revolutionary contest, he lived in a state of splendour, frequently adopted by distinguished men under the royal government, which the advantages of a country residence and the possession of affluence, rendered easy and agreeable. Every stranger who visited his mansion was cordially welcomed in the genuine style of ancient hospitality, and it was customary in those days for travellers and visitors to call upon men of rank.

During his forensic career, the celebrity of his superior talents was so great, that the first gentlemen of the country considered it of material importance to the future prospects of their sons, to procure their instruction in the science of law under the inspection of Mr. Stockton. Some of the most distinguished lawyers in the United States were educated by him, among whom may be mentioned the late honourable Elias Boudinot, and

William Patterson, Esquire; the latter had been governor of the state, and at the time of his death, was a judge of the Supreme Court of the United States. The late Governor Joseph Reed, and Jonathan D. Sergeant, Esq. of Pennsylvania, Colonel William Davies, of Virginia, and many others, profited by his tuition. His friend, the late Walter Rutherford, Esquire, believing a knowledge of jurisprudence to be indispensable to a finished education, entrusted his only son, the heir to a splendid fortune, and now the honourable John Rutherford, of New Jersey, to the charge of Mr. Stockton, with whom he remained several years. John Covenhoven, Esq. of New Jersey, and John Morton, Esq. of New York, also committed the forensic education of their respective sons to his care.

Mr. Stockton possessed a generous and intrepid spirit: he was naturally somewhat hasty in his temper, and quickly inflamed by any attempts to deceive or oppress him; but he was placable, and readily pacified by the acknowledgment of error. Revenge, or permanent malice or resentment, were never harboured in his breast. He was an affectionate father, a tender husband, and an indulgent master; mild and courteous to his equals, and just and merciful to his tenants, debtors, and dependants. To his inferiors, and those who sought his favour and

conciliated his affections, he was affable and kind; but to those who supposed themselves his superiors, his carriage was stern and lofty, and if their self-sufficiency was manifested by any want of decorum or personal respect, it was, perhaps, his foible to evince an unnecessary portion of haughtiness and resentment.

He was a man of great coolness and courage. His bodily powers, both in relation to strength and agility, were of a very superior grade, and he was highly accomplished in all the manly exercises peculiar to the period in which he lived: his skill as a horseman and swordsman was particularly great. In person he was tall and commanding, approaching nearly to six feet in height. His manners were dignified, simple though highly polished, and to strangers, at the first interview, apparently reserved; but as the acquaintance advanced, they were exceedingly fascinating and accomplished, which appeared particularly conspicuous towards his friends and companions.

His eyes were of a light gray colour, and his physiognomy open, agreeable, and manly. When silent, or uninterested in conversation, there was nothing remarkably attractive in his countenance, but when his mind was excited, his eyes instantly assumed a corresponding brilliancy, his whole ap-

pearance became excessively interesting, and every look and action strongly expressive of such emotions as he wished to produce. The portrait exhibited in the Declaration of Independence, a painting by colonel Trumbull, does not afford a just resemblance of Mr. Stockton. That eminent artist, not possessing the opportunity of procuring it from the living object, was compelled to copy it from a portrait of Mr. Stockton, not only indifferently executed, but which had been delineated in the early part of his life.

His forensic career was attended with unrivalled reputation and success, and he refused to engage in any cause which he knew to be unjust, invariably standing forth in the defence of the helpless and oppressed. To his superior powers of mind and professional learning, he united a flowing and persuasive eloquence, and he was a christian who was an honour to the church. He was a learned, firm, and upright judge, and an early and decided opposer of the political and oppressive claims of the British parliament.

It may be truly said, in the words of Shakspeare,

“ He was a scholar, and a ripe and good one,  
Exceeding wise, fair-spoken, and persuading,  
Lofty and stern to them that loved him not,  
But, to those men that sought him, sweet as summer.”

The first and richest legacy bequeathed by Mr. Stockton in his last testament, illustrates his religious principles, and the importance which he attached to the doctrines of the Christian religion. "As my children," he observed, "will have frequent occasion of perusing this instrument, and may probably be particularly impressed with the last words of their father, I think it proper here, not only to subscribe to the entire belief of the great and leading doctrines of the Christian religion, such as the being of a God, the universal defection and depravity of human nature, the divinity of the *Person*, and the completeness of the redemption purchased by the Blessed Saviour; the necessity of the operations of the divine Spirit, of divine faith accompanied with an habitual virtuous life, and the universality of the divine providence; but also, in the bowels of a father's affection, to charge and exhort them to remember that 'the fear of God is the beginning of wisdom.'" Although he condemned versatility in the mode of publicly worshipping the Almighty, he acknowledged none of those bigoted, and, in some degree, antichristian principles, which frequently actuate the sectary in his religious professions. This benevolent and truly pious trait in his character cannot be better elucidated than by an extract from the counsels which he bequeathed to

his immediate descendants. After recommending an early attention to religion, he thus continues:—"As Almighty God has not been pleased in the Holy Scriptures to prescribe any precise mode in which he is to be publicly worshipped, all contention about it generally arises from want of knowledge or want of virtue. I have no particular advice to leave to my children upon this subject, save only that they deliberately and conscientiously, in the beginning of life, determine for themselves with which denomination of christians they can most devoutly worship God, and that after such determination they stably adhere to that denomination, without being given to change, and without contending against, or judging, others who may think or act differently in a matter so immaterial to substantial virtue and piety."

The sermon delivered at the obsequies of Mr. Stockton contains a just summary of his character and virtues; and those parts which particularly point out the estimation in which he was held by his contemporaries, will form the conclusion of the present sketch.

"Behold, my brethren," said the reverend Doctor Smith, "before your eyes a most sensible and affecting picture of the same truth, (the transitory nature of mortal things,) in the remains of a man who hath been long among the foremost of his country.



for power, for wisdom, and for fortune; whose eloquence only wanted a theatre like Athens to have rivalled the Greek and the Roman fame; and who, if what honours this young country can bestow, if many and great personal talents, could save man from the grave, would not thus have been lamented here by you. Behold there ‘the end of all perfection.’

“It was one of his earliest honours to have been a son of this college, and it was one of the first honours of this college to have given birth to such a son. After having adorned the place of his education by his talents, he soon rose to the board of its trustees. and hath ever since been one of its most distinguished patrons.

“Young gentlemen, (the students of the college,) another of the fathers of learning and of eloquence is gone. He went before you in the same path in which you are now treading, and hath, since, long presided over, and helped to confirm, the footsteps of those who were here labouring up the hill of science and virtue. While you feel and deplore his loss as a guardian of your studies, and as a model upon which you might form yourselves for public life, let the memory of what he *was* excite you to emulate his fame—let the sight of what he *is*,

teach you that every thing human is marked with imperfection.

“ At the bar he practised for many years with unrivalled reputation and success. Strictly upright in his profession, he scorned to defend a cause that he knew to be unjust. A friend to peace and to the happiness of mankind, he has often with great pains and attention reconciled contending parties, while he might fairly, by the rules of his profession, have drawn from their litigation no inconsiderable profit to himself. Compassionate to the injured and distressed, he hath often protected the poor and helpless widow unrighteously robbed of her dower, hath heard her with patience when many wealthier clients were waiting, and hath zealously promoted her interest without the prospect of reward, unless he could prevail to have right done to her, and to provide for her an easy competence for the rest of her days.

“ Early in his life, his merits recommended him to his prince and to his country, under the late constitution, who called him to the first honours and trusts of the government. In council he was wise and firm, but always prudent and moderate. Of this he gave a public and conspicuous instance, almost under your own observation, when a dangerous in-

surrection in a neighbouring county\* had driven the attorneys from the bar, and seemed to set the laws at defiance. Whilst all men were divided betwixt rash and timid counsels, he only, with wisdom and firmness, seized the prudent mean, appeased the rioters, punished the ring-leaders, and restored the laws to their regular course.

“ The office of a judge of the province was never filled with more integrity and learning than it was by him, for several years before the revolution. Since that period, he hath represented New Jersey in the congress of the United States. But a declining health, and a constitution worn out with application and with service, obliged him, shortly after, to retire from the line of public duty, and hath at length dismissed him from the world.

“ In his private life he was easy and graceful in his manners; in his conversation, affable and entertaining, and master of a smooth and elegant style even in his ordinary discourse. As a man of letters, he possessed a superior genius, highly cultivated by long and assiduous application. His researches into the principles of morals and religion, were deep and accurate, and his knowledge of the laws of his country, extensive and profound. He was well acquainted

\* Monmouth county, in the year 1769.

with all the branches of polite learning; but he was particularly admired for a flowing and persuasive eloquence, by which he long governed in the courts of justice.

“ As a christian, you know that, many years a member of this church, he was not ashamed of the gospel of Christ. Nor could the ridicule of licentious wits, nor the example of vice in power, tempt him to disguise the profession of it, or to decline from the practice of its virtues. He was, however, liberal in his religious principles. Sensible, as became a philosopher, of the rights of private judgment, and of the difference in opinion that must necessarily arise from the variety of human intellects, he was candid, as became a christian, to those who differed from him, where he observed their practice marked with virtue and piety. But if we follow him to the last scene of his life, and consider him under that severe and tedious disorder which put a period to it, *there* the sincerity of his piety, and the force of religion to support the mind in the most terrible conflicts, was chiefly visible. For nearly two years he bore, with the utmost constancy and patience, a disorder that makes us tremble only to think of it. With most exquisite pain it preyed upon him, until it reached the passages by which life is sustained: yet, in the midst of as much as

human nature could endure, he always discovered a submission to the will of heaven, and a resignation to his fate, that could only flow from the expectation of a better life.

“ Such was the man whose remains now lie before us to teach us the most interesting lessons that mortals have to learn—the vanity of human things—the importance of eternity—the holiness of the divine law—the value of religion, and the certainty and rapid approach of death.”



**BUTTON GWINNETT.**





## GWINNETT.

THE fate of Button Gwinnett affords a melancholy example of the pernicious consequences resulting from the practice of duelling. This practice, unknown to the heroes and statesmen of antiquity, which originated in the barbarous ages, still holds its dominion over the minds of men, and affords a striking example of the triumph of fashion over reason, morality, religion, and the penal code. That it is our duty to reprobate and discountenance the custom, which exists among us to an extent, perhaps, greater than in any other country of the civilized world, no reflecting mind can doubt: nor ought the high station and character of an individual to exempt him from censure, when that station and character render his example more extensively injurious. It cannot be supposed to be our wish to sully the memory of Button Gwinnett; his name will ever stand

conspicuous in the annals of his country; but being compelled, as faithful biographers, to relate the circumstances which led to his untimely death, we deem it a duty of equal importance to express our opinion of the means by which it was occasioned. In the lapse of half a century, many of the circumstances connected with this unhappy affair may have been forgotten, and some of them, with which we are acquainted, may justly be advanced in extenuation of an act which nothing can justify.

**BUTTON GWINNETT** was born in England about the year 1732, of respectable parents, whose circumstances were moderate. He received an excellent education, and when arrived at mature age, embarked in mercantile pursuits in Bristol. Having married in England, he resolved to emigrate to America, and in 1770, arrived at Charleston, S. C., where he remained two years, during which time he was engaged in trade. At the expiration of that period, he disposed of all his merchandize, and purchased with the proceeds, a number of negroes and a tract of land on St. Catharine's Island, in Georgia, where he devoted his attention to agriculture.

Having incorporated himself with the Americans, among whom he intended to pass the remainder of his life, he did not remain an idle spectator of their revolutionary struggles, but took an active and de-

ecided part in favour of his adopted country. The particulars of his early life are not known, but it is probable they were neither interesting nor important.

The anticipations of Mr. Gwinnett, when the light of liberty dawned upon the land, were far from being sanguine; but these doubts were not the result of a latent regard for his native country, nor of that indecision which then characterised the conduct of a large portion of the inhabitants of Georgia. The improbability of a successful resistance to the claims of the British government, appears to have been his prevailing belief until the year 1775, about which period he formed a close intimacy with Dr. Lyman Hall, who was subsequently one of his congressional colleagues. The arguments and representations of Mr. Hall, who was himself an enthusiast in the cause of the colonies, no doubt conduced to remove those impressions; and this was more readily effected, as Mr. Gwinnett, however lukewarm, had always been favourable to the claims of the colonists. From that period, his zeal and unwearied exertions in the common cause became eminently conspicuous, and finally elevated him with a fatal rapidity to the highest dignities of the province.

The apparent indifference of Mr. Gwinnett in relation to the contested claims of the colonies, previous to the year 1775, arose from causes, having, in some degree, a direct influence upon his own personal prosperity and possessions, and especially upon the peace and safety of his family. With the finest feelings of the heart thus opposed to active interference in an uncertain contest, and with the full conviction that such a procedure, unattended with success, would involve the ruin of himself and those by whom he was surrounded, it cannot be surprising that Mr. Gwinnett proceeded with caution, and deliberately observed the progress of affairs, before he permitted his suppressed feelings to burst forth, and displayed that vigour and decision which created him a chief amongst his compatriots. The peculiar exposure of his family and property, situated upon an island where destruction was certain in case of invasion, because in the actual posture of things, the defence of St. Catharine's, by succour from the main land, would have been impracticable,\* renders it rather a proud testimonial of the pure patriotism of Mr. Gwinnett, that he proclaimed his principles at so early a period, than a blot upon his fame that he repressed his sentiments at a time

\*The personal property of Mr. Gwinnett, was, in fact, totally destroyed by the British.

when the greater part of Georgia was actually opposed to the proceedings of the continental congress. It was not until the fifteenth of July, 1775, that Georgia acceded to the general confederacy, and no part of the colony had been previously represented in congress excepting the parish of St. John, which, separating from the province, had appointed a representative on the preceding twenty-first of March. Hence, in fact, although numerous meetings had been held, and the subject amply discussed, no positive union with the sister provinces occurred, in any portion of the colony, until the beginning of 1775, at which period Mr. Gwinnett himself took an active part in public affairs. But it does not appear, although resident within the limits of St. John's parish, that he took any avowed interest in those preparatory operations, which had necessarily been for a long time evolving the bold and decisive measure that separated the parish from Georgia, and eventually led to the accession of the whole colony.

If Mr. Gwinnett, previous to the year 1775, had not become a conspicuous politician, the enthusiasm with which he subsequently maintained the colonial rights soon attracted the attention of his fellow citizens. At the meeting of the general assembly held in Savannah on the second of February, 1776, he was appointed a representative in congress, in conjunction with Archibald Bullock, Lyman Hall, John

Houston, and George Walton. The Rev. Dr. Zubly had been elected the preceding year, and still retained his seat, and Mr. Bullock remained in Georgia, having been appointed President of the provincial council. The other members repaired to Philadelphia, and Mr. Gwinnett first appeared in the great national assembly on the 20th of May, 1776.

At this time the idea of independence was considered visionary in Georgia: a redress of those grievances which had been imposed upon the colonies, and the permanent establishment of their just rights, demanded in a firm and decided tone, were all that was expected or required. This opinion was very prevalent in other sections of the country; but it required little foresight to determine, from the spirit which had long continued to actuate the representatives of the people, that some decisive measure would soon be adopted, and that the slender thread which still bound the colonies to Great Britain, would be speedily severed. During the deliberations of Congress, a few members had privately discussed the propriety of a Declaration of Independence, for some time before it was submitted to the house, which examined the expedience of the measure with closed doors. Zubly, one of the colleagues of Mr. Gwinnett, was opposed to any proceeding tending to a separation from the British government;

but the reverend representative, not satisfied with his personal opposition to the measure, nor convinced of his ability to counteract the prevailing influence of his congressional brethren, secretly despatched a letter to the British governor, containing a full disclosure of this important state secret, and advising him to adopt preventive measures in Georgia. Fortunately, however, a copy of this communication was obtained by one of the clerks, and Mr. Chase, of Maryland, openly accused Dr. Zubly of treachery. Zubly stoutly denied the charge, and challenged his accuser to produce the proofs: finding, however, that his perfidy would be clearly established, he immediately fled. Mr. Houston was directed by congress to pursue him, and to adopt every expedient measure to counteract any evils that might result from the disclosure. The treachery of Zubly, however, was attended with no evil consequences, but had the salutary effect of removing him from the congressional councils, and from the confidence of the people. Before Mr. Houston arrived at Savannah, the British governor had been made prisoner, but afterwards escaping, took shelter under the guns of some armed vessels then lying in Savannah harbour, near Tybee. Owing to these circumstances, the name of Mr. HOUSTON, one of the most firm and fearless patriots of the revolu-

tion, is not affixed to the Declaration of Independence, and Gwinnett, Walton, and Hall, were the only delegates from Georgia, who were present on that memorable occasion. On the 9th of October, 1776, Gwinnett was re-elected for the year ensuing, and, together with his colleagues, presented the customary credentials on the 20th of December, in Baltimore, to which city congress had then removed.

During the session of the provincial assembly in September, 1776, held in Savannah, a convention was summoned to meet in February, 1777, to frame a constitution for the future government of the state. Mr. Gwinnett was elected one of the members of the convention, and the bases of the constitution, subsequently adopted, are said to have been framed by him.

Soon after the adjournment of the convention, the presidency of the provincial council became vacant by the death of Mr. Bullock, and Mr. Gwinnett was appointed to fill that high and honourable office. Having now attained the highest station in the province, within the short period of a year after his first appearance in public life, it might have been expected that the ambition of Mr. Gwinnett would, at least, have slumbered for a time. But his rise in the public favour appears to have been too rapid: it excited jealousies among those who had



equal if not better claims to preferment, and an opposition to his views, which inflamed a temper naturally hasty, and engendered animosities which finally conducted him to his grave.

During the time he represented the colony in congress, he became a candidate for the commission of brigadier-general of the continental brigade to be levied in Georgia, in opposition to colonel Lackland M'Intosh, but was unsuccessful. This disappointment is said to have caused him great vexation, and to have made a deep impression on his mind: from that period he seems to have considered colonel M'Intosh as a personal enemy.

It was to be expected, in framing a new system of government, that the duties and powers of the component parts would bear a variety of constructions, and, in the first instance, not be properly understood. The discord, which the previous collision of interests had occasioned between the respective heads of the civil and military departments, was now rapidly increasing. Mr. Gwinnett had the address to secure in his interest a large majority of the executive council, and, for the purpose of mortifying his adversary, laboured to infuse jealousy into the public mind in relation to the relative powers of the civil and military authorities, strongly depicting the evil consequences that ensued from vesting

military commanders and courts-martial with powers which could be more safely exercised by the executive and judicial authorities. This erroneous system of policy, so inconsistent with the precarious posture of affairs, was frequently condemned and lamented by General Washington, who deeply experienced the destructive effects of its influence in relation to his military operations.

The necessary consequences of the power assumed by president Gwinnett over the continental army in Georgia, was contempt and disrespect on the part of the officers and soldiers towards their proper commander, and the destruction of military discipline. When officers were charged with offences, either civil or military, the president claimed the right of trying the offenders before the executive council; and when it was necessary to despatch officers on military expeditions, he not only assumed the privilege of selecting the individuals, but of regulating their proceedings.

In conformity with the system which he had adopted, Mr. Gwinnett projected an expedition against East Florida with the continental troops and the militia of Georgia, to be commanded by himself in person. General M'Intosh was not consulted, nor was it intended by Mr. Gwinnett that he should command his own brigade, because after

passing the boundary of the state, the rank of the general in the continental army would have entitled him to the command.

According to the constitution which had been adopted, it was necessary, at this juncture, that the legislature should be convened, to organize the government. The presidential duties of Mr. Gwinnett prevented him from taking the command of the troops destined for the reduction of East Florida, and it was confided, by his orders, to the senior lieutenant-colonel of M'Intosh's brigade. This military expedition, which had been awkwardly planned, experienced a disastrous termination. The militia were surprised, and defeated with great loss, and the continental troops returned to Savannah without effecting any thing advantageous to the government. But the feelings of Mr. Gwinnett received a more powerful shock at the meeting of the state legislature, on the first Monday in May, 1777: he there offered himself as a candidate for the office of governor, and was successfully opposed by a competitor, whose pretensions and capacity he considered much inferior to his own, who was elected. This combination of events crushed the aspiring anticipations of Mr. Gwinnett, and terminated his short-lived political career.

The disappointment and humiliation of his con-

stant antagonist naturally proved a source of exultation to general M'Intosh, who is said to have discovered great animosity in frequent and free discussions of his character. Naturally ambitious, and recollecting the rapidity with which he had been elevated to the most honourable and important offices of the state, it was not to be expected that Mr. Gwinnett would descend to the station of a private citizen, without making an effort to regain the public favour. Exasperated by the conduct and remarks of his adversary, mortified by the frustration of his hopes, and anxious to re-establish his popularity, he formed the desperate determination of forcing his way to the political height from which he had fallen. A challenge was therefore conveyed to general M'Intosh, and they fought at the short distance of twelve feet. Both the combatants were wounded nearly in the same part of the body. General M'Intosh recovered; but the wound of Mr. Gwinnett proved mortal, and he expired on the twenty-seventh of May, 1777, in the forty-fifth year of his age.

Thus perished, in the prime of life, a patriot, who, during his short political career, had filled the most important stations, and eminently promoted the independence of his adopted country. The leading motives that urged him to engage in the fatal

conflict of which he was the victim, is stated to have been the desire of re-instating himself in the public opinion. A fondness for popularity is a feeling almost universal: in well regulated minds it leads to the practice of benevolence, and all the mild virtues, but in free governments it often becomes the means by which ambition forces its way to power. It is one of the most precious rewards of the patriot who has dedicated his time and abilities to the service of his country, and it is the channel through which the demagogue rises to power and consequence. All politicians are desirous of acquiring, and it is hoped there are but few who are not desirous of deserving, it; but the instances are very rare of men who have once basked in the sunshine of popularity, who have submitted to be dismissed to the obscurity of private life, without a struggle to regain the eminence from which they have been removed.

The complication of events which oppressed the feelings of Mr. Gwinnett, may be pleaded in extenuation of the deed which deprived his country of one of its earliest advocates. The disastrous failure of his military schemes, his sudden fall from the highest office of the state to the rank of a private citizen, the defeat of his political hopes, the success of his competitor, and the triumph of an avowed

enemy, may palliate an action which no sophistry can justify, and which it is our duty to condemn.

From the period at which Mr. Gwinnett engaged in agricultural pursuits, he devoted his leisure hours to political studies. The short interval of five years which preceded his death, did not permit him to attain a thorough education in the school of policy; but had his aspiring ambition been tempered with more prudence, he possessed talents which promised extensive usefulness.

He was about six feet in height, and his person was properly proportioned, lofty, and commanding. Without possessing remarkable eloquence, his language was mild and persuasive. His manners were polite and his deportment graceful. He was of an irritable temper and impatient of contradiction. He left a widow and several children, who did not long survive him.

Although the political career of Mr. Gwinnett was short, and its termination afflicting, his memory, stamped, as it is, upon the charter of our Independence, must be coeval with the duration of the American republic.

**JOSIAH BARTLETT.**





## BARTLETT.

THE ancestors of the honourable Josiah Bartlett were of Norman origin, and settled in the south of England at the time of the Norman conquest. During the seventeenth century a branch of this family immigrated into America, and established itself at Beverly in Massachusetts. His great-grand-father, whose name was John, lived in that town and had several sons, one of whom, named Richard, removed to Newbury: he had eight sons and two daughters. His fifth son, Stephen, married a lady named Webster, and settled in Amesbury, Massachusetts. The subject of the present memoir was his fourth son, who was born at Amesbury in November, 1729. The family of Stephen Bartlett consisted of five sons and one daughter, who were all distinguished for good sense, for their regular and moral deportment, and quick perception.

