JOHN DICKINSON AND THE AMERICAN REVOLUTION

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TABLE OF CONTENTS

CHAPTER I

INTRODUCTION

The lessons of history were to be observed and followed in the eyes of John Dickinson. The English heritage and the common law provided the basis for most of his reasoning, although he often searched for his answers in the works of the classical writers. Dickinson was skeptical of reason for this could be misleading--the only proper guide was to view an action according to its historical perspective.

Dickinson was a conservative although at various times he was called a moderate also. In addition to his belief in looking to the past for his answers, undoubtedly his education and financial position would logically make him a conservative. Because he opposed change, Dickinson was often in the minority and might even be considered to be the champion of lost causes. He designed most of his major efforts to oppose a radical change which he felt unwise until a better prediction of the future was available.

Dickinson first appeared on the political scene in the struggle to revoke the proprietary charter of Pennsylvania during which he received more than local notoriety in this struggle. After writing the resolves against the Stamp Act, Dickinson undertook the "Letters of the Pennsylvania Farmer," which secured him international attention and assured him

the role of writing every major state paper in the Continental Congress prior to the Declaration of Independence. He refused to sign the Declaration of Independence, but almost immediately served as a brigadier in the Pennsylvania Militia. Furthermore, he was the primary author of the Articles of Confederation. In 1779, he returned for another term in the Continental Congress as a delegate from Delaware, and in 1781 became the governor of that state. A year later he was appointed the President of Council in Pennsylvania. In 1786, he retired to Wilmington for a few months. Being one of the early members who realized the defects in the Articles of Confederation, he was chosen a delegate from Delaware and was elected chairman of the Annapolis Convention.

Although failing in health, Dickinson represented Delaware in the Constitutional Convention and spoke frequently as an advocate for the small states. In 1792, he drafted the Constitution of Delaware, his last state paper. In the remaining sixteen years of his life through his correspondence, he tried to keep peace with France and aided in solving the difficult domestic problems. His letters to Jefferson and Logan during this period are filled with political insight and courageous nationalism. In his declining years he turned his attention to religious writings as well, although in private. In his retirement he devoted most of his time to

the law and his many estates. He avoided public life, but was not forgotten in his lifetime.

Dickinson's career can be found in the changing attitudes of the American people, as his arguments never varied throughout the period. Evidence indicates that during much of this time he echoed the attitude of the majority of people in Pennsylvania. The one major exception to this position was during the Stamp Act Crisis. Though here his position was not radical, it was radical compared to the approach of Galloway, Franklin, and Hughes; consequently, he was voted out of the Assembly. A little over ten years later Dickinson was also out of step with popular sentiment when he opposed independence; this time, however, for being too conservative for popular sentiment, a good testimony to his consistency. A strong case can be made for his influence on the people of Pennsylvania in that he most typified the sentiments of the colony, which was most reluctant towards independence in America during the American Revolution.

This thesis is concerned with Dickinson's career during the era of the American Revolution from 1763 to 1787. It is not a biography or even a complete story of his life or work in any specific phase of the Revolution. It is an attempt to relate Dickinson's political philosophy to the American Revolution, and to show the impact of his ideas upon it.

To his contemporaries he was a formidable person. But for the first one hundred years after his death, he was almost forgotten and discredited. Throughout most of our history, he has not been subject to examination by historical scholars. Except for general agreement upon the excellence of "The Farmers Letters" Dickinson, although not ignored, has been largely neglected. Recent writings indicate that he has again become an important person. Several articles have appeared in the last decade that indicate this new interest in Dickinson and his role in the American Revolution.

The histories written shortly after his death in 1808 de-emphasize his impact on the American Revolution. In later years the fact that he had led the fight against independence predestined his neglect by the nationalist historians. George Bancroft, who based much of his criticism of Dickinson on the anonymous attacks made on his career in the newspapers in 1782, started the trend that later authors followed.

The first major attempt to shed more light on the career of John Dickinson was projected in 1891 by the Historical Society of Pennsylvania. The Society commissioned Charles J. Stillé to write the biography of John Dickinson. Paul Leicester Ford was to collect and publish his works. The project was designed to entail four volumes: the biography, two volumes of his published works, and one of his private correspondence.

Two volumes were finally published, the other two purported volumes were never written because of the untimely death of Paul Leicester Ford.

Stillé's biography of Dickinson, published in 1891, was entitled The Life and Times of John Dickinson.[1] This work, although informative, is lacking somewhat by modern standards of biography. The second volume of the project, although it is limited in its scope to a collection of his published writings up to 1774, was edited by Ford.[2] Had the other volumes been completed, much more about Dickinson could be known.

In the present century prior to the last decade, John H. Powell wrote fairly extensively about the career of John Dickinson; but only two articles have been found, "John Dickinson and the Constitution,"[3] and an edited version of Dickinson's speech opposing independence, both published in The Pennsylvania Magazine of History and Biography in 1936 and 1941. In addition to these published works Mr. Powell wrote an extensive study of Dickinson's early career in his

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[1]Charles J. Stillé, The Life and Times of John Dickinson (Philadelphia: The Historical Society of Pennsylvania, 1891).

[2]Paul Leicester Ford, The Writings of John Dickinson (Philadelphia: The Historical Society of Pennsylvania, 1895).

[3]John H. Powell, "John Dickinson and the Constitution," The Pennsylvania Magazine of History and Biography, LX: (January 1936).

Doctoral Dissertation, "John Dickinson, Penman of the American Revolution."[4] Although this work provides extensive information on the genealogy, education, background, and early career of Dickinson, it has never been published.

In the past decade the amount of interest in Dickinson has increased with the appearance of several articles in journals as well as broader coverage in other sources. This revival of interest can be attributed to a new realization on the part of historical scholars of Dickinson's Revolutionary role. The addition of the Maria Dickinson Logan manuscripts to the existing papers has added a further new dimension to his career. As historians have examined the roles of others besides the arch-patriots and loyalists in the revolution, they have found Dickinson to be of increasing importance. Still the period of Dickinson's greatest activity was between 1774 and 1787, but as yet a detailed study has not been made of this time. Apparently no new information has been discovered that provides any insight concerning his career during this important period. This lack of material breaks the continuity in the knowledge of the career of John Dickinson. Although he had a considerable career in these later years, almost all evaluations of his role in the Revolution halt with his speech opposing independence. As a result he

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[4]John H. Powell, "John Dickinson, Penman of the American Revolution," (unpublished Doctoral Dissertation, University of Iowa, 1938).

retained the classification of a conservative who could not see ahead. This thesis will attempt to change this concept of Dickinson's career. By tying together these scattered articles on Dickinson and updating the seventy-year old writings, hopefully a new light will be shed on the role which John Dickinson played in the American Revolution.

The scope of this work is necessarily limited. As it is impossible for the author to use the Dickinson papers in the Historical Society of Pennsylvania or the two volumes of his papers which he edited and had published in 1801 by Bonsal and Niles, the author has had to rely on the collections of his work and other miscellaneous articles that have appeared in journals and books on the subject. Just as the scope of the study is limited by sources, it is also confined to those aspects that have a special bearing on his role in the American Revolution. None of these, of necessity, will be intensive studies of his actions in any period of the revolution, but they will be confined to his main thought and influence on the American cause. The result will be to indicate that during the American Revolution John Dickinson was consistent in his views throughout the crisis. At all times he believed in objecting to the British measures, but also insisted on remaining under the auspices of the British crown.

Chapter II is a study of Dickinson's education and background, noting particularly the details that will illuminate many of his actions. Chapter III deals with his efforts to halt the change to Royal Government in Pennsylvania in 1764. Chapter IV is a discussion of his efforts to halt the change in British policy during the height of his popularity when he deserved the title "Penman of the Revolution." Chapter V is an assessment of his efforts to continue this policy in the Continental Congress with his resultant loss of popularity because of his opposition to independence in 1776. Chapter VI points out the resurgence of Dickinson to power in the 1780's, and his contribution to founding sound government in Pennsylvania and the American states by maintaining his same constant course.

Although Dickinson lived until 1808, the Constitutional Convention with his writings for ratification concluded the major part of his important work. His life-long ill health and desire to return to his "fields and books" prevented him from extensive work thereafter. This paper concludes with his important contribution to ratification. Finally, this study will portray John Dickinson as a true conservative-patriot and a truly consistent man in the American Revolution, 1763-1787.

CHAPTER II

TRAINING AND EARLY LEGAL CAREER

John Dickinson was born in economic security, and through his life he remained a man of property. At no time in his career did he know economic uncertainty. From his father Samuel Dickinson, he inherited many estates, slaves, and tenants, which provided a comfortable income. He had a lucrative legal practice also. The Dickinsons owned over 15,000 acres of land in Maryland and Delaware in well-managed and profitable estates, a situation somewhat uncharacteristic of the times when many people had large estates but were often land poor.[1]

John Dickinson was born on November 8, 1732, at his father's plantation in Maryland. His descendants had come to Virginia from England in the seventeenth century, but remained there only briefly before his father's branch of the family moved to the site of Crosiadore, their plantation in Maryland. Samuel Dickinson, his father, was a lawyer and later a judge in Delaware. In addition to his practice of law, Samuel Dickinson was a large landholder and a colonial aristocrat with large wealth. From these comfortable surroundings Dickinson was allowed all the advantages that wealth and

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[1]A complete discussion of the geneology of the Dickinson family can be found in Powell, "Dickinson," pp. 28-175.

leisure could provide. During his teenage years, he received valuable training as a landlord, often witnessing the buying and selling of land, the collecting of rents, and the disposing of crops. Later he did much of this work for his father.[2]

Dickinson's mother was the sister of the noted Dr. Thomas Cadwalder of Philadelphia. Mary Cadwalder was a member of the highly respected Cadwalder family which held a major position as merchants in Philadelphia. Known as a gentle woman with a strong Quaker background, she was in her early thirties when she married the widowed Samuel Dickinson. While studying in London, Dickinson's letters to his parents in America indicate that his mother had the greatest impression upon him.[3]

Dickinson would probably have been educated in England had not Samuel Dickinson's three eldest sons by his first marriage died in London while receiving their education.[4] Because the schools in America were few and most were religiously oriented, Samuel Dickinson hired a tutor, William Killen, to

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[2]Issac Sharpless, Political Leaders of Provincial Pennsylvania (New York: The Macmillan Company, 1919), p. 224.

[3]H. Trevor Colbourn, "A Pennsylvania Farmer at the Court of King George: Dickinson's London Letters, 1754-1756," The Pennsylvania Magazine of History and Biography, LXXXVI: (October 1962), pp. 427-443.

[4]Powell, "Dickinson," p. 95.

instruct his son John. Apparently the choice was a wise one as Dickinson's education flourished, and a life-long desire for learning was stimulated. Killen later became the Chief Justice of Delaware. Not much detail is known about Dickinson's education, but extensive reading in the classics was a typical education of the day. His education probably differed little from the education of others, but he was more enthusiastic than most for the classics. As a boy he kept copious notes in a diary with quotations that he liked under topical headings. Under the guidance of Killen, Dickinson not only became familiar with classical literature, but also admired its form and style, which later became characteristic of his writings.[5]

In 1750, at the age of eighteen Dickinson began his studies in the Philadelphia law office of John Moland, who was considered one of the best lawyers of the day. Adequate records of the training received by young lawyers are also lacking, but evidence indicates that it was a training by practice along with required readings of the famous English jurists. His legal training could be summarized:

> From Moland himself, as well as from his reading, he [Dickinson] acquired the beginnings of that political philosophy which was to become the great concern of his revolutionary career; the ideal of liberty, a liberty within the law, limited by the legal structure of the

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[5]Stillé, Dickinson, p. 18.

> nation, all the stronger and surer because its limits were fixed, known and eternal.[6]

After completing his studies in the law office of Moland, Dickinson persuaded his father to let him follow his mentor's footsteps by receiving further training at the Middle Temple in London. There is no evidence of the type of education that Dickinson received in the Inns of Court, but it consisted chiefly of observing the courts at work and the Parliament in session.[7] While in London, he read extensively in history and law, which probably led to his later reputation as a scholar. In London he wrote, "I hope my honored mother will excuse my politicks if she can't approve them as the English Constitution and English laws are strictly united."[8] This indicated the beginning of his political theory. In other letters he mentioned reading Coke, Blackstone, Rapin, Molesworth, Bolingbroke, and Tacitus. During his four years in London, Dickinson laid the background for his legal career as well as his concept of the British Empire.

