

## 6. Steps Toward Revolution



IT IS USEFUL to follow the sequence of events in North Carolina and Virginia after the adoption of two Declarations of Independence in Charlotte in May, 1775. The next important step was taken by the North Carolina Provincial Congress — first such move by any American Colony — at Halifax on April 12, 1776, with this resolution favoring action on a national scale:

*“Resolved, that the delegates for this Colony in the Continental Congress be empowered to concur with the delegates of the other Colonies in declaring independence, and forming foreign alliances, reserving to this Colony the sole and exclusive right of forming a constitution and laws for this Colony, and of appointing delegates from time to time (under the direction of a general representative thereof), to meet the delegates of other Colonies.”*

Less than two months later, Richard Henry Lee was offering to Congress resolutions on the same order, in obedience to instructions from a convention held in Williamsburg, Virginia, three weeks earlier.

In Philadelphia, the Lee resolution of independence was moved in Congress on June 7, 1776. On the tenth, Congress voted to appoint a committee to “prepare a declaration to the effect of the said first resolution.” Jefferson, Franklin, Adams, and two others were placed on the committee. Congress had liked Lee’s resolution and wished it to be amplified. Jefferson accomplished the immortal work, and Congress voted to insert into the end of his document the classic text of the Lee resolution it had adopted on July 2.

The genesis of the Lee resolution deserves attention. On May 15, 1776, one month and three days after the Provincial Congress of North Carolina had authorized its representatives in Philadelphia to vote for independence, a Virginia convention took a similar course. Two resolutions calling for action, following a preamble with a statement of grievances, were adopted. The first of these Virginia resolutions is the important one:

*“Resolved, unanimously, That the delegates appointed to represent this Colony in the General Congress, be instructed to propose to that respectable body, to declare the United Colonies free and independent States, absolved from all allegiance to, or dependence upon, the crown or parliament of*

*Great Britain; and that they give the assent of this Colony to such declaration, and to whatever measures may be thought proper and necessary by the Congress for forming foreign alliances, and a confederation of the colonies, at such time and in such manner as to them shall seem best; Provided, the power of forming government for, and the regulations of the internal concerns of each Colony, be left to the respective colonial legislatures.”*

The Virginian Hugh Blair Grigsby, LL.D., spoke eloquently of these resolutions, some of whose phrases strikingly resemble similar ones used earlier in Charlotte, in a discourse before the Phi Beta Kappa Society in Williamsburg on July 3, 1855. He called them “in every view the most important ever presented for the consideration of a public body,” constituting “the first declaration of independence.”

It must appear that North Carolina said virtually the same thing, first. The Virginia proposition, Dr. Grigsby told his Williamsburg audience, “was made in Congress in nearly the words of the resolution, by Richard Henry Lee.” The Lee resolution reflected accurately the sense, and some of the words, of the May 15 paper, which had reflected the general sense of the earlier North Carolina resolution. But the Lee resolution surpasses both, and all other resolutions on the subject of independence in conciseness, force, and clarity.

Before we take leave of Dr. Grigsby let us have a glance at what he said of the Second Mecklenburg Declaration.

The May 31 resolves were not composed under the tension and heat of anger consequent upon receipt of news of the battle of Lexington. A long period of calm study was needed by the lawyer-author in his deliberations as to what to do about absconding debtors owing either less or more than forty shillings. Sweet-spirited Dr. Grigsby wrote of the twenty resolves:

*“They deserve to rank among the first compositions of the great era in which they appeared, and which they adorn. The beauty of their diction, their elegant precision, the wide scope of statesmanship which they exhibit, prove incontestibly that the men who put them forth were worthy of their high trust at that difficult crisis.”*

Conventions in Charlotte on May 19–20, 1775, and in Williamsburg on May 15, 1776, acted similarly in adopting resolutions of independence at once, and in leaving to committees the drafting of forms of government.

We must not fail to observe that what the Virginia committee brought in at the end of nine days was the memorable Bill of Rights. This document, whose authorship is attributed to George Mason, became the cornerstone of the new constitution of Virginia: one of the most important declarations of individual rights in American history. It became the model for the first to

tenth amendments of the Constitution, that make up our national Bill of Rights, and for various State Bills of Rights. It also influenced the French Revolution's Declaration of the Rights of Man.

It is interesting to compare significant phrases reappearing in successive sets of resolves. Observe similarities in the Mecklenburg Declaration, the Virginia resolutions for independence, and the Lee resolution offered Congress, which Lee based upon the words adopted in the convention of Virginia:

<i>Charlotte</i> May 20, 1775	<i>Williamsburg</i> May 15, 1776	<i>Lee at Philadelphia</i> June 7, 1776
<p>We the Citizens of Mecklenburg County do hereby dissolve the political bands which have connected us to the Mother Country and hereby absolve ourselves from all allegiance to the British Crown. . . . We do hereby declare ourselves a free and independent people. . . .</p>	<p>Resolved, unanimously, That the delegates appointed to represent this Colony in the General Congress, be instructed to propose to that respectable body, to declare the United Colonies free and independent States, absolved from all allegiance to, or dependence upon, the crown or parliament of Great Britain. . . .</p>	<p>Resolved, That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.</p>

Who wrote the Virginia resolves, quoted in part in the second column above? Archibald Cary was named by Hugh Blair Grigsby in his Phi Beta Kappa address delivered in Williamsburg on July 3, 1855. The address was published later in book form and may be found in public libraries.