**JOSIAH BARTLETT** was instructed, at an early age, in the rudiments of the Greek and Latin languages, which, from his natural capacity and tenacious memory, he rapidly acquired. At the age of sixteen he commenced the study of physic under the superintendence of **Doctor Ordway** of **Amesbury**, who was a distant relation. It was necessary that students of medicine should prosecute their studies under the care of a physician, from five to seven years before they were considered qualified to practise for themselves. The indefatigable application of **Mr. Bartlett** soon exhausted the scanty library of **Doctor Ordway**, and he was compelled to have recourse to the libraries of neighbouring gentlemen, among whom was the **Reverend Doctor Webster**, an able and learned divine, who lived in **Salisbury**, a few miles distant from the residence of his father. **Doctor Webster**, who was a distant maternal relation, was a gentleman of good understanding and a liberal mind, and possessed what was then considered an extensive library of choice books. He became strongly attached to **Mr. Bartlett**, gave him the free use of his library, together with much valuable information on literary subjects, and formed a friendship which ceased only with his life.

The Bartlett family were calvinistic in their religious creeds, which was the prevailing doctrine among the dissenters both in England and America. Mr. Bartlett, however, entertained, in early youth, strong doubts of the correctness of these principles, and during the greater part of his life was a believer in the free agency and moral accountability of man.

Doctor Bartlett completed his medical education in the year 1750, and, at the age of twenty-one, commenced the practice of his profession at Kingston. He resided in the family of the Reverend Joseph Secombe, a pious and well informed minister, to whose collection of valuable books he had free access. In 1752, he was attacked with an alarming fever, which had nearly proved fatal. Exhausted by the violence of the medicines administered, and by the exclusion of air from his chamber, his life appeared to be rapidly drawing to a close, and his physician pronounced his case to be hopeless, when Dr. Bartlett, whether actuated by a belief in its efficacy, or by one of those inexplicable longings which often sway the mind of the invalid, prevailed upon two young men, who attended him during the night, to procure him a quantity of cider, and give it to him as he should direct. They, at first, peremptorily declined acceding to a wish, the gratification of

which was contrary to medical orders, and might even make them accessory to his death. His arguments and importunities, however, prevailed, and the cider being procured, he swallowed a small quantity at intervals during the night. Each draught cooled the fever, invigorated his body, and was followed by evident amendment. In the morning the powers of nature became so much revived, that a copious perspiration took place, which immediatly checked the fever. Ever after this event, Dr. Bartlett cautiously observed the operation of nature in all diseases, and never submitted to dogmatical rules, in prescribing for his patients. This practical experiment having emancipated his mind from the trammels of an arbitrary system, he founded his practice upon the details of nature and experience. With these principles, Dr. Bartlett commenced his career of public usefulness, and speedily became popular as a physician, obtaining a large portion of practice, both lucrative and honourable to himself, and highly useful to the people. Dr. Bartlett first discovered the utility of the Peruvian bark in remedying the canker, or *angina maligna tonsillaris*, which then raged at Kingston, and which he proved to be a highly putrid, instead of inflammatory disease: the physicians had previously believed it to be, and had unsuccessfully treated it, as the latter.

Early in the spring of 1735, a distemper originated in Kingston, which all the powers of the physicians of that period were unable to remedy. It was called the *throat distemper*, and is said to have first appeared in the case of a man named Clough, who had skinned and opened a hog which had been seized with a complaint in the throat and died. Soon after, Clough became diseased in the throat, and died suddenly in the month of April. Early in May, two children of deacon Elkins were taken ill with the *cynanche maligna*, and also died suddenly: they were soon followed by some children of a Mr. Webster. From these points it rapidly extended in every direction; few families escaped, and it was observed that the disease was equally felt in situations esteemed the most healthy, and in those which had before been the most subject to diseases. It raged until the greater part of the inhabitants lost nearly all their children under ten years of age. The disease was so suddenly mortal that death often took place in twelve hours from its first appearance. It is related that children, while sitting up at play, would fall and expire with their toys in their hands. A family, by the name of Abbott, had three children buried in one grave; many others had two, and some, with four or five children, lost them all. This disease was as fatal as the plague in warm cli-

mates: although a similar disease has been mentioned by some ancient authors, it appears to have been entirely unknown to the physicians, who pursued the depleting and antiphlogistic course of practice, which almost invariably terminated in death. No successful method of cure could be discovered, and they were at a loss what course to pursue. In 1754 and 1755, subsequent to the removal of Dr. Bartlett to Kingston, the disease again made its appearance, but with less malignity. He, at first, pursued the usual antiphlogistic course with like ill success. Being induced by this failure to devote his particular attention to the nature of the complaint, he became convinced that antiseptics would be useful; and one of his own children being soon after affected by it, he prescribed the use of the Peruvian bark, which was attended with a successful result: he afterwards made use of the same remedy in other cases with the same happy effect.

The integrity and decision of character which Dr. Bartlett possessed in an eminent degree, soon attracted the attention and confidence of his fellow citizens. He was first appointed to the magistracy, and, after filling various high and honourable offices, finally attained the highest dignities of the state. About the period of his nomination as a magistrate, he was also appointed by governor Wentworth to

the command of a regiment of militia, in which he discharged his duties with promptness and fidelity.

In the year 1765, Doctor Bartlett began his political career, as the representative of the town of Kingston in the legislature of the province of New Hampshire, Benning Wentworth being at that time governor, who was superseded in 1767 in favour of his nephew, John Wentworth. Colonel Bartlett was surprised at the mercenary views and actions of the royal governor, and at the debasing subserviency of a majority of the legislature, who were entirely guided by his will. Being himself a stern republican, devoted to the welfare of his country, the performance of his duties necessarily created many unpleasant feelings in the mind of Dr. Bartlett: he was compelled frequently to oppose the royal policy, and, included in a small but honourable minority, to vote against flagrant violations of right, and unwarrantable usurpations.

Benning Wentworth, the former governor, had granted charters for a number of towns, reserving some of the best rights for himself, and valuable tracts for the benefit of the episcopal church. The new governor re-granted several towns which his predecessor had before chartered, and chartered new towns interfering with the former grants, taking care to follow the example of the late governor

by appropriating some of the best lands in each grant to himself. The injured parties and their friends, together with all those who valued rectitude in public proceedings, strongly complained of this infringement of common justice. The greater part of the people were also puritans in sentiment, and disliked the grants to the church of England: they suspected that the British government intended artfully to establish that kind of religion in America. This produced jealousies and collisions between the governor and his party, and the patriots and aggrieved people: Dr. Bartlett took an active part in support of the latter, as one of the then minority.

Not long before this period, jealousies had arisen between the British ministry and the people of the colonies. As New Hampshire had been partly settled by private colonization societies, for the sake of speculation, and partly by individual adventurers who emigrated from personal considerations, the British government paid but trifling attention to them; nor did it aid or protect them according to the wishes and expectations of the settlers. The latter were necessarily compelled, in the first instance, to associate themselves under a government of their own, for mutual protection and accommodation; but when they became more populous, their



administration and laws were either directly or indirectly sanctioned by the parent government.

The ostensible cause of the mutual bickerings between the mother country and her American colonies, was the claims of the British ministry in relation to the great expense incurred in the prosecution of the war in Nova Scotia and Canada in 1760. That the colonies were bound to contribute a fair proportion of that expense was not denied; but the parliament of Great Britain, assuming the right, not only to determine the amount, but to impose the taxes at their discretion, they passed the Stamp Act, so memorable in the annals of the times. This tax was resisted by the colonies, whose vigorous and energetic measures procured the repeal of the act in 1766. The colonies justified their resistance upon the ground that they were arbitrarily taxed, because taxation and representation were correlative;—that they had actually furnished their quota of men, and proportion of the expense of the war;—that they were, in fact, the greatest sufferers;—that they had furnished troops at their own expense, and without any advantage to themselves, who were sent to make conquests for the English and reduce Cuba, where the greater part of them perished;—that they were obliged to protect themselves against the hostilities of the Indians in their

early settlements, without assistance being rendered by the British government, when most needed;— and, when powerful enough to protect their own territories, that England officiously pretended to aid them, while they were making their own conquests. Although willing to tax themselves in all just cases, for the common benefit of both countries, or even to submit to taxes, if levied by a parliament in which they could be represented, they insisted that taxes imposed by the British government without their having any voice in the measure were arbitrary and unjust, which they were bound, as Englishmen, to resist.

The influence of his ministers over the British king was so extensive as to counteract successfully the exertions of the friends of the colonies, who were numerous in Great Britain. His aged tutor, lord Bute, was then alive, and it was generally believed that he still retained great influence, and that he too successfully instilled his arbitrary principles into the mind of the king. Lord North was at the head of the ministry, a large majority of whom were guided by the same unyielding principles as lord Bute. The consequence of the system of policy supported and pursued by the British cabinet, was the renewal of taxes: in 1772, duties were imposed on tea consumed in America, which were resisted with

even more vigour than the previous stamp tax, and determined in a manner more auspicious to the colonies. The cases of resistance, especially at Boston, point out the height to which popular enthusiasm had attained in opposition to the unjustifiable measures of the British ministry.

Governor John Wentworth, soon after his appointment, in 1767, finding that Dr. Bartlett was an influential member of the assembly, appointed him a justice of the peace; but he was not to be allured from his duty and principles by executive patronage; for at the session held in June, 1768, he resolutely opposed the grant called for by the governor.

The current of discord between England and America continued to flow with increasing strength until the year 1774, and unceasing bickerings between the assembly and the governor gave constant accessions to the minority. To prevent their becoming a majority, the governor called, by the king's writ, three members from three new townships, whilst many other towns, of much older standing, and more populous, were neglected, and never enjoyed the privilege of representation except in the newly established conventions. Among these new representatives was a colonel Trenton, whose bold and overbearing conduct in the house disgusted many of the wavering members. This political

manœuvre highly exasperated the assembly against the governor.

Doctor Bartlett was a zealous and active member, and invariably acted upon principles of patriotism, and in support of the rights of the people. Private meetings of the leaders of opposition, the principal among whom were Doctor Bartlett, Doctor Thompson, Colonel Giddinge, and Colonel Nathaniel Folsom, were held. At the meeting of the assembly in the spring of 1774, the house of representatives, conformably to the proceedings of the assemblies in the other colonies, appointed a committee of correspondence. The governor immediately dissolved the assembly, hoping by that means to dissolve the committee also. But they were not restricted by forms, and being summoned by the committee, the representatives reassembled, and addressed circulars to all the towns in the province, requesting them to send deputies to hold a convention at Exeter, for the purpose of choosing delegates to a general congress, to meet in Philadelphia in September, 1774. A committee of safety was appointed, of which colonel Weare was elected president, and colonel Thompson, secretary. On the twenty-first of July, 1774, the congress convened at Exeter met, and consisted of eighty-five members, who elected Dr. Bartlett, and John Pickering, Esq.,

a lawyer of Portsmouth, as delegates to the proposed general congress. The latter gentleman refused the appointment, and Dr. Bartlett having recently lost his house by fire, was also compelled to decline. Nathaniel Folsom and John Sullivan were then appointed, and empowered to attend and assist in the general congress of delegates from the other colonies, and aid the prosecution of such measures as might have the most likely tendency to extricate the colonies from the serious difficulties in which they were involved, to secure and perpetuate their rights, liberties, and privileges, and to restore that peace, harmony, and mutual confidence which once happily subsisted between them and the parent country.

The king's message to parliament on the seventh of March, the Boston port bill of thirty-first of March, the New England riot bill of fifteenth of April, the arrival of General Gates with troops and military stores, on the thirteenth of May, and his proclamation of the twenty-ninth of June, 1774, were all portentous of great events to the American colonies. Although the people were inured to hardships and familiar with the use of arms, yet when a war with Great Britain presented itself to their minds, their enthusiasm was abated by mingled sensations arising no less from the power of the parent

state than a reluctance to engage in hostilities with men who had heretofore been considered as brethren; but from the first shedding of American blood, their zeal was rekindled, and the most vigorous measures were adopted.

The precursors of civil war had now become so obvious and alarming, that the minds of all the colonists were directed to the course of conduct which it would be proper individually to adopt in case the anticipated rupture with Great Britain should take place. Hence they became divided into two classes: those whose patriotism and resolution were strong enough to meet the threatened storm, were termed Whigs; and those who believed that all opposition to the power of Great Britain would be unavailing, or whose sentiments were favourable to a monarchical form of government, or whose interests or connexions led them to espouse the cause of the mother country were called Tories, and were watched with suspicious vigilance by the opposite party.

The continual collisions between the governor and the assembly, caused the former to prorogue them frequently until the year 1775, when it became manifest, from the obstinacy of the British parliament and royal governors, that either a civil war or submission to slavery would speedily take place. In the month of February, 1775, Doctor

Bartlett received very flattering testimonials of the spirited and patriotic tenor of his conduct: he was formally notified by the clerk of the court of common pleas under governor Wentworth, that his name was erased from the commission of the peace for the county of Rockingham, and received a letter, bearing the same date, advising him that the governor had, with the advice of counsel, dismissed him from his command in the militia. Colonel Thompson and many other leaders of the Whigs were honoured in the same manner.

The events of the year 1775, imposed arduous duties upon the committee of safety, several of whom, and among the rest Doctor Bartlett, were members of the colonial assembly, in which a strong majority had become opposed to governor Wentworth. On the fourth of May he summoned a new assembly, and determined, as he said, “to plant the root of peace in New Hampshire:” he laid before them the proposal made and voted in parliament, which was called lord North’s conciliatory proposition, at the same time earnestly entreating them to direct their counsels to such measures as might effectually lead to an affectionate reconciliation with the mother country. The house desired a short recess that they might consult with their constituents on so momentous a question, and the governor reluc-

tantly consented to adjourn them till the twelfth of June. But the American blood which had, on the nineteenth of April, been shed at Lexington, and the absurd and inconsistent conduct of general Gage, who had despatched the expedition against Concord upon the same day that he issued writs for calling a general assembly in Massachusetts to consider the proposed terms of reconciliation, had highly exasperated the people: they could neither recognise the spirit of conciliation, nor repose confidence in the propositions of parliament, when accompanied with barbarous acts of hostility.

At the adjourned meeting of the twelfth of June, the governor again recommended “the conciliatory proposition;” but the first step taken by the house, in obedience to the voice of the convention, was to expel the three members whom the governor had summoned by the king’s writ; upon which he adjourned the assembly to the eleventh of July. Colonel Trenton, one of the expelled members, having freely indulged in abusive language out of doors, was assaulted by the populace at Portsmouth, and took shelter in the governor’s house. The people demanded him, and planted a cannon before the door, upon which the offender was delivered up and conveyed to Exeter: the governor, conceiving him-



self insulted, retired on board the Fowey man of war, then lying in the harbour.

At the next meeting of the assembly, on the 11th of June, the duties of Dr. Bartlett were extremely arduous, being at the same time a member of that body, of the committee of safety, and of the provincial convention. He was, however, soon relieved from the first mentioned, as governor Wentworth sent a message to the house, and adjourned them to the twenty-eighth of September. Having previously retired to Boston, the governor, in September, went to the Isle of Shoals, and there issued a proclamation, adjourning the assembly to the next April. This was the final act of his administration, and the last time he was within the boundaries of the province. Thus terminated the British government in New Hampshire, where it had subsisted ninety-five years.

In September, 1775, Dr. Bartlett was appointed to command a regiment by the first provincial congress, of which Matthew Thornton was president. The committee of safety was continued by that congress, and had full executive and legislative powers granted to them during its recess. They planned a re-organization of the state, and framed an oath of allegiance, which every individual was compelled to take; those who refused were confined until they

acceded to it. This oath was called in pleasantry, the "*chevaux de frise.*"

On the 23rd of August, 1775, he was chosen a delegate to the continental congress in the room of John Sullivan, Esq., who was engaged in the army, and took his seat in that body on the sixteenth of September following. His attention to the important duties of his station was strict and incessant until the month of March, 1775, when he returned home. After a short stay, he again repaired to Philadelphia, where he resumed his arduous and laborious task. Congress met at nine o'clock, A. M. and sat till four o'clock, P. M., after which Doctor Bartlett frequently served on committees until a late hour of the night. The increasing prospect of important and untried events, in which their lives and families, and fortunes were put to the hazard,—the decease of their late valuable president, and of general Montgomery,—the ravages of the incensed enemy, together with the thoughts of his distant family, who were not in an eligible situation owing to his recent loss by fire;—all conspired to depress the spirits of Doctor Bartlett. He, however, sustained these cares with the consciousness of the justice of his cause and a reliance on the goodness of the Supreme Disposer of all events, which confirmed his perseverance in the line of his duty.

On the 23rd of January, 1776, he was re-elected to congress, in conjunction with William Whipple and John Langdon, esquires. He was appointed, June 12th, one of the committee to prepare and digest the form of confederation to be entered into between the colonies.

The subject of a Declaration of Independence had been some time in agitation, and freely and fully discussed. In many places the public opinion was much divided; the partizans of Great Britain strongly opposed it, and many of the best friends to the country had doubts of the policy of the measure at that moment; but the more firm and zealous patriots warmly urged its adoption, and used every argument in its support. On the first of July, it was found that a majority was in favour of the measure; but it was calmly and deliberately discussed until the fourth day of that month, with the view of obtaining as unanimous a vote as possible. On that memorable day, it was deemed expedient to take the sentiments of the house, beginning with the northernmost colony, or New Hampshire. The name of Doctor Bartlett was first called, and he answered in the affirmative; the other states were then called in rotation. John Hancock, the president of congress, first signed the declaration, and was immediately followed by Dr. Bartlett, he being the first who voted for.

and the first after the president, who signed that important document.

On the 24th of December, 1776, he was re-appointed a delegate to congress by the provincial government: his associates from New Hampshire were William Whipple and Matthew Thornton. But he returned home in that year, worn down with fatigues and ill health, and did not again attend their sittings until 1778. In the mean time, however, he was engaged in other public duties in New Hampshire, and also in providing for the forces of the intrepid Stark at Bennington, whose troops were solely under the control of that state.

Doctor Bartlett was again elected a delegate to congress, which then sat at Yorktown, on the 14th of March, 1778, together with John Wentworth, junr. Esq., and resumed his seat on the 21st of May: the bad health of Mr. Wentworth prevented his long attendance, and he returned the first of August. After the evacuation of Philadelphia by the British, congress adjourned on the 27th of June to meet in that city on the second day of July. The delegates dispersed from Yorktown at different times, and in different companies, according to their convenience. Doctor Bartlett, however, was only accompanied by his servant: they were obliged to pass through a wood of considerable extent,

which was infested by a band of robbers, supposed to be about twenty in number, who plundered all who travelled through it. In those times of violence and distress, many people, who had been driven from their homes and occupations by the movements of contending armies, resorted to this desperate mode of life, to obtain subsistence; or probably some renegado Tories, of the class then called "cow boys," may have composed this band. When Dr. Bartlett and his attendant had arrived at the tavern near the wood, they stopped to refresh themselves and their horses: here they were informed that it was dangerous to pass alone, as the robbers were then particularly on the alert. At the same time an anecdote was related relative to the paymaster of the army, who took a large quantity of paper money from Yorktown, a few weeks before, to the army under general Washington. This gentleman was an officer of the army; he was alone, and when he reached the skirts of the wood, he learned the active spirit and supposed number of the gang. Finding that it would be hazardous to proceed in his proper character, he laid aside his military coat and every appearance of rank, took an old shabby horse, saddle, bridle, and farmer's saddle-bags, in which he deposited his money, and set off in the steady jog of a country friend. When he

had arrived at a certain part of the forest, he was met by two of the band, who demanded his money. He saw others around at some distance in the wood, but his presence of mind and equanimity were equal to the task, and assuming the Quaker air and seriousness, he told them that he possessed little money, but that, if they had a better right to it than himself and family, they might take it. He then spoke of moral and religious duties, at the same time taking from his pocket a few small silver and copper pieces, which he offered to them. They were so completely deceived by this menœuvre, that, after observing that he was “a poor Quaker and not worth robbing,” they suffered him to pass on without touching his money. He saluted them with a friendly “farewell,” and proceeding in his old jog, passed through the wood, and carried the money safely to the army.

While Doctor Bartlett was refreshing himself, several other delegates, with their servants, arrived: they all prepared their side-arms, and setting off together, passed through the forest without interruption.

When they arrived at Philadelphia, they found great alterations made by the enemy in that city: among other things, they discovered the devices of the British to sway the opinions of the Americans,

and lead them into subjugation through the agency of their own credulity and vanity. They had tried a pretended spirit of reconciliation in the year 1776, when congress had deputed Doctor Franklin, Mr. Adams, and Mr. Rutledge, to meet lord Howe, at the request of the latter. The palpable intention was to lessen the enthusiasm of the people in favour of liberty, and bias their sentiments against revolutionary principles, and not to come to an equitable accomodation: the commission of lord Howe did not contain any other authority than that expressed in the act of parliament, which was that of granting pardons, with such exceptions as the commissioners might think proper to make, and of declaring America, or any part of it to be in the king's peace, upon submission. It is unnecessary to add in what manner, a conference, grounded upon such principles, terminated. The British had also endeavoured to impose upon the credulity of the Americans through the medium of a paper printed in New York, commonly known among the Whigs by the name of the "*Rivington Lying Gazette*;" it was disseminated as widely as possible, and attempts were made by the instrumentality of the Tories, to induce American printers to copy from it. They tempted the venality of the leading citizens and public officers. of which Arnold was a dark example, and

tried the force of fashion amongst the vain and weaker part of the community. Public sentiment in all communities, as well as manners and customs, are swayed by the ideal tyrant, FASHION. As colonies, we were nurtured under this imaginary phantom, emanating from the parent country, and continually changing. Since the non-intercourse with Great Britain, our customary habits had remained nearly the same, with the exception of a few changes, recommended by the government, in relation to tea, to mourning, and to domestic manufactured cloth. But, after the British entered Philadelphia, the ladies attendant on their army taught the American ladies of that city the use of high head-dresses, crape cushions, and other extravagancies of London fashions. When the British evacuated Philadelphia, the ladies of the tory families always appeared with their fashionable apparatus, while the gentlemen had dismissed their small round hats, and substituted a large kind, decorated with three corners. These customs beginning to prevail among the other citizens, some of the whigs, in order to check their progress by salutary ridicule, dressed a negro wench in the full costume of a loyal lady, conveyed her to the place of resort where the fashionables displayed their towering topknots and jutting magnificence, and seated her in the most



conspicuous place. They afterwards carried her through the city, to the great chagrin of the devotees of the visionary divinity. But nothing could stem the progress of the fashion, which, for a season, became general throughout America.

Doctor Bartlett was again elected a member of congress, on the 19th of August, 1778, and on the 31st of October following obtained leave of absence, and returned home for the purpose of attending to his domestic concerns, which had greatly suffered from the want of his care and superintendence. He never again appeared as a member of that body. In 1779, he was appointed chief justice of the common pleas, and, in 1780, muster-master of the troops then raising for three years and during the war. In 1782, on the resignation of judge Thornton, he was appointed a justice of the superior court, which office he held until he was made chief justice, in 1788.

