WHO WAS THE AUTHOR OF THE DECLARATION OF INDEPENDENCE?

BY CHARLES G. WASHBURN

ON May 20, 1925, it chanced that I was present, in an official capacity, at the celebration, in the City of Charlotte, North Carolina, of the one hundred and fiftieth anniversary of the adoption of the "Mecklenberg Resolution" which contained a "Declaration of Independence" made, it was claimed, more than a year before that of the Congress of July 4, 1776.

Those interested in the Charlotte Convention declared "that the cause of Boston was the cause of all" and an order was issued to each Captain's Company in the County of Mecklenburg to elect two persons to compose a delegation to meet in Charlotte on May 19, 1775, to devise ways and means to aid and assist their suffering brethren in Boston. By an interesting coincidence on that day, it is said, official news of the Battle of Lexington, which occurred on the 19th day of the preceding month arrived by express. Of the five resolutions adopted by the Convention, I will quote the third which runs as follows:

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

Since the declaration was first brought to the attention of the public in 1819, a lively discussion, at times

acrimonious, has arisen as to its authenticity. Concerning this I need express no opinion but content myself with introducing some correspondence on the subject between John Adams and Thomas Jefferson.

John Adams wrote to Thomas Jefferson from Quincy on 22 June, 1819:

> May I enclose you one of the greatest curiosities and one of the deepest mysteries that ever occurred to me? It is in the *Essex Register* of June 5th, 1819. It is entitled the Raleigh Register Declaration of Independence. How is it possible that this paper should have been concealed from me to this day? Had it been communicated to me in the time of it, I know, if you do not know, that it would have been printed in every whig newspaper upon this continent. You know, that if I had possessed it, I would have made the hall of Congress echo and reëcho with it fifteen months before your Declaration of Independence. What a poor, ignorant, malicious, short-sighted, crapulous mass is Tom Paine's "Common Sense," in comparison with this paper! Had I known it, I would have commented upon it, from the day you entered Congress till the fourth of July, 1776. The genuine sense of America at that moment was never so well expressed before, nor since. Richard Caswell, William Hooper, and Joseph Hewes, the then representatives of North Carolina in Congress, you knew as well as I, and you know that the unanimity of the States finally depended on the vote of Joseph Hewes, and was finally determined by him. And yet history is to ascribe the American Revolution to Thomas Paine! *Sat verbum sapienti.*

In his reply to Mr. Adams dated Monticello, July 9, 1819, Mr. Jefferson wrote:

> But what has attracted my peculiar notice, is the paper from Mecklenburg county, of North Carolina, published in the *Essex Register*, which you were so kind as to enclose in your last, of June the 22d. And you seem to think it genuine. I believe it spurious. I deem it to be a very unjustifiable quiz, like that of the volcano, so minutely related to us as having broken out in North Carolina, some half a dozen years ago,

in that part of the country, and perhaps in that very county of Mecklenburg, for I do not remember its precise locality. If this paper be really taken from the *Raleigh Register*, as quoted, I wonder it should have escaped Ritchie, who culls what is good from every paper, as the bee from every flower; and the *National Intelligencer*, too, which is edited by a North Carolinian; and that the fire should blaze out all at once in Essex, one thousand miles from where the spark is said to have fallen. But if really taken from the *Raleigh Register*, who is the narrator, and is the name subscribed real, or is it fictious as the paper itself? It appeals, too, to an original book, which is burnt, to Mr. Alexander, who is dead, to a joint letter from Caswell, Hughes, and Hooper, all dead, to a copy sent to the dead Caswell, and another sent to Doctor Williamson, now probably dead, whose memory did not recollect, in the history he has written of North Carolina, this gigantic step of its county of Mecklenburg. Horry, too, is silent in his history of Marion, whose scene of action was the country bordering on Mecklenburg. Ramsay, Marshall, Jones, Girardin, Wirt, historians of the adjacent States, all silent. When Mr. Henry's resolutions, far short of independence, flew like lightning through every paper, and kindled both sides of the Atlantic, this flaming declaration of the same date, of the independence of Mecklenburg county of North Carolina, absolving it from the British allegiance, and abjuring all political connection with that nation, although sent to Congress too, is never heard of. It is not known even a twelve month after, when a similar proposition is first made in that body. Armed with this bold example, would not you have addressed our timid brethren in peals of thunder on their tardy fears? Would not every advocate of independence have rung the glories of Mecklenburg county in North Carolina, in the ears of the doubting Dickinson and others, who hung so heavily on us? Yet the example of independent Mecklenburg county, in North Carolina, was never once quoted. The paper speaks, too, of the continued exertions of their delegation (Caswell, Hooper, Hughes) "in the cause of liberty and independence." Now you remember as well as I do, that we had not a greater tory in Congress than Hooper; that Hughes was very wavering, some-