Mr. Grigsby related that the Virginia resolutions were read publicly in Williamsburg, that the people of the town gave every demonstration of joy, "amid the ringing of bells and the thunder of artillery, the jocund shouts of the young and the cordial congratulations of the old. . . ."

ON JANUARY 6, 1821, Thomas Jefferson began an autobiography for the information of his family. Though it has been published in his *Works*, the autobiography has not generally been read as carefully as it has deserved.

Writing in detail of the debate in Congress on June 8 and 10, 1776, on the question of extending the sense of the Lee Resolution of June 7 into a Declaration of Independence, Jefferson told of an affirmative argument made either by John Adams, George Wythe, or Richard Henry Lee. The argument is already familiar to us: we encountered it in Chapter 4, and again in the first paragraph of this chapter. General Joseph Graham testified it was

offered in the Charlotte convention on the night of May 19-20, 1775. It was the chief point in the preamble of the twenty resolves adopted by the Mecklenburg Committee of Safety on May 31, 1775.

Enumerating the arguments in favor of extending the Lee Resolution into a National Declaration — which carried the day on June 10 — Jefferson recalled this one among others, an argument heard earlier in Charlotte:

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

Since Lee was leader of the debate in favor of his own resolution of June 7, it seems likely the argument could have been used by him rather than by Adams or Wythe. It is impressive to find so many phrases and ideas used in Charlotte in the May 19-20 convention, reappearing elsewhere in various uses. We must however avoid forming a conclusion regarding special significance in the two uses of the argument based on the reciprocal nature of protection and allegiance. The argument was advanced on other occasions in justifying the Revolution, after May 1775, and possibly before, though average readers of history perhaps never have encountered it.

STUDY OF LEE'S COURSE in offering his resolution in behalf of Virginia on June 7, 1776 ought to include one of the best passages from his speech before Congress. A grandson, Richard H. Lee, published the latter part of it in a work entitled *Memoir of the Life of Richard Henry Lee*. (Philadelphia, H. C. Carey and I. Lea, 1825.) Somewhat in the manner of Patrick Henry and other orators of the time Lee said in his peroration:

*"Why then, sir, do we longer delay? Why still deliberate? Let this happy day give birth to an American republic! Let her arise, not to devastate and conquer, but to re-establish the reign of peace and law. The eyes of Europe are fixed upon us; she demands of us a living example of freedom. . . . She entreats us to cultivate a propitious soil, where that generous plant, which first sprung and grew in England, but is now withered by the poisonous blasts of Scottish tyranny, may revive and flourish!"*

Was Lee pleading for freedom not only for the Colonies but for England as well, from tyrant Scots? The younger Lee provided an explanatory footnote: "The Scotch were extremely unpopular in the American Colonies, during the revolution, in consequence of the fact that Lord Bute, Lord Mansfield, &c., were advocates of the right to tax America."

Scots probably were more unpopular in Virginia than elsewhere. Many

tobacco planters, though they had business contacts with Glasgow, when they could afford it sent sons to England to be educated. Lord Bute had faded as a Tory politician a dozen years before 1776, after a brief career as a royal favorite. Lord Mansfield was the eminent chief justice of the Court of King's Bench, who upheld freedom of conscience for Dissenters and Catholics. Both Bute and Mansfield, like other Tories, had upheld taxation for the Colonies as well as for Britain, to pay the debts of the Seven Years' War. As a young man in England, Richard Henry Lee had come to share the aversion of Englishmen to the idea of Scots in high positions, or perhaps in any positions, in England.

IN OUR STUDY of texts and documents we have observed that the Lee resolution of June 7, 1776, was incorporated into the concluding part of Jefferson's draft before it was adopted by Congress as the national Declaration of Independence on July 4, 1776. We cannot fail to be interested in Jefferson's draft before and after the inclusion of the Lee resolution. The texts, taken from Dr. Carl Becker's book on the Declaration, as shown below in parallel columns, will give evidence of the gain in style and force achieved by including the Lee resolution, shown in italics:

*Jefferson's rough draft:*

... We therefore the representatives of the United States of America in General Congress assembled do, in the name & by authority of the good people of these states, reject and renounce all allegiance & subjection to the kings of Great Britain & all others who may hereafter claim by, through, or under them; we utterly dissolve all political connections which may heretofore have subsisted between us & the people or parliament of Great Britain; and finally we do assert and declare these colonies to be free and independent states, and that as free & independent states they have full power to levy war. . . . And for the support of this declaration we mutually pledge to each other our lives, our fortunes, & our sacred honor.