In 1783, the British ministry, after an ineffectual struggle to subjugate them, which continued about eight years, definitively recognized the independence of the North American colonies. They had learned the invincible powers of a virtuous and hardy people, of sound republican principles, qualified to endure the dangers and privations of war, as well as to withstand the seductions of vice, vanity, and lux

ury, who were led by a band of patriots inspired by virtue and the pure love of liberty.

But the return of peace was not accompanied by that prosperity which was expected. Impoverished by its exertions, the country no longer possessed a monied capital sufficient to repair the damages and devastations of war: our trade languished, and the poverty of the country prevented the payment of the requisitions which were made on the states by congress for the support of public credit. That confederation which, aided by public opinion, carried us triumphantly through a war with one of the most powerful nations of Europe, became a rope of sand when the great object of its creation was accomplished: its resolves were disregarded; the public creditor remained unpaid; and the union of the states was hastening to its dissolution. In this disastrous situation, it was determined to call a convention of delegates from the several states, to devise a plan of government more efficient and better adapted to our situation. That convention met in the city of Philadelphia in the year 1787, and surmounting all the difficulties which local interests and prejudices interposed, formed, and submitted to the consideration of the people, the constitution under which we now live,—a constitution, under which we have rapidly advanced in greatness as a

nation, and enjoyed an unexampled portion of individual happiness, and which it is our duty and interest to cherish as the best legacy to our children. Regarded as it is by all nations, as one of the noblest monuments of human wisdom, let us hope that it will not be permitted to be defaced, or its harmony to be destroyed by the presumptuous confidence or restless imaginations of inferior men.

The formation of the federal constitution was a spectacle which the political annals of the world had never before displayed. Almost all the governments which had preceded it, had been the offspring of force or fraud, or ill-digested policy. They had been founded by the despotic power or the intriguing arts of a few designing men. All the improvements which had been introduced into their fundamental principles, had flowed from the unobserved innovations of time, or sprung from the insurrective impulse of the nation. It was left to the United States to exhibit the unprecedented spectacle of a people calmly electing representatives to organize the plan of a written constitution, founded upon the imprescriptible rights of man. Although the members may have differed about subordinate expedients, and the propriety of previous and subsequent amendments, there was but one sentiment and one voice in relation to the fundamental principles of

the constitution, the sanctity of the will of the people, and the inviolability of the rights of man.\*

The state of New Hampshire acceded to the new constitution on the 21st of June, 1788: Dr. Bartlett was an active member of the convention, and strenuously supported its adoption. In April, 1789, the old confederation expired, and the new form of government, partly federal and partly national, succeeded in its place, to the universal joy of all who desired the happiness of the United States. Doctor Bartlett was chosen a senator to congress, in the same year, together with colonel Langdon; but the infirmities of age, being now in his sixtieth year, induced him to decline that office.

In June, 1790, he was chosen president of New Hampshire, in which office he continued until June, 1793, when he was elected the first governor of the state. He discharged the duties of this high station with his usual promptitude and fidelity: he was a ruler in whom the wise placed confidence, and of whom even the captious could find nothing to complain.

The advanced age of governor Bartlett now required repose, and he closed, by the resignation of the chief magistracy, his public career, which, in its

\* Virginia Debates, pref. p. iii, v.

purity of principle and love of country, was not excelled even in what has been emphatically denominated "*the age of men.*" On the 29th of January, 1794, he addressed the following letter to the legislature:

"GENTLEMEN OF THE LEGISLATURE,

After having served the public for a number of years, to the best of my abilities, in the various offices to which I have had the honour to be appointed, I think it proper, before your adjournment, to signify to you, and through you to my fellow-citizens at large, that I now find myself so far advanced in age, that it will be expedient for me at the close of the session, to retire from the cares and fatigues of public business, to the repose of a private life, with a grateful sense of the repeated marks of trust and confidence that my fellow-citizens have reposed in me, and with my best wishes for the future peace and prosperity of the state.

I am, Gentlemen, your most obedient,

And very humble servant,

JOSIAH BARTLETT."

"*To the President of the Senate and Speaker of the House of Representatives, to be communicated.*"

The repose which he anticipated, so inestimable to a man, the better part of whose life had been consumed amid the toils and troubles of the revolution, and the dissensions which preceded it, was destined, in this world, to be of short duration. On the nineteenth day of May, 1795, this distinguished patriot was gathered to his fathers, in the sixty-sixth year of his age. The wife of governor Bartlett was a lady of Kingston, who possessed the same family name. She was a woman of excellent character, and an ornament to society, and died in 1789, six years previous to the death of her husband. The sons of governor Bartlett are distinguished among the most eminent citizens of New Hampshire.

The stern patriotism and inflexible republicanism which adorned the character of Doctor Bartlett, have already been developed. His mind was quick and penetrating, his memory tenacious, his judgment sound and perspective. His natural temper was open, humane, and compassionate. In all his dealings he was scrupulously just, and faithful in the performance of all his engagements. These brilliant talents, combined with distinguished probity, recommended him early in life to the esteem and confidence of his fellow-citizens. But few persons, by their own merit, and without the influence of family or party connexions, have, like him, risen from one

degree of confidence to another; and fewer still have been the instances, in which a succession of honourable and important offices have been held by any man with less envy, or executed with more general approbation.\*

\* Rev. Doctor Thayer's Funeral Sermon.





**PHILIP LIVINGSTON.**



## LIVINGSTON.

THE solicitude already manifested to connect the obituary notices of the times with the events of the American revolution, and the natural propensity of mankind to trace their genealogy to celebrated sources, render it evident, that, with the progress of time, an increasing interest will be felt in the biography of those illustrious statesmen and soldiers who laid the foundation of the American empire, and that future and remote generations will be directed and stimulated in a career of distinguished patriotism, by meditating on the glorious achievements of a renowned ancestry. The authors of our independence will indeed occupy a higher rank in the veneration of posterity, than ever the founders of Rome attained in the estimation of the eternal city: and for the gratification of the present and all future times, it is now proper to collect the scattered no-

tices of their personal and political history, to mould them into form, and to exhibit the result to the contemplation of an admiring world.

**PHILIP LIVINGSTON**, one of the signers of the Declaration of Independence, was a member of a family, which has long been distinguished in the state of New York. His great grandfather was **John Livingston**, a celebrated divine in the church of Scotland, who emigrated in 1663 to Rotterdam, where he died in 1672. His son **Robert**, a man of distinguished abilities and high respectability, soon after came to America and obtained a grant for the manor of Livingston in the then colony of New York. He had three sons, **Philip**, **Robert**, and **Gilbert**. **Philip** the eldest was heir to the manor: **Robert** was the grandfather of the celebrated Chancellor Livingston, and **Gilbert** was the grandfather of the **Rev. Dr. John H. Livingston**, one of the most eminent divines in America. **Philip** had six sons, all of whom ranked among the most respectable men of the times. The fourth son, who was named after his father, is the subject of this memoir, and has covered his name with immortal honour by enrolling himself in the illustrious band of patriots who pronounced the United States free and independent.

**Philip Livingston** was born at Albany on the 15th of January, 1716. At that time there were no great

or flourishing establishments for education in the province of New York, and the institutions for elementary instruction were few in number and insignificant in character. As low down as 1746, there were not more than fifteen persons in the whole colony who had received the honours of a college or university; and in this number were included lieutenant governor Delancey, Mr. Smith the historian of New York, afterwards chief justice of Canada, Mr. Livingston, and his three brothers. The high standing of his family entitled him to a correspondent education, and, after preliminary instruction, he was sent to Yale College in Connecticut, where he graduated in 1737.

To the revocation of the Edict of Nantz, New York is greatly indebted for its primitive prosperity. Many of the Huguenots of France found an asylum in this remote region, and introduced an enterprising spirit of commerce and a laudable taste for general improvement; and, extraordinary as it may appear, an additional impetus was given to these important propensities by emigrations commencing in 1735 from the Bermudas. The descendants of these different classes of emigrants have been among the most useful and distinguished inhabitants of New York. As the pursuit of commerce was the ruling passion of the times, the principal families of the

city were engaged in it; and the young men were usually sent from the writing school to the counting house, and from thence to the West Indies. With the superior advantages of an excellent education, Mr. Livingston embarked in the same profession, and was soon engaged in extensive operations: And his inflexible integrity, and sagacious, enlarged, and comprehensive, views, laid the foundation and erected the superstructure of extraordinary prosperity.

His first appearance in public life was in September, 1754, when he was elected an alderman of the east ward of the city of New York. That city then contained only a population of 10,881 souls. It was divided into seven wards, and the station of an alderman was considered important and respectable. He continued to exercise this office with universal approbation and signal usefulness for nine years, being annually elected by the freeholders and freemen of the city, entitled to vote in the ward which he represented.

On the 16th December, 1758, the general assembly of the colony was dissolved by James Delancey, who was then lieutenant governor, and who administered the government in the room of Sir Charles Hardy, who had resigned as governor on being appointed a rear admiral in the British navy. A new house of assembly was consequently chosen, and

being convened on the 31st of January 1759 at the City Hall of the city of New York, elected William Nicoll, of Suffolk county, the speaker. This body then consisted of 27 members, chosen from the following places:

City and County of New York,	4	members.
----- Albany,	2	“
County of Kings,	2	“
----- Queens,	2	“
----- Suffolk,	2	“
----- Richmond,	2	“
----- West Chester,	2	“
----- Dutchess,	2	“
----- Ulster,	2	“
----- Orange,	2	“
Borough of West Chester,	1	“
Township of Schenectady,	1	“
Manor of Rensselaerwyck,	1	“
Manor of Cortland,	1	“
Manor of Livingston,	1	“
	<hr/>	
	27	

The compensation of the members did not generally exceed six shillings per day, but the station was sought for with extreme solicitude, and was the subject of expensive and arduous contests. All the electors voted *vivâ voce*, and at one place. The can-

didates appeared on the hustings as in England, and no effort was spared, no expedient was omitted, by the rival claimants, to propitiate the public favour.

Mr. Livingston was, at that election, returned a member from the city of New York, and is denominated, in the colonial journals, alderman Philip Livingston, to distinguish him from his brother and other gentlemen of his name, who were also members. The functions of a colonial assembly did not comprehend a numerous population, a spacious area, extensive employment, or plenary power. The population of the whole colony did not exceed 100,000 souls, and, exclusive of Manhattan, Staten and Long Islands, the settlements reached on the east side of the Hudson river to the boundaries of Connecticut and Massachusetts, and only a short distance to the west on the right bank of that river, from whence, to the possessions of France and to the borders of the Great Lakes, there was a vast region claimed by the colony, but occupied exclusively by Indian tribes and wild animals.

When the general assembly met in 1759, Great Britain was at war with France, and as the tendency of foreign controversy is to repress internal dissension, an harmonious intercourse existed between the different branches of the government. This state of things so desirable at all times, and particu-



larly in seasons of public danger, had been rarely experienced since the lieutenant governor had attained an ascendancy in the province. He had formerly distracted and embroiled the community by his bold attempts on the independence of the governors, and his artful intrigues with the general assembly. His influence was probably derived more from vivacity of imagination and fascination of manners, than elaboration of intellect or purity of principle. His official communications do not bear the impress of great talents, so profusely ascribed to him in the publications of the times: nor did it appear that in the course of his administration, he ever suggested any plans calculated to subserve the general prosperity; his views were entirely personal, and his projects evanescent and ephemeral; and his whole aim was to consult the blandishments of popularity and the aspirations of ambition, without any solicitude for the prosperity and glory of his country.

The province cooperated with great zeal in a project to raise 20,000 men by the United Colonies for the purpose of subduing Canada. The legislature agreed to furnish 2680 men as the quota of New York. One hundred thousand pounds were appropriated for levying, paying, and clothing the troops, and an advance of 150,000 pounds was made to the British commissariat, whose funds were ex-

hausted. In consequence of similar spirited measures on the part of the sister colonies and the mother country, Ticonderoga, Crown Point, Niagara, and Quebec, were captured, and the subsequent year witnessed the subjugation of all Canada.

The talents and education of Mr. Livingston enabled him to take a distinguished part in the promotion of these important measures, and on other occasions of general and primary interest. Of the two standing committees on elections and new laws, then only existing, he was appointed chairman of the latter, and also a member of a grand joint committee, constituted to consider on the establishment of strong settlements on the frontiers as a barrier against the enemy.

In his legislative career he was particularly sedulous in the encouragement of agriculture and commerce, by facilitating communication with the ocean, and establishing the character of our productions in external or foreign markets. The various measures which he initiated, and the different bills which he brought in for these important purposes, may be seen in the journals of the colonial assembly, and bear ample testimony to the extent of his information, the power of his mind, and the ardour of his patriotism.

Each colony had a minister under the denomination of agent, to manage its concerns with the court of Great Britain. This agent was appointed by the representatives of the people exclusively, and an attempt in New York to make the appointment by the concurrence of all the branches of the colonial legislature, was put down at once by the general assembly. On the 21st of December, 1770, the celebrated Edmund Burke was unanimously chosen agent of New York, with a salary of five hundred pounds, in the room of Robert Charles deceased. A regular correspondence was maintained between a committee of the general assembly and the agent. This committee was entrusted with the exterior interests, or foreign relations, of the province, and Mr. Livingston was appointed one of its members, an office of great trust and high importance; and there can be no doubt that Mr. Burke derived from his communication with his constituents, those masterly and luminous views of the state of the colonies, which enabled him, in the British house of commons, to eclipse all competition, and to overwhelm all opposition.

In consequence of the death of the lieutenant governor, on the 30th of July, 1760, the administration devolved on Cadwallader Colden, president of the council, and afterwards lieutenant governor, a gen-

tleman of distinguished talents and science: and in consequence of the dissolution of the general assembly by the demise of George II, a new one was chosen, (in which Mr. Livingston was re-elected,) which met at New York on the 10th of March, 1761.

At a meeting of the general assembly on the 11th of September, 1764, Mr. Livingston reported an answer to lieutenant governor Colden's speech, which contained the following passage, deserving of the highest praise for its spirit of genuine patriotism, its recognition of the orthodox principles of the revolution, and its laying the foundation of that opposition and resistance which produced the glorious work of American independence: "But nothing can add to the pleasure we receive from the information your honour gives us, that his majesty, our most gracious sovereign, distinguishes and approves our conduct. When his service requires it, we shall ever be ready to exert ourselves with loyalty, fidelity, and zeal; and, as we have always complied in the most dutiful manner with every requisition made by his directions, we, with all humility, hope that his majesty, who, and whose ancestors, have long been the guardians of British liberty, will so protect us in our rights, as to prevent our falling into the abject state of being forever here-

after incapable of doing what can merit either his distinction or approbation. Such must be the deplorable state of that wretched people, who, (being taxed by a power subordinate to none, and in a great degree unacquainted with their circumstances,) can call nothing their own. This we speak with the greatest deference to the wisdom and justice of the British parliament, in which we confide. Depressed with this prospect of inevitable ruin, by the alarming information we have from home,\* neither we nor our constituents can attend to improvements conducive either to the interests of our mother country or of this colony. We shall, however, renew the act for granting a bounty on hemp,† still hoping that a stop may be put to those measures, which, if carried into execution, will oblige us to think that nothing but extreme poverty can preserve us from the most insupportable bondage.

“ We hope your honour will join with us in an endeavour to secure *that great badge of English liberty, of being taxed only with our own consent, to which we conceive all his majesty's subjects at home and abroad equally entitled to.*”

\* The colonists sometimes called England *home*, such was their attachment to the mother country.

† A measure recommended by the lieutenant governor in his speech.

This decided and energetic stand against the usurpations of Great Britain was followed up, at subsequent meetings, by eloquent and animated representations to the king, lords, and commons, written with great spirit and ability: and it appears that in October, 1765, a committee from the general assembly met the several committees from the different governments on the continent, “to consult on the present circumstances of the colonies, and the difficulties to which they are and must be reduced, by the operation of the acts of parliament for laying duties and taxes on the colonies, and to consider of a general and united, dutiful, loyal, and humble, representation of their condition to his majesty, and to implore relief.” The proceedings of this congress were approved by the colonial assembly of New York, and remonstrances of a similar character and tendency were unanimously adopted by that body.

The governor, Sir Henry Moore, having dissolved the general assembly, a new general election was held, which resulted highly favourable to the Whig party, or the party in opposition to British assumptions. Several new members were elected, who afterwards made a distinguished figure in the revolution. Among these were George Clinton, the first governor, and Pierre Van Cortland, the first lieute-

nant governor of the state, general Philip Schuyler, general Abraham Ten Broeck, Charles De Witt, and Henry Wisner, esquires. This illustrious band and their compatriots selected Mr. Livingston, returned again from New York, for their head, and on the 27th of October, 1768, he was unanimously chosen speaker by twenty-four members who had convened, and was presented, according to the forms of the British house of commons, to the governor, as the representative of royalty, for his approbation, which was given as a matter of course.

The proceedings of this assembly were correspondent with the exalted character of its presiding officer and leading members.

In December of this year, resolutions were adopted asserting the rights of the colonies against parliamentary usurpation: a correspondence was opened with the other provinces, and remonstrances prepared against the unwarrantable assumptions of Great Britain. The royal governor, taking umbrage at these proceedings, dissolved the general assembly on the second of January, 1769, and a new one was elected, which met at the usual place on the fourth of April following.

Although a majority of this body consisted of the creatures of the crown, yet some of the most distinguished members of the Whig party were re-elect-

ed,—Clinton, Van Cortland, Schuyler, Ten Broeck, and De Witt. Mr. Livingston declined an election for New York, and after a violent contest in that city, where one thousand five hundred and fifteen votes were taken, the candidates adverse to the popular party were elected. He was, however, returned as a member from the manor of Livingston; but, being in a minority, was not brought forward as speaker.

On the twelfth of April, Mr. Livingston made the following motion:

“Mr. Speaker, as every art is at this time made use of, by the enemies of American liberty, to infuse jealousies and distrusts of each other in the minds of his majesty’s most faithful subjects, within the several colonies; and, in order thereto, reports have been spread, and industriously propagated, that the house of assembly, lately chosen for the dominion of Virginia, will, at their next meeting, rescind or take back the resolves of the late patriotic assembly of that province; and, as it is very probable that the like report will, for the same purpose, be propagated with regard to the sentiments of this house; to prevent the evil effects of such sinister practices, and to evince to our constituents that we fully agree in opinion with the last general assembly, I move that the house concur in sentiments with the last general assembly, with respect to the subject-matter of



the resolves entered in the journals of that house on the 31st of December last, and that the said resolution be entered on the journals of this house."

This motion was postponed from time to time, and never acted on. But Mr. Livingston was marked out as an object of ministerial vengeance; and, on the very same day, Mr. Thomas moved to vacate his seat on account of his not being a resident of the manor of Livingston. When this motion was made, Mr. (afterwards governor) Clinton was greatly irritated, and observed that it contained so much false orthography and vicious syntax, it would reflect great dishonour on the house, as well as on the mover, should it be entered as it then stood. He therefore moved, that Mr. Thomas be ordered to correct his said motion before it appears on the journal of the house. Thereupon it was ordered that Mr. Thomas correct his said motion, which he having corrected accordingly, it was received, and Mr. Clinton then moved that he should pay costs if his motion for dismissing Mr. Livingston should appear vexatious and frivolous, which was overruled. These anomalous proceedings form a striking commentary on the acrimony of party, and the state of education.

The consideration of Mr. Thomas's resolution was postponed until the 12th of May, and in the

mean time Mr. Livingston irritated anew the inimical spirit against him, by bringing in a bill "to vacate the seat of any present or future member of general assembly who shall accept of any post or place of honour, profit, or trust, under the crown, after his being elected a member to serve in general assembly." This bill of course did not pass.

When Mr. Thomas's resolution was considered, it appeared that Mr. Livingston was a freeholder of the manor of Livingston; that for fifty-three years, except in three instances, the manor was represented by non-residents, and that, in twenty-one out of twenty-four cases, non-residents were permitted to represent counties. In pursuance of predetermined hostility, his seat was vacated by seventeen to six votes, and his legislative career, in that body, terminated. The general assembly, from that period, continued devoted to British supremacy. As late down as the 17th February, 1775, a motion was made to thank Philip Livingston, and his colleagues, for their conduct as delegates to the continental congress held at Philadelphia in September and October previously, which was negatived.

Mr. Livingston was chosen a member of the first congress, which met at Philadelphia on the 5th of September, 1774. In this assembly he took a distinguished part and was appointed on the committee

to prepare an address to the people of Great Britain.

This illustrious body adjourned on the 26th day of October, and re-assembled on the 10th May, 1775.

A provincial convention, held at the city of New York on the 22d of April, 1775, and formed of deputies from New York, Albany, Dutchess, Ulster, Orange, Westchester, King's, and Suffolk, counties, appointed Philip Livingston, George Clinton, James Duane, John Alsop, Simon Boerum, William Floyd, John Jay, Henry Wisner, Philip Schuyler, Lewis Morris, Francis Lewis, and Robert R. Livingston, jr. delegates to that congress, who, or any five of them, were entrusted with full power to concert with the delegates from the other colonies, and determine upon such measures as should be judged most effectual for the preservation and re-establishment of American rights and privileges, and for the restoration of harmony between Great Britain and the colonies.

Mr. Livingston, together with several of his colleagues, attended this congress, and on the 4th of July, 1776, he, together with William Floyd, Francis Lewis, and Lewis Morris, affixed their signatures to the Declaration of Independence in behalf of the state of New York, and on the 9th of the same

month, the convention of New York, assembled at White Plains, unanimously sanctioned the measure.

On the 15th of July, 1776, he was chosen by congress a member of the board of treasury, and on the 29th of April following, a member of the marine committee; two important trusts, in which the safety and well-being of America were essentially involved.

On the 13th of May, 1777, the state convention re-elected him to congress, and thanked him and his colleagues for their long and faithful services, rendered to the colony and state of New York.

His attendance in the continental congress did not, however, preclude his employment at home in affairs of importance. On the 22d November, 1774, he was elected a member of the association formed to execute the plan of commercial interdiction against Great Britain. On the 20th of April, 1775, he was appointed president of the provincial congress assembled in New York. On the 1st of February, 1776, he was unanimously chosen a member of the general assembly for the city of New York. On the 16th of April, following, he was selected as a delegate of the next provincial congress, and in the ensuing June, he was chosen to serve in the same body the next year, with the additional power of framing a new government or constitution for the colony.

On the 20th of April, 1777, the constitution of the state was adopted at Kingston. On the 8th of May following, Mr. Livingston was chosen a senator under it, for the southern district, and on the 10th of September, he attended in that capacity the first meeting of the first legislature of the state of New York.

On the 2d of October, 1777, he, together with James Duane, Francis Lewis, William Duer, and Gouverneur Morris, were elected by the legislature the first delegates to congress, under the constitution of the state.

On the 5th of May, 1778, he took his seat in congress, at the most critical and gloomy period of the revolution. That body had retired to York in Pennsylvania, after the British had taken possession of Philadelphia. Mr. Livingston had been requested by the state government to attend and devote his faculties to the salvation of his country. Although feeble in body and low in health, he consented to forego all considerations but those of patriotism. His family were at that time in Kingston, and previous to his departure for congress, he visited his relatives in Albany, and after his return he addressed to them a valedictory letter, expressing his firm conviction that he never would see them again; this opinion he reiterated to his family when he bade them a final

adieu. It was a subject of great regret to governor Clinton, that imperious considerations had induced him to urge the measure. On the 12th of June, he died, deprived of the consolations of home and the society of all his family except his son Henry, a youth of eighteen, who, on hearing of his father's illness, immediately left the family of general Washington where he resided, to perform the last duties to his dying father. The filial piety and uncommon intelligence of this excellent young man, are forcibly portrayed in the following letter which he wrote to his brother-in-law, Dr. Thomas Jones, announcing the melancholy event to the family.