times firm, sometimes feeble, according as the day was clear or cloudy; that Caswell, indeed, was a good whig, and kept these gentlemen to the notch, while he was present; but that he left us soon, and their line of conduct became then uncertain until Penn came, who fixed Hughes and the vote of the State. I must not be understood as suggesting any doubtfulness in the State of North Carolina. No State was more fixed or forward. Nor do I affirm, positively, that this paper is a fabrication; because the proof of a negative can only be presumptive. But I shall believe it such until positive and solemn proof of its authenticity be produced. And if the name of McKnitt be real, and not a part of the fabrication, it needs a vindication by the production of such proof. For the present, I must be an unbeliever in the apocryphal gospel.

John Adams wrote to William Bentley from Quincy on 15th July, 1819:

A few weeks ago I received an *Essex Register*, containing resolutions of independence by a county in North Carolina, fifteen months before the resolution of independence in Congress. I was struck with so much astonishment on reading this document, that I could not help inclosing it immediately to Mr. Jefferson, who must have seen it, in the time of it, for he has copied the spirit, the sense, and the expressions of it *verbatim*, into his Declaration of the 4th of July, 1776. Had I seen that declaration at the time of it, it should have been printed in every whig newspaper on this continent. Its total concealment from me is a mystery, which can be unriddled only by the timidity of the delegates in Congress from North Carolina, by the influence of Quakers and proprietary gentlemen in Pennsylvania, the remaining art and power of toryism throughout the continent at that time. That declaration would have had more effect than Tom Paine's "Common Sense," which appeared so long after it. I pray you to intercede with the printers to transmit me half a dozen copies of that *Register*, which contains it, and I will immediately transmit the money for them, whatever they may cost. That paper must be more universally made known to the present and future generation.

One day in looking over the World's Almanac, that invaluable "Source Book" for amateur historians, my eye fell upon the following note: "The earliest known attempt in the American Colonies of a Declaration of Independence was at a town meeting at Mendon, Worcester County, Massachusetts, in 1773." This, you will observe, antedated the alleged date of the Mecklenburg declaration by more than two years. My curiosity being aroused and my doubts as well, I examined the record of the action taken at Mendon. The second article of the warrant for a town meeting to be held February 10, 1773, was as follows:

> To see what the town will act relative to the letter, dated Nov. 20, 1772, of correspondence from the Town of Boston to this town (of Mendon) showing in sundry respects where sundry of our invaluable charter rights and privileges were infringed upon by sundry late acts of the Parliament of Great Britain, imposing duties or taxation on the Colonists in America and the Province or Colony of the Massachusetts Bay in particular.

It was voted to appoint a Committee of seven to consider the matter and report at an adjourned meeting. The Committee reported on March 1, 1773, a resolution consisting of nineteen sections, *not in any sense a declaration of independence* but a *declaration of rights* and grievances. Believing that human nature then was very much what it is now and that the disposition of the committee in expressing its views would be to go along the lines of least resistance, I rather assumed that this resolution would be found to be a paraphrase of the declarations contained in the letter of Correspondence from the Town of Boston. I cannot refer to all the sections, but only to the following:

1. Resolved that all men have naturally an equal right to life, liberty and property.

2. That all just and lawful government must necessarily originate in the consent of the people.

3. Resolved that introducing and quartering standing armies in a free country in times of peace without the consent of the people is a violation of their rights as free men.

These three are sufficient for my present purpose. The nine sections of the resolution were adopted and also a tenth, which ran as follows:

Resolved that the representative of this town be instructed to use his utmost endeavors *in a Constitutional manner*, for the redress of the aforementioned grievances and that he in no wise consent to the giving up of our rights whether derived to us by nature or by compact or agreement.

In order to substantiate my theory it was, of course, necessary to examine the letter sent to Mendon by the Committee of Correspondence in Boston.

The so-called letter was, in fact, a pamphlet, no doubt familiar to all of you, issued to the Town of Boston, as the result of a Town Meeting held on Wednesday, October 28, 1772, at which a Committee consisting of James Otis, Samuel Adams, Dr. Joseph Warren, Dr. Benjamin Church and others was appointed to report to the Town, as soon as may be, as a Committee of Correspondence

to state the rights of the Colonists and of this Province in particular, as men, as Christians and as subjects, to communicate and publish the same to several towns in this Province and to the world as the sense of the Town, with the infringements and violations thereof that have been made or from time to time may be made; also requesting of each Town a free communication of their sentiments on this subject.