> For men like Dickinson, relatively conservative in their backgrounds and representing wealth in the colonies, the experience of observing the English Government at work strengthened the ties that bound them to Britain. It is

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[6]Powell, "Dickinson," p. 119.

[7]Ibid., p. 134.

[8]H. Trevor Colbourn, "John Dickinson: Historical Revolutionary," Pennsylvania Magazine of History and Biography, LXXXIII: (July 1959), p. 18.

> probable that his anxiety to discover an imperial solution which would prevent civil war was rooted deep in Dickinson's youthful years in London.[9]

In his letters to his parents Dickinson, referred to the political system as corrupt; and he worried about the lack of honesty in many of the political dealings. His political education progressed rapidly in London where he formulated the feeling that America was the last chance for the British Empire. His interest in politics was quite apparent; many of the letters dwelt upon the strengths and weaknesses of the British political system.[10] His historical education progressed rapidly while in London, and through his letters it is apparent that he began to follow the ideas of Locke and others who accepted history as the exhaustible mine out of which political knowledge is derived. This combined with his study of the common law shaped Dickinson's concepts. "The past was viewed as an extension of experience breeding greater wisdom, as a storehouse of examples to be dipped into for illustrations of modern political problems."[11]

Dickinson stayed in London longer than originally planned because of sickness in 1755, which stopped his study for a period of time. He returned home in the Spring of 1757.

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[9]Powell, "Dickinson," p. 135.

[10]Colbourn, "London Letters," pp. 427-443.

[11]Colbourn, "Dickinson: Historical Revolutionary," p. 273.

A short time after his return, he was admitted to the bar in Philadelphia. Dickinson was immediately successful as a lawyer, although conflicting reports are given of his law knowledge and effectiveness. Many years later an old man recalled Dickinson's first appearance in court:

> The sensation felt at a Pennsylvania Court upon his speaking to a cause of some interest at the time, immediately upon his return from England: young and hitherto unknown, the people looked upon each other with astonishment, for his eloquence swayed the opinion of the whole court, and filled his hearers with delight, presaging the celebrity which he afterwards acquired.[12]

William Rawle in his account of the early bar said of Dickinson: "He possessed considerable fluency, with a sweetness of tone and agreeable modulation of voice, not well calculated, however, for a large audience."[13] Other accounts were not so complimentary of his law knowledge; one writer concluded, "His law knowledge was respectable though not remarkably extensive for his attention was directed to historical and political studies."[14]

Dickinson set up law offices in Philadelphia and apparently was recognized immediately as a young man of brilliance. By April 1760, he had pleaded three cases before the Supreme Court, one in which he and Joseph Galloway opposed

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[12]Quoted in Powell, "Dickinson," p. 137.

[13]Quoted in Stillé, Dickinson, p. 37.

[14]Ibid.

Chew and his former mentor, Moland. Chew was later Chief Justice of the province.[15] As was the custom of the day, Dickinson usually worked with another lawyer in most of his cases. A rather unusual situation was created in the early bar where two lawyers might work together on a case on Tuesday and oppose each other on Friday. Dickinson worked with many of the lawyers in Philadelphia, but he worked most often in early days with Joseph Galloway. In addition to his practice in Philadelphia, Dickinson also had a large practice in Delaware. In his early days he set up a co-operative arrangement with Thomas McKean, whose office was in Delaware, to handle his cases there while he handled McKean's cases in Philadelphia.

Upon his father's death in 1760, Dickinson took over the management of the family estates. He managed all the estates in Delaware and split the estates in Maryland with his half-brother Henry. As a result of the management of these estates, Dickinson began to carry on a more active practice in Delaware where his political career began.

In 1759, he had been elected to the Assembly in Delaware, and in 1760 was elected the speaker of that body. This was not a particularly important position as there were only a half-dozen members in the Assembly; and it therefore, did

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[15]Stillé, Dickinson, p. 37.

not take up much of his time.[16] This was quite fortunate since he was very successful as a lawyer. He write to his mother, "Money flows in, and my Vanity has been very agreeably flattered of late . . ."[17] The extent of his law career in the 1760's is hard to determine, but it is known that he pleaded sixty-seven cases in the August term of the common pleas court and seven cases in the Supreme Court in 1764. With the inheritance of the estates and his legal practice, Dickinson became quite wealthy, and by 1762 at the age of thirty was secure. This fact led Powell to conclude that he was a "legislator seeking to preserve in government those interests which made up the business of his living."[18]

In 1762, Dickinson was elected a member of the Pennsylvania Assembly. His early activities in the Assembly are of little consequence to his career. By this time he had developed several public service activities in Pennsylvania and was becoming a prominent member of the society of Philadelphia. The big political question of the day in Pennsylvania in the early 1760's was the issue of the change from proprietary to royal government. Quite unexpectedly, John Dickinson blazed to the front in this crisis in 1764, opposing Benjamin

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[16]Powell, "Dickinson," p. 147.

[17]Quoted in Powell, "Dickinson," p. 148.

[18]Ibid., p. 154.

Franklin and his former law collaborator, Joseph Galloway, as well as most of the Pennsylvania Assembly.

CHAPTER III

DICKINSON'S FIGHT AGAINST ROYAL GOVERNMENT: 1764

"If the change of government now meditated can take place, with all our privileges preserved, let it instantly take place; but if they must be consumed in the blaze of Royal authority we shall pay too great a price. . . ."[1] This declaration was the heart of John Dickinson's argument before the Pennsylvania Assembly on May 24, 1764. At issue was a petition, sponsored by Benjamin Franklin and Joseph Galloway, to King George III to change the charter of Pennsylvania from proprietary to royal.

Dickinson's words came as a rather unpleasant surprise to the members of the Pennsylvania Assembly. In the past he had been an open and avowed opponent of the proprietors. Now he was urging caution. Upon completion of Dickinson's speech, Joseph Galloway dismissed Dickinson's objections completely. The following day the Assembly overwhelmingly voted in favor of the plan for royal government. In following weeks members of the anti-proprietary faction began finally to realize the political turmoil that had been aroused by their vote for royal government. Only several years later did many assemblymen

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[1]John Dickinson, "Speech on a Petition for a Change of Government," in Paul Leicester Ford, ed., The Writings of John Dickinson (Philadelphia: The Historical Society of Pennsylvania, 1891), p. 221.

realize the validity of Dickinson's arguments. At that time his statements during this crisis demonstrated an awareness, then unusual in American colonials, of the motives of the British Ministry. Dickinson's views contrasted sharply with the short-sightedness of most Pennsylvania politicians. Yet, for most historians, including his biographer, his words have been interpreted to be those of an overly-cautious conservative fearing major political change. The essence of his arguments--his protest against encroaching British power, his fear that internal dissensions in the colonies would aid the British Ministry and Parliament in carrying out a new colonial program--have been overlooked.[2]

The fight against proprietary government was nearly ten years old. The central figure in the entire controversy was Benjamin Franklin. While in London in 1758, Franklin had argued with Thomas and Richard Penn about the guarantees of popular liberties contained in the Charter of 1701. At the time the Penns denied validity in any provision conflicting with the original royal grant to William Penn. The conflict between Thomas Penn and Franklin became quite bitter. Each man expressed in his writing utter contempt for the other. "I . . . conceived that Moment a more cordial and thorough

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[2]David L. Jacobson, "John Dickinson's Fight Against Royal Government, 1764," The William and Mary Quarterly, XIX: (January 1962), pp. 64-65.

Contempt for him, than I ever felt for any man living--a contempt that I cannot express in words, but I believe my countenance expressed strongly," wrote Franklin.[3] In succeeding years Franklin's distrust of and dislike for the proprietors increased. He felt their policies to be both short-sighted and selfish.

The source of turmoil in Pennsylvania lay in questions of taxation and defense in the West. In 1763-64, the Pennsylvania Assembly was dominated by the eastern counties, which elected twenty-six of the thirty-six Assembly members. There is little doubt that the westerners had legitimate complaints, in addition to under-representation. Although the strict pacifists had been largely eliminated from the Assembly, the body still was slow to vote funds for defense of the West against Indians.[4] As a result the West wanted to retaliate against both the Indians and the Assembly. A group of westerners from Lancaster county, known as the Paxton Boys, finally massed themselves to take action in December of 1763. They started by murdering six peaceful Indians under government protection. Later they massacred fourteen more who were being kept near Lancaster. On December 19,

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[3]Benjamin Franklin to Issac Norris, January 14, 1758, Leonard W. Labaree, ed., The Papers of Benjamin Franklin (New Haven: Yale University Press, 1963), pp. 360-362.

[4]See "Remonstrance of Western Counties," February 14, 1764, in Votes of Assembly, Eighth Series, VII, pp. 5542-5547.

Governor John Penn sent orders to have the murderers apprehended, but to no avail. During the remainder of December and in January, provisions were made to apprehend the murderers and protect the Indians. The Indians asked to go to New York, but after a long march were refused entry by the Governor of that state and had to return to Philadelphia. As rumors of the massing of troops in the West to attack the Indians at Philadelphia ran rampant, the Governor and Assembly moved to defend them, and even Quakers joined the militia. With this display of force, the Paxton Boys were willing to compromise upon reaching the outskirts of the city and Franklin helped negotiate a settlement. Matthew Smith and James Gibson, two of the westerners, remained in Philadelphia to draw up a remonstrance and a list of grievances against the government.[5] As the westerners were largely Presbyterian and the easterners predominately Quaker, the lines were drawn largely on religious and geographical lines.[6]

The eastern Assemblymen told their western colleagues that they were thwarted in doing their best for defense of the West by Governor Penn's interference. To the assemblymen the

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[5]A complete discussion of the Paxton Boys can be found in Brooke Hindle, "The March of the Paxton Boys," William and Mary Quarterly, VII: (October 1946), pp. 461-486, and Carl Van Doren, ed., Letters and Papers of Benjamin Franklin and Richard Jackson 1753-1785, (Philadelphia: The American Philosophical Society, 1947), pp. 139-142.

[6]Jacobson, "Dickinson's Fight," p. 66.

whole matter hinged on two issues: Could the Assembly determine provisions of appropriation and taxation bills, and did the Penns have moral or constitutional rights to claim special privileges and to impede legislation until such privileges were granted? The history of the dispute between the Governor and the Assembly reveals that the legislature passed appropriation bills with a tax placed on the proprietors' estates and a veto of these bills by the governor. John Penn was in a difficult and unusual position of being the executive authority of the province as well as the representative of the chief land owner. One attempt had been made both in January and February to compromise by allowing the Penns the privilege of requiring sterling for their quitrents in order to get a paper money bill passed. Dickinson had opposed this "precedent of proprietary prerogative" but the Assembly passed it anyway. This did not settle the issue as Governor Penn still refused to accept the legislation.[7] The dispute continued throughout March. The Assembly compromised on March 22, but insisted on maintaining most of their original position.[8] The Governor refused to relinquish any of his stand.[9]

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[7] Votes of Assembly, VII, pp. 5567-5569.

[8] Ibid.

[9] Ibid., pp. 5584-5586.

Franklin had decided against the proprietors in 1758, and now felt "all hopes of happiness under a Proprietary Government are at an end."[10] In 1764, many began to agree with him--the West was becoming violent and dissatisfied with the lack of defense allocations. The Assembly showed its concern in the spring of 1764 by appointing a committee to prepare grievances against the proprietor.[11] Franklin and Galloway were on this committee, which presented twenty-six resolutions roundly denouncing the proprietary system in general and the Penns in particular. These resolutions blamed the Penns for the entire taxation-defense problem. The committee's report said that had the Penns' Indian policy been effective, the whole problem would have never arisen. The report went on to predict that if the Penn power was not decreased, the colony would have severe problems in the future. The report said that the dual role of Pennsylvania's Proprietor--that of chief executive and major landowner--should be abolished, and the power in Pennsylvania's government be lodged "where only it can be properly and safely lodged, in the Hands of the Crown."[12] The members present

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[10]Benjamin Franklin to John Fothergill, March 14, 1764, Albert Harry Smyth, ed., Writings of Franklin III, (New York: The Macmillan Company, 1906), pp. 223-224.

[11]Votes of Assembly, VII, pp. 5588.