*Yorktown, June 14th, 1778.*

MY DEAR SIR,

I sincerely lament that Providence has made it necessary to address my friends on so mournful an occasion as the present. Oh! for words to soften their distress and lessen the bitter pangs of grief! I feel myself unequal to the duty, and utterly at a loss what to say.

My dear friend! have you received my letter of the 11th? it was written with intent to prepare the minds of the family for the melancholy subject of this, and to prevent, in some measure, the effects of a too sudden impression. Unhappily, my apprehen-

sions were not ill founded, for the disorder was too malignant and obstinate to struggle with.

Must I tell you! my dear father expired early on the morning of the 12th, and was buried the same evening. The funeral was conducted in a manner suitable to his worth and station, being attended by all the military in town, the congress, the strangers of distinction, and the most respectable citizens.

My dear mother and sister! grieve not immoderately even at the loss of an excellent husband and parent! consider that worth and excellence cannot exempt one from the lot of human nature, for no sooner do we enter the world, than we begin to leave it. It is not only natural, but commendable, to regret the loss of so tender a connection, but what can an excess of sorrow avail?

I propose to set off for Hurly in two or three days, and I hope, dear sir, by your influence and consolation, to find the family as composed as this distressing event will allow.

That Heaven may inspire them with fortitude to support this heavy trial in a becoming manner, is the ardent wish of,

Their affectionate,

HENRY PHILIP LIVINGSTON.

On the 12th of June, congress adopted the following resolution:

“ Congress being informed that Mr. P. Livingston, one of the delegates for the state of New York, died last night, and that circumstances require that his corpse be interred this evening,

“ Resolved, that congress will in a body attend the funeral this evening at six o'clock, with a crape round the arm, and will continue in mourning for the space of one month.

“ Ordered, that Mr. Lewis, Mr. Duer, and Mr. G. Morris, be a committee to superintend the funeral, and that the Rev. Mr. Duffield, the attending chaplain, be notified to officiate on the occasion.”

Previous to the severance of the British empire, the population and opulence of the province of New York were confined within narrow limits; and institutions of public utility for the diffusion of knowledge, the cultivation of benevolence, and the development of the public resources, were scarcely thought of, until Mr. Livingston and his contemporaries cooperated in laying the foundation of several establishments, which have demonstrated, by their increasing and expanded benefits, the wisdom and public spirit of their authors.

In those days, as we are told by Smith the historian, the men collected themselves into weekly clubs, and New York was one of the most social places on the continent. The intimate associates of



Mr. Livingston were William Livingston, his brother, afterwards governor of New Jersey, Robert R. Livingston, a judge of the supreme court, William Alexander, earl of Sterling, William Smith, afterwards chief justice of Canada, and John Morin Scott an eminent counsellor at law. It would be difficult to select at any period, or in any place, a more splendid constellation, or an equal number of men combining greater endowments and more exalted qualities of intellect, and superior elevation of character. At one of the evening meetings of these distinguished men, in 1754, the plan of a public library was suggested, and it was promptly carried into execution. Mr. Livingston's name is mentioned in the charter of the New York City Library as one of those who, in 1754, set on foot a subscription to erect a public library, and who were afterwards incorporated in 1772. It was originally contemplated to erect an edifice for a museum and observatory, as well as library, but that part of the plan has not been realized.

A charter was granted for a hospital in New York, in 1771, of which Mr. Livingston was one of the first governors. He was also one of the founders of the chamber of commerce, which was incorporated the antecedent year: and he aided in the establishment of King's, now Columbia, college.

He married Christina the daughter of Colonel Dirck Ten Broeck, by whom he had five sons and three daughters. Few men have been more favoured in the respectability and prosperity of their connexions: he could look back on his ancestors with a proud consciousness that they always stood in the first ranks of distinguished citizens; he could also realize the same conviction in his contemporary relatives; and if Providence had prolonged his valuable life to the present time, he would have seen, in his numerous descendants, characters exceeded by none, in those accomplishments which adorn society, and in those virtues which give dignity to human nature.

The life of Mr. Livingston was distinguished for inflexible rectitude and patriotic devotion. He was also a firm believer in the sublime truths of religion, and an humble follower of our divine Redeemer.

Of his patriotism we have furnished various and decided evidence. The following instance of magnanimity and public spirit deserves to be recorded. Shortly after his nomination as a delegate to congress, in 1774, several gentlemen addressed a letter to him and his colleagues, in which they were requested, in order to avoid the inconveniences of a contested election, to state explicitly, whether they would engage to use their utmost endeavours at the

proposed congress, that an agreement not to import goods from Great Britain, until the American grievances should be redressed, should be entered into by the colonies. In answer to which they observed, that they would do every thing in their power, which, in their opinion, would be conducive to the general interests of the colonies, and that, at present, they thought the proposed measure the most efficacious that could be adopted; but they concluded with saying; "Permit us to add, that we make this declaration of our sentiments because we think it right, and not as an inducement to be favoured with your votes; nor have we the least objection to your electing any other gentlemen, as your delegates, in whom you repose greater confidence." This manly avowal was succeeded by an unanimous election; and when the time approached for them to enter on their duties, in September, 1774, they were escorted to the vessel, in which they embarked, with all those testimonials of respect due to their character and their cause; and when, on the eighth of May following, they again left New York to resume their arduous functions in congress, they were attended by a great train of their fellow citizens to the ferry, of which about five hundred crossed over with them.

As one of the founders of American independence, he foresaw the difficulties, perplexities, sa-

crifices, and dangers, that were to be encountered; and, in its earliest stages, he proceeded with that wisdom and circumspection which were demanded by his age, experience and character; and which served as a salutary check on the more animated career of some of his youthful associates. When, however, it became necessary to draw the sword, and to sever the empire; when petitions were answered by insults, and the demands of freemen were met by the bayonet; then he did not hesitate to assume the highest responsibilities, and to put in jeopardy his life and a large estate. During the whole of the revolutionary war, he, and his family, were in a state of exile; and they were even pursued, in their sequestered retreat at Kingston, by the conflagrations of a British army. A short time previous to his demise, he sold a portion of his property to sustain the public credit, and with a full presentiment of approaching death, arising from the nature of his complaint, which was a hydro-thorax, or dropsy in the chest, he did not hesitate to relinquish the sweets of home, and the endearments of a beloved family, and devote the last remnant of his illustrious life to the service of his country, then enveloped in the thickest gloom of adversity.

In his temper, Mr. Livingston was somewhat irritable, yet exceedingly mild, tender, and affectionate

to his family and friends. There was a dignity, with a mixture of austerity, in his deportment, which rendered it difficult for strangers to approach him, and which made him a terror to those who swerved from the line, or faltered in the path, of personal virtue and patriotic duty. He was silent and reserved, and seldom indulged with much freedom in conversation. Fond of reading, and endowed with a solid and discriminating understanding, his mind was replenished with various extensive and useful knowledge.

He possessed, in an extraordinary degree, an intuitive perception of character. He saw, at one glance, into the souls of men, and every man carried a window in his bosom, with regard to him, through which his penetrating eyes could observe the minute lineaments, as well as the great outlines, of character. This deep insight into men and things rendered him peculiarly useful in the important drama of the American revolution.

His last moments were correspondent with the tenor of his well-spent life. He met, with characteristic firmness and christian fortitude, the trying hour which separated him from this world.

He taught us how to live, and (oh! too high  
The price for knowledge,) taught us how to die.



**ROGER SHERMAN.**









ROGER SHERMAN.

ROGER SHERMAN, 1723-1793.

## SHERMAN.

AMONG the illustrious characters whose names are inscribed upon the brightest record that adorns the annals of our country, few possessed more solid attainments than ROGER SHERMAN. In the display of rhetorical embellishment, he had many superiors, but this inequality was amply compensated by the close reasoning and convincing arguments which justified the propriety of his political opinions, and supported those measures which his judgment pointed out as best adapted to promote the welfare of his country. He belonged to that class of statesmen who seek rather to convince the reason, than triumph over the passions, of men. The vigour of his mind appeared more conspicuous in the plain and simple manner in which it was elicited, than if it had been ornamented with all the beauties of elocution. He pursued the thread of his discourse with-

out deviating from the point to which it was directed, or seeking to inveigle the judgments of those whom he was unable to convince. But the energy of his address was not diminished by the absence of fanciful diction, nor the solidity of his feelings less admired, because they were partially suppressed. He never indulged in those brilliant bursts of oratory, which please and sparkle for a moment, and pass away without leaving a trace of their usefulness behind; his impressive manner displayed feelings more deep and durable, not aroused by momentary excitement, but founded upon calm deliberation, and a clear perception of the justice of his cause. By this uniform and dispassionate course, he attained extensive influence in the councils of his country, and attracted the admiration and esteem of his compatriots. The acuteness of his understanding, and the solidity of his judgment, were powerfully aided by his unremitting application, and intimate knowledge of human nature. Possessed of a strong, discriminating mind, and guided by the most rigid rules of prudence, his stern integrity and general good sense, together with his cautious perseverance, elevated him to a prominent station among the most successful politicians of his time, and gave him a great and merited ascendancy in the several deliberative bodies of which he was a member. It has been said of

Roger Sherman that he seldom failed to procure the adoption of any measure which he advocated, and which he considered essential to the public good.

His mind was early impressed with the truth of the christian religion, and, faithful to its precepts, he passed through the turbulent and conflicting scenes of the revolution, without a blemish on his character.

Before he had attained the age of twenty-one years, he made a public profession of his religion, and continued more than half a century, a zealous defender of its doctrines. Exemplary in his attention to the forms and discipline of the church to which he was attached, he evinced by his conduct, the importance of the application of the moral doctrines of christianity to the duties of social life.

Captain John Sherman, the great-grand-father of the subject of the present memoir, immigrated into America about the year 1635, from Dedham, in England, and settled in Watertown, Massachusetts. His grandson, William, the father of Roger, Sherman, was a farmer in moderate circumstances, and resided at Newton, Massachusetts, where Roger Sherman was born on the nineteenth day of April, 1721. In 1723, the family removed to Stoughton in the same state.

Roger Sherman may be classed among those extraordinary men, who, surmounting the disadvan-

tages of education, have risen to eminence through the superiority of their genius. He received no other education than the ordinary country schools in Massachusetts, at that period, afforded. He was neither assisted by a public education, nor private tuition, and the substantial abilities which he evinced during his public life, were wholly the offspring of his own exertions. His improvements arose from the superiority of his intellectual powers, his thirst after knowledge, and his indefatigable industry in the pursuit of it. Hence he attained a very considerable share of general science, particularly in logic, geography, mathematics, the general principles of philosophy, history, theology, and especially in law and politics, which were his favourite studies, and in which he particularly excelled. Without those advantages which, in early youth, are so essential in directing and impelling the mind to useful studies, and compelled to assiduous labour for a maintenance, his vigorous mind surmounted all the obstacles which his situation interposed, and, availing himself of every moment of leisure, he acquired, from self instruction, an extensive knowledge and capacity of usefulness, which placed him on a level with his distinguished compatriots, who had received all the advantages of education.

The nature of his early employment more decid-

edly claims our admiration in relation to his self-advancement in life, and the eagerness which impelled him to prosecute his intellectual improvements. It is a remarkable fact, that the man who stood among the foremost in the ranks of patriots and legislators, and served his country with distinguished ability in various high and honourable offices during a period of forty years, was apprenticed to a shoemaker, and pursued that occupation for some time after he was twenty-two years of age.

There is a striking analogy between the early lives, and self promotion, of Mr. Sherman and of Dr. Franklin. Surmounting difficulties, which, to common minds, would have been insuperable, they gradually ascended from the humble walks of life, to a prominent station amongst men. The vigour of intellect and energetic perseverance which they possessed, could not be stifled by the drudgery of a mechanical employment. It is recorded of Mr. Sherman that he was accustomed to sit at his work with a book before him, devoting to study every moment that his eyes could be spared from the occupation in which he was engaged. The same thirst for knowledge was evinced by Dr. Franklin whilst he laboured as a tallow-chandler in the shop of his father, and during his apprenticeship as a printer, to his brother. Upon the removal of the family, in 1723,

Mr. Sherman travelled, with his tools, on foot, to New Milford, where he continued to work at his trade for some time. Dr. Franklin, at the age of seventeen, performed his pedestrian journey to Philadelphia in search of employment, the circumstances of which are so admirably depicted in the simple and engaging narrative of his life. Such were the early prospects, and contracted opportunities of men, who afterwards flourished in an exalted sphere, and contributed in an eminent degree, by their wisdom and virtues, to maintain the rights and liberties of their country.

Although there are many who have emerged from obscurity, who never, without reluctance, recur to the humble circumstances of early life, they are seldom of that class who have risen to eminence by the superiority of their intellectual endowments. This probably arises from the willing homage paid to learning and genius,—to the favoured few who are endowed by nature with capacities to enlighten and amuse. To the merely rich, this homage is never spontaneously given, although interest may sometimes elicit its semblance. The sudden acquisition of wealth always excites jealousy, and the unsuccessful competitor indulges his envy by frequent recurrence to the former obscurity of his more prosperous rival; hence arises that aversion



which many of this class feel at being reminded of the scenes of their early life. Yet the gifts of fortune are impartially distributed; here wit has no especial privileges, nor learning any advantages: the course is open to all, and the race not given to the swift alone. The ass which grazes the parish common, may enter for the plate against the purest blood of Arabia, with equal chance of success.

Mr. Sherman was not one of those to whom the retrospect of past life gave any pain. During the revolutionary war, he was placed on a committee of congress to examine certain army accounts, among which was a contract for the supply of shoes. He informed the committee that the public had been defrauded, and that the charges were exorbitant, which he proved by specifying the cost of the leather and other materials, and of the workmanship. The minuteness with which this was done exciting some surprise, he informed the committee that he was by trade a shoemaker, and was perfectly acquainted with the cost of the article.

Recurring often to his early situation in life, he was sometimes accused of being vain of the obscurity of his origin; an implication which his contemporary, Dr. Franklin, did not escape. But he had too much good sense to pride himself upon a circumstance which could never confer distinction.

Honest industry is always respectable, but that employment which is the result of necessity, which is the lot of thousands, and which requires neither learning nor genius, can never excite our admiration or envy. He, no doubt, felt a justifiable pride when he reflected upon the race which he had run. Poor, and compelled to labour daily in the commencement of his career, he never lost sight of the importance of improving his mind: his talents and knowledge were daily expanding, and he gradually rose to the highest and most important situations in the country. From the eminence which he had attained, he probably contemplated, with complacency, that strength and vigour which enabled him to conquer the obstacles which presented themselves in his laborious ascent: severe indeed must be the moralist who would censure the gratification which the contemplation afforded.

At the time of his father's death, which occurred in the year 1741, Mr. Sherman was only nineteen years of age; yet, from the absence of his elder brother, who had previously removed to New Milford in Connecticut, the principal charge of the family devolved upon him. At this early period of life, the care of his mother, who lived to a great age, and the education of a numerous family of brothers and sisters, brought into profitable action those feelings

of filial piety and paternal affection, which are the unerring tokens of a virtuous and benevolent heart. The restrictions which had been placed on his own education, and the difficulties which they necessarily created, no doubt particularly impressed upon his mind the utility of liberal instruction in early life. The assistance subsequently afforded by him to two of his younger brothers, enabled them to obtain this incalculable advantage, and they became clergymen of some eminence in the colony of Connecticut.

He continued to reside at Newton about three years after the decease of his father, principally employed in the cultivation of the farm, and in otherwise providing for the maintenance of the family. It was then deemed advisable to dispose of the property at Newton, and they removed to New Milford, in Litchfield county, Connecticut, where he arrived and settled in June, 1743, being about twenty-two years of age. He there commenced business as a country merchant, and opened a store, in conjunction with his elder brother, which he continued until after his admission to the bar in 1754. He discontinued his trade as a shoemaker, at the time when this connexion was formed.

In 1745, two years after his removal into the colony of Connecticut, he was appointed a surveyor of lands for the county in which he resided, which

is a proof of his early improvement in mathematical knowledge. His self-advancement in this important branch of education, so little connected with his actual occupations, or future prospects in life, serves to demonstrate the universal character of his studies, and the indefatigability of his literary ambition. Astronomical calculations of so early a date as the year 1748 have been discovered among his papers, made by him for an almanac then published in New York, and which he continued to supply for several successive years. In addition to these numerous vocations, his application to the study of the law must have been close and indefatigable, to enable him to surmount the disadvantages of his early education, and qualify himself for the profession which he was about to assume.

At the age of twenty-eight years, he married Miss Elizabeth Hartwell, of Stoughton in Massachusetts, by whom he had seven children. She died in October, 1760. After his removal to New Haven, he married Miss Rebecca Prescott of Danvers, Massachusetts, by whom he had eight children.

Although he had not profited by a regular professional education, his acquisition of legal knowledge, and his increasing reputation as a counsellor, were so great and flattering, that he was persuaded by his friends to adopt the profession, and was accord-

ingly admitted an attorney at law, in December, 1754. At that early period the field of enterprise was small; the profession of the law was the only path to distinction, and the surest road to wealth. Objects so desirable, and for the attainment of which men toil through life, attracted many to the bar. But in this profession, no factitious aid is available: talents may languish in obscurity for want of patronage, and friends may elevate the lawyer into notice, but the forum once attained, the candidate can sustain himself by his own resources alone. Men choose their associates on account of their companionable qualities, and their friends for the qualities of the heart; but when their reputation is assailed or their property endangered, all partialities are suspended, and they rely on talents alone; and ignorant must be the man who is mistaken in his choice. The theatre on which the lawyer acts, is calculated at once for the display and improvement of his talents; each scene is a species of intellectual gladiatorship, which, at the same time, extends his knowledge and his fame. It is, in truth, a noble profession: among its members were found the most able assertors of their country's rights, and they will continue to have a powerful influence amongst us, so long as the principles of a free constitution are permitted to exist. Yet this profession is not without

its disadvantages, and its exercise is thought by many to have a more powerful effect in improving the intellectual, than the moral, qualities. The lawyer is accustomed to see man in his worst character. Surrounded by clients whose interests or resentments have triumphed over their sense of justice, or who seek from his abilities impunity for their offences, he is perhaps too prone to make a low estimate of the moral principles of mankind. But, whatever may be its influence on particular individuals, its study is eminently calculated to enlarge the understanding and improve the reason, and is "in its nature the noblest and most beneficial to mankind; in its debasement, the most sordid and the most pernicious."

In 1755, he was placed in the commission of the peace for New Milford, and in the same year, chosen by the freemen to represent them in the colonial assembly; an appointment which he continued to hold during the greater part of his residence in that town.

The election of Mr. Sherman to the legislature of Connecticut, at the age of thirty-three years, was therefore the commencement of his public career. When we contemplate the preceding circumstances of his life; the want of education; the mechanical business to which he was placed; the cares and

maintenance of a large family devolving upon a youth of nineteen years of age; the prosecution of his trade until the age of twenty-two; and his subsequent employment within the narrow sphere of a country-store; we may be enabled properly to estimate the industry and abilities, which, notwithstanding the disadvantages necessarily arising from these respective situations, procured, in so short a period, his admission to the bar, his appointment as a magistrate, and his elevation to the colonial assembly.

He continued to practise the law with reputation until May, 1759, when he was appointed judge of the Court of Common Pleas for the county. In 1761, he removed from New Milford, where he was highly and universally respected, and settled in New Haven. He was soon made a justice of the peace for the county of New Haven, and frequently represented the town in the legislature. In 1765, he was appointed one of the judges of the court of Common Pleas, and was for many years the treasurer of the college in New Haven, receiving at that time the honorary degree of master of arts.

In 1766, he was elected by the freemen of the colony, an assistant; i. e. a member of the council, or upper house in the legislature of Connecticut. The assistants, who, with the governor and lieutenant-governor, formed a separate branch in the legis-

lature, were twelve in number. As they deliberated with closed doors, the measures proposed or advocated by particular individuals cannot now be ascertained, but they are considered to have acted with great unanimity in the common cause. The people of Connecticut, in regard to the internal administration of the state, were almost as independent of the British government as they now are: their charter, obtained from Charles II., provided for the annual election of their officers by the freemen of the corporation. Hence there was no royal governor to interfere in their legislation, and none of those collisions of power between the officers of the crown and the representatives of the people, which, in other states, excited so much discord and difficulty.

The period of Mr. Sherman's election to the council, was peculiarly momentous: a partial revolution, about that time, took place in the colony, and several of the old members, who were suspected of not being sufficiently decided in their opposition to the new claims of the mother country, were obliged to retire, and give place to others who possessed different feelings.

The definitive treaty of peace, signed in Paris on the 10th February, 1763, infused great and universal joy among the English colonies in America. The enemy which had caused them so many years of



trouble and anxiety, and such an incredible expense of blood and treasure, was now incapable of inflicting further injury. The treaty was also favourable to them with respect to the extent of territory which it secured, and the security which it gave relative to their fisheries and commerce. Every colony had felt the ravages of the war, and the satisfaction universally produced by its successful termination was augmented by the reflection, that the conquest of Canada would deprive the Indians of that aid which had rendered them so often formidable, and prevent those barbarous and devastating wars which had desolated their frontiers.

For nearly eight years they had been making the most strenuous exertions to prosecute the war, and to assist the British king in humbling the pride of their common enemy. The happy result of the contest, so anxiously desired by British America, had at length been effected by the union of British and American valour. They had co-operated in the same service, their blood had been mingled in the same plains, and the object pursued was common to both people. At no period of time was the attachment of the colonies to the mother country more strong, or more general, than at the termination of the French war. While the British nation was endeared to the American heart by the community of

danger, and identity of interest, the brilliant achievements of the war had exalted to enthusiasm their admiration of British valour. They were proud of the land of their ancestors, and gloried in their descent from Englishmen. But this sentiment of admiration was not confined to the military character of the nation. A full portion of it was bestowed on their political institutions, and while the excellence of the British constitution was a rich theme of declamation in America, every man believed himself entitled to a large share of its advantages; nor could he admit that, by crossing the Atlantic, his ancestors had relinquished the essential rights of British subjects.\* Such was the general feeling, and happy state of the country, at the return of peace.

But the burthens and losses, particularly of the northern colonies, had been very great. New England, in general, had, during the war, ten thousand men in the field; and for some years, Massachusetts and Connecticut alone furnished that number. The quota of the former was five thousand five hundred men, which, during one year, they augmented to seven thousand. Strenuous as were the exertions of Massachusetts in the common cause, they were exceeded by those of Connecticut.

\* Marsh. Life Washington, vol. ii, Chap. II, p. 74.

In 1756 that colony sent into actual service more than double the number of men required by the commander in chief, and at one period, when they received information that fort William was threatened with an attack, they had six thousand men in the field. The expense of this small commonwealth during the war, from 1755 to 1762 inclusive, after deducting the parliamentary grants, amounted to upwards of four hundred thousand pounds.