The meeting finally assembled in Faneuil Hall on Friday, November 30, 1772, to hear the report of the Committee. John Hancock was the moderator. The Chairman of the Committee, James Otis, made the report which was in three parts.

First. A statement of the rights of the Colonies and of this Province in particular. This was considered by Samuel

Adams, and the first one he mentioned was, A right to life, liberty and property. A natural right.

Then came the *Second* part—

A declaration of violation of these rights, by Dr. Joseph Warren, and then the *Third* part—

A letter of correspondence to the other towns by Benjamin Church.

Every one of the grievances noticed in the Mendon resolution is found in the pamphlet of the Committee of Correspondence. The first point made by Samuel Adams is that man has the right to life, liberty and property. A natural right. The first section of the Mendon resolution is "Resolved that all men have naturally an equal right to life, liberty and property."

Now follow on to the recital of grievances in the Continental Congress of 1774 and in the declaration of independence adopted on July 4, 1776. Note the first declaration:

We hold these truths to be self evident, that all men are created equal. That they are endowed by their creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights Governments are instituted among men, deriving their just powers from the consent of the governed.

These declarations are found in almost exactly these words in the pamphlet of the Committee of Correspondence in the replies made by the towns; also in the Declaration of Independence and some of them even in the Constitution of the United States. I turned to the records of another and smaller town, feeling certain that I would find there some reference to this subject and I was not disappointed. The action was not as elaborate or as definite as that taken by the Town of Mendon, but it appears that at a Town meeting held in March, 1773, seven days after the Mendon Committee had reported, which was adjourned to May 17, 1773, a so-called "Committee of Rights" reported,

favoring, in substance, a loyal remonstrance and petition to the King, containing an enumeration of grievances and praying for their removal and that all acts and ministerial proceedings that might be unconstitutional and anti-commercial might cease, and was further of opinion that a proper correspondency of towns and colonies would be both salutory and necessary to the end that *in a Constitutional way*, with a proper dependence on Him who has the hearts of all men at his disposal, we may obtain

> the full enjoyment of all our rights and privileges, civil and religious, and of having that love and harmony subsist between Great Britain and her Colonies which may make both to enjoy and seek each others prosperity.
>
> And as to our rights and privileges with the infringements on the same, we look upon it that they are truly and well stated by the Committee of the Town of Boston, to whom we return our thanks for the early and persevering method taken in Constitutional ways for the support of the same.

There is no suggestion here of any desire for independence, but only that "love and harmony" may subsist between Great Britain and her Colonies.

I cannot dwell upon this interesting subject further, but I make the suggestion, not altogether new and perhaps not generally accepted, that Thomas Jefferson, in the Declaration, in enumerating the grievances under which our countrymen were then suffering, simply gave utterance to the common expressions, the common aspirations of the people. I am not seeking to depreciate in any way the great gifts of Thomas Jefferson, but merely to point out that the Declaration of Independence was the culmination of the thought of years which finally took form in some generally accepted expressions which Jefferson skillfully embodied in the "Declaration."

In the Continental Congress, Richard Henry Lee, of Virginia, made a motion on June 17, 1776 declaring for

Independence. It was seconded by John Adams. A committee was appointed to consider the matter, composed of Jefferson, John Adams, Franklin, Roger Sherman, Robert R. Livingston.

Adams gives the following interesting account in his letter to Timothy Pickering of August 6, 1822, of a conversation he had with Jefferson as to who should draught the declaration:

> Jefferson proposed to me to make the draught. I said, "I will not." "You should do it." "Oh, no." "Why will you not? You ought to do it." "I will not." "Why?" "Reasons enough." "What can be your reasons?" "*Reason first.* You are a Virginian, and a Virginian ought to appear at the head of this business. *Reason second.* I am obnoxious, suspected, and unpopular. You are very much otherwise. "*Reason third.* You can write ten times better than I can." "Well," said Jefferson, "if you are decided, I will do as well as I can." "Very well; when you have drawn it up, we will have a meeting."