[12]Ibid., pp. 5591-5595.

adopted this report without dissent, and then adjourned for six weeks in order to sample the opinions of their constituents.[13]

During this six week period, signs could be seen of London's growing interest in American affairs. The Proclamation Line of 1763 had been in effect since October. Plans for a permanent British garrison in America had been discussed. In March 1764, George Grenville proposed levying additional taxes on the colonists. The first of these was begun with the Revenue Act of 1764. An even more ominous sign was Parliament's discussion of levying certain stamp duties in America to help defray the expense of colonial government.[14]

Yet in the spring of 1764, Franklin and other anti-proprietary leaders seemed to see little relationship between these signs and the dispute with the Penns. They therefore directed their fire against the immediate enemy. In their eyes proprietary government had failed, and royal government seemed necessary. Franklin saw no threat in the proposed change. He even pointed out that a standing army in America could provide some protection against foreign enemies. He further noted that other colonies had changed their charters

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[13] Ibid.

[14] "The Grenville Duties," June 25, 1764, Van Doren, ed., The Letters and Papers of Franklin and Jackson, pp. 166-170.

without disasterous results. He did recognize the possibility that the ministry could be hostile to colonial interests, but felt that this was of little concern because Richard Jackson, Pennsylvania's London agent, had assured him the only way the colony could lose its political privileges was by an act of Parliament.[15] The dangers purported, according to Franklin, were only "bugbears" designed to frighten the people of Pennsylvania.[16]

Dickenson was absent March 24, when the resolutions were passed, but during the six-week adjournment he pondered them thoroughly.[17] The Assembly reconvened May 14, and first took up the currency question.[18] May 23, it began discussing the subject of Royal Government. Dickinson was ill and absent that day, but he entered the debate the following afternoon. Dickinson's Assembly speech is not documented, but a printed version with its preface by William Smith, Provost of

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[15]"Change and Alteration," Jackson to Franklin, Van Doren, ed., The Letters and Papers of Franklin and Jackson, pp. 68-85.

[16]Franklin, "Cool Thoughts on the Present Situation of Our Public Affairs," Smyth, ed., Writings of Franklin IV, pp. 226-241; Franklin to Peter Collinson, April 30, 1764, Ibid., pp. 242-245; To William Strahan, December 19, 1763, Ibid., p. 212.

[17]John Dickinson, "A Reply to the Speech of Joseph Galloway, September 17, 1764, in Ford, ed., Writings of Dickinson, pp. 112-114.

[18]Votes of Assembly, VII, pp. 5604 and 5616-5618.

Philadelphia College, survives, and is the basis for evaluating Dickinson's argument.

He began his speech with a warning against passion.

> When honest men apprehend their country to be injured, nothing is more natural than to resent and complain: but when they enter into consideration of the means for obtaining redress, the same virtue that gave the alarm, may sometimes, by causing too great a transport of zeal, defeat its own purpose; it being expedient for those who deliberate of public affairs, that their minds should be free from all violent passions.[19]

After warning the members of the Assembly of the gravity of their task, Dickinson turned to the problems of proprietary government. He admitted that the proprietary system, as it was operating in Pennsylvania, was inconvenient --strict adherence to proprietary instructions prevented Pennsylvanias from showing loyalty to the British throne. In addition, unless the colony indulged the proprietors with a distinct and partial mode of taxation, it would be impossible to show affection to distressed fellow subjects.[20]

Dickinson then argued that the proposed change was ill-timed. As was to prove typical of his writings and arguments, he used history to illustrate his points, showing that passion had driven people to hasty and unwise decisions, when patience would have achieved the desired ends. He

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[19]John Dickinson, "Speech on the Change of Government of the Colony of Pennsylvania," Ford, ed., Writings of Dickinson, p. 21.

[20]Ibid., p. 22.

observed that the Crown already was unhappy with Pennsylvania for not fulfilling its quota of supplies. Although he admitted that this resulted because of the governor's veto of a proprietary estate tax, he said that this could be misunderstood in London--it could be interpreted by the ministry to mean that Pennsylvania objected to the proprietors for trying to enforce royal orders.[21]

Although Dickinson spent most of his time dwelling upon the timing of the Assembly's move, he indicated that he would probably continue to oppose the change in the future. The logic of the anti-proprietary leaders seemed rather peculiar to Dickinson for:

> In a sudden passion, it will be said, against the Proprietors, we call out for a change of government. Not from reverence for his Majesty, not from a sense of his paternal goodness to his people, but because we are angry with the Proprietors, and tired of a dispute founded on an order approved by his Majesty and his royal Grandfather.[22]

Dickinson claimed the issue was simple: the people of Pennsylvania were asking the change to royal government, not because they wanted royal government, but rather because they objected to proprietorial execution of royal orders. He said that no matter how the plea for change was disguised, the proprietors would make it known that the real reason concerned taxation

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[21] Ibid., pp. 23-24.

[22] Ibid., p. 28.

of the proprietary estates. "Why, then, should we unnecessarily invite fresh invectives in the very beginning of a most important business, that, to be happily concluded, requires all the favour we can procure and all the dexterity we can practice?"[23]

Dickinson also emphasized that by requesting the change, the people of Pennsylvania would lose rights guaranteed them by the charter of 1701. The colony of Pennsylvania had unique advantages that no other colony or even the people of Great Britain possessed. The right of the Assembly to be free from adjournment by the governor was guaranteed as was the right of the people to tax themselves. The Parliament could levy a small tax on trade, however. In addition Pennsylvania had, in Dickinson's eyes, the greatest of all advantages: that of freedom of religion. Dickinson said that by asking for a change to royal government, Pennsylvanians would be forced into petitioning the crown in a unique way, "We request him to change the government, yet we insist on the preservation of our privileges."[24] Asking for privileges would be "incoherent" and not insisting on them would be "dangerous."

> Thus, in whatever view this transaction is considered, shall we not still be involved in the Dilemma already mentioned, "of begging a favour from his Majesty's goodness, and yet showing a distrust that the royal

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[23] Ibid., pp. 28-29.

[24] Ibid., p. 30.

> hand, stretched out at our own request for our relief, may do us an injury?"[25]
>
> . . . . . .
>
> Let any impartial person reflect how contradictory some of these privileges are to the most ancient principles of the English constitution, and how directly opposite others of them are to the settled prerogatives of the crown, and then consider what probability we have of retaining them on a requested change: that is of continuing in fact a proprietary government, though we humbly pray the King to change this government.[26]

Dickinson noted that Virginia and other colonies did not obtain the tranquility and happiness promised by similar changes in government. He particularly imphasized the fact that the colony would be governed by ministers. Ministers, he said, rise to power by ambition and cannot be trusted; and he observed that during the late war, ministers supported the governor against the colony in disputes.[27]

After indicating his basic arguments against the change in government, Dickinson proposed an alternate plan of redressing the colony's grievances. He said that if a change was to be made, the colonists should first find out how secure their rights would be. The Assembly should wait for a favorable sign in the ministry. Prior to making an appeal, the colony should try to get the King's judgement on the dispute between the governor and the Assembly. This could be

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[25] Ibid.

[26] Ibid., p. 35.

[27] Ibid., pp. 25-26.

done without hazard to the Constitution. If the King found justice in the Assembly's demands, it could appeal for the change.[28]

In proposing this change in methods, Dickinson referred to two factors in Pennsylvania that should be altered before an appeal was made.

> Perhaps a little delay may afford us the pleasure of finding our constituents more unanimous in their opinions on this interesting occasion: and I should chuse to see a vast majority of them join with a calm resolution in the measure before I should think myself justifiable in voting for it, even if I approved of it.[29]

In this declaration Dickinson showed a belief that there was little evidence that the people of Pennsylvania desired the change, which later elections were to prove. He said that the Assembly was actually acting unconstitutionally--as its members were not elected to change the Constitution but rather to pass laws. He said in his speech:

> In forming this determination one striking reflection should be preserved in our minds; I mean, "that we are the servants of the people of Pennsylvania"--of that people who have been induced by the excellence of the present constitution, to settle themselves under its protection.[30]

Dickinson concluded thus:

> These, Sir, are my sentiments on the petition that has occasioned this debate. I think this neither the proper

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[28] Ibid., pp. 42-43.

[29] Ibid., p. 43.

[30] Ibid., p. 44.

> season nor the proper method for obtaining a change of our government. It is uncertain whether the measures proposed will place us in a better situation than we are now in, with regard to the point lately controverted; with respect to other particulars, it may place us in a worse. We shall run the risque of suffering great losses. We have no certainty of gaining anything. In seeking a precarious, hasty, violent, remedy for the present partial disorder, we are sure of exposing the whole body to danger.[31]

Galloway immediately answered Dickinson. In his rebuttal he discounted most of Dickinson's objections. Galloway asserted that there was no better time than at that moment to make the change to royal rule since proprietary government was not working and nothing would be lost by trying the royal system. He pointed out the virtues that could be attained by a royal government: the perfecting of administration, religious toleration, the fair practice of granting licenses to keep taverns, protection against armed mobs and internal disorder, and the quartering of the King's troops in the Province for providing protection to the frontiersmen against foreign invaders. On the question of guaranteed rights he quibbled with Dickinson, saying that the Parliament had the right to do what it wanted regardless, and thus the Americans must rely on sympathy, not charters.[32]

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[31] Ibid., pp. 47-48.

[32] Oliver C. Kuntzleman, "Joseph Galloway Loyalist," (Doctoral Dissertation Temple University, Philadelphia, 1941) pp. 44-45.

The immediate effects of Dickinson's speech were few. In spite of his protest the Assembly approved overwhelmingly the petition. One of the only supporters of Dickinson, Issac Norris, longtime speaker of the Assembly and Dickinson's future father-in-law, resigned rather than sign the petition. Norris' official reason for quitting was ill-health, but there was little doubt that his real position was opposition to the proposed change.[33]

As soon as Norris resigned on May 26, 1764, the Assembly showed its mood by immediately electing Franklin as the new speaker. That same day the Assembly approved, by a great majority, the petition to the King to change Pennsylvania's form of government from proprietary to royal. The new speaker gladly signed the petition, which was sent along with instructions to Richard Jackson, colonial agent in London in an attempt to change the government. The petition as adopted stated:

> . . . . That the Government of this Province by Proprietaries has by long Experience been found inconvenient, attended with many Difficulties and Obstructions to your Majesty's Service, arising from the Intervention of Proprietary private Interests in publick Affairs and Disputes concerning those Interests.
>
> That the said Proprietary Government is weak, unable to support its own Authority, and maintain the common internal Peace of the Province; great Riots have lately arisen therein, armed Mobs marching from Place to Place, and committing violent Outrages and Insults on the Government with Impunity, to the great Terror of your Majesty's

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[33]Votes of Assembly, p. 5611.

> Subjects. And these Evils are not likely to receive any Remedy here, the continual Disputes between the Proprietaries and People, and their mutual Jealousies and dislikes preventing.
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> We do, therefore, most humbly pray, that your Majesty would be graciously pleased to resume the Government of this Province, making such Compensation to the Proprietaries for the same as to your Majesty's Wisdom and Goodness shall appear just and equitable, and permitting your dutiful Subjects therein to enjoy under your Majesty's more immediate Care and Protection, the Privileges that have been granted to them by and under your Royal Predecessors . . .[34]

The one concession to Dickinson's pleas was a directive to Jackson to "use the utmost Caution" when seeking the colony's privileges.[35]

Dickinson and his followers did not give up easily; they introduced a motion that Dickinson's protest, boiled down into a brief statement, be entered into the minutes of the Assembly and sent to London. The motion read:

> We therefore most humbly pray--That your Majesty would be graciously pleased, wholly to disregard the said Petition of the Assembly, as exceedingly grievous in its Nature; as by no means containing a proper Representation of the State of this Province; and as repugnant to the general Sense of your numerous and loyal Subjects in it; there being but few of them (comparitively speaking) who could by any means be prevail'd on to give the least countenance to this Measure.[36]

The protest also declared that Dickinson realized that

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[34]"Petition to the King," Smyth, ed., Writings of Franklin IV, pp. 314-315.

[35]Votes of Assembly VII, pp. 5611-5613.

[36]John Dickinson, "A Petition to the King," Ford, ed., Writings of Dickinson, p. 67.

government by the King would be an honor to Pennsylvania, but that the King would have to appoint ministers to govern the colony, a method little different than the current system of royal approval of governors. It further pointed out that with the exception of Indian problems the colony had been tranquil.[37] The motion was voted down twenty-four to three; and four days later, the Assembly adjourned for a four-month summer recess.[38]

On September 10, when the legislature met again, the members discovered that many of Dickinson's predictions had come true. During the four-month adjournment, Parliament had passed the Sugar Act, and much of the early activity of the newly-convened Assembly was directed at deciding what action to take in response to a Massachusetts' letter suggesting remonstrance against the new tax.[39] At the same time the Assembly had to deal with a faction composed of Westerners, Scotch-Irish Presbyterians, and old leaders of the group supporting the proprietary, who opposed the plan for change to Royal Government. In Philadelphia Dickinson provided the leadership for the emerging coalition, which was referred to as the "New Ticket."[40] The coalition nominated eight candidates

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[37] Ibid.