The colonies probably sustained the loss of more than twenty thousand men, who were, generally, their bravest and most active young men; the flower of the country. This loss was severely felt in New England, which had furnished much the greatest number of men, and by no colony more than by Connecticut. A deliverance from these evils, and the return of parents, sons, and brothers, to the pleasures and endearments of domestic life, diffused joy and gladness in almost every family. The remembrance of former sufferings and triumphs, seem to have strengthened the ties by which they were bound to the mother country, and afforded the fairest prospects of a lasting union between them. But this prospect soon vanished, and the political horizon became darkened by those clouds which eventuated in a tempest that severed the two countries for ever.

Mr. Sherman commenced his public life, as a

member of the legislature, in the same year (1755,) that hostilities began in America, and continued to serve in that situation during the greater part of the war. Being thus practically acquainted with the extraordinary exertions of Connecticut during that period, and her proportionate loss of blood and treasure, he was rendered more sensible of the oppressive measures of the British ministry, which almost immediately succeeded the return of peace. Having joined in the deliberations which preceded, and authorised, in his representative capacity, the execution of, the various levies and appropriations for prosecuting the war, he could not, with the recollection of the distresses and expenses of the colony yet fresh in his mind, contemplate, without indignation, the claims made by the mother country, and the pretences for enforcing those claims. He had witnessed the exertions of the colony in the common cause; he saw that its resources were exhausted; and he felt the injustice and ingratitude of the charge of not having contributed its quota to the expenses of the war.

The power of parliament to tax the colonies appears never to have been doubted by those who guided the councils of Great Britain. An attempt had been made, previous to the French war, to confirm the supremacy of parliament, and its right to

establish a system of internal taxation in this country. Had the attempt been persisted in at this time, it would probably have been successful. The encroachments of the French had created universal alarm, and their influence with the numerous bands of Indians which surrounded our frontier plainly evinced, that a declaration of war would be followed by all the horrors and devastations of savage hostility. Under such circumstances, and with feelings of attachment to the mother country yet unimpaired, although the measure would have occasioned great discontent, it would probably not have been openly resisted. But there were many in Great Britain who, although they admitted the right, had great doubts of the policy of the measure. The parent state possessed a monopoly of the colonial trade; that trade was becoming every day more extensive and lucrative to the mother country; any measures which had a tendency to create disturbances in the colonies would be prejudicial to it; and they were of opinion that the trifling sum which could be drawn from them by taxation, was not of sufficient consequence to justify an attempt which might interrupt that trade, and endanger the large debts owing by the colonies to British merchants. These reasons seem to have restrained the government from a direct attempt to enforce the right asserted by them,

at that period; but the pressure of the public debt of Great Britain at the close of the war with France, and the difficulty of providing funds for the payment of the interest, induced them soon after to adopt another policy, which laid the foundation of those disputes and animosities that severed the two countries.

When the aggressions of the French had apparently rendered war inevitable, the earl of Holderness, secretary of state, instructed the governors of the respective colonies to adopt certain preventive measures, at the same time recommending a meeting of commissioners from the several colonies to concert a plan of UNION and defence against the common enemy. The commissioners of the plantations accordingly directed a convention of delegates to meet at Albany in the summer of 1754, at which were assembled the governors and principal gentlemen of the several colonies. The commissioners from Connecticut were the honourable William Pitkin, Roger Wolcott, and Elisha Williams. The immediate object of the convention was to hold a conference with the five nations of Indians on the subject of French encroachments, and to secure their friendship in the approaching war. Governor Shirley, availing himself of this circumstance, had recommended to the several governors to instruct

their commissioners on the subject of union; but no direct authority for concerting any system of that nature was given by any of the governments, excepting those of Massachusetts and Maryland. It was, however, the unanimous opinion of the convention that an union of the colonies was absolutely necessary for the common defence. A committee, consisting of one member from each colony, was directed to draw and report a plan of union. The essential principles of this plan, which was agreed to on the 4th of July, 1754, were to form a grand council, consisting of members chosen by the several assemblies, which council, with a governor-general to be appointed by the crown, and to have a negative voice, should be empowered to make general laws; to apportion the quotas of men and money to be raised by each colony; determine the building of forts; regulate the operations of armies; and concert all measures for the common protection and safety. The delegates from Connecticut alone, but unanimously, opposed this plan. They contended that the powers proposed to be given to the governor-general, an officer appointed by the crown and removable at pleasure, were too extensive, and might be employed to the subversion of their liberties;—that such a government would be incapable of acting with that promptness and vigour, which, in time of

war, the peculiar situation of our extensive frontier, and our system of warfare, required;—that it would not be so accurately acquainted with, or attentive to, the local situation and means of the different colonies, as to enable it to estimate and apportion the quotas of each with fairness;—and that it probably would create a much greater debt than would be incurred if the affairs of each continued to be conducted as heretofore.

When the Connecticut commissioners reported the plan to the general assembly at New Haven, held in October, it was strongly opposed, and at length totally rejected: they resolved that the limits of the proposed plan of union were too extensive to be beneficially administered, considered, conducted, and defended, by a president-general and council; that a defensive war, managed by such a government, having so large a frontier, would prove ruinous to it; that the proposed power might, in course of time, become hurtful and dangerous to his majesty's interests, and tend to subvert the liberties and privileges of the inhabitants of the colonies; and that, consequently, no application should be made to the parliament of Great Britain, for an act to form any such government, on the plan proposed.

The alarm appears to have been very great and general throughout the colony, but was of short du-



ration. The British ministry was quite as much opposed to the adoption of the plan of government proposed by the Albany convention, as the colony of Connecticut, but from very different, and much stronger, reasons. They thought, should it hereafter be determined to levy a tax on the colonies, that the object might be effected with less difficulty and danger whilst they were divided into numerous and distinct governments; that neither of the colonies would venture openly to resist the measure without being assured of the co-operation of the others; and that, in the existing state of the different governments, they possessed ample means of preventing such co-operation. Should such an union be sanctioned by the crown, a concert of measures could easily be established for the promotion of objects very different from the original and ostensible reasons upon which it was grounded: they therefore rejected the plan. This scheme does not appear to have been extensively approved in America. At that period the colonists had no idea of a separation from the mother country: many of them were attached to their local governments, and were fearful that the power granted to the proposed united government, might be applied to the infringement or subversion of their chartered rights. Its rejection, therefore, occasioned but little regret.

This plan being rendered abortive, the British minister devised another, more conformable to the principles and views of the crown, and parliament of Great Britain; and which—had it been adopted—would not only have recognised the right of taxation, but brought it into operation. It was recommended by him as a substitute for the articles of union digested and agreed on by the convention at Albany, and the principal features were, that the governors of the colonies, with one or two members of their councils, should form a convention to concert measures for the common defence, erect forts, and raise such numbers of men as they should judge necessary; that they should draw on the British treasury for the sums necessary to supply their expenses; and that these sums should be afterwards re-imbursed by a tax to be levied on the colonies by act of parliament. A scheme of somewhat similar nature had been formed so early as the year 1739, and recommended to government by a number of American merchants, at the head of whom was Sir William Keith, governor of Pennsylvania. It proposed the levy of a body of regulars to be stationed along the western frontier for the protection of the Indian traders, the expense of which establishment was to be paid with monies arising from a duty on stamped paper and parchment, in all the colonies, to be im-

posed by parliament. This plan was not countenanced by the then minister, and it seems never to have been seriously taken up by the government until the year 1754, when a war, in which every part of the empire was deeply concerned, was about to commence.

The present ministerial scheme, being entirely subversive of all the opinions which prevailed in America, met with universal and decided disapprobation in the colonies. It was sent to governor Shirley, and by him communicated to Dr. Franklin, with the request that he would make known his opinion of the measure. Although that sagacious patriot had warmly advocated the plan proposed by the Albany convention, his ideas of the proposed substitute were totally different. He transmitted his sentiments in writing to the governor, and anticipated, with astonishing exactness, the substance of a controversy, which, for many years, employed the tongues, the swords, and the pens, of both countries. Other means were used to ascertain the temper and opinions of the colonists on the matter, which were discovered to be uniform and firm in opposition to the projected claim relative to the supremacy of parliament. The impolicy of introducing a measure which would create much discussion and discontent in both countries, at a crisis which required all the

exertions they were capable of making, caused the suspension of the measure; but the principle of some general power operating on the whole colonies, does not appear to have been abandoned. In fact, the language of men in power, on more than one occasion during the succeeding war, indicated a disposition to put this principle in operation, when the danger of the act should be diminished by the cessation of hostilities.

Mr. Sherman became a member of the Connecticut legislature soon after the relinquishment of this ministerial scheme to undermine the foundations of American liberty, and assisted in prosecuting the French war. As a man of deep reflection and solid judgment, the ill-concealed motives which prompted both the formation and abandonment of that measure, could not have escaped his attention. It was apparent that the British ministry only depended upon colony legislatures in the execution of their plans, because it was not prudent, by any innovation, to irritate the colonies during a war in which, from local circumstances, their exertions were peculiarly necessary.

The prosperous termination of the contest, in 1763, afforded the British ministry an opportunity of renewing the claims which had been laid aside at its commencement, and the unexampled expenses in-

curred in its prosecution offered a plausible plea for immediately carrying that system into effect. But at a time when the increasing population and trade of the colonies was adding to the wealth, and extending the manufactures, of Great Britain, and affording to the national means, an aid, which, though indirect, was more efficient than any sum which could be drawn from them by direct taxation, the British minister, whose sagacity this circumstance could not escape, would probably have avoided any measures tending to interrupt the amity which then subsisted, had not other circumstances compelled him to the adoption of that system of measures, which, after disturbing the harmony of the two countries for many years, terminated in a dismemberment of the empire. The national debt, at the conclusion of the war, exceeded one hundred and forty-eight millions, the annual interest of which was five millions, and this sum,—so trifling in the estimation of British statesmen of the present day,—was contemplated with dismay by the politicians of that period. The minister found great difficulty in discovering new sources of revenue, and every new tax proposed by him, was strenuously opposed. In this dilemma, he renewed the plan of raising a revenue in the British colonies, from taxes laid by the parliament of the parent state.

In 1764 commenced that series of measures which “tore asunder all the bonds of relationship and affection which had for ages subsisted, and planted almost inextinguishable hatred in bosoms where the warmest friendship had been so long cultivated.” In that year, Mr. Grenville, the prime minister, introduced into parliament a resolution, which was adopted without much opposition, declaring that it would be proper to impose certain stamp duties in the colonies and plantations, the monies arising from which were to be paid into the British exchequer. This resolution was followed by others, for the purpose of increasing the duties on their trade.

The British parliament had often imposed duties on the trade of the colonies, and the latter resolutions would have probably been submitted to without a combined opposition, although many of the regulations accompanying them were very oppressive, and occasioned much discontent. The lucrative commerce so long clandestinely carried on with the French and Spanish colonies, in the progress of which an evasion of the duties imposed by law had been overlooked by the government, was now to be very rigorously suppressed by taxes amounting to a prohibition of any fair trade, the exact collection of which was to be enforced by measures not much

less offensive in themselves, than on account of the object to be effected by them. By the act passed in pursuance of these resolutions, it was provided, that the penalties and forfeitures accruing under the act should be recoverable in the courts of admiralty, as if the usual authorities could not be trusted, by which means the defendant lost the advantage of a trial by jury, and was obliged to submit his case to an officer of the crown, whose salary was to be paid out of forfeitures adjudged by himself. By these regulations, the guards which the constitution had placed around property, and the fences which the ancestors of both countries had raised against arbitrary power, were thrown down, so far as they concerned the colonists charged with violating the new revenue laws of America. In addition to these odious measures, all the officers in the sea-service, who were on the American station, were converted into revenue-officers, and directed to take the custom-house oaths. Being unacquainted with the custom-house laws and usages, many vexatious seizures were made, for which no redress could be obtained but in England.\*

However, although the colonists disliked, and many, from the pressure of actual suffering, com-

\* Ramsay's Amer. Revolut. p. 41.

plained of, the British restrictions on their manufactures and commerce, yet a great majority was disposed to submit to them. As the resolutions imposing the duties were in the form of commercial regulations, they were not generally contested on the ground of right, though they were imposed expressly for the purpose of raising revenue. Long habit had rendered the imposition of duties on their trade familiar to the colonists, and they had not generally distinguished between those which were imposed for the purpose of regulating commerce, and the present act, which being only designed to raise a revenue, was actually, to every purpose, a real tax. That the mother country should infringe her own constitution to cramp the commerce of her colonies, was, indeed, a fruitful subject of declamation; but these murmurings would probably have evaporated in words, had the British parliament proceeded to no farther innovations; but the novel claim of a right to raise a revenue by internal taxation was universally reprobated, as contrary to their natural, chartered, and constitutional, rights. By the resolutions to raise the stamp tax, the right, the equity, the policy, and even the necessity, of taxing the colonies, were openly avowed. They opened a prospect of oppression, boundless in extent, and endless in duration, and excited a great and general



ferment in America. The right of parliament to impose taxes on the colonies for the purpose of raising a revenue, became the subject of universal conversation, and was almost as universally denied. Numerous petitions were transmitted to the king, and to parliament, and the agents of the colonies in London were directed to use their utmost endeavours to prevent the passage of the stamp act, or any other act levying taxes or impositions of any kind on the American provinces.\* But the scheme of an American revenue was so popular a measure in England, and the cry in favour of it so strong, that the voice of petitions against it was silenced. Many, without inquiring into the justice or policy of taxing their unrepresented fellow-subjects, assented to the measures adopted by parliament, because they were satisfied that America ought in equity be compelled to contribute to the common expenses of the empire; and not a few, disregarding the probable consequences of innovation, were pleased and dazzled with the prospect of easing their own burdens at the expense of the colonists.

Notwithstanding the strong and able arguments advanced by the colonists and their friends in the mother country, Mr. Grenville resolved to prosecute

\* Marshall. Vol. II, Ch. II, p. 81.

his scheme of taxation, and the stamp act was passed in March, 1765, and on the 22d of the same month, received the royal assent. The receipt of this intelligence in America created an universal ferment, and the resistance of the colonists assumed a more threatening aspect. The temperate, but determined, remonstrances of the convention held in New York in October, 1765, the numerous acts of violence committed by the lower orders of people in every section of the continent, the general formation of combinations for the purpose of resisting the execution of the act, and the united clamours of the oppressed colonists, speedily procured its abrogation. The Grenville party, which had so long basked in the sunshine of royal favour, had attracted the resentment of the king, and the aversion of the people. In July, 1765, the Rockingham administration was formed, and a bill for the repeal of the act which had created such dangerous commotions in the colonies, was brought before parliament, and carried by a large majority: on the 18th day of March, 1766, it received the royal assent. The intelligence of this auspicious event was received in the colonies with unbounded joy, and high honours were conferred, in every quarter, on those British statesmen who had been most active in effecting the repeal.

During this conflicting period, Mr. Sherman con-

tinued an influential member of the council of Connecticut, and co-operated with his fellow-members in the general opposition to parliamentary supremacy. Although the secret sittings of that body preclude the detail of his services therein, and the precise rank which he held amongst his colleagues, we may fairly infer, from his appointment to the office of judge of the Superior Court, in May, 1766, that he eminently possessed the confidence of his fellow-citizens; and this preferment would not have been conferred on one who had not particularly distinguished himself in the common cause. His seat in the council was not vacated by this new appointment: he continued a member of it during nineteen years, at the expiration of which time a law was enacted rendering the two offices incompatible. Mr. Sherman preferred the station of judge, and continued in that office until the year 1789, when he resigned it in consequence of his election to congress under the federal constitution. It is uniformly acknowledged, by those who have witnessed his conduct and abilities on the bench, that he discovered, in the application of the principles of law, and the rules of evidence to the cases before him, the same sagacity that distinguished him as a legislator. His legal opinions were received with great deference by the profession, and their correctness was almost

universally acknowledged. Thus, during the long period of twenty-three years, did a man, whose legal education was entirely the result of his private application, continue to hold one of the highest judicial stations of the country, with unimpeachable integrity, and universal approbation. During the last four years, the late chief justice Ellsworth was an associate judge of the same court, and, from the period of his appointment, in 1785, until the death of Mr. Sherman, a close intimacy, and free interchange of sentiment on all important questions, subsisted between them.

Mr. Sherman, at the first period of professional elevation, could not fail to recur with pleasing and grateful emotions to the moment when he, perhaps for the first time, appeared in the presence of a lawyer, for the purpose of procuring his advice. A neighbour or acquaintance, in transacting some affairs relative to the family of a deceased person, required the assistance of legal counsel. As Mr. Sherman, then a young man, was going to the county town, he was commissioned to obtain it from an eminent lawyer. To prevent embarrassment, and secure the accurate representation of the case, he committed it to paper, as well as he could, before he left home. In stating the case, the gentleman with whom he was consulting, observed that Mr. Sherman

frequently recurred to a manuscript which he held in his hand. As it was necessary to make an application, by way of petition, to the proper tribunal, he desired the paper to be left in his hands, provided it contained a statement of the case from which the petition might be framed. Mr. Sherman consented with reluctance, telling him that it was merely a memorandum drawn up by himself, for his own convenience. The lawyer, after reading it, remarked, with an expression of surprise, that, with a few alterations in form, it was equal to any petition which he could have prepared himself, and that no other was requisite. Having then made some inquiries relative to Mr. Sherman's situation and prospects in life, he advised him to devote his attention to the study of the law. But his circumstances and duties did not permit him to follow this counsel: the numerous family which the recent death of his father had made, in a considerable degree, dependent on him for their support and education, required his constant exertions in other employments. But the intimation which he then received, that his mind was fitted to higher pursuits, and that he probably possessed talents adapted to the transaction of public business, no doubt induced him, at that early period of life, to devote his leisure moments to those studies which led him to honour and distinction.

Mr. Sherman exerted himself, with great assiduity, in favour of the claims of Connecticut to certain lands now included within the limits of Pennsylvania; these, as the former contended, were then covered by her original charter, which extended westward over all lands, not previously granted, to the shores of the Pacific ocean. In the year 1754, a number of persons commonly known by the name of the Susquehannah company, purchased, from the Six Nations of Indians, a large tract of country situated upon that river. This tract had been conveyed by James I, in November, 1620, to the duke of Lennox, the marquis of Buckingham, the earls of Arundel and Warwick, and divers other persons. On the 19th of March, 1631, the earl of Warwick, as president of the council of Plymouth, granted to the right honourable viscounts Say and Seal, lord Brook, &c. &c., "all that part of New England, which lies and extends itself from a river, there called Narraganset river, the space of forty leagues, upon a straight line, near the sea-shore, towards the south-west, west and by south, as the coast lieth, towards Virginia, accounting three English miles to a league," and all the lands and hereditaments, within the breadth aforesaid, from the Atlantic ocean to the South seas. This territory had, in the preceding year, been granted to the earl of Warwick, and

confirmed to him under the great seal of England. In 1662, it was again confirmed to the governor and company of the colony of Connecticut, by royal charter. The purchasers of the lands on the Susquehannah, therefore, believed, that the right of pre-emption was vested in the colony of Connecticut, to which they undoubtedly had been conveyed. The original grant to the Plymouth company was about eighty years before the grant to William Penn;—the grant to the earl of Warwick, and from him to lords Say and Seal, &c. fifty years;—and the confirmation of it, by royal charter, to Connecticut, nineteen years, prior to the conveyance to Mr. Penn.\*

Hence, in 1755, the Susquehannah company presented a petition to the general assembly, praying that, if it should be his majesty's pleasure to grant it, they might be formed into a distinct commonwealth: the petition was favourably received by the assembly, which acquiesced in the erection and settlement of a new colony, if it should be consistent with his majesty's pleasure, and recommended the petitioners to the royal favour.

At the time of the purchase, the lands at Wyoming were uninhabited either by English, or Indian, settlers; and the Indian wars prevented their settle-

\* Trumbull, Hist. Connecticut, Vol. II, Ch. XXIV, *passim*.

ment for several years. In 1763, however, a number of persons from Connecticut established themselves upon the lands. In the same year, a petition was presented to the king by the agent of the company, stating their title to the lands which they had purchased, and praying his majesty to allow them to become colonists on the same, with such privileges, powers, and authorities, as he should be pleased to grant. The troubles between the two countries, and the commencement of the revolution, took place while this petition was pending, and the controversy was necessarily never determined by the crown.

The claims of Pennsylvania, and the powerful opposition of the proprietors, to the Connecticut settlers, induced the assembly, in May, 1770, to transmit a statement of the case to counsel in England. In 1773, they received the opinion of Messrs. Thurlow, Wedderburn, Jackson, and Dunning, the eminent and learned gentlemen who had been professionally consulted; and, it being in favour of the colony's title, they resolved, in the October session, to assert their claim to the lands in question. Overtures were, at the same time, made to governor Penn, and the agents of the proprietaries of Pennsylvania, relative to an amicable settlement of the boundaries of the respective provinces: or, if such a measure should be deemed preferable, it was pro-



posed to join in an application to his majesty for the appointment of commissioners to settle the line. These propositions being rejected by governor Penn, the general assembly of Connecticut resolved, in January, 1774, to extend their jurisdiction to the settlers on the contested lands, and incorporated them into a town, by the name of Westmoreland, with the same privileges that the other towns in the colony enjoyed. This act was followed by a considerable tumult in Connecticut, as many of the inhabitants believed the claim of the colony to be totally unfounded. At a meeting of the committees of twenty-three towns, on the 30th of March, 1774, a strong petition and remonstrance were prepared, and presented to the general assembly. They urged that the measures, adopted in favour of the Susquehannah company, were of a very dangerous tendency, pregnant with mischief, derogatory to the honour and interest, and destructive to the peace, of the colony;—that it was contrary to all ancient precedent and usage, and entirely unconstitutional, to permit partial and interested individuals to vote upon their own case; that, therefore, the proprietors of the Susquehannah company who were members of the assembly, and deeply interested in the questions discussed and determined, ought to be excluded from a voice in those matters;—that the assembly

should re-consider their votes and doings, in relation to the lands of Wyoming;—and that the inhabitants of these lands should be suspended from voting, being represented, or otherwise acting as a part of the colony of Connecticut, until the question of the company's title should be settled, in a certain manner recommended by the petitioners. Both the party, and their memorial, were generally discountenanced, and even made the subject of banter and ridicule. The legislature persevered in their measures, and the representatives of Westmoreland were admitted to a seat in the assembly. At this period, the ferment, occasioned by the controversy between the two states, and the separate parties in Connecticut, was extremely great; the papers teemed with angry, virulent, and sarcastic essays, a specimen of which is extracted from “the Connecticut Journal” of April 8th, 1774.

“ ADVERTISEMENT.”

“ A state race to be run for the royal plate, on which the arms of the colony are engraved, by the young nag, WESTMORELAND, against the old horse, CHARTER, at Hartford, on the second Wednesday of May next. It is said that very extraordinary bets are now laid, and in such a manner that every freeman in the colony is interested in the event. The

Westmoreland is a horse of high *metal*, and long legg'd: it is thought he will run with great fury, and be crowded hard by his jockies, as they have of late been in top credit, and their all is now at stake. The Charter has been an excellent horse in his day; more valued for his good carriage and beautiful figure, than largeness of size; and, when mounted by a good rider that understands his temper, performed well, and scarce ever was distanced. However, he was forced into a race last season, by the Westmoreland sires, when not at all prepared: having been rid hard for several days before, he got worsted in the race, which almost exhausted his strength and spirits; but he now recruits daily, and it is thought, if he can have a good rider, and a number of friends on the spot to see that he has justice done him, he will perform as well as ever. It is said the affair is so contrived, that the Charter is to run a curve line, and the Westmoreland a direct longitudinal course, which gives the Westmoreland the advantage of at least one fifth part: this must be prevented before they start, and the Charter stripped of all unreasonable burthens, else the chance will not be equal, and the charter may get beat. If so, we must pay the losings, the old Charter become useless, and never fit to run another race. The importance of this race, as well as the public trans-

actions of the day, will no doubt excite the curiosity of some thousands to be spectators.”