John Adams goes on to say,

> As you justly observe, there is not an idea in it but what had been hackneyed in Congress for two years before. The substance of it is contained in the declaration of rights and the violation of those rights, in the Journals of Congress, in 1774. Indeed, the essence of it is contained in a pamphlet, voted and printed in the town of Boston, before the first Congress met, composed by James Otis, as I suppose, in one of his lucid intervals, and pruned and polished by Samuel Adams. . . . The instrument was reported, as I believe, in Jefferson's handwriting as he first drew it. Congress cut off about a quarter of it, as I expected they would, but they obliterated some of the best of it, and left all that was exceptionable, if anything in it was. I have long wondered that the original draught has not been published. I suppose the reason is, the vehement philippic against negro slavery.

Similarly the Constitution of the United States was not, as Gladstone once said, "The most wonderful work

struck off at a given time by the brain and purpose of man, but the result of a slow and painful evolution of thought stimulated by grim necessity. For the earth bringeth forth fruit of herself; first the blade, then the ear, after that the full corn in the ear."

Such is the method of growth in nature and such must be the method of enduring progress in the affairs of men. You may recall the conversation in Dickens' fascinating novel, "The Tale of Two Cities," between Defarge and his wife, of cruel heart and relentless purpose, in which Defarge, inclining to repine over the slow approach of the French Revolution, said to her in a moment of depression:

"It is a long time." "It *is* a long time," repeated his wife, "and when is it not a long time, it is the rule."

"It does not take a long time to strike a man with lightning," Defarge ventured to reply.

"How long," demanded Madam, composedly, "does it take to make and store the lightning, tell me?"

"It does not take long," said Madam, "for an earthquake to swallow a town. Tell me how long it takes to prepare the earthquake? But when it is ready, it takes place and grinds to pieces everything before it."

It took a long time to prepare for American Independence. It was a painful and slow process to make a nation out of a conglomeration of independent states, a process not fully completed until the surrender of Lee to Grant at Appomatox, but once accomplished has made us the greatest among the nations of the world.

It has been demonstrated, I think, that the Committee of Safety in Boston was responsible for the action of the New England towns in enumerating their grievances and demanding their redress. What was behind the Committee of Safety? The Town Meeting of Boston. Who was behind the Town Meeting?

Samuel Adams. His was the uncompromising and iron will which turned every event to the advantage of the revolting Colonists. The conviction that the independence of the Province must be asserted took root among the people very slowly.

Not one of the American Agents in England imagined that the Colonies would think of disputing the Stamp Act at the point of the sword, and even Otis said, "It is our duty to submit." In the instructions to one of our agents is found the expression: "We shall ever pray that our sovereign and his posterity may reign in British America 'till time shall be no more.' " But Sam Adams was relentless. His goal from the first, when he was almost alone, had been complete independence.

When it came to ratifying the *Federal* Constitution of 1787 to succeed the impotent confederation of states, it also proved to be a slow and tortuous process. Less than one-twentieth of the population voted in the election of representatives to the ratifying conventions. The vote of eighteen men, ten in Massachusetts, six in Virginia and two in New York would have defeated it. In the Convention held in Boston in January, 1788, to consider its adoption by Massachusetts, the vote in the affirmative was 187 and in the negative 168. Nothing but its adoption, in an hesitating and doubtful spirit, to be sure, saved the country from utter ruin.

The *Boston Gazette* of January 28, 1788, contains the following fable in verse which pretty clearly expresses the state of mind of many of the people at that time:

A Fox closely pursu'd, tho't it prudent and meet
To a Bramble for refuge, all in haste to retreat;
He enter'd the covert, but entering he found,
That briars and thorns did on all sides abound
And that tho' he was *safe*, yet he never could stir,
But his sides they would wound, or tear off his fur.

He shrugg'd up his shoulders, but would not complain,
To repine at small evils (quoth Reynard) is vain;
That no bliss is perfect I very well know,
But from the same source good and evil both flow;
And full sorely my skin, though these briars may rend,
Yet they *keep* off the dogs, and my life will defend.
For the sake of the *good*, then, let evil be borne,
For each *sweet* has its *bitter*, each bramble its thorn.

Returning to the main topic, may I venture to put to this learned body a rhetorical question? If the person to whom the germinal principle attaches should be considered the father—is not Samuel Adams entitled to the distinction of being called the Father of his Country and would the fame of Washington, a late convert to independence, suffer in the least if he were to be hailed as Savior of his Country? And may not we more accurately, giving due credit to Locke and Hooker, attribute to the Committee of Correspondence in Boston the authorship of certain phrases and principles in the Declaration of Independence and do homage to Jefferson as the accomplished editor, or, as he once put it, "the draughtsman" of that immortal instrument.