[38] Votes of Assembly VII, pp. 5615-5623.

[39] Ibid., pp. 5628-5635, and 5643.

[40] Jacobson, "Dickinson's Fight," p. 81.

for the county of Philadelphia and two for the city to campaign against the "Old Ticket." In addition the "New Ticket" called for the re-election of three old members of the Assembly, including Dickinson, who were sympathetic to the Constitution.[41]

Dickinson provided favorable publicity for the new coalition during the summer and fall of 1764 by engaging in a running feud with Galloway. In May before the Assembly adjourned, Galloway had given his speech in rebuttal to Dickinson's concern about jeopardizing constitutional rights. In August, the speech was printed in a broadside. Dickinson claimed that the printed speech was totally different than the spoken one.[42] There was some support to Dickinson's claim in a letter written by Governor Penn to his uncle in which he referred to Galloway's speech as one "that was never spoke."[43] Spoken or not, the speech did sum up the anti-proprietary arguments. Dickinson was so irritated by the Galloway broadside that he challenged its author to a duel, which was declined.[44]

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[41] Ibid.

[42] John Dickinson, "A Reply to the Speech of Joseph Galloway," Ford, ed., The Writings of Dickinson, pp. 75-78.

[43] Quoted in Jacobson, "Dickinson's Fight," p. 75.

[44] Dickinson, "A Reply to Galloway," p. 71.

Dickinson published a pamphlet in answer to the broadside in the second week in September. There was little new in Dickinson's pamphlet, but it did clarify further some of his positions and definitely placed the battle with Galloway on a personal plane. Dickinson gave two reasons for his answer: first, to clear up arguments and second, to answer unjust accusations.[45] This marked the first example of Dickinson taking criticism of his positions as a personal affront; it remained a characteristic the rest of his life.

In the pamphlet Dickinson attempted to refute each of Galloway's arguments. A typical example was in response to Galloway's question, "Shall we patiently wait until proprietary influence shall be at an end?" Dickinson reiterated his belief that government could not alter the liberty and property of the people without their consent, and said that the colonists should oppose the proprietors "WITHOUT RISQUING TOO MUCH IN THE CONTEST."[46]

In the latter part of September, the quarrel became quite personal, with each man trying to outdo the other in vehement attacks. Their later replies were not directed to the topic, but did create publicity for the upcoming election.[47] An observer in commentary on the campaign wrote:

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[45] Ibid., p. 77.

[46] Ibid., p. 90.

[47] Dickinson's part in these can be found in "An answer

> . . . . Our late election which was really a hard one, and managed with more decency and good manners than wou'd have been expected from such irritated partisans as appeared as the champions on each side.
> . . . A number of squibs, quarters, and half sheets were thrown among the populace on the day of election, some so copious as to aim at the general dispute, and others, more confined, to Mr. Dickinson and Mr. Galloway, with now and then a skit at the Doctor, but these had little or no effect.[48]

The election, held October 1, was the "warmest and most close" election ever held in Philadelphia, and the results were disturbing to many members of the "Old Ticket."[49] In the city itself, two members of the "New Ticket" won the contested seats, and in Philadelphia county the majority of the Assembly members elected were representatives of the "New Ticket." More importantly, however, was the fact that both Galloway and Franklin were defeated and Dickinson was re-elected. However, the "Old Ticket" triumphed in the other counties and continued to dominate the Assembly.[50]

When the Assembly convened two weeks after the election, the proponents of royal government continued their plans. A copy of the petition requesting the change of

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to Joseph Galloway," and a satire "A Receipt to Make a Speech," Ford, ed., Writings of Dickinson, pp. 143-146.

[48]A letter from Mr. Pettit to Mr. Reed, November 3, 1764, as quoted in Kuntzleman, Galloway, p. 48.

[49]Letter of Benjamin Marshall to Joseph Wanton, October 5, 1764, quoted in Jacobson, "Dickinson's Fight," p. 81.

[50]Votes of Assembly VII, pp. 5669-5670.

government was in the hands of agent Richard Jackson, and by a vote of twenty-two to twelve, the Assembly defeated a measure instructing Jackson to delay the appeal for royal government. Jackson's earlier orders to use due caution were still in effect.[51]

After several days of debate, the Assembly decided to send an agent to assist Jackson. Benjamin Franklin, who had earlier thought about carrying the petition to London himself, was selected; he no longer held local public office to keep him in the colonies. As soon as this business was concluded, the Assembly adjourned until the following year.[52] The "New Ticket" thus gained little toward the success of its goals.

The appointment of Franklin provided the occasion for one last blast of propaganda by the "New Ticket." Dickinson probably wrote "The Protest Against the Appointment of Benjamin Franklin as Agent for the Colony." This pamphlet found Franklin unsatisfactory as an agent for several reasons. It charged him as the man most responsible for the attack on the proprietary system. In addition the protest charged that the recent elections had proved that Franklin was disagreeable to many of his constituents. Also, since the recent attempt to change the government had been of his doing, it

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[51] Ibid., pp. 5682-5684.

[52] Ibid., pp. 5690-5691.

would be difficult for him to "accommodate" in reaching a satisfactory solution in London. In addition to these three objections, Dickinson charged that Franklin was in disfavor with the Penns and with the ministry. These things, he argued, weighed with the Assembly's haste in selecting him without the approval of its constituents, made Franklin unsuitable as an agent.[53]

Franklin's answer to this attack included a noteworthy defense of his own popularity with both the rightful voters of Philadelphia and the royal authorities. He said that for years he had regularly been elected to a seat in the Assembly. He claimed he had been beaten in the recent elections only by the votes of the "Rabble," who had perjured themselves to meet property voting qualifications. He further stated that his past record indicated that he had both promoted royal measures and held a profitable office under the Crown.[54] With this defense Franklin sailed for London. His response brought about a published rebuttal by Provost Smith of Philadelphia College, a proprietary party member. Dickinson also apparently wrote an answer to Franklin, but

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[53]John Dickinson, "A Protest Against the Appointment of Benjamin Franklin," Ford, ed., The Writings of Dickinson, p. 147-154.

[54]Benjamin Franklin, "Remarks on a Late Protest," The Writings of Franklin, Smyth, ed., pp. 273-285.

it was never published.[55] These replies to Franklin, however, were not so personal as were those Dickinson earlier directed at Galloway.

For the friends of royal government, hopes were high during the winter of 1764-65. In March, news reached Philadelphia that Franklin had arrived safely in London and was ready to present the petition. This news was greeted by celebrations and much gloating by the anti-proprietary faction. Dickinson's arguments were forgotten by the anti-proprietary leaders, at least for the moment. They looked forward to becoming a royal colony in 1765, which was to be a year of happiness in Pennsylvania when the people were "to know the blessings of 'royal liberty.'"[56]

Subsequently events are well known. The plan to change the government was presented to the Privy Council on November 4, 1765. It was considered on November 22, 1765 and any action was postponed "for the present."[57] The dangers that Dickinson had forecast began to become a reality; when Franklin arrived in London, Jackson informed him of the new imperial plans. The request for change of government was

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[55]John Dickinson, "Observations on Mr. Franklin's Remarks on a Late Protest," Ford, ed., Writings of Dickinson, pp. 155-167.

[56]Jacobson, "Dickinson's Fight," p. 84.

[57]W. L. Grant, ed., Acts of the Privy Council, Colonial Series, IV, p. 741.

brought up in later years, but it lacked the importance placed on it in 1764.[58]

The events surrounding the unsuccessful attempt by the Pennsylvania Assembly to change the colony's form of government had lasting effects on the lives of the three men most involved in that attempt. For Benjamin Franklin, the failure in London was no setback; he was to become America's chief advocate in London. For Joseph Galloway, the bitter dispute was to turn him more and more to favor the policies of the English ministry. These effects could not be seen immediately as he remained a power in the Pennsylvania Assembly for many years, serving as speaker for several terms. By the year 1770, however, Galloway was losing influence in Philadelphia. In the election of that year he was a candidate from both Bucks and Philadelphia counties. As William Goddard printed in the Chronicle in the issue of September 24-October 1: "Americanus, we hear, in a panic, mounted his Galloway and fled to Bucks, in order to get into the Assembly, even, to use his own Words, if he should 'come in at the back foor.'"[59] He was elected from Bucks County.[60]

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[58]Jackson to William Allen of Franklin's trip to London discusses this November 1764, as well as in "On Internal Taxes in America," Van Doren, ed., Letters and Papers of Franklin and Jackson, pp. 190-196.

[59]The Pennsylvania Chronicle, September 24-October 1, 1770.

[60]Votes of Assembly, p. 6582.

And for John Dickinson, 1764 marked the beginning of an important political career. He had broken cleanly with the anti-proprietary faction, and had impressed many with his sincerity and depth of political convictions. He had gained repute as a skilled debater and writer, and as an observer and critic of the British Ministry. Probably more importantly, he set the stage for his important political contributions of providing leadership for the people against acts which were subversive to their rights.

The debate in Pennsylvania marked the first case in which the American people showed a belief in fundamental rights which could not be altered without the consent of the governed, a belief that was to become characteristic of the later Revolutionary crises. This early stand against imperial plans supported Dickinson's later claim in his collected writings--that his opposition to royal government marked the beginning of the revolutionary struggles in Pennsylvania.[61] Although it is obvious that Dickinson was showing evidence of his early education and standing in society, there is little doubt that the fundamental belief in democracy overshadowed his conservative leanings. The Assembly struggle of 1764 was his first stand on a public issue, and his conduct throughout was reflective of his tactics and position throughout the American Revolution.

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[61]Jacobson, "Dickinson's Fight," p. 85.

CHAPTER IV

JOHN DICKINSON: "PENMAN OF THE REVOLUTION"

In March 1765 the predictions made by John Dickinson almost a year before had become a reality. George Grenville, head of the ministry, had hesitated before proposing a stamp tax because he was not sure what the colonial reaction would be. But he asked for and received passage of the Stamp Act in March 1765. The act was to go into effect in November that same year.

In the elections of October 1, 1764, Dickinson and his followers had taken some of the seats away from the Quaker party. By the time the Stamp Act was passed the Dickinson faction's control had gorwn, but the Quaker party still remained supreme in the Pennsylvania Assembly. When news of the passage of the Stamp Act reached America, Galloway actually urged temporary acceptance. An article appeared in the Pennsylvania Journal on August 29, 1765, written by Galloway that supported the act. Galloway, who had long been the spokesman for those who opposed the Penn regime, had become alarmed at the opposition in the province to the measure. Writing under the name "Americanus," he explained that he was compelled, "At a time when almost every American pen is employed in placing the transactions of the parliament of our mother country in the most odious light. . . . to point

out the imprudence and folly of such conduct."[1] Galloway at all times conceded the British right to tax the colonies, and based his plans for opposition on pleas to the King and Parliament to rescind the act. As the summer of 1765 progressed, Dickinson and his faction were working hard to build opposition to the measure and gain control at the expense of the Quaker party. By the end of the year, Dickinson was devoting most of his time to methods of opposition to the stamp tax, and he seemed little concerned with local politics.[2]

June 8, 1765, the Massachusetts House of Representatives, after receiving word of the Stamp Act, sent a circular letter to the Assemblies of North America inviting them to meet in a congress at New York the following October, "To consider of a general and united, dutiful, loyal, and humble Representation of their Condition to His Majesty and the Parliament; and to implore relief."[3] When this message was received, the Pennsylvania Assembly was not in session, but a meeting held by the members present voted to respond to the Boston letter favorably.[4] Because they did not have time to respond

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[1]The Pennsylvania Journal, August 29, 1765.

[2]Powell, "Dickinson," pp. 257-260.

[3]Votes of Assembly, VII, p. 5765.