Mr. Sherman had long taken an active part in the controversy, and maintained the Connecticut title, not in the flippant and trifling style of which a specimen has been afforded, but with the dignity, and close reasoning, of an enlightened statesman. An address, written by him and inserted in the same paper, will not only evolve the bases upon which he had erected his opinion, but afford a fair view into the considerate and unostentatious manner in which he delivered his sentiments upon public questions:

“There has been much altercation of late concerning the doings of the honourable general assembly, relative to the western lands contained in our charter, and many false insinuations have been industriously circulated by some men, to prejudice the minds of the people against the assembly; from what motives I shall not undertake to determine. It is hard to suppose that the good of the colony has been the motive, when the measures taken have the most direct tendency to its destruction; for every *kingdom divided against itself is brought to desolation*. I am sensible that the good people of the towns concerned in the late Middletown convention, have been greatly deceived and misled; but I can’t but wonder at their credulity in giving credit to an

anonymous writer in a newspaper, whose character they knew nothing of, who, in a most audacious, as well as false manner, has undertaken to impeach the integrity of the general assembly of the colony: But, as Luther once said, when he was condemned by the pope, he would appeal from the pope uninformed, to the pope rightly informed, so I would take leave to inform the people of some facts which I know to be true, as to the doings of the general assembly relative to the matters in question, and then appeal to the people, whether the assembly hath not acted a wise and prudent part therein.

“In May, 1770, in consequence of a memorial preferred by more than four thousand of the freemen of the colony, (none of them interested in Susquehannah purchase,) praying the assembly to assert and support the claim of this colony to the lands contained in our charter, lying west of Delaware river, as they esteemed it to be a valuable interest which the governor and company held in trust for the freemen of the colony; the assembly, after mature deliberation, ordered a true and full state of the case to be laid before council learned in the law in England; accordingly the case was stated, and laid before four of the principal lawyers in the kingdom, who unanimously gave their opinion in favour of the title of the colony. And this measure was not taken

by influence of the Susquehannah company, for the principal proprietors thought it a needless precaution, they having no doubt about the validity of the colony's claim.

“ After the opinion of counsel was obtained, the assembly, in October last, by a very full vote, resolved to assert, and in some proper way, support the colony's claims to said lands; and then appointed a committee to consider of proper measures to be taken for that end, who reported, for substance, all the resolutions since come into by the assembly, (the exercising of jurisdiction over the people settled there, not excepted,) which report was accepted in full assembly. A great clamour has been made about the assembly's suffering the members interested in the Susquehannah purchase to sit and vote in those matters; but that complaint, I conceive, is without any just foundation. I was in the lower house in the year 1755, when the assembly acted on the memorial of the Susquehannah company, and then all that were of the company, were excluded;—and I understand that the same method has been taken by the house, at all times since, when any matter has been debated, or vote taken, that concerned the peculiar interest of that company. But I don't remember any vote, taken by the assembly in October or January last, wherein they were particularly interested.

“ The acts then passed, relative to the western lands, were such as concerned the colony in general; and they could not, by any rule or principle of law or equity, have been excluded.

“ The assembly considered the governor and company to be vested with the legal title to all the lands contained in our charter, lying between the rivers Delaware and Mississippi, except what the Indians are possessed of; and no persons can acquire a title to any part of them by purchase from the Indians, without a grant of the assembly; and the Susquehannah purchasers don't pretend that they have any legal title to any part of said lands. But, if the government avail themselves of their purchase of the native right, the purchasers will expect to be quieted in such a part of the land as will be an equitable compensation for their expense therein; which must be determined by the assembly; in which determination none of the company will be allowed to vote. If the idea here suggested is just, it will obviate the present difficulty suggested in the petition, drawn up and published by the convention at Middletown.

“ They seem to make some further difficulty about exercising jurisdiction over the people of the town of Westmoreland, because, they say, the colony's title to those lands is contested. In answer to which, I would say, that it is not contested, but ac-

knowledged, by the proprietaries of Pennsylvania, that the lands are contained within the original boundaries of our charter, as may appear by a petition presented by them to the king in council, a few years ago: If it once belonged to the colony, and we have never yielded it up, nor have been divested of it by any judicial determination, what can be the mighty danger of exercising government over the people who claim the privilege of being under the jurisdiction of the colony? I should think the greatest danger would be on the other hand; if the colony claim a title to the lands as being within their charter, I don't see how they could excuse themselves in neglecting to govern the people settled on the lands, for their right of soil and of jurisdiction, by the charter, are commensurate. But it is further said, that the doings of the assembly will tempt great numbers of the people to settle on those lands, and if they should be evicted, they will be reduced to poverty, &c. But this is a groundless surmise; for the assembly have caused a proclamation to be issued, expressly forbidding any more persons settling on said lands without leave first obtained from the assembly. As to their fears of what bloody tragedies may ensue from clashing jurisdictions, &c.—exercising jurisdiction was judged by the assembly the most likely measure to prevent all mischiefs of



that kind, and to preserve peace and good order among the people.

“As to what the convention say concerning the title of the colony to the lands in question, that it is a matter of which they are not so competent judges, nor furnished with facts and documents by which a judgment might be made, and so are willing and desirous that the right of the colony to them, and the prudence and policy of asserting that right, should be judged of, and determined, by a disinterested assembly;—if this had gone to the whole of their proceedings, they would have done justice to the cause, and they would have merited the applause of their constituents. It is a little extraordinary, when the colony has a cause to be tried, which all parties seem to think best should be tried, that those who profess to be so very zealous for the public good, should use every method in their power to defeat its success. Much has been said to alarm the people about the expense of a trial before the king and council. Governor Penn, in his late conference with our commissioners, says that an adversary suit can't occasion much delay or expense. I presume it would not cost more than one farthing on the pound in the list of this colony, to decide the question whether this colony joins to Pennsylvania or not; and, if that is determined against us, there

would be an end of the controversy; but, if in our favour, a further expense would be incurred in fixing our south boundary, which could not amount to any great sum. Great part of the expense in the Mason cause, was occasioned by the delay, because Mason was not able to carry it on. But the final decision of that cause in our favour, furnishes us with an evidence of the safety of confiding in the integrity of that high court, when acting as a court of law. Mr. Ingersoll, in a piece lately published in the newspapers, says, ‘a defeat will be very detrimental; but a victory must be absolute ruin; at least I think so.’ But he gives no reason for his opinion; and can his bare assertion make the people of this colony, who are a company of farmers, believe that to be quieted in their claim to a large tract of valuable land would ruin them? I know some gentlemen, who love to monopolize wealth and power, think it best for lands to be in a few hands, and that the common people should be their tenants: but it will not be easy to persuade the people of this colony, who know the value of freedom, and of enjoying fee-simple estates, that it would be best for them to give up the lands acquired for them by their ancestors, for the privilege of enjoying the same lands as tenants under the proprietaries of Pennsylvania.

“The lands in question are situated about the

centre, as to latitude, of the English territories in North America, in a healthy climate; and the soil is said to be generally very good; and there is enough purchased of the Indians to supply the inhabitants of this colony, that may want land to settle on, perhaps for half a century to come. They will be connected with us, and by sharing in our civil and religious privileges, will be under the best advantages to be virtuous and happy; and those who continue in this part of the colony, may be greatly benefitted by monies that may be raised by the sale of those lands; and yet the purchasers have them on better terms than they can procure lands elsewhere; and if, in time to come, that part of the colony should be so populous as to render it inconvenient to be connected with this part of the colony in government, the crown would doubtless be ready, upon application, to constitute them a distinct colony.

“ Thus I have given a short account of the doings of the assembly, and endeavoured to obviate the difficulties and misapprehensions which some people have laboured under, relative to the affair, and also to mention some of the advantages which may accrue to the colony by supporting their claim to the lands. And, as I have no interest in the affair but in common with every other freeman in the colony, nor any party views to serve, I am quite willing the

freemen should show their minds, and determine it as they shall think best. About half the freemen have already manifested their desire to have the colony's claim supported; *viz.* the four thousand memorialists afore-mentioned, and the Susquehannah and Delaware companies, which, I suppose, will amount to about one thousand more;—and I hope the other freemen will not relinquish the colony's claim, without full information and mature deliberation, lest they injure themselves, their brethren, and posterity. I think no more need be done than to choose gentlemen of known virtue, integrity, and prudence, to be members of the next general assembly, who have approved themselves firm friends to our civil and religious liberties, and not embarrass them with petitions or instructions: they will be under a solemn oath to act as, in their consciences, they shall judge most for the good of the colony, and that must be the only rule of their conduct.

“But I must conclude, and can, with sincerity, subscribe myself a cordial well wisher to the peace and welfare of the colony.

R. SHERMAN.”

In this considerate essay, no insidious attempts to conquer the judgment of the people by passionate appeals, are observable: we find no rhetorical em-

bellishments to gild over, and ornament, an attack upon the passions of the parties. The whole defence of the Connecticut claim, on the contrary, is studiously plain and simple, adapted to the comprehension of all classes of society, and abounding in close reasoning. The high standing of Mr. Sherman, his moral and political character, his offices of judge of the superior court, and of member of the council,—no doubt conferred upon this address a popularity and influence, which contributed to tranquillize the minds of the people, and procure the re-election of the gentlemen of the upper house, or council, whom the malcontents, during the general ferment, had threatened with expulsion.

This unhappy contest, however, afterwards assumed a more alarming aspect, and continued to increase in violence, until it resulted in the shedding of blood, and the occupation of the lands in dispute, by the authority of congress. On the 30th of September, 1775, the assembly of Pennsylvania took into consideration “the intrusion of a number of people into this province, under a pretended claim of the colony of Connecticut, to the great annoyance of the good people of this province,” and resolved that the delegates of the province should lay the same before congress, with a statement of the mischievous tendency of the measures pursued, and a

desire of submitting the disputed claims to the decision of the king and council. Congress referred the matter to a committee, consisting of the delegates from Pennsylvania and Connecticut; but, on the 14th of October, the latter informed the congress that they had been unable to come to any agreement with the Pennsylvania delegates; and, as the dispute had now proceeded to bloodshed, and might be attended with very dangerous consequences, they moved that a committee should be appointed, out of the other colonies, to take the matter into consideration. Messrs. J. Rutledge, Chase, Jefferson, Kinsey, and Hopkins, were accordingly nominated; and congress recommended to the assemblies of Pennsylvania and Connecticut, to take the most speedy and effectual steps to prevent the hostilities which were, apparently, about to commence. Notwithstanding the reports of the committee, the disturbances at Wyoming continued, and sundry affidavits, corroborating the same, being laid before congress, it was recommended, (December 20th, 1775,) that, as the dispute, if not suspended during the existing troubles of the colonies, might be productive of pernicious consequences, very prejudicial to the common interest of the United Colonies, a cessation of hostilities between the contending parties should immediately take place, and every appearance of force be

avoided, until the dispute could be legally decided. Various other salutary measures were recommended, and copies of the resolutions were forwarded to the respective parties. The assembly of Connecticut having prohibited any further settlements at Wyoming, without a licence from that body, they were also urged not to introduce any settlers on those lands, until the farther order of congress.

But the spirit of faction had become too strongly excited to be repressed by resolutions and recommendations, especially at a period when the constituted authorities rested upon a very fragile foundation. A renewed recommendation from congress, in April, 1776, to the settlers at Wyoming, to cultivate harmony, and not to injure the happy union of the colonies by mutual acts of violence and oppression, having proved ineffectual, it was considered necessary to adopt more decisive measures. Accordingly, on the 23d of August, 1776, it was resolved that six companies should be raised in Pennsylvania, and posted along the frontiers of Northumberland, and parts adjacent;—and that two companies should be raised in the town of Westmoreland, and stationed in proper places for the defence of the inhabitants. In December, 1780, the commander-in-chief was directed, if he should consider the post at Wyoming necessary, immediately to relieve the garrison

there, by troops from the continental army, not belonging to the lines of Pennsylvania and Connecticut. At this period, the supplies on their way to Wyoming, were stopped, and congress was compelled to request the state of Pennsylvania, to permit them to be forwarded, in order to relieve the urgent distresses of the inhabitants. In October, 1782, it was resolved that the post at Wyoming should be retained, or withdrawn, by the commander-in-chief, as it should appear most beneficial to the United States.

Subsequent to the confederation of 1778, the supreme executive council of Pennsylvania prayed a hearing relative to the disputed territories, in conformity with the ninth article of that instrument, and the 4th Monday in June, 1781, was accordingly assigned for the appearance of the states of Pennsylvania and Connecticut, by their lawful agents. On the appointed day Messrs. Bradford, Reed, Wilson, Sergeant, and Osborne, appeared on the part of Pennsylvania, and Mr. Dyer, only, on the part of Connecticut;—his colleagues, Messrs. Johnson and Root, not having attended. After various difficulties, arising from the absence of the Connecticut commissioners,—the consequent postponement of the proceedings,—the attempts to incapacitate the representatives of the contending states from sitting and



judging in the case,—the endeavours to postpone the decision until after the termination of the war,—the motions for declaring the reasons for the non-appearance of the Connecticut agents, insufficient,—and the objections to the powers granted to those from Pennsylvania,—commissioners were at length chosen, on the 8th of August, 1782, to determine the controversy, and on the 28th of the same month, were formally commissioned by congress.

The court of commissioners, having formed a quorum on the 18th of November, 1782, in the city of Trenton, continued their sittings from day to day until the 30th of December, when the arguments of the agents being concluded, judgment was pronounced in favour of Pennsylvania. The court was unanimously of opinion, that the state of Connecticut had no right to the lands in controversy, and that the jurisdiction and pre-emption of all the territory, lying within the charter boundary of Pennsylvania, and claimed by Connecticut, belonged of right to the former. Some difficulties subsequently occurred relative to claimants of private right of soil within the disputed district.

Although Connecticut was thus defeated in her claim to this particular territory, yet the assertion of her title was productive of large and lasting advantages, as it enabled her, at a subsequent period, to

realize from the sale of certain lands, held, by the same tenure, within the present limits of Ohio, the immense school fund of a million and a half dollars, which her citizens now enjoy.

The state of administration in Great Britain had, for many years, been peculiarly fluctuating; hence it occasioned less surprise, among those statesmen who had considered this circumstance, when, on the 30th of July, 1766, being a few months subsequent to the repeal of the stamp act, a sudden and unexpected change took place in the ministry;—the duke of Grafton being appointed to the head of the treasury, in the room of the marquis of Rockingham. Mr. Charles Townsend, who was, at the same period, created chancellor of the exchequer, having boastingly said that he had discovered the means of drawing a revenue from the colonies, without giving them offence, was so closely urged by Mr. Grenville, that he pledged himself to bring forward the measure to which he had alluded. A bill had been decided upon in the cabinet, during the sickness and absence of lord Chatham, by whom the existing ministry had been formed, for imposing certain duties on tea, glass, paper, and painter's colours, imported into the colonies from Great Britain, which was now submitted to parliament, and passed almost without opposition. The infirmities of lord Chatham

had compelled him to relinquish all attention to business, and the other members of the administration had even acknowledged their inability, as individuals, to undertake the arduous task of government. Their sole dependence rested upon the superior abilities of that nobleman, and his incapacity having left them without a head, it was impossible to preserve a proper union and subordination. They disagreed both in their measures and opinions, and the public were entirely at a loss where to look for the minister. From this weak and discordant administration, originated those impolitic measures, which occasioned the separation of the two countries.

The repeal of the stamp tax had inspired the American people with a confidence which they had not hitherto possessed, and the universal interest and ferment occasioned by the novel claims of the British parliament, gave rise to discussions, and speculations, eminently calculated to extend their political knowledge, and animate their exertions in the support of their rights and liberties. The revival of the claim to tax the colonists, therefore, produced so powerful an opposition, accompanied with acts of so alarming a nature, that his majesty's ministers communicated, in 1769, to the different governors of the colonies, their intention to propose, at the next session of parliament, the repeal of all the du-

ties, which had been imposed in 1767, excepting that on tea: this repeal accordingly took place in 1770.

The reservation of the duty on tea prevented a long continuance of the comparative tranquillity which followed this concession of parliament. The main ground of opposition was not removed, as it was avowedly continued as an evidence of the power of parliament to tax the colonies. The unhappy riot in Boston, in March, 1770, during which four of the inhabitants were killed by the king's troops,—the standing army stationed in Massachusetts,—and the continuance of a board of commissioners in Boston,—were all fruitful sources of irritation. Such was the inflamed state of the public mind, when an imprudent and impolitic scheme was concerted between the British ministry and the East India company, which instantly caused a violent renewal of the controversy. As the non-importation agreement, entered into by the colonists, prevented the introduction of tea into America from Great Britain, the anticipated revenue necessarily failed, and the ware-houses of the British East India company, owing to the diminished exportation, contained an immense quantity of tea, for which no market could be readily obtained. Under these circumstances an arrangement was entered into by the

ministers and the company, by which the former might realize the expected revenue, and the latter their customary commercial profits, on the sale of tea in America. Large quantities were accordingly shipped, in 1774, to Boston, New York, Philadelphia, Charleston, and other principal places on the continent.

A great crisis was now rapidly approaching: the arrival of these cargoes was the signal of slavery, and submission to parliamentary taxation, if they were allowed to be landed and sold; and the practical application of the opinions which they had maintained, involved the most important consequences. But a flame had been kindled, by an increasing series of aggressions, among the American people, which nothing could extinguish. The ferment was violent and universal: one sentiment alone simultaneously pervaded the whole continent, and it was every where considered a paramount duty to oppose the ministerial attack upon the liberties of America. In Charleston, the tea was indeed landed, but lodged in damp cellars where it was finally spoiled. In New York and Philadelphia, the popular excitement was so great, that the commanders of the tea-ships prudently returned to England without making an entry at the custom-house. In Boston, the cargoes were cast into the sea. In fine, not a single chest

of tea, sent out by the East India company on this occasion, was sold for their benefit.

The proceedings in the colonies, which were communicated, on the 7th of March, 1774, in a message from the throne, to both houses of parliament, excited general indignation in the mother country. The ministry, taking advantage of the temper then existing, resolved to adopt a high-handed system of coercion, and accordingly brought into parliament a bill for “discontinuing the lading and shipping of goods, wares, and merchandizes, at Boston, or the harbour thereof, and for the removal of the custom-house, with its dependencies, to the town of Salem,” which passed both houses without a division.

The passage of the Boston port bill; the subversion of the charter of Massachusetts; the bill for the impartial administration of justice in that province, which provided that persons indicted for murder in the suppression of riots, might be sent to Great Britain to be tried; the bill for quartering soldiers on the inhabitants; and the act extending the limits of the province of Quebec;—were all intended, by directing the ministerial vengeance particularly against Boston, not only to dissolve the union of the colonies, but to excite divisions in Massachusetts herself. Never were hopes more completely disappointed. The cause of Boston was considered the

cause of all, and every man felt that his destiny was indissolubly connected with that of the devoted town. The neighbouring towns “clung to her with increased affection; and that spirit of enthusiastic patriotism, which, for a time, elevates the mind above all considerations of individual acquisition, became the ruling passion in the American bosom.”

The agitation of the public mind was deep and ominous. The exertions of the corresponding committees, now established in each colony; the various and solemn combinations entered into by the inhabitants; the spirited resolves of the several assemblies, and the systematic opposition of the royal governors; the great number of pamphlets, essays, addresses, and newspaper dissertations, daily presented to the public;—served to confirm the wavering, to render the moderate, indignant, and to increase the zeal of the more violent party. In fine, the result of the domineering acts of the British parliament, in 1774, was the appointment of delegates from the several colonies, to meet in general congress, for the purpose of uniting the councils, and directing the efforts, of America. Accordingly, on the 5th day of September, 1774, within four months subsequent to the promulgation of the Boston port bill in America, the deputies of eleven provinces assembled in Philadelphia, and on the fourteenth of the same month,

by the arrival of the North Carolina delegates, there was a complete representation of twelve colonies.

Such is a brief outline of the various acts of oppression, which gradually cemented the American community into those close and inseparable bonds, which the efforts and energy of the parent country in vain laboured to dissolve.

It was essential, in this important crisis, to commit the interests of the colonies to the charge of able and prudent, but firm and fearless, representatives. Such a man was Roger Sherman. He was one of the few, who, from the commencement of hostilities, foresaw the necessity of our entire union and complete independence, and urged, with energy, the boldest and most decisive measures. He engaged in the defence of our liberties, not with the rash ardour of political enthusiasm, nor the ambitious zeal of a lover of popularity, but with the deliberate firmness of an experienced statesman, conscious of the magnitude of the undertaking, able to foresee dangers, resolute to meet them, and sagacious in devising the means of successful opposition. The revolutionary war was a contest of principles. When the period arrived, at which it was necessary either tamely to submit to the domination of the British parliament, surrender our property to its disposal, and sink to the degradation of a people con-



quered and enslaved, or boldly assert our rights and defend our liberties by the sword, he did not hesitate in choosing his alternative. He perceived that our hopes of reconciliation with Great Britain, or redress, from appeals to the justice or humanity of her rulers, were vain;—that our humble petitions were regarded only as proofs of timidity and conscious weakness;— and that every instance of submission encouraged the confidence of our enemies, and was answered by fresh insult and injury.

In August, 1774, the committee of correspondence accordingly nominated Mr. Sherman, in conjunction with Joseph Trumbull, Eliphalet Dyer, and Silas Deane, esquires, as proper persons to attend the general congress of the colonies, for the purpose of consulting and advising “on proper measures for advancing the best good of the colonies.” Mr. Sherman, agreeably to this appointment, was present at the opening of the first congress; and it is an honour of which few can boast, that he invariably continued a member of congress until his death in 1793, embracing the long period of nineteen years, whenever the law requiring a rotation in office, admitted it.

It is impossible to enumerate the various services rendered by Mr. Sherman during his congressional career. The novel and responsible situation to which he was now elevated, was well calculated to elicit the

firmness of his character, and the comprehensive-ness of his political sagacity. Although he united his efforts to those of the assembled representatives, in their honest endeavours to preserve at once the peace of the country, and the rights of its citizens, he appears to have been decidedly convinced, that nothing but unconditional submission could avert the horrors of civil war; and he fully evinced, by the energetic measures which he zealously supported, that, in his opinion, it was far preferable to endure sorrow for a season, than sink into a long and degrading servitude.

As a representative and senator in congress, he appeared with distinguished reputation. Others were more admired for brilliancy of imagination, splendour of eloquence, and the graces of polished society; but there were few, even in that assemblage of eminent characters, whose judgment was more respected, or whose opinions were more influential. The boldness of his counsels, the decisive weight of his character, the steadiness of his principles, the inflexibility of his patriotism, his venerable appearance, and his republican manners, presented to the imagination the idea of a Roman senator, in the early and most exemplary days of the commonwealth.

In the business of committees, generally so arduous and fatiguing, he was undoubtedly one of the

most serviceable and indefatigable members of that body. His unwearied application,—the remarkable perseverance with which he pursued and completed the matters confided to his investigation,—and the regular system by which all his proceedings were governed,—when joined to his great prudence, acknowledged talents, and unshaken virtue,—attracted universal confidence; hence a large and important share of the public business, particularly when referred to committees, was assigned to him, in conjunction with other leading members of the house.