*The final text:*

... We, therefore, the Representatives of the United States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, *That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved;* and that as Free and Independent States, they have full power to levy War. . . . And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

DR. CARL BECKER has said that Jefferson's chief aim was to justify to the world a separation from Great Britain. The obvious aim of the preamble of the May 31 resolutions adopted in Charlotte was to justify the substitution of new and temporary local laws for the old ones for use under a regime of independence, thrust upon the Colonies by the withdrawal of protection by the Crown.

We learn directly or implicitly that the Committee of Safety decided on May 31, after adopting the twenty resolutions embodying the code of temporary laws, to send Captain Jack to Philadelphia with "a copy of all said resolutions and laws." *All* the resolutions would include those in the Declaration of Independence adopted May 20, and the laws were of course those adopted in finished form on May 31. Exactly what Captain Jack took to Philadelphia has long been a moot question, but the paragraph in the rough notes says clearly enough that he was entrusted with *all* the resolutions as well as with the laws.

Captain Jack's trip from Charlotte to Philadelphia and his visit there had exciting incidents. When he reached Salisbury, the resolves were read at a session of court at the request of William Kennon, believed their author. In all probability only the twenty resolves of May 31 were read. Two lawyers present, Booth and Dunn, proposed interference with the messenger. Captain Jack continued his ride to Philadelphia, where Congress was preparing for adoption (on July 8) of a Petition to the King, an Address to the Inhabitants of Great Britain, and a letter to the Lord Mayor of London. The text of these documents may be read in the *Journal of the Continental Congress*. All are very well written, in a style equal to Jefferson's. The Petition and the somewhat longer Address enumerate eloquently the grievances of the Colonies and request, with dignity, the redress of wrongs. One rejoices at the discovery of this line: "We are not without resources." Such papers should be made more easily available to high school and college students. We must read them to realize how deeply the Colonials resented the occupation of Boston by British troops.

The papers were sent to England, without avail, about four weeks after General George Washington was appointed to command the patriot forces at a salary and expense allowance of \$500 a month. Though disappointed in his errand, Captain Jack had an opportunity to watch General Washington ride away toward Cambridge at the head of his staff on June 23.

William S. Alexander, another Mecklenburg man, was in Philadelphia at the time on mercantile business and encountered Captain Jack on that day. So he related several times afterward to members of his family, three of whom, Alphonse, Amos, and Joseph McKnitt Alexander, testified in a joint statement published in the State pamphlet of 1831. Captain Jack had told

him, William reported to his kinsmen, that he had come to Philadelphia as agent or bearer of the *May 20* Declaration, "with instructions to present the same to the Delegates from North Carolina."

The theory that no delegates in Congress except for Caswell, Hooper, and Hewes, ever heard of the Mecklenburg Declaration and the *May 31* resolves, is very difficult to accept. Both sets of resolves were of striking interest. They had been sent to Philadelphia by special messenger. They gave evidence of great and growing unrest. While Congress was at the time trying to patch things up with George III and his ministers, there was ample reason why the Mecklenburg resolves should be praised for their courage.

Dr. Henderson has said in correspondence with the present writer that it would have been unusual for the three North Carolina delegates to suppress the documents without consulting their colleagues. While we lack evidence that they submitted the papers to their friends from Virginia and other colonies, for opinions and counsel, we must consider the possibility they did. The three North Carolinians very likely behaved as other men usually have done in such circumstances, and gave other delegates quiet opportunities to become acquainted with the texts brought from Charlotte by Captain Jack. There was no reason for secrecy.

## 7. Corroboration by Moravians



CHALLENGERS OF THE INTEGRITY of the *May 20* Declaration of Independence gave great weight before 1904 to the contention that no corroborating documentary evidence of the 1775 period, from other and reliable sources in the area, could be offered.

In 1904, O. J. Lehman of Bethania, North Carolina, discovered an interesting, forgotten manuscript in the archives of the Moravian church. This manuscript, written in German, was entitled: "Fragment, Record of the events during the Revolutionary War which had a reference to Wachovia to the end of 1779." The Wachovia district, including Bethania and Salem, now in the area of the flourishing city of Winston-Salem, was the home of German settlers who adhered to the Moravian church.

The brief manuscript history had been completed by Traugott Bagge, a merchant of Salem, in September, 1783. It provided convincing evidence that the Mecklenburgers had declared themselves "free and independent" in 1775. The exact words had been used in the *May 20* declaration, and not in the *May 31* resolutions.

Dr. Archibald Henderson of Chapel Hill referred in detail to this discovery in an article in the *Mississippi Valley Historical Review* of September, 1918. He based his comments upon his own research.

On his return from Philadelphia, Captain Jack traveled to Salem on his way back to Charlotte. He had papers for Traugott Bagge, who after 1775 was one of the purchasing agents for the Continental forces in his section of North Carolina. He not only superintended the purchase and sale of store supplies, but ordered meat and grain from farmers.

Miss Adelaide Lisetta Fries, archivist and historian of the Moravian Church in America, Southern Province, has contributed a great deal more information about Captain Jack's visit to Salem, and the interest of the Moravians in the Mecklenburg independence movement, than has been given sufficient notice. In the second volume of her extensive *Records of the Moravians of North Carolina*, she tells of the grave nature of the papers brought by Captain Jack to Traugott Bagge, and of various writings that