[4]Powell, "Dickinson," pp. 260-262.

adequately to the Stamp Act, no action was taken until the regular session of the Assembly met on September 9. In this session the two factions in Pennsylvania continued their struggle for power. The Galloway faction, or Quaker Party, opposed the British measure, but still conceded to Parliament the right to tax the colonies. The Dickinson faction opposed the stamp tax on the belief the measure was unconstitutional. But the group took care not to seem too radical in its opposition. An actual radical element lacked any power in the politics of Pennsylvania at this time.[5]

The Stamp Act crisis in Philadelphia had revealed a serious division in the ranks of the Quaker party. The former solidarity of this dominant political group had been based on opposition to the Penns and the Proprietary party over provincial issues, but now the new imperial problem of parliamentary taxation had split the party. The Quaker party had failed to lead the popular protest against the stamp duties; leaders like Hughes and Galloway had actually spoken and written in favor of the act, others remained silent. The opposition had come from both parties, primarily from outside the Assembly; and it was led by men long associated with the Proprietary party. The leadership had been provided

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[5]Ibid., pp. 260-262.

by Dickinson in the Assembly.[6] Charles Thomson had become Franklin's chief correspondent on imperial matters by this time, and it was he, not Galloway, upon whom Franklin was relying for information.[7]

The Dickinson group emerged as the winner. It was Dickinson's delegates who drew up the instructions to the men who would be sent to the Stamp Act Congress. Evidence of the even split in the Assembly can be found in the fact that the vote was 15-14.[8] Two members from each party were selected for that meeting. Dickinson and George Bryan were the representatives of the Dickinson faction, and Speaker Joseph Fox and John Morton represented the Galloway faction. The instructions probably were drafted by Dickinson. They echoed his position of opposition to the taxes, but at the same time directed that all resolutions should express, "Decent and respectful terms, so to avoid every Expression that can give the least occasion of offence to his Majesty."[9] These instructions, while likely written to counter the

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[6]A good discussion of the breakdown of political parties in Pennsylvania in 1765 over imperial issues can be found in John J. Zimmerman, "Benjamin Franklin and the Pennsylvania Chronicle," The Pennsylvania Magazine of History and Biography, LXXXI: (October 1957), pp. 351-364.

[7]Smyth, ed., Franklins Writings, IV, pp. 389-390.

[8]Votes of Assembly, VII, pp. 5765-5767.

[9]Ibid., p. 5769.

stand of the New England radicals, expressed his sentiments of anti-emotion, coupled with an appeal to English statesmanship.

By September 1765, the Assembly had decided to take a stand against the tax, as other colonies had done earlier. From the attitude expressed in the wording of this stand against Parliament, the Dickinson group again defeated the Quakers led by Galloway, although he was not a member of the Assembly at this time. John Dickinson was not on the committee to draw up the resolutions against the Stamp Act himself, but the arguments contained in the Assembly's statement followed closely a draft which he had prepared. In all, ten resolutions were passed which denied the power of Parliament to tax the colonies in America, saying it was a violation of "the natural Rights of Mankind, and the noble Principles of English Liberty. . . ."[10]

The resolutions pointed out that in the past the Assemblies of the province of Pennsylvania, whenever requisitions had been made by His Majesty, contributed their full proportion of men and money for the services needed. The delegates said this would be done in the future. They pointed out the inhabitants of the colonies in America were entitled

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[10]Quote taken from the Dickinson draft in John Dickinson, "Resolutions Adopted by the Assembly of Pennsylvania Relative to the Stamp Act," Ford, ed., Writings of Dickinson; and Votes of Assembly VII, pp. 5779-5780.

to the same privileges as those in Great Britain; and, therefore, it was a colonial right to be taxed only by consent. The only legal representatives in Pennsylvania were those elected to the Assembly; and, therefore, any acts not passed by them were unconstitutional and subversive of their liberty.

After referring to the dangers of the admiralty courts, the delegates concluded that the restraints imposed by the late act of Parliament when the colonists were laboring under a heavy debt, "Must of necessity be attended with the most fatal Consequences, not only to this Province, but to the Trade of our Mother Country." Therefore it was resolved:

> That this House think it their duty thus firmly to assert, with Modesty and Decency, their inherent Rights, that their Posterity May learn and know, that it was not with their consent and Acquiescence, that any Taxes should be levied on them by any persons but their own Representatives; and are desirous that these their Resolves and ardent Desire of the present House of Assembly to preserve their inestimable Rights, which, as Englishmen, they have possessed ever since this Province was settled, and to transmit them to their latest Posterity.[11]

After his victory over the Quakers in the Assembly, John Dickinson for some unexplained reason dropped out of politics prior to the October 1 elections. All indications seem to have been that he was winning his struggle in the Assembly. Why he dropped out is puzzling. Logically, it

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[11]Dickinson, "Resolutions of Assembly," Ibid., pp. 176-177.

would be expected that Dickinson's leadership could have helped sweep the Quaker party out of power in 1765. A contrasting view has been brought forth that Pennsylvania, strongly conservative, felt the position taken by Dickinson and his party was too radical in its efforts to combat the Stamp Act. The real radicals in Pennsylvania had rallied behind Dickinson and his party, and Dickinson might have realized that defeat was likely to come. Whatever his reasons, he withdrew from politics and was not a candidate for the Assembly in the fall of 1765.[12] The Quakers swept the election in both 1765 and 1766, and their leadership decided the policies in Pennsylvania during the latter part of the 1760's.[13]

Dickinson, Bryan, and Morton attended the Stamp Act Congress in New York on October 1, 1765; Speaker Fox did not go. Dickinson was called home on urgent business before the congress had completed its work, but he nevertheless is credited with doing the major work on "the Declaration of Rights" and the "Petition to the King."

The "Declaration of Rights" actually echoed what had been American sentiment for a long time. Few colonial Americans

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[12]Powell, "Dickinson," pp. 274-275, and Votes of Assembly, VII, pp. 5779-5780.

[13]Benjamin H. Newcomb, "Effects of the Stamp Act on Colonial Pennsylvania Politics," The William and Mary Quarterly, XXIII: (April 1966).

would have disagreed with the principles contained in it. The great debate in the Stamp Act Congress came over whether to balance the denial of Parliament's authority to tax the colonies with an acknowledgment of what authority it did have.[14] The final draft differed from Dickinson's in that the delegates changed his statement of, "all Acts of Parliament not inconsistent with the Rights and Liberties of the Colonists are obligatory upon them,"[15] to an acknowledgment in the first resolution that the colonists owed, "all due subordination to that August Body the Parliament of Great-Britain."[16]

The "Declaration" called the tax illegal, rather than unwise; a sign that those who opposed against those who supported British hegemony dominated in the Congress. The "Declaration" was not begun with a statement of the rights of the colonists as was the case in the Pennsylvania declaration, but expressed loyalty to the crown instead. This was probably due to pressure by those who opposed a strong statement against the crown. But, in general, the resolves did declare the same rights as those described in the Pennsylvania

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[14]Edmund S. and Helen M. Morgan, The Stamp Act Crisis, (The University of North Carolina Press, 1953), p. 144.

[15]John Dickinson, "The Declaration of Rights Adopted by the Stamp Act Congress," Ford, ed., Writings of Dickinson, p. 184.

[16]Ibid., pp. 184-185.

statement. Americans, the resolve of Congress said, should have the same constitutional rights as Englishmen. They should have the right to trial by jury, and to tax themselves. Because it was impossible for them to be represented in Commons, they must be taxed by their colonial legislatures. In addition, the late acts would be burdensome because colonial trade contributed much to the crown. The acts would make this trade impossible the resolve asserted and render the colonies unable to contribute any more to the realm. Finally, since the colonists possessed the rights of Englishmen, it was their duty to appeal to the Crown and Parliament seeking repeal of the act for granting the stamp duties and the acts to extend the admiralty court.[17] Clearly these resolves fully echoed the public and private sentiments of John Dickinson.

On October 19, the Stamp Act Congress voted that Robert Livingston, William Samuel Johnson, and William Murdock be a committee to prepare an address to King George III, and present it to the Congress the following Monday. On that day a draft was reported and after amendment was approved. As before, Dickinson, although not on the committee, seems to have written the address. A notation left in his papers and

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[17]John Dickinson, "A Petition to the King from the Stamp Act Congress," Ford, ed., Writings of Dickinson, pp. 184-187.

a corrected version indicates this.[18] The draft itself was couched in the most careful terms and requested for the colonies, the rights of Englishmen. It pointed out the value to Britain of the colonies, and claimed that because they were Englishmen the right to govern themselves and to have trial by their peers was guaranteed by the English Constitution. The commons was endeavoring to take away from them these sacred rights. So:

> With Hearts therefore impressed with the most indelible Characters of Gratitude to your Majesty, and to the Memory of the Kings of your illustrious House, whose Reigns have been signally distinguished by their auspicious Influence of the Prosperity of the British Dominions, and convinced by the most affecting proofs of your Majesty's Parental Love to all your People, however distant, we most humbly beseech your Majesty, that you will be graciously pleased to take into your Royal Consideration, the Distresses of your faithful Subjects, on this continent, and to afford them such Relief as, in your Royal Wisdom, their unhappy circumstances shall be judged to require.[19]

During the fall of 1765 there were riots in Pennsylvania in an effort to get John Hughes, a Galloway man, to resign as stamp distributor.[20] Dickinson again entered the fray, writing two pamphlets that were printed and circulated in Pennsylvania. There are indications that he also wrote other articles for newspapers, but only style suggest they were his. In November

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[18] Ibid., p. 191.

[19] Ibid., p. 196.

[20] Morgan, The Stamp Act Crisis, pp. 301-329.

of 1765 he published "An Address to 'Friends and Countrymen' on the Stamp Act." It is generally considered that it was written as an appeal to make the Sons of Liberty more effective. It was the most incendiary piece ever written by John Dickinson.[21] From all indications the people favored the pamphlet. In it he said that a critical time had arrived, and that the inhabitants of Pennsylvania must decide whether they were to be free or slave. "If you comply with the Act, by using Stamped Papers, you fix, you rivet, perpetual Chains upon your unhappy Country."[22] The act was designed to set a precedent for future acts to be imposed upon the colonies. "The Stamp Act, therefore, is to be regarded only as an EXPERIMENT OF YOUR DISPOSITION. If you quietly bend your Necks to that Yoke, you prove yourselves ready to receive any Bondage to which your Lords and Masters shall please to subject you."[23]

Dickinson further argued against those who recommended a boycott of the crown by stopping all business that required stamps. He said that this would only aid the British, because businessmen eventually would be forced to resume business and

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[21]John Dickinson, "An Address to 'Friends and Countrymen' on the Stamp Act," Ford, ed., Writings of Dickinson, pp. 198-205.

[22]Ibid., p. 202.

[23]Ibid., p. 203.

use the stamps. "For these Reasons, and many more it appears to me the wisest and the safest Course for you to proceed in all Business as usual, without taking the least notice of the Stamp Act."[24] No penalties could be administered against violators of the Stamp Act because the crown could only enforce the new tax by using troops. In his argument he referred to the idea of popular sovereignty, for as he pointed out:

> Men cannot be happy, without Freedom; nor free, without Security of property; nor so secure, unless the sole power to dispose of it be lodged in themselves; therefore, no People can be free, but where Taxes are imposed on them with their own Consent, given personally, or by their Representatives. If then the Colonies are equally entitled to Happiness with the Inhabitatns of Great-Britain, and Freedom is essential to Happiness, they are equally entitled to Freedom. If they are equally entitled to Freedom, and an exclusive Right of Taxation is essential to Freedom, they are equally entitled to such Taxation.[25]

December 7, 1765, Dickinson published his second major pamphlet on the Stamp Act, entitled "The Late Regulations respecting the British Colonies considered."[26] In this pamphlet Dickinson took a new approach. His arguments were economic and political rather than idealistic. He tried to convince the merchants of Great Britain that the over-burdened

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[24] Ibid.

[25] Ibid., p. 202.

[26] William Bradford advertised this pamphlet to the public in The Pennsylvania Journal, Thursday, December 5, 1765.

colonies could not afford to pay the new taxes. He tried also to show the merchants that the mother country would suffer as much as the colonies. In some respects he now took the Galloway position of showing that the colonies could not afford the taxes, and ignored the legality issue. There was an essential difference, however, because the acts were then presumably in force. He demonstrated almost as profound an understanding of the economic status of the British Empire in this pamphlet as he had previously shown in his political arguments against royal government.[27]

The American colonies were in a depression he argued, and yet Britain was greatly dependent on the colonies: "Her prosperity depends on her commerce; her commerce on her manufactures; her manufactures on the markets for them; and the most constant and advantageous markets are afforded by the colonies, as in all others the rest of Europe interferes with her, and various accidents may interrupt them."[28] Further, since the colonies produced raw material and then bought manufactured goods from Britain, the Americans continually had to pay the balance in gold and silver. The only way the colonists could obtain bullion was to trade with other nations. Because of past imperial restrictions placed on

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[27]Stillé, Dickinson, p. 67.