On the 10th of May, 1775, Mr. Sherman again appeared as one of the delegates from Connecticut, having been re-elected by the house of representatives of that colony, on the 3d of November, 1774.

At this period, the clouds which darkened the political horizon seemed momentarily to gather fresh gloom. The battle of Lexington, which occurred in the preceding month, had excited the strongest sensations; the commencement of hostilities by the king's troops, and the particular circumstances of the affair, were regarded as infamous, unconstitutional, and unnecessary. The duties of congress were now extremely arduous; and we cannot revert, without deep emotions of gratitude and admiration, to the dignity and deliberative firmness of the assembled sages, who, in that day of peril stood firm and

fearless in defence of their liberties, and boldly breasted a shock which might have appalled the most resolute and daring. The matters which required their guidance and consideration;—the dangerous measures which it was necessary to adopt;—and the difficulties to be diverted, and surmounted;—were numerous and embarrassing. The attack on Lexington;—the capture of Ticonderoga and Crown Point;—the open commencement of hostilities;—the addresses to his majesty, and to the inhabitants of England, Ireland, Canada, Jamaica; &c. —the prohibition of exports to those colonies which had not deputed members to congress;—the interdiction of all supplies of provisions, and other necessaries, to the British fisheries,—the determination that no bills of exchange should be negotiated for, nor money supplied to, a British officer, nor provisions or necessaries of any kind, to their army or navy;—the organization of the militia;—the recommendation to the state of New York, to repel force by force, to prevent the British from erecting fortifications, and to arm and train the militia for their own protection;—the occupation of Crown Point and Ticonderoga, and the imprisonment of the British officer who had arrived to take the command of those posts;—the suspension from office of the governor and lieutenant-governor of Massachusetts

bay, and the erection of a provisional government;—the diligent preparations for war;—the enactment of rules and regulations for the government of the army;—the seizure of vessels bearing supplies to the British army and navy at Boston;—the appointment of a commander-in-chief;—the proper equipment of the army;—the emission of continental currency;—the interception of letters;—the arrest of persons inimical to the cause;—the fortification of Hudson's river;—the fitting out of armed vessels to intercept supplies intended for the British;—the license of privateers, &c. &c. All these were among the momentous matters which demanded the consideration, and tested the prudence, patriotism, and firmness, of the delegates, during the memorable sessions of 1775.

Among the principal committees, of which Mr. Sherman was a member during the year 1776, were those to prepare instructions for the operations of the army in Canada;—to establish regulations and restrictions on the trade of the United Colonies;—to regulate the currency of the country;—to purchase and furnish supplies for the army;—to devise ways and means for providing ten millions of dollars for the expenses of the current year;—to concert a plan of military operations for the campaign of '76;

—to prepare and digest a form of confederation;— to repair to head-quarters, near New York, and examine into the state of the army, and the best means of supplying their wants, &c. &c. &c.

The duty assigned to him, (September 20, 1776,) relative to the state of the army, was arduous and distressing. On the 24th of that month, general Washington, in a communication to congress, exhibited, in a serious and solemn manner, the critical situation of America, the approaching dissolution of the army by the expiration of the time for which the troops had been engaged, and their urgent distresses, and increasing dissatisfaction.

Every principle of sound policy had required, that, as the continuance of the war was inevitable, it should be conducted in a different manner, and that the character of the parties should be changed: it was, indeed, a wise and well-timed measure to destroy the relations of king and subject, by the Declaration of Independence, and thereby alter not only the name, but the nature, of the contest. On the eleventh of June, 1776, the high confidence placed in the abilities of Mr. Sherman, was again amply portrayed by his appointment, in conjunction with that brilliant constellation of talents and patriotism, Adams, Jefferson, Franklin, and Livingston, to prepare the Declaration of Independence.

This memorable event has furnished a theme for the orator and the poet, and is dwelt on with a natural pride by the American people. The mass of the community is gratified with the picture, as it now presents itself, in all the splendour of victory; but the inquisitive mind looks back to the moment of its conception, and is desirous of contemplating the throes of its birth. May we not indulge the hope that some philosophical historian may arise among us; some favoured son of genius;—who, with the sagacity, and fascinating simplicity, of a Hume, or with the indefatigable research, and in the splendid diction, of a Gibbon, will record the scene. The hesitation and doubt with which it was contemplated, and the solemnity of the moment when the passage of the Rubicon—more adventurous than that of Cæsar's—was resolved on, can only be described by the pen of a master. It is indeed a fertile subject of instruction. History, says a writer of antiquity, is philosophy teaching by example; and, in this event, we find not only the revolution of power, and the foundation of a mighty republic, but the discussions which preceded and accompanied it, have occasioned a revolution in the mind of man, which is now operating throughout the civilized world, and producing the most important effect.

Besides the incidental business in which his services as a committee-man were employed, he was successively a member of the board of war and ordnance, of the marine committee, and of the board of treasury. His financial knowledge, and systematic attention to the most rigorous rules of frugality in relation to public expenditures, which might appear inconsistent with the character and expanded views of more modern statesmen, was, in that day of national poverty and peril, of primary importance, and proved, in the aggregate, essentially beneficial to the interests of the country.

Notwithstanding his almost constant attention at the post of duty in the general congress, the citizens of Connecticut continued to load their distinguished representative with additional honours, and to testify, in the most flattering manner, their strong sense of his worth, virtues, and abilities. He was, during the war, a member of the governor's council of safety; and in February, 1784, when city privileges were granted to New Haven, he was elected to the office of mayor, which he held during the remainder of his life.

At the close of the revolutionary war, it became necessary to revise the statutes of Connecticut, and in May, 1783, Mr. Sherman, and the honourable Richard Law, both judges of the superior court.



were appointed a committee, with instructions to digest all the statutes relating to the same subject, into one,—to reduce the whole to a regular code, in alphabetical order, with such alterations, additions, exclusions, and amendments, as they should deem expedient,—and to submit the same to the general assembly. This arduous service was performed with great approbation: “the temporary and repealed statutes were omitted; the arrangement was simplified and improved; and many valuable emendations and additions were introduced.”\*

In 1787, he was appointed, by the state of Connecticut, a delegate to the general convention to form the federal constitution of the United States, in conjunction with Mr. Ellsworth and Dr. Johnson. The inefficacy of the old confederation for the preservation of the public peace, became palpable soon after the close of the war, when the strong and general excitement which existed during the struggle for independence, and bound the several states in close unity together, had yielded to less patriotic, and more selfish, considerations. The powers vested in the several states were too great to afford any prospect of permanent union, and it was only by the formation of a supreme head, to direct the clashing

\* Swift, J.

measures, guard the opposing interests, and coerce the ill-advised and dangerous views, of the several subordinate governments, that the independence and tranquillity which had succeeded one of the noblest efforts recorded in the political history of the world, could be preserved. It appears that Mr. Sherman discovered, at an early date, many radical defects in the old confederation, although he was a member of the committee by which it had been framed. A manuscript left among his papers, and containing a series of propositions prepared by him for the amendment of the old articles of confederation, the greater part of which are incorporated, in substance, in the new constitution, displays the important part which he acted in the general convention of 1787.

“That, in addition to the legislative powers vested in congress by the articles of confederation, the legislature of the United States be authorised to make laws to regulate the commerce of the United States with foreign nations, and among the several states in the union; to impose duties on foreign goods and commodities imported into the United States, and on papers passing through the post office, for raising a revenue, and to regulate the collection thereof, and apply the same to the payment of the debts due from the United States, and for support-

ing the government, and other necessary charges of the Union.”

“To make laws binding on the people of the United States, and on the courts of law, and other magistrates and officers, civil and military, within the several states, in all cases which concern the common interests of the United States: but not to interfere with the government of the individual states, in matters of internal police which respect the government of such states only, and wherein the general welfare of the United States is not affected.”

“That the laws of the United States ought, as far as may be consistent with the common interests of the Union, to be carried into execution by the judiciary and executive officers of the respective states, wherein the execution thereof is required.”

“That the legislature of the United States be authorised to institute one supreme tribunal, and such other tribunals as they may judge necessary for the purpose aforesaid, and ascertain their respective powers and jurisdiction.”

“That the legislatures of the individual states ought not to possess a right to emit bills of credit for a currency, or to make any tender laws for the payment or discharge of debts or contracts, in any manner different from the agreement of the parties, unless for payment of the value of the thing con-

tracted for, in current money, agreeable to the standard that shall be allowed by the legislature of the United States, or in any manner to obstruct or impede the recovery of debts, whereby the interests of foreigners, or the citizens of any other state, may be affected.”

“That the eighth article of the confederation ought to be amended, agreeably to the recommendation of congress of the — day of —.”\*

“That, if any state shall refuse or neglect to furnish its quota of supplies, upon requisition made by the legislature of the United States, agreeably to the articles of the Union, that the said legislature be authorised to order the same to be levied and collected of the inhabitants of such state, and to make such rules and orders as may be necessary for that purpose.”

“That the legislature of the United States have power to make laws for calling forth such aid from

\* These blanks should be evidently filled with the 18th of April, 1783: Upon that day, it was recommended to the several states, to revoke and make void so much of the 8th article of the confederation as related to the rule of apportionment for the supply of the common treasury; whereby the revenue, thus derivable, should be regulated in proportion to the number of inhabitants, instead of the value of the land.

*Journals*, vol. viii, p. 41.

the people, from time to time, as may be necessary to assist the civil officers in the execution of the laws of the United States; and annex suitable penalties to be inflicted in case of disobedience."

"That no person shall be liable to be tried for any criminal offence, committed within any of the United States, in any other state than that wherein the offence shall be committed, nor be deprived of the privilege of trial by a jury, by virtue of any law of the United States."

Mr. Sherman was not present at the opening, nor his colleague, Mr. Ellsworth, at the close, of the convention. Their absence was owing to necessity: both being judges of the Superior Court, the presence of one of them was requisite at each of those periods. He was, however, as useful and conspicuous in that enlightened assemblage, as in the hall of congress; he contributed, with his usual ability and perseverance, to reconcile the conflicting interests and opinions of the delegates, and perfect that towering monument of political wisdom, under the protection of which, the United States of America have enjoyed, for many years, a prosperity almost without example in the history of nations. Yet, notwithstanding the exalted characters of the framers of that constitution, and the experience of the benefits conferred by it on our country, the temerity, and

restless disposition, of more modern politicians, are continually attempting alterations; and there is reason to fear that this splendid edifice, will, like some of the great architectural works of antiquity, be deformed by the presumptuous attempts of inferior artists to improve it. Many members of that august body, and among others, general Charles Cotesworth Pinckney, have borne testimony to the very considerable part which Mr. Sherman took in the debates of the convention. The correspondence which passed between him and the Hon. John Adams, relative to the federal constitution, must have been highly interesting, from the zealous feelings of the respective writers on the subject, and the experience and abilities which enabled them to expatiate with clearness and precision upon a document, which, with the sole exception of the Declaration of Independence, ranks foremost in the records of our political existence;—which, if defeated, or rendered ineffectual by discord, would have probably rendered that Declaration, in a certain degree, unavailable;—and which, as it now subsists, will continue to uphold the great and glorious structure which rests upon its basis.

Soon after the convention had concluded its labours, Mr. Sherman expressed his opinion of the constitution which had been agreed upon, in a letter

to general Floyd: "Perhaps," he remarks, "a better could not be made upon mere speculation: it was consented to by all the states present in convention, which is a circumstance in its favour, so far as any respect is due to them. If, upon experience, it should be found deficient, it provides an easy and peaceable mode of making amendments. If it should not be adopted, I think we shall be in deplorable circumstances. Our credit as a nation is sinking; the resources of the country could not be drawn out to defend against a foreign invasion, nor the forces of the union, to prevent a civil war. But, if the constitution should be adopted, and the several states choose some of their wisest and best men, from time to time, to administer the government, I believe it will not want any amendment. I hope that kind Providence, which guarded these states through a dangerous and distressing war to peace and liberty, will still watch over them, and guide them in the way of safety."

Happily for our fathers, and happily for their posterity, the obstacles which threatened the rejection of the constitution were overcome, and the prophetic language of Mr. Sherman is now verified by ten millions of freemen.

His exertions in procuring the ratification of that constitution by the State Convention of Connecticut.

were conspicuous and successful. He published a series of papers, over the signature of "A Citizen," which are said to have materially influenced the public mind in favour of its adoption;—a fact which is corroborated by the testimony of the late chief justice Ellsworth. The full majority, by which the ratification was determined in the convention of Connecticut, is stated, by a living witness, to have been owing, in a considerable degree, to the influence and arguments of Mr. Sherman. The instrument was discussed by sections, and the delegates to the general convention were required to explain their operations, &c. as they successively came under consideration: this task was uniformly performed by him, with great plainness and perspicuity.

After the ratification and adoption of the federal constitution, he was elected a representative of the state in congress, and on the 8th of April, the oath required by that instrument was administered to him, by the chief justice of the state of New York. As this office was then incompatible with his station as a judge, he resigned the latter, which he had held with unblemished reputation during twenty-three years.

Although verging towards the seventieth year of his age, Mr. Sherman's exertions, and interest in public affairs, continued undiminished. During the



first two years of the sessions of congress under the new constitution, at the expiration of which he was elevated to the senate, he took an active part in the proceedings of that body. His sentiments, which were of great weight, were principally delivered in favour of an excise law, prudently and considerately administered;—of a duty on merchandize, rather than a direct tax;—of the existing mode of reporting plans by the secretary of the treasury;—of the propriety of appointing peculiar days of thanksgiving;—of the commitment of the memorial of friends, or quakers, in relation to the abolition of slavery;—of the assumption of the state debts;—of the rights of conscience relative to bearing arms, &c. He strenuously opposed any discrimination in our relations with foreigners, urging that commercial restrictions should be met by commercial restrictions, but that the commerce of this nation, with any others, ought not to be laid under any disadvantages merely because we had no commercial treaty with them. The proper principle, he maintained, upon which government should act, was the impost of heavy duties upon all goods coming from any port or territory, to which the vessels of the United States were denied access.

After the exposition which has been given of the character and feelings of Mr. Sherman, it is almost

superfluous to state that he was uniformly and conscientiously opposed to the slave trade. Soon after the commencement of the first session of congress, Mr. Parker, of Virginia, made an effort to discountenance that inhuman traffic, by moving the insertion of a clause in the impost bill, then under consideration, imposing a duty on the importation of slaves of ten dollars on each individual. His exertions were confined to this narrow compass by the fifth article of the new constitution, which deprived congress of any power to prohibit the importation of slaves before the expiration of twenty-one years; but the first clause of the ninth section of the first article, authorised the imposition of a duty on each person, not exceeding the amount proposed by Mr. Parker. Although Mr. Sherman fully approved of the object of the motion, he could not reconcile himself to the insertion of human beings, as an article of duty, among goods, wares, and merchandize. He considered the principles of the motion, and those of the bill, as inconsistent; the purpose of the first was to raise a revenue, and of the latter, to correct a moral evil; and, therefore, he believed that the motion ought, on the principles both of humanity and policy, to be separately considered. On the 11th of February, 1790, the address of the people called Quakers was presented to the house, when a long debate en-

sued upon the propriety of its being referred to a committee. It related, exclusively, to the “licentious wickedness of the African trade for slaves,” and was intended to excite the christian endeavours of the congress to remove that reproach from the land. The opponents to those incipient exertions of humanity, were happily few in number; but they, in some degree, compensated this deficiency, by the violence of their sentiments, so strongly and unfavourably contrasted with the cool and conscientious defence of oppressed and degraded humanity. Those who particularly signalized themselves in this opposition, and who, no doubt, from the prejudice of education, believed they were performing a duty which they owed to their constituents, were Messrs. Jackson, of Georgia; Smith, Burke, and Tucker, of South Carolina; and Stone, of Maryland. Mr. Jackson, in the course of debate, animadverted, with undeserved and unbecoming acrimony, on the respectable society that had preferred the address. He believed that his slave-holding constituents were quite as useful and good citizens, quite as friendly to the revolution, and quite as susceptible of the refined sensations of humanity and benevolence, as the petitioners;—that congress needed no advisers if they were disposed to interfere in the importation of slaves;—that the abolition of the slave trade would evince to

the people a disposition towards a total emancipation, and they would hold their property in jeopardy;—that the situation of the slaves in America was not worse than it was in Africa, &c. &c. As it regarded the calm and benevolent mediation of the society of friends, he sarcastically inquired why the second reading of their petition should be immediately demanded?—whether it was because the feelings of friends would be hurt by having their affair conducted in the usual course of business? “I would beg,” said he, “to ask those who are so desirous of freeing the negroes, if they have funds sufficient to pay for them? If they have, they may come forward on that business, with some propriety; but, if they have not, they should keep themselves quiet, and not interfere with a business in which they are not interested.” “Sir,” he continued, “is the whole morality of the United States confined to the quakers? Are they the only people whose feelings are to be consulted on this occasion? Is it to them we owe our present happiness? Was it they who formed the constitution? Did they, by their arms, or contributions, establish our independence? Why do these men set themselves up, in such a particular manner, against slavery? Do they understand the rights of mankind, and the disposition of Providence, better than others? If they were to consult

that book, which claims our regard, they will find that slavery is not only allowed, but commended: Their Saviour, who possessed more benevolence and commiseration than they pretend to, has allowed of it; and, if they fully examine the subject, they will find, that slavery has been no novel doctrine since the days of Cain." But this member appears to have been singularly happy in that art, which has of late become so injuriously general, of adapting the passages of Holy Writ to temporary transactions. He had, some time before, sagaciously compared the delegates from the states of Pennsylvania and Maryland, to the counsellors of Rehoboam;—he had denounced the sounding titles which were trumpeted in his ears, and "which," said he, "ten years since would have exalted a man to a station, as high as Haman's gibbet;"—he had ridiculed, with fearful levity, the echoing of these titles by the papers of Boston, "a town, which, fifteen years ago, acknowledged no lord but the Lord God of Hosts!"—and now, he defended the most abominable and blood-thirsty traffic that ever roused the cupidity of man, by an appeal to the Redeemer, and to the word of God!

Whether the rapid succession of interrogatories bewildered the senses of his hearers, or the gravamen of their composition did not entitle them to a

serious reply, the observations of Mr. Jackson were unable to produce a correspondent excitement among the enemies to slavery. Mr. Scott, indeed, of Pennsylvania, animadverted, with proper warmth, upon the odious importation of those wretched beings, and concluded an eloquent appeal to the humanity and justice of the house, by observing, that "he did not know how far he might go, if he were one of the judges of the United States, and those people were to come before him, and claim their emancipation." Mr. Jackson, after stating that, according to the evidence, from Genesis to Revelations, upon which the Christian system was founded, religion was not opposed to slavery, and strongly depicting the impolicy of kindling a civil war in the south, used the following menacing language in relation to the concluding observation of Mr. Scott: "The gentleman says, if he was a federal judge, he does not know to what length he would go in emancipating these people; but, I believe, his judgment would be of short duration in Georgia; and *perhaps even the existence of such a judge might be in danger.*" At this moment, Mr. Sherman displayed that remarkable prudence and promptitude which had so often enabled him, without a suspicion of his real design, to calm the discord of public meetings: he offered no reply to the inconsiderate declamation which cor-

responded so little with the dignity of legislation, well aware that opposition would merely serve to inflame passions which had already burst the bonds of reason, and that conciliation was much more efficacious than controversy. With his usual calmness, he, therefore, simply remarked, that it was probable the committee would understand their business, and they might, perhaps, bring in such a report as would be satisfactory to gentlemen on both sides of the house. Probably it was from the striking contrast, thus presented to the house, that Mr. Jackson took no further part in the debate. Mr. Burke, of South Carolina, even surpassed the gentleman from Georgia, in harshness and disrespect relative to the Quaker petitioners. Speaking of the committee from that respectable society, then present in congress, he observed, that "*the men in the gallery* had come there to meddle in a business with which they had nothing to do; they were volunteering it in the cause of others, who neither expected nor desired it." He also charitably believed, that the quakers had no more religion than any other people, "nor perhaps so much, if they were examined to the bottom, notwithstanding their outward pretences." However, notwithstanding the exertions of their opponents—men who had themselves so lately shaken off the

yoke of servitude,—Mr. Sherman, and his colleagues, were triumphant, and the question was favourably determined, forty-three members having supported, and only eleven opposed, the commitment of the memorial.\*

In the course of the debate on the impost bill, (May 9th 1789,) several members had recourse to popular opinion in support of their arguments, which drew from Mr. Sherman the following remarks: “ Popular opinion is founded in justice, and the only way to know if the popular opinion is in favour of a measure, is to examine whether it is just and right in itself. I believe that whatever is just and right, the people will judge of and comply with. The people wish that the government may derive respect from the justice of its measures, and they have given it support on that account. I believe the popular opinion is in favour of raising a revenue to pay our debts, and if *we* do right, *they* will not neglect their duty; therefore, the arguments that are urged in favour of a low duty, will prove that the people are contented with what the bill proposes.” “ When gentlemen have recourse to public opinion to sup-

\* The gentlemen who voted in the negative, were Messrs. Baldwin, Jackson, and Matthews, of Georgia; Burke, Huger, Smith, and Tucker, of South Carolina; Bland, and Coles, of Virginia; Stone, of Maryland; and Sylvester, of New York.



port their arguments, they generally find means to accommodate it to their own: the reason why I think public opinion is in favour of the present measure, is because this regulation, in itself, is reasonable and just."

He uniformly and zealously opposed those amendments of the constitution which were, at different periods, submitted to the house, almost immediately after its adoption. He maintained that the more important objects of government ought first to be attended to; and that the executive portion of it needed organization, as well as the business of the revenue, and of the judiciary. "I do not suppose," said he, "the constitution to be perfect, nor do I imagine, if congress and all the legislatures on the continent were to revise it, that their united labours would make it perfect. I do not expect any perfection, on this side the grave, in the works of man; but my opinion is, that we are not, at present, in circumstances to make it better. It is a wonder that there has been such unanimity in adopting it, considering the ordeal it had to undergo; and the unanimity which prevailed at its formation, is equally astonishing: among all the members from the twelve states, present at the federal convention, there were only three who did not sign the instrument, to attest their opinion of its goodness. Of the eleven states

who have received it, the majority have ratified it without proposing a single amendment: this circumstance leads me to suppose, that we shall not be able to propose any alterations that are likely to be adopted by nine states; and gentlemen know, that before the alterations take effect, they must be agreed to by the legislatures of three-fourths of the states in the Union.”

His endeavours, however, to postpone the consideration of these amendments, until the more important matters of government were arranged, and experience had tested the efficacy, and weak points, of the constitution, were unsuccessful. He then directed his attention to the mode of amendment proposed, and earnestly opposed the insertion, or abstraction, of any part whatever, of the original instrument. “We ought not,” he exclaimed, “to interweave our propositions in the work itself, because it will be destructive of the whole fabric. We might as well endeavour to mix brass, iron, and clay, as to incorporate such heterogeneous articles; the one contradictory to the other. Its absurdity will be discovered by comparing it with a law: would any legislature endeavour to introduce into a former act, a subsequent amendment, and let them stand so connected? When an alteration is made in an act, it is done by way of supplement; the latter act always

repealing the former in every specified case of difference.”