[28]John Dickinson, "The Late Regulations Respecting the British Colonies Considered," Ford, ed., Writings of Dickinson, pp. 214-215.

them, this was difficult. The Sugar Act was different, however, because it was "in every circumstance afflicting."[29] For the money thus was drained from the colonies; and, in addition, Americans were prohibited by the new restraints of their trade from procuring gold and silver as they had in the past or issuing bills of credit. In addition, internal traffic was to be regulated by the Stamp Act.

Dickinson particularly attacked the restrictions placed on the trade with the West Indies. He attacked the premise of sacrificing the interest of one colony for that of another. Since the islands could not provide both Britain and America with sugar, the commodity could just as well be sent only to Britain, freeing the colonies to trade with other nations. After trying to show that the colonies would suffer, he concluded:

> But it is unnecessary to endeavour to prove by reasoning on these things, that we shall suffer, for we already suffer. Trade is decaying; and all credit is expiring. Money is become so extremely scarce, that reputable freeholders find it impossible to pay debts which are trifling in comparison to their estates.[30]

Using these arguments, he continued that the colonists had a choice of two things--either to continue with limited and disadvantaged commerce, or to promote manufactures in the colonies.

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[29] Ibid., p. 217.

[30] Ibid., p. 227.

After threatening the British with these alternatives, Dickinson proclaimed that the American colonies were the major source of wealth for Britain:

> If the colonies enable her to pay taxes, is it not as useful to her, as if they paid them? Or, indeed, may not the colonies with the strictest propriety be said to pay a great part of those taxes, when they consume the British manufactures loaded with the advanced prices occasioned by such taxes? Or, further as the colonies are compelled to take those manufactures thus loaded, why then may not the difference between these prices be called an enormous tax paid by them to Great-Britain.[31]

At the conclusion of his pamphlet, he tried to counteract the opinions of those who were saying the colonists were advocating independence. Why, he asked, would the colonies want to be independent unless English management made independence attractive.

> What man who wishes the welfare of America, can view without pity, without passion, her restricted and almost stagnated trade, with its numerous train of evils--taxes torn from her without her consent--Her legislative assemblies, the principal pillars of her liberty, crushed into insignificance--a formidable force established in the midst of peace, to bleed her into obedience--The sacred right of trial by jury, violated by the erection of arbitrary and unconstitutional jurisdictions --and general poverty, discontent and despondence stretching themselves over his unoffending country.[32]

He claimed that had the colonists not helped remove the French from Canada, they would not have been subjected to these taxes. But still he contended, the resentment was only

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[31] Ibid.

[32] Ibid., p. 238.

the resentment of dutiful children, "Who felt they had received unmerited blows from their 'beloved parent.' Their obedience to Great-Britain is secured by the best and strongest ties, those of affection; which alone can, and I hope will form an everlasting union between her and her colonies."[33]

In the latter part of December 1765, Dickinson took one further step to try to combat the ideas of revolution that were being heard in some parts of America. In a letter to the Earl of Chatham dated December 21, he made further appeals to Britian to repeal the Stamp Act and thereby stop the talk of revolution. The letter was seventeen pages long, and contained frank reasoning that repeal alone could save the empire. He further referred to independence as a possibility should Britain not do something to repeal the measures. He pointed out that the colonists would never tolerate a system less free than the one operating in Britain. In order to achieve this end Britain would need to do three things: first, stop the prohibition of manufacturing in America; second, the King would have to stop extending his prerogative further in America than in England; and third, the imposition of taxes would have to be halted. The last was the greatest cause of discontent, he said, as "all other complaints, all other Distresses, are drowned in this."[34]

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[33]Ibid., p. 244.

[34]Powell, "Dickinson," p. 325.

Dickinson tried to show Chatham that the belief that Britain could not back down was erroneous because the colonists viewed the taxes as a product of an unpopular ministry and not a nationally approved policy. Therefore, they would not interpret the rescinding of the measures as a sign that the mother nation had weakened. He did not again elaborate his economic arguments, but referred Chatham to his pamphlet on the late regulations that had been published earlier in the month.

Dickinson summed up his arguments to Chatham, to whom he appealed as the one man who could save the empire, by pointing out that the colonies would remain loyal if Britain treated them fairly. The American colonies were not united, as "Their different Interests have excited jealousies of each other among them, that are sufficient to keep them divided, until some greater Jealously shall conquor the rest."[35] He pointed out that the recent acts would do this if not rescinded.

The last Dickinson effort against the Stamp Act was actually written after the act had been repealed. A set of curious circumstances surrounded this publication. The occasion for the pamphlet was a letter written by the Committee of Correspondence at Barbados, West Indies, in

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[35]Ibid., p. 326.

April 1765, to its London agent. In the letter the committee indicated worry about the violent spirit in North America; and expressed the fear that since Barbados had submitted to the authority of the Stamp Act, North America would stop trading with it. Barbados asked its agent to guarantee trade rights. This letter was later published in the colonies, and the wording was changed by someone to suggest there was "rebellious opposition,"[36] in North America to the Stamp Act. This letter was incorrectly stated but Dickinson wrote a pamphlet in response. The Stamp Act was repealed in February, 1766; and since the Barbados letter was not published in America until April, it is obvious that Dickinson was simply attacking Galloway's position,[37] since Galloway's action had been the same as the Committee of Correspondence at Barbados. Hence, this was plainly a tactic by Dickinson to stir up the people prior to the June 1 meeting of the Assembly. A letter survives which indicates that Dickinson's pamphlet was rushed to the press, with the attack on Galloway as the only logical reason for the haste. It was known that Galloway was prepared to submit an humble petition to the Crown thanking Parliament and the King for rescinding the Stamp measures.

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[36] Ibid., has a good discussion of this whole series of events leading to the pamphlet.

[37] The advertisement for the address appeared in The Pennsylvania Journal, June 12, 1766; while announcement of repeal appeared in the same paper on May 19, 1766.

He had written of this to Franklin and had manipulated enough votes to get it passed by the Assembly.[38]

The arguments brought forward in Dickinson's pamphlet were not new. In fact, many of the passages were taken in body from previous pamphlets. However, the writing in this pamphlet is possibly the best Dickinson had attempted up to this time and second only to the "Farmers Letters" in style. The colonies in America, Dickinson stated, were loyal to Great Britain, but opposition to the present measures was a duty they must fulfill. He defended the suggestion that the Stamp Act be ignored by the Colonies. He compared the actions of America with that of Great Britain in 1688, but he did not defend the actions of the "rabble," who rioted to show their displeasure. His argument that the colonies were justified in ignoring the act is best summed up in his statement:

> Do you believe, gentlemen, that Parliaments never did, or never will do wrong? Do you profess an infallibility in politics, which you ridicule in religion? If any man should tell the present Parliament, they are all-wise and all-perfect, I am persuaded, it would be esteemed a wretched insult both on their understanding and piety. Say they are the wisest and justest assembly on earth; and you say right. But human wisdom and human justice partake of human frailties.[39]

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[38]Galloway to Franklin, May 23, 1766, Works of Franklin, Jared Sparks, ed., VII, (Boston: Whittemore, Niles, and Hall, 1856), p. 319, and Votes of Assembly, VII, p. 5884.

[39]John Dickinson, "An Address to the Committee of Correspondence in Barbados," Ford, ed., Writings of Dickinson, pp. 264-265.

This concluded John Dickinson's efforts to oppose the Stamp Act. In this crisis as in his earlier efforts, Dickinson spoke the language of a man who, although not known as a radical, was insisting on constitutional rights and popular sovereignty, a revolutionary idea in his day. He continued to insist that colonial rights must be protected, and efforts made to fight for them. His role was large in this crisis, and in a few short years he would become the foremost spokesman for American rights.

In the spring of 1766, the hated Stamp Act was finally repealed by Parliament.[40] The American Colonies celebrated the repeal with exuberance. Amid this rejoicing little notice was taken of an additional act passed by Parliament. The Declaratory Act was passed with the declaration that Parliament, "had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the people in America . . . in all cases whatsoever."[41]

Then in June 1767, Parliament passed a series of acts that were later known as the Townshend Acts. These acts contained three essential parts. The first act suspended the legislature of the state of New York for not complying with

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[40]Pennsylvania Journal, May 19, 1766.

[41]Henry Steele Commager, ed., Documents of American History, (New York: Appleton-Century-Crofts, 1963).

the provisions of the Quartering Act, the second appointed new commissioners of customs for the colonies, and the last was a series of new taxes on the colonies. The taxes were placed on glass, paints, tea, paper, and other commodities with the purpose of raising a revenue in America.[42] The taxes passed probably reflected British desire to remove the colonial distinction between external and internal taxes. Boston suggested non-importation at a meeting, but basically the colonies did not seem to know what to do.[43]

During this time, Dickinson despaired as several colonial legislatures had met and adjourned without taking any official action on the hated new measures. On Wednesday December 2, 1767, the first of a series of letters in opposition to the Townshend revenue program written by Dickinson appeared.[44] Following in quick succession were thirteen additional letters, which were read by men of all classes and opinions throughout the continent as no other work of a political nature had been read before in America. The letters sold in large numbers in the colonies and crystalized opinion against the new acts.[45]

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[42] Ibid.

[43] Stillé, Dickinson, pp. 78-79.

[44] Pennsylvania Chronicle, December 2, 1767.

[45] Ford, ed., Writings of Dickinson, p. 279.

Dickinson's purposes in the letters can be best interpreted by a letter he wrote to James Otis, December 5, 1767. In this letter he expressed thanks as well as congratulations to Otis for his previous work, and said, "It is nothing Less, than to maintain the Liberty with which Heav'n itself 'hath made us free.' I hope it will not be disgraced in any colony by a single rash Step. We have Constitutional methods of seeking Redress; and they are the best Methods."[46] He asked Otis' opinion of his approach.

Ironically, the letters were first published over Galloway's objections in a special edition in the Chronicle, a paper in which Galloway owned an interest. The letters were soon reprinted all over the colonies, appearing in all but four of the major colonial newspapers. Even this did not satisfy the public demand; and shortly after, they were published in pamphlet form in Philadelphia. In all, six editions were published: two in Philadelphia, one in England with a preface by Franklin, one in Williamsburg with a preface by Richard Henry Lee, one in Dublin, and one in France.[47]

The letters, although not greatly different from Dickinson's previous arguments, were undoubtedly the best of his work and provided arguments not previously stated. In

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[46]Quoted in Powell, "Dickinson," from the Adams-Warren Letters I, pp. 324-350.

[47]Ford, ed., Writings of Dickinson, p. 283.

earlier protests against taxation of the colonies, the plea of the injustice of "taxation without representation," although a popular cry, was too easily answered by former acquiescence to such taxes. The claims based on natural rights were therefore discredited by precedent, and the grounds taken by each writer varied according to the various influences upon him. In this confused situation, Dickinson, as the Pennsylvania Farmer, advanced the distinction between taxation for the regulation of trade and taxation for the purpose of revenue--a common ground for the colonist to fight upon. Today, as in some cases at that time, the distinction seems inadequate, but to the majority of men at this time who were determined not to be taxed but by themselves, yet were loyal to England, the letters were hailed with acclamation as the one escape between taxation without representation on the one hand and independence on the other.[48]

Not everyone agreed with the Farmer. Burke and Franklin could not understand the difference set down by the Farmer between taxation and legislation. Franklin in a letter to his son expressed the opinion:

> The more I have thought and read on the subject, the more I find myself confirmed in opinion, that no middle doctrine can be well maintained, I mean not clearly with intelligible arguments. Something might be made of either of the extremes; that Parliament has a power to

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[48] Ibid., p. 279.

> make all laws for us; or that it has a power to make no laws for us; and I think the arguments for the latter more numerous and weighty, than those for the former.[49]

Thomas Jefferson later wrote that he could not forgive Dickinson for "stopping at the half-way house."[50] This was exactly the position Dickinson had intended to take: protest the British actions of legal grounds but stay within the Empire. Jefferson and Franklin supported the letters because they aided the colonists' cause, in spite of their reservations.

The Galloway faction bitterly attacked the letters, and a great turmoil was created in the colonies, with many letters to the papers written in response. An examination of the Philadelphia papers from December 1767 through February 1768 reveals many dissident letters and some support of Dickinson.[51]

The typical English Tory view was very derogative in nature; a typical Tory after referring to Dickinson's observation on his own education, responded: "Thus much Mr. Dickinson says for himself; but without impeaching his veracity, we cannot help thinking that he would have proved a much better

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[49]Smyth, ed., The Writings of Franklin, V, p. 112.

[50]Quoted in Powell, "Dickinson," p. 356.

[51]The Pennsylvania Chronicle, December 28, 1767, and other issues, and The Pennsylvania Gazette, December to February.

member of society had he never learned either to read or write."[52]

Heated debate over the letters became common as the Whigs interpreted them as designed to "arouse the passions again." Others besides Franklin spoke of them cautiously in public, and privately seemed neither to understand nor approve of the doctrines advanced.[53] In spite of this, Dickinson's fame spread, and the ideas of "The Pennsylvania Farmer" were held to be the right ones until 1776.[54]

In the "Farmers Letters," Dickinson appeared as a statesman, discussing the questions, not on speculative grounds, as many did; but as one who firmly believed in the traditions of English liberty, and as a man who believed English law, properly interpreted by English history was the basis of the best political system which the human race had developed. He took up each grievance, and one by one showed each violation of the law and proposed the remedy. Arguing as a lawyer in 1764, Dickinson had been unable to convince people of his argument of the legal and constitutional relationship between the colonies and the mother country. In 1767, arguing as a Farmer, he was more successful. In the "Farmers

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[52]Quoted in Ford, ed., Writings of Dickinson, p. 282.

[53]Ibid., pp. 280-281.

[54]Powell, "Dickinson," p. 356.

Letters" he convinced many of the colonists that there was a legal remedy open to them--a remedy which could force repeal of the most hated parts of the Townshend Acts.[55]

Dickinson began the letters with an air of simplicity:

> I am a Farmer, settled, after a variety of fortunes, near the banks of the river Delaware, in the province of Pennsylvania. I received a liberal education, and have been engaged in the busy scenes of life; but am now convinced, that a man may be as happy without bustle, as with it. My farm is small; my servants are few, and good; I have a little money at interest; I wish for no more; my employment in my own affairs is easy; and with a contented grateful mind, (undisturbed by worldly hopes or fears, relating to myself,) I am completing the number of days allotted to me by divine goodness. Being generally master of my time, I spend a good deal of it in a library which I think the most valuable part of my small estate; and being acquainted with two or three gentlemen of abilities and learning, who honour me with their friendship, I have acquired, I believe, a greater knowledge in history, and the laws and constitution of my country, than is generally attained by men of my class, many of them not being so fortunate as I have been in the opportunities of getting information. From my infancy I was taught to love humanity and liberty.[56]

With this as a setting for his arguments, Dickinson discussed in his first letter the late action of Parliament suspending the legislature of New York, and the fact that there had been no adverse colonial reaction to this action. He could not understand, he said, why two legislatures had met and adjourned without taking some action on the matter. For, "If the Parliament may lawfully deprive New-York of any

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[55]Stillé, Dickinson, pp. 81-82.

[56]John Dickinson, "Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies," Ford, ed., Writings of Dickinson, p. 307.

of her rights it may deprive any, or all the other colonies of their rights; and nothing can possibly so much encourage such attempts, as a mutual inattention to the interests of each other."[57] This was the basic stand in all the letters.

In his second letter, Dickinson attacked the act that levied a tax on tea, paper, glass, etc. He pointed out that Britain did have the power to levy taxes to regulate trade, which was necessary in the empire. All taxes prior to the Stamp Act had been of this type. The Stamp Act had violated colonial freedom, he said; and when the colonists objected, it had been repealed. Now the present act was doing the same thing. The preamble to the Townshend Acts stated that the legislation was designed to raise a revenue in America by taxing the exports of Great Britain. Since Britain already had laws prohibiting the colonies from buying or manufacturing certain items except from that country, acceptance of the present act would set the precedent so "she then will have nothing to do, but to lay those duties on the articles which she prohibits us to manufacture--and the tragedy of American liberty is finished."[58] Dickinson concluded:

> Upon the whole, the single question is, whether the parliament can legally impose duties to be paid by the people of these colonies only, FOR THE SOLE PURPOSE OF RAISING A REVENUE, on commodities which she obliges us

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[57] Ibid., p. 311.

[58] Ibid., p. 320.

> to take from her alone, or, in other words, whether the parliament can legally take money out of our pockets, without our consent. If they can, our boasted liberty is but Vox et praetera nihil (A sound and nothing else.)[59]

In letter six he further amplified the tax question by showing that the present tax was not a regulation of trade. Some colonists apparently were questioning the point of how a difference could be made between the two. He summed up his position:

> The nature of any impositions she may lay upon us may, in general, be known, by considering how far they relate to the preserving, in due order, the connection between the several parts of the British empire. One thing we may be assured of, which is this--Whenever she imposes duties on commodities, to be paid only upon their exportation from Great-Britain to these colonies, it is not a regulation of trade, but a design to raise a revenue upon us.[60]

His final argument dealing with the constitutionality of the taxes came in letter seven in which he tried to show the difference between a hidden tax and a direct tax. After explaining this, he concluded that "From these remarks I think it evident, that we must pay the duties imposed, unless those who sell these articles, are so generous as to make us presents of the duties they pay."[61]

Dickinson also tried to show the colonies that in the past these acts had not been necessary, and attempted to show

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[59] Ibid., pp. 321-322.

[60] Ibid., p. 349.

[61] Ibid., p. 355.

Britain that it was to its advantage not to pass the acts. In letter five Dickinson claimed that in the 150 years that the colonies had been in existence prior to the Grenville ministry, no taxes had been levied on America although Parliament had had to fight costly wars. The purpose of the colonies since their inception had been for trade. Again he admitted that Britain could regulate trade, but not tax the colonies. For, "If any person cannot conceive the supremacy of Great-Britain to exist, without the power of laying taxes to levy money upon us, the history of the colonies, and of Great-Britain, since their settlement, will prove to the contrary."[62]

In letters seven and eleven Dickinson tried to show the danger of the acts to the colonists. He said that many persons felt that the acts were of no consequence because the duties were so small. This was what worried him the most. The act itself provided for such a small revenue that he believed that it would not have been attempted had not the purpose of the act been to establish a precedent for the future. "For WHO ARE A FREE PEOPLE? Not <u>those</u>, over whom government is reasonably and equitably exercised, but <u>those</u>, who live under a government so <u>constitutionally checked and controuled</u>, that proper provision is made against its being

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[62]<u>Ibid.</u>, p. 338.

otherwise exercised."[63] This was the danger for America as he stated in letter eleven, "From these reflections I conclude, that every free state should incessantly watch, and instantly take alarm on any addition being made to the power exercised over them."[64]

Although he discussed taxes in most of the letters, Dickinson set forth a number of related items to the general theme of taxation and the remedies. He said, "I hope my dear countrymen, that you will, in every colony, be upon your guard against those, who may at any time endeavour to stir you up, under pretences of patriotism, to any measures disrespectful to our Sovereign and our mother country."[65] He further cautioned the colonists not to attempt harsh methods until milder ones had failed. The first step was for the assemblies to petition, or if they were not allowed to meet, petitions by the people.

> If however, it shall happen, by an unfortunate course of affairs, that our applications to his Majesty and the Parliament for redress, prove ineffectual, let us THEN take another step, by witholding from Great-Britain all the advantages she has been used to receive from us. THEN let us try, if our ingenuity, industry, and frugality, will not give weight to our remonstrances. Let us invent --let us work--let us save--let us, continually, keep up our claim, and incessantly repeat our complaints--But,

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[63] Ibid., pp. 355-356.

[64] Ibid., p. 390.

[65] Ibid., p. 325.

> above all, let us implore the protection of that infinitely good and gracious being, "By whom kings reign, and princes decree justice.[66]

In letters nine and ten Dickinson took up the value to America of keeping its colonial legislatures, colonial judges, and executive authority in its own hands.

> No free people ever existed, or can ever exist without keeping, to use a common, but strong expression, "the purse strings," in their own hands. Where this is the case, they have a constitutional check upon the administration, which may thereby be brought into order without violence; But where such a power is not lodged in the people, opression proceeds uncontrouled in its career, till the governed, transported into rage, seek redress in the midst of blood and confusion.[67]

In order for the colonies to remain free, Dickinson said that control of the armies and control of the judges' salaries was necessary. If the judges held office at the pleasure of the crown, but had their salaries set at the pleasure of the people; there would be some check on judicial conduct. By acquiesing in these taxes, colonists would allow themselves to be taxed by Britain and controlled by ministers--which Dickinson remarked would not be wise government. As in the past, he pointed out the ambition and corruption of ministers using the high pensions in Ireland as an example. Only Americans could determine how a tax

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[66] Ibid., pp. 327-328.

[67] Ibid., p. 364.

should be levied so it would be fair and equitable--according to the ability to pay.[68]

Dickinson also attempted to prove that tax money would be used to protect and secure the dominions in America, which also meant Canada, Novia Scotia and Florida. He pointed out these colonies were not beneficial to America.

> In truth, Great-Britain alone received any benefit from Canada, Novia-Scotia and Florida; and therefore she alone ought to maintain them. The old maxim of the law is drawn from reason and justice, and never could be more properly applied, than in this case.[69]

These then were the arguments of John Dickinson against the Townshend Acts; first to rally the colonists against the measures, then to show the illegality of the acts, and finally to prove to Britain the disadvantages of them. At all times he maintained what has been referred to as the middle ground or the "half-way house" doctrine. He did not condone either submission or independence. He allowed for a regulation of trade but not for taxation. As he stated in his final letter:

> For my part I am resolved to contend for the liberty delivered down to me by my ancestors; but whether I shall do it effectually or not, depends on you, my countrymen. "How little soever one is able to write, yet when the liberties of one's country are threatened, it is still more difficult to be silent."[70]

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[68] Ibid., pp. 374-386.

[69] Ibid., p. 364.

[70] Ibid., p. 406.

The ideas Dickinson expressed were the same ones he had expressed for the past three years. His arguments varied little from his opposition to the Stamp Act, and his remedies were the same. In 1767, the colonists judged these arguments as the right ones. Until 1776, Dickinson could possibly be termed America's first citizen.

In 1776, times changed, but Dickinson did not, putting him in the minority again. He approached the passion of 1776 with cold, calm logic--a rationale not favored by the times.

CHAPTER V

THE CONTINENTAL CONGRESS AND THE CRISIS OF INDEPENDENCE

The immediate result of the "Farmer's Letters" was more strict colonial observance of the non-importation and non-exportation agreement. A second result was renewed petitions to the King and ministry asking for the repeal of the duties. The Pennsylvania Assembly had urged their agent, Richard Jackson, to co-operate with the other colonial agents to adopt policies to bring this about. Massachusetts went still further. It not only petitioned the ministry for repeal of duties, but also sent a circular letter to the other colonies denouncing the laws as inequitable. This letter was one of many activities in Massachusetts that offended the ministry. As a result of such dissent, colonial governors were ordered to adjourn the legislatures of any colonies if the assemblies undertook any similar action to jeopardize the peace. Because the charter of 1701, however, the Pennsylvania Assembly was immune from this decree.[1]

In April 1768, at a meeting of Philadelphia merchants, Dickinson explained the political climate and strongly advocated cooperation by Pennsylvania with the other colonies in the non-importation and non-exportation agreements.[2] In

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[1]Stillé, Dickinson, pp. 93-94.

[2]The speech can be found in Ford, ed., Writings of Dickinson, pp. 411-417.

the months following this step, Dickinson continued to write for the cause of the colonies against Britain as he had done previously. In July he published "A Song for American Freedom." His purpose can best be described by quoting from a letter to Otis on July 4, 1768:

> I inclose you a song for American freedom. I have long since renounced poetry. But as indifferent songs are frequently very powerful on certain occassions, I venture to invoke the deserted muses. I hope that my good intentions will procure pardon with those I wish to please, for the boldness of my numbers.[3]

The song seemed to meet with great success as it was published in several colonial newspapers and later in pamphlet form in Boston.[4] Set to the tune of "Hearts of Oak," its essential message was "By uniting we stand, by dividing we fall."[5]

In August, Dickinson wrote an anonymous address to the Philadelphia merchants attacking their failure to support non-importation. During this period he was not in the Assembly. He had not run in 1765, and was defeated in 1766, probably due to an adverse reaction to his opposition to the change in government, or even more likely to his strong stand against the British during the Stamp Act crisis. Because of Galloway's influence with the voters, Dickinson was kept out

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[3]Dickinson, "A Song for American Freedom," Ford, ed., Writings of Dickinson, p. 421.

[4]Ibid., p. 422.