A proposition having been made to introduce a clause into the constitution, conferring upon the people the unalienable right of instructing their representatives, Mr. Sherman opposed it with great justice and ability. He urged that it would mislead the people, by conveying an idea that they possessed the right of controlling the debates of the legislature,—a right destructive to the objects of their meeting; that the duty of a representative was to consult, and agree, with others from the different parts of the Union, relative to such acts as might be beneficial to the whole community; that, if they were to be guided by instructions, there would be no use in deliberation, and a representative would consider nothing more necessary than to produce those instructions, lay them on the table, and let them speak for him; that the duty of a good representative was to inquire what measures would best tend to promote the general welfare, and, after he had discovered, to give them his support; that, if his instructions should coincide with his ideas of any measure, they would be unnecessary, and, if they were contrary to the conviction of his own mind, he would be bound by every principle of justice to disregard them. Hence he considered it a fixed doctrine, that the

right of the people to consult for the common good, can go no further than to petition the legislature for a redress of grievances. His opinion was confirmed by a large majority.

Mr. Sherman strongly advocated the funding system reported by Alexander Hamilton, secretary of the treasury, and particularly the assumption of the state debts, which formed a part of it.

In 1791, a vacancy having occurred in the senate of the United States, he was elected to fill that elevated station, in which he continued to devote his time and talents to the benefit of that government whose cause he had firmly espoused, and whose independence he had fearlessly proclaimed, fifteen years before.

On the twenty-third day of July, 1793, this great and good man was gathered to his fathers, after a long life of usefulness and virtue. He sustained many and important offices with uniform honour and reputation; he maintained an amiable character in every private relation; and he died in a ripe old age, fully possessed of all his honours, and of his powers both of mind and body. The loss of such a man was indeed great. It was great to the whole country, for he was still capable of eminent usefulness;—it was great to the state of Connecticut, in whose service he had, for half a century, been indefati-

gable;—it was great to the city of New Haven, of which he was the chief magistrate;—it was still greater to the church and the society, of which he was so eminent and useful a member;—but greatest of all to his bereaved family.

The following inscription is recorded upon the tablet which covers his tomb:

“ In memory of  
**THE HON. ROGER SHERMAN, ESQ.**  
 Mayor of the city of New Haven,  
 and Senator of the United States.  
 He was born at Newtown, in Massachusetts,  
 April 19th, 1721,  
 And died in New Haven, July 23rd, A. D. 1793,  
 aged LXXII.  
 Possessed of a strong, clear, penetrating mind,  
 and singular perseverance,  
 He became the self-taught scholar,  
 eminent for jurisprudence and policy.  
 He was nineteen years an assistant,  
 and twenty-three years a judge, of the superior court,  
 in high reputation.  
 He was a delegate in the first congress,  
 Signed the glorious act of Independence,  
 and many years displayed superior talents and ability  
 in the national legislature.

He was a member of the general convention,  
approved the federal constitution,  
And served his country, with fidelity and honour,  
in the House of representatives,  
and in the Senate of the United States.

He was a man of approved integrity;  
a cool, discerning Judge;  
a prudent, sagacious politician;  
a true, faithful, and firm, patriot.

He ever adorned  
the profession of christianity  
which he made in youth;  
and, distinguished through life  
for public usefulness,  
died in the prospect  
of a blessed immortality."

As a theologian, Mr. Sherman was capable of conversing on the most important subjects, with reputation to himself, and improvement to others: that eminent divine, the Rev. Jonathan Edwards, acknowledged, that, in the general course of a long and intimate acquaintance, he was materially instructed by his observations on the principal subjects of doctrinal and practical divinity. As an avowed professor of religion, he did not hesitate to appear openly in its defence, and maintain the peculiar doctrines of

grace. He was exemplary in attending all the institutions of the gospel, in the practice of virtue in general, and in showing himself friendly to all good men. Hence, in his death, virtue, religion, and good men, sustained the loss of a sincere, an able, and a bold, advocate.

When he resided at home, he was accustomed, as a peculiar gratification, to retire to his closet, and commit his thoughts to writing, or extract from books the wisdom of other times. His mind was always employed; and those hours, which were not interrupted by business, or public engagements, were generally devoted to reading and contemplation. The volume which he consulted most especially, was the Bible: it was his custom to purchase a Bible at the commencement of every session of congress, to peruse it daily, and to present it to one of his children on his return. To his familiar acquaintance with the pages of inspiration, may be attributed much of that extraordinary sagacity which he uniformly exhibited. Although each day furnished its season for study and meditation, probably no member of congress attended more thoroughly and laboriously to public affairs than Mr. Sherman. Every measure of importance received his deliberate attention, and in regard to them all, he felt a solemn responsibility.

He was extensively engaged in epistolary writing.

on abstruse points in divinity and metaphysics, with clergymen of the first eminence, whom he greatly loved and respected. Whenever the scriptures led him to conclusions different from those of his correspondents, his friendship and regard for them suffered no diminution. Among them were Dr. Edwards, Dr. Hopkins, Dr. Trumbull, president Dickinson, president Witherspoon, Dr. Johnson of Connecticut, and many others. Besides theological investigations, the common topics of that revolutionary period, and any others which related to the prosperity of this country, were freely introduced.

The genius and talents of Mr. Sherman were particularly calculated for eminent usefulness in the judiciary department. Cool, attentive, deliberate, and impartial, skilled in all the forms and principles of law, he was not liable to be misled by the arts of sophistry, or the warmth of declamation. He formed his opinions on a careful examination of every subject, and delivered them with dignity and perspicuity. His decisions were too firmly founded on correct and admitted principles to be readily shaken, and he necessarily enjoyed, in his important judicial station, a confidence and esteem, highly honourable to himself, as well as to the professional gentlemen by whom those sentiments were entertained. But, although the testimonies of individuals, whose pro-



fession and opportunities enabled them to decide, with peculiar exactness, upon the judicial character of Mr. Sherman, are almost affirmatively unanimous, yet that unanimity was not confined to the limits of the forum. The public at large, and especially that portion of it, which, during the long period that he held his official station, had been interested in the proceedings of the court, entertained the same sentiments in relation to his abilities, his purity, and his integrity.

It is improbable, indeed, that a man, whose early youth had been systematically employed in the acquisition of knowledge and the practice of important private duties, and whose maturer years had been devoted to ripening the inestimable germe, could, in any situation of life, have wilfully acted otherwise than right. At that critical period in the life of man, when his passions are most untractable, and his reason least effective;—when experience has not taught him to avoid the quick-sands and temptations of the world;—without the fostering hand of a father to regulate his conduct, or the curb of education to check his evil propensities;—at that eventful period, when the tenor of his earthly pilgrimage is, perhaps, conclusively established—Roger Sherman planted in a fertile soil, those seeds of virtue which bloomed forth in a rich and luxuriant harvest. He resisted

the allurements, and escaped the snares, which afflict and beset the progress of human nature:— he buffeted the temptations which throng, in countless swarms, around the path of the young and inexperienced;—and he triumphantly conquered a constitutional effervescence of the passions, which might have led a less energetic mind into misery and disgrace. In his early days, he imbibed a remarkable inclination for reading, and studious meditation;—a propensity which, if diligently pursued, stamps an honourable character upon youth, even before the embers which they are feeding have been fanned into a flame. Mr. Sherman remarked to his family, that before he had attained the age of twenty-one years, he learned to control and govern his passions; and this great and important achievement, he ascribed, in a considerable degree, to the perusal of Dr. Watt's excellent treatise upon that subject. It cannot be denied that his success in this momentous contest, upon the issue of which all his best and dearest interests were at stake, was certain and decisive. His passions were naturally strong; but, notwithstanding the vehemence of feeling thus originally planted in his breast, he was habitually calm, sedate, and self-governed;—mild and agreeable in society;—universally benevolent in his regards towards his fellow-men.

The foundation of his usefulness as a man, and his distinction as a statesman, was *integrity*, which, at an early period, formed one of the principal ground-works of his character, and was founded upon religious principle. All his actions seem to have been preceded by a rigorous self-examination, and the secret interrogatories of “*What is right?*”—“*What course ought I to pursue?*” He never propounded to himself the questions of “*How will it affect my interest?*”—“*Will it be popular?*” Hence his reputation for integrity was so unquestionable, that, in all the various decisions of public questions in which he had a voice, it is not probable that any man suspected him of a selfish bias, or of sinister motives, however strongly he may have been opposed to the measures which Mr. Sherman considered it his duty to support. This high quality, which is one of the most essential supports of religion and morality, and without which, no redeeming virtues can elevate man from his abasement, will, at least in some degree, account for the extraordinary influence which he enjoyed in deliberative bodies. He possessed the essential requisite of an orator, mentioned by Cicero;—he was universally considered, and was in fact, *a good man*. When he reasoned, and expressed his opinion of any subject, no apprehensions were entertained by his hearers that any thing was

concealed with a view to mislead, or that one reason was assigned, while a different one influenced his decision. Hence the arguments, which appeared satisfactory to his own dispassionate judgment, produced a powerful effect, and were peculiarly qualified, as well from their nature as the source from which they proceeded, to satisfy the minds of others. Many anecdotes attest the unbounded confidence which was entertained for the judgment of Mr. Sherman. Fisher Ames was accustomed to express his opinion by saying, "That if he happened to be out of his seat when a subject was discussed, and came in when the question was about to be taken, he always felt safe in voting as Mr. Sherman did; *for he always voted right.*" The late Dr. Spring, of Newburyport, was returning from the south, while congress was sitting in Philadelphia. Mr. Jefferson accompanied him to the hall, and designated several distinguished members of that body: in the course of this polite attention, he pointed in a certain direction, and exclaimed, "That is Mr. Sherman, of Connecticut, a man who never said a foolish thing in his life." Mr. Macon, now a distinguished member of the senate of the United States, once remarked to Mr. Reed, of Marblehead, formerly a member of congress, that "Roger Sherman had more common sense than any man he ever knew." Washington

uniformly treated Mr. Sherman with great respect and attention, and gave undoubted proof that he regarded his public services as eminently valuable. The late Dr. Edwards, one of the most eminent divines which this country has produced, was accustomed to speak of him under the appellation of "my great and good friend, senator Sherman." As this eulogium was contained in the most confidential, and unreserved, correspondence, with persons beyond the Atlantic, it may be considered as the most decided and impartial testimony to superior worth. The late Dr. Dwight, when instructing the senior class at Yale College, observed, that Mr. Sherman was remarkable for not speaking in debate without suggesting something new and important, which frequently gave a different character to the discussion. He also remarked, that he had acquired one of the rarest attainments in English composition, being the accurate use of the particles in our language: this circumstance is the more remarkable, as he was almost entirely self-taught.

A patriot, to whose virtues, talents, and integrity, the *three first presidents of the United States*, WASHINGTON, ADAMS, and JEFFERSON, and the wisest and best men of the land, have paid the tribute of esteem and respect, cannot fail to live long in the hearts of his countrymen. In a communication received by the editor, from the venerable John Adams, that

distinguished statesman thus expresses his sentiments in relation to Mr. Sherman.

“*Montezillo, November 19th, 1822.*”

“DEAR SIR,

“I have received your obliging favour of the 15th instant. It relates to a subject dear to my memory and my heart. The honourable Roger Sherman was one of the most cordial friends which I ever had in my life. Destitute of all literary and scientific education, but such as he acquired by his own exertions, he was one of the most sensible men in the world. The clearest head and the steadiest heart. It is praise enough to say, that the late Chief Justice Ellsworth told me that he had made Mr. Sherman his model in his youth. Indeed I never knew two men more alike, except that the Chief Justice had the advantage of a liberal education, and somewhat more extensive reading.

“Mr. Sherman was born in the state of Massachusetts, and was one of the soundest and strongest pillars of the revolution.

“I am, sir, your most obedient,

and humble servant,

JOHN ADAMS.”

The testimony of the Honourable Thomas Jefferson is not less emphatic: in a communication ad-

dressed by that eminent citizen to the grand-son of Mr. Sherman, he fully unites in the eulogiums which appear universally and deservedly to have been lavished on the subject of this sketch:

“*Monticello, March 9th, 1822.*”

“ SIR,

“ I have duly received your letter of February 22nd, and am sorry it is in my power to furnish no other materials for the biography of your very respectable grandfather, than such as are very generally known. I served with him in the old congress, in the years 1775 and 1776: he was a very able and logical debater in that body, steady in the principles of the revolution, always at the post of duty, much employed in the business of committees, and, particularly, was of the committee of Doctor Franklin, Mr. J. Adams, Mr. Livingston, and myself, for preparing the Declaration of Independence. Being much my senior in years, our intercourse was chiefly in the line of our duties. I had a very great respect for him, and now learn, with pleasure, that the public are likely to be put into possession of the particulars of his useful life.

“ I pray you to accept the assurance of my great respect.

THOMAS JEFFERSON.”

Although the qualifications of Mr. Sherman were widely extended, his abilities appeared most conspicuous in political affairs. He was enabled, in this career, to attain great usefulness and excellence, not only by his acute discernment and sound judgment, but especially by his knowledge of human nature. He possessed a happy facility in discriminating between feasible and impracticable measures, and judging what men would bear, and what they would not bear, in government. His prudence, or skill in timing and adapting his measures to the attainment of his end, was not less rare and admirable. The possession of this talent,—his perseverance and indefatigable application,—united with his general good sense, and unblemished integrity,—enabled him, in most cases, to procure the adoption of any measure, which, in his opinion, would promote the prosperity of the country. As a statesman, he was not only distinguished for his integrity and discernment, but for his accurate knowledge of the history of our country, its former political and military transactions, and the situation and exigences of the people for whom he was appointed to legislate.

In a popular assembly, he possessed peculiar talents in debate; but his speech is said to have been slow and hesitating, especially at the commencement. He never possessed the graces of oratory,



yet few men were heard with more profound attention. The causes, which created this fixed and flattering attention, were weighty and palpable: it appears, that he never spoke without having something relative to say;—that what he said was always to the purpose;—that it was easily understood, and easily applied;—that it contained good sense, unmixed with sophistry, and unperverted by fancy;—and that it proceeded from an honest and upright mind, solely bent upon promoting the public good. Plain, perspicuous, and concise, in his language, disdaining all recourse to rhetorical embellishment, or those arts by which the orator attempts to sway the judgment of his audience by interesting their passions, or imposing on their understandings, he exerted a commanding influence by the strength of his reasonings, the extent of his knowledge, and the weight of his character and opinions. At the commencement of the contest with Great Britain, in the frequent meetings and conventions of the people to consult upon the measures to be adopted,—at times, when the passions of the multitude were inflamed by the violence of party altercation, and deliberation had given place to denunciations and threats, he was accustomed to rise with his usual gravity, and by a simple statement of facts, or of the real point of discussion, or sometimes by merely proposing some im-

portant question to their consideration, give a new turn to the whole debate, and render all their previous harangues, and laboured arguments, impertinent and inconsequential.

It ought to be recorded in the biography of this eminent and excellent man, that although he sustained so many different stations in civil government, to all of which he was promoted by the free election of his fellow-citizens, and in the greater part of which he could not, without a new election, continue longer than a year, and in the remainder he could not, without re-appointment, continue longer than two, three, or four, years;—and, although, for all these stations, there were, as will always be the case in popular governments, many competitors at every election;—yet Mr. Sherman was never removed from a single office, except by promotion, or by act of the legislature, requiring a rotation, or rendering the offices incompatible with each other. Nor, with the restrictions alluded to, did he ever fail in his re-election to any situation, to which he had been once elected, excepting that of representative of New Haven in the legislature of the state;—which office, at that period, was constantly fluctuating. Few facts can more decisively show how eminently and invariably he possessed the confidence of his fellow-citizens.

Mr. Sherman possessed, in a remarkable degree, a *public spirit* of the most enlarged and purest nature: it was constantly manifest in a vast variety of changing circumstances. It is a quality of the highest importance in the character of a republican ruler, and was possessed by the members of congress, during the revolution, to an extent almost unparalleled in the political history of the world. With those great and honourable men, the common cause,—the public good,—was the subject of continual solicitude. They were willing to bear much more than their portion of labour and responsibility, and to suffer, with genuine magnanimity, their full share of the hazard and loss, to which the mighty struggle in which they were engaged rendered them liable. They displayed a superiority to the common motives of politicians, which was truly admirable, and they may, as a body, be safely pronounced better models for imitation by future statesmen, than can elsewhere be found.

If the contemporaries of Mr. Sherman had been requested to state what they considered as his predominant characteristic, or that which distinguished him from men of more popular talents and equal purity of intention, they would probably have exclaimed, with one voice, *his practical wisdom*. Without the possession of this knowledge, however excellent

his character might have been in other respects, he never could have acquired the influence which every where attended him;—an influence equally acknowledged in the hall of legislation, in the deliberations of committees, on the bench of justice, in the private circle, and among his immediate neighbours, and his townsmen. The practical wisdom, which is now understood, was sound common sense, applied to public questions. It fixed upon the best attainable ends, and resolutely pursued them: it selected the most efficient means, and made the most judicious use of them: it consisted of a thorough acquaintance with the character of man;—a willingness to be taught by experience rather than be misled by theory;—and a very intimate knowledge of his own countrymen. He was fully acquainted with their habits, their opinions, their virtues, their prejudices, and their weaknesses; (for it is a mere affectation to say that any community is exempt from them;) and he knew the stamina of their character to be firmness of purpose, hardihood, constancy in times of labour and peril, an attachment to genuine liberty, and a shrewd perception of their great interests,—the whole being cemented and sanctioned by enlightened conscience, and real principle.

In regard to worldly circumstances, Mr. Sherman was very happily situated. Beginning life without

the aid of patrimonial wealth or powerful connexions;—with nothing but his good sense and good principles;—he, by his industry and skilful management, always lived in a comfortable manner, and his property was gradually increasing. He was never grasping nor avaricious, but liberal in feeling, and, in proportion to his means, liberal in acts of beneficence and hospitality. His manner of living was in accordance with the strictest republican simplicity.

In private life, although he was habitually reserved and taciturn, yet in conversation relating to matters of importance, he was free and communicative. He was naturally modest; and this disposition, increased, perhaps, by the deficiencies of his early education, often wore the appearance of bashfulness. In large companies, it is said, he appeared obviously embarrassed, and his speech was often slow and hesitating.

In his person, Mr. Sherman was considerably above the common stature: his form was erect and well proportioned, his complexion very fair, and his countenance manly, and agreeable, indicating mildness, benignity, and decision. He did not neglect those smaller matters, without the observance of which a high station cannot be sustained with propriety and dignity. In his dress, he was plain, but remarkably neat; and in his treatment of men of

every class, he was universally affable and obliging. In the private relations of husband, father, and friend, he was uniformly kind, affectionate, faithful and constant.

“ In short,” to use the language of the Rev. Dr. Edwards, “ whether we consider him in public or private life, whether we consider him as a politician, or a christian; —he was a great and a good man. The words of David concerning Abner, may, with great truth, be applied on this occasion; *know ye not, that there is a great man fallen this day in Israel.*”

## NOTES.

Note A, Page 39.

EDWARD RUTLEDGE,  
Beloved, as we believe, of God,  
And  
Dear to his Country, his Relations, and his Friends,  
From the  
Piety, Virtue, Temper, and Benevolence,  
Which adorned his character,  
Rests beneath this Marble;  
Taken from us (alas! how immaturely,)  
In the fiftieth year of his age:  
He was an excellent citizen, and a great man,  
Worthy of universal praise  
And lamentation.  
In the first dawning of manhood,  
He was enrolled among those illustrious men  
To whom  
The safety of OUR RISING REPUBLIC was confided  
During the memorable war at that time raging  
With the  
King and people of Great Britain.  
He was as powerful a defender of the liberty of his country  
By his eloquence,  
As others by their arms;  
And, after the happy termination of the War, and  
The Glorious Vindication of our Rights,  
He returned to his native City,  
Which he adorned

By the exercise of the Duties of a  
Good and Faithful Citizen.

He did not neglect his private duties  
During his employment in public affairs,  
But embraced every opportunity to increase  
The number of his friends;

Thus,

By the unanimous voice of the community,

He was considered worthy,

From his transcendant virtues,

To rule over this state,

At that time encompassed with dangers;

And it was uncertain whether the selection of so good a man

Excited a greater portion

Of Public Applause or of Private Gratification.

Conscious of the mortality of man,

He learned to consider death

With a serene countenance and a steady mind;

Hence the last day of his existence imparted no terrors,

As it appeared to him

The First of his Eternal Happiness.

HE,

Whom God loved,

He took unto himself at his own time:

But the memory of such virtues,

And

The affection towards such a man,

Will remain forever.

Depart, O! Reader,

And imitate his Piety towards God and good will to man:

Thus He, although dead, still lives,

And you shall still possess him whom you have lost,

And praises and prayers

May be offered up by each of you

To the Throne of God.

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THE BAR OF CHARLESTON,

Among whom

HE,



**A Learned, Eloquent, and Acute Lawyer,**  
**Defending with facility the most important questions,**  
**In friendly fellowship,**  
**Flourished for a long period of time,**  
**Have caused**  
**The marble which you behold**  
**To be erected.**

Note B, Page 64.

This eminent gentleman was tall and portly, full of martial fire, of undaunted resolution, and shunned no dangers in the defence and service of the colony. He was actively employed in the Indian wars which afflicted the primitive settlers of Connecticut, and was not less distinguished for his heroism than his great prudence and strict regard for morality. He was bred to arms in the Dutch Netherlands under the command of Sir Thomas Fairfax, and immigrated into New England in 1630, with Mr. Wolcott, both being attached to the company of Mr. Warham. Six years after the settlement of Windsor, he was chosen magistrate, which station he filled until May, 1660, when he was elected deputy governor: in this office he continued ten years.

He attained the rank of major general of the militia at an early period. In 1639, a settlement, called Saybrook, was made at the mouth of the Connecticut river, and Major Mason was one of the principal planters. In 1647, he removed to that town, and took command of the fort, at the express desire of the inhabitants, and was authorised to govern all the soldiers and inhabitants of the town; during the winter of the same year the fort unaccountably took fire, and Major Mason with his wife and child narrowly escaped the conflagration. In 1659, he removed to Norwich, and in 1671, being far advanced in years, and visited with many infirmities, he excused himself from the service of the commonwealth. He died in 1672 or 1673, in the seventy-third year of his age.

## Note C, Page 70.

This expedition was planned and conducted by the colonial governments of New England, without instructions or aid from the government of the parent state. It was by far the most brilliant achievement of that period, and the services of Roger Wolcott were acknowledged by the assembly of Massachusetts by the following resolution of thanks:

*Boston, February 1st, 1746.*

“Honourable Sir,

We are very sensible virtue earns its own reward, and doubt not of the solid and lasting pleasure you have from your own consciousness of the good principles which have excited you to, and carried you through, the many useful and public services you have performed, and by your example and address influenced others to do; and how little soever the wise and virtuous are affected by such remote considerations as the opinion and sentiments of others, yet we could not but think that common justice and gratitude required our acknowledgments of the large share you had in the late reduction of Cape Breton: to you our eyes were more particularly turned, on our first application to your government in this affair, and we happily found ourselves not mistaken by their generous assistance in that successful expedition, more particularly obtained by your care and influence: for this public service, and for the just sentiments you have always had towards this province on other occasions, we now publicly profess our esteem and obligations, which we shall ever be glad on all occasions to acknowledge.

In the name, and by order of the council,

J. WILLARD, Secretary.

In the name, and by order of the House of Representatives,

T. CUSHING, Speaker.”





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