[5]Ibid., pp. 420-432, and Pennsylvania Gazette, July 7, 1768.

of the Assembly until the elections of October 1770. By that time the colonial charter question was no longer important. The greater question of the relation of the colonies to the mother country had become more vital. Dickinson's election marked a change in the power within Pennsylvania's Assembly, and, therefore, a change in policy. While under Galloway's guidance, the Assembly had been a picture of moderation. Under Dickinson's lead, however, the Assembly, in March 1771, petitioned the King asking that the colony be restored to its position prior to 1764.[6] This was written in response to the retention of the tea tax, which remained in force after all other Townshend taxes were repealed in 1770.

In 1774, after the Boston Tea Party, several of the radical leaders sought Dickinson's assistance in opposition to the Coercive Acts. In response to claims by Massachusetts that other colonies were lending insufficient support to Boston, Dickinson wrote to Josiah Quincey in Massachusetts:

> I trembled lest something might have happened which I could not only forgive but applaud, but which might have been eagerly and basely seized upon by others as a pretence for deserting them. This was the sense of men in Philadelphia the most devoted to the people of Boston, and under this apprehension we agreed to make use of the strongest expressions. I wrote in agonies of mind for my brethren in Boston.[7]

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[6]Dickinson, "A Petition from the Assembly of Pennsylvania to the King," Ford, ed., Writings of Dickinson, pp. 448-452.

[7]Quoted in Stillé, Dickinson, p. 100.

This letter gave rise to opposition to Dickinson's ideas by Massachusetts leaders. The Boston Radicals began referring to him as timid, apathetic, and deficient in energy. Still refusing to join the cause of Boston, Dickinson later exchanged letters with Samuel Adams answering that he could not contribute any more ideas than Adams already had.[8]

Dickinson, however, continued writing in opposition to taxation by the Crown. In November 1773, he wrote two letters against the Tea Tax.[9] These were followed in May 1774 by a series of "Letters to the Inhabitants of the British Colonies,"[10] warning the public of the danger of the recent acts that resulted in closure of the port of Boston. At this same time, however, Paul Revere arrived in Philadelphia from Boston to arouse sympathy and enlist co-operation from Philadelphia and Pennsylvania to support Boston in the face of ministerial vengeance. Joseph Reed and Thomas Mifflin, two of Philadelphia's radical leaders whom he contacted, tried to obtain Dickinson's assistance to help bring this about. Dickinson declined to say anything which might imply approval of the Bostonians' violent measures,

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[8]Ibid., pp. 102-104.

[9]Dickinson, "Two Letters on the Tea Tax," Ford, ed., Writings of Dickinson, pp. 455-463.

[10]Dickinson, "Letters to the Inhabitants of the British Colonies," Ford, ed., Writings of Dickinson, pp. 466-501.

although he expressed deep sympathy with them in the trouble in which they had become involved.[11] Dickinson spoke at a public meeting a few days later, but continued to speak for moderation. Charles Thomson, another Pennsylvania radical, and Reed were more vitriolic. The final address written by the moderate Dr. William Smith, Provost of the College of Philadelphia, on behalf of Philadelphia, although expressing sympathy to Boston, was not what the radicals in Boston had wanted. Only Samuel Adams pleaded the cause of his old friend when he stated: "After all, the Farmer is right: at the present crisis submission or resistance would prove equally ruinous to the cause."[12] It was rather surprising that even Adams supported Dickinson considering his position towards independence and his leadership in Boston. Adams' opinion would soon change. Dickinson was dethroned from the place he had occupied in the minds of the Sons of Liberty of Massachusetts.

In the summer and fall of 1774, Philadelphia continued to prepare for the Coercive Acts crisis. In a public meeting in Philadelphia on June 20, presided over by Dickinson and Thomas Willing, a series of bold steps were taken. The resolves adopted declared the Boston Port Bill unconstitutional,

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[11]Stillé, Dickinson, pp. 105-106.

[12]Quoted in Ibid., p. 108.

and, more importantly, established a Committee of Correspondence with functions of great importance. The committee was to correspond and consult not only with like committees in the other colonies, but also with similar committees to be appointed in each county of the province. Those in the province were to send delegates to a conference to be held in Philadelphia on July 15. This conference instructed the Assembly to select delegates to the Continental Congress and expressed what was supposed to be the opinion of the people of Pennsylvania. The chairman of the committee was John Dickinson. When the conference met, he submitted three papers indicating the course that should be followed. The first was a series of resolutions stating the principles for seeking redress of grievances against the crown. The second was a code of instructions to the delegates. The third was a treatise on the constitutional power of Great Britain to tax the colonies. The three combined were simply the embodiment of Dickinson's views, and probably the views held by the vast majority of the inhabitants of the colony. Again, he based his claims on precedents in English history.[13]

When the Assembly met in August of 1774, the instructions and resolutions were approved and delegates elected to the Continental Congress. The representatives were of both

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[13]Stillé, Dickinson, pp. 110-112.

factions and headed by Joseph Galloway, who soon introduced his plan of union. Dickinson was elected to the Assembly again on October 1, 1775, and on the 17 was made an additional delegate to the Congress.[14]

From the beginning it was clear enough that the Congress would be divided into two main groups, conservatives aiming at patching up the quarrel, and radicals determined upon resistance. In both the selection of the meeting place and the election of Thomson as secretary, the radicals won.[15] The reading of the credentials of the delegations, however, was a reminder that no matter how much some of the delegates desired revolution, the purpose of the congress was the redress of grievances and restoration of harmony with Great Britain.[16] The split in the Continental Congress was obvious with extremes running from Galloway's plan of union to the Adams' desire for independence. The moderates, led by Dickinson, remained in the center. Compromise was the key to the Congress. After considering matters of organization, the Congress undertook the major part of its work--the petition to the King and an address to the inhabitants to Canada, in which Dickinson took a major part.

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[14] Votes of Assembly, VII, p. 7152.

[15] Edmund Cody Burnett, The Continental Congress, (New York: W. W. Norton and Company, 1964), pp. 33-34.

[16] Ibid., pp. 34-35.

The petition was first written by Patrick Henry. Because of dissatisfaction with it, Dickinson was added to the committee shortly after he joined Congress. His revision of the draft was accepted almost immediately on October 25.[17] The petition, as well as the address to the inhabitants of Canada, reflected Dickinson's opinions. It treated the idea of submission with scorn. It claimed redress, not as a favor, but as a right. At the same time, it rested hope for restoration of harmony upon the basis that the colonies could prove to the crown the validity of their claims. The petition was characteristic of inflammatory rhetoric of the time. It addressed the King in a tone more of sorrow than of anger, and spoke of the wrongs that the colonies had suffered as abuses of the royal authority. It proceeded with a tone of "proud submission and dignified obedience." It told the King:

> The apprehension of being degraded into a state of servitude from the pre-eminent rank of English freemen, while our minds retain the strongest love of liberty and clearly foresee the miseries preparing for us and our posterity, excites emotions in our breasts which we should not wish to conceal. We apprehend that the language of freemen cannot be displeasing to your Majesty. Your royal indignation, we hope, will rather fall on those designing and dangerous men who, daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society by abusing your Majesty's authority, misrepresenting your American subjects, and prosecuting the most desperate and irritating projects of oppression, have at length compelled us by the force of accumulated injuries, too

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[17] Ibid., p. 51.

> severe to by any longer tolerable, to disturb your majesty's repose by our complaints.[18]

Stillé concluded that the Petition to the King was: "a clear and logical statement of our grievances, and in dignified expression of lofty political sentiment, framed in an English style, characterized by force, simplicity, and good taste, it is unsurpassed by any state paper issued during the Revolution."[19]

The address to the inhabitants of Canada, written in response to the Quebec Act, was composed in the same elevated style found in the petition to the King. It could be termed a treatise on the guarantee of freedom which England provided all her subjects. Dickinson said, as he had many times before, that the people should have the right to have a voice in their government. The people had a right to representation, which was supplied by possession of the vote, and that trial by jury, the liberty of the person, and the freedom of the press should be preserved. But under the present laws all these rights lay at the mercy of an absolute governor, responsible only to profligate ministers in England who could rule them as they willed.[20]

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[18]Quoted in Stillé, Dickinson, pp. 142-143.

[19]Ibid.

[20]Stillé, Dickinson, pp. 144-148.

When the Congress adjourned on October 26, many of the delegates including Dickinson did not believe that the concillatory measures would be successful; Dickinson wrote, "Delightful as peace is, it will be all the more gratifying because unexpected."[21] However, he worked diligently for acceptance of the resolutions of Congress in Pennsylvania. The Pennsylvania Assembly was the first in the colonies to accept the resolutions. The Assembly also worked at preparations for other eventualities and raised an army for defense. In addition, the Committee of Correspondence was determined to bring about stronger enforcement of non-importation. In the spring the new instructions to the Second Congress, drafted by Dickinson, read:

> You should use your utmost endeavors to agree upon and recommend the adoption of such measures as you shall judge to afford the best prospect attaining the redress of American grievances and utterly reject any proposition that may cause or lead to a separation from the mother-country, or a change in the form of this government.[22]

During the spring and early summer of 1775, the Continental Congress was busy preparing for the defense of the colonies. In the summer it made a second offer of conciliation to the crown. Dickinson's role can probably be best taken from an account by Thomson to Drayton, who

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[21]Quoted in Ibid., p. 148.

[22]Quoted in Stillé, Dickinson, p. 165.

while writing a history of the period asked for an account of Dickinson's activities.

> The battle of Lexington had drawn together a tumultous army around Boston, and that had brought on the Battle of Bunkerhill. Much blood was now shed. And it was evident that the sword must decide the contest. It was necessary therefore to organize the Army and appoint a continental commander in chief & other general Officers. A declaration was deemed necessary to justify the Americans taking up Arms. D--who still retained a fond hope of reconciliation with Great Britain was strenuous for trying the effects of another petition to the King. And being warmly seconded the measure was agreed to & D-- had a considerable hand in drawing up both the petition & declaration which were both sent at the same time to England. The subject of the petition as well as the declaration occasioned long & warm debates in congress, in which D-- took a Distinguished part, which was circulated about in whispers to his disadvantage. However he maintained his gorund among the generality of the people of his own province & particularly among those who still wished & hoped to see a reconciliation take place. And it must be allowed that if his judgment had not quite approved the measure yet on account of the people of Penna. it was both prudent & politic to adopt it. Without making an experiment it would have been impossible even to have persuaded the bulk of Penna, but that an humble petition drawn up without those clauses against which the ministers & parliament of Great Britain took exceptions in the former petition, would have met with a favorable reception and produced the desired effect. But this petition which was drawn up in the most submissive & unexceptionable terms, meeting with the same fate as others obviated objections that would have been raised & had a powerful effect in suppressing opposition, preserving unanimity & bringing the province in a united Body into the contest. Whatever hand therefore D-- had in promoting it ought to have redounded to his credit as a politician.[23]

The second petition to the King was adopted by the Second Continental Congress in July 1775. It contained little

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[23]Thomson to Drayton in Stillé, Dickinson, Appendix II, pp. 350-351.

new in argument; but it was intentionally couched in very humble terms, for as Dickinson explained in a letter to Arthur Lee of July 7, the administration had a chance to stop the flow of blood if they desired by an unexceptionable petition. "If they reject this application with Contempt, the more humble it is, the more such Treatment will confirm the Minds of our Countrymen, to endure all the Misfortunes that may attend the Contest."[24] This last attempt at conciliation brought about the wrath of the New England politicians. In debate that preceded adoption, they spoke harshly of the motives of those who desired conciliation, and particularly of Dickinson who led them. This resulted supposedly in the encounter between Dickinson and John Adams in the State House yard in which Dickinson lost his temper and threatened that if Massachusetts failed to cooperate with attempts at reconciliation, the remaining colonies would oppose the crown in their own way.[25] Whether this confrontation actually occured is not known, but as a result Adams wrote his famous letter, intercepted by the British, which stated: "A certain great fortune and piddling genius, whose Fame has been trumped so loudly has given a silly cast to our whole doings."[26] At any rate this

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[24]Quoted in Burnett, Continental Congress, p. 85.

[25]Stillé, Dickinson, pp. 158-159.

[26]Edmund C. Burnett, Letters of the Members of the Continental Congress (Washington, D.C.: The Carnegie Institution of Washington, 1963) I, p. 170.

began the feud between Dickinson and Adams that never was resolved. From this time on the two constantly opposed each other.

A more important document than the Petition to the King was the "Declaration of Causes for Taking Up Arms." The Declaration had its origin in the appointment on June 23 of a committee of five (John Rutledge, William Livingston, Franklin, Jay, and Thomas Johnson) to draw up a declaration for Washington to read to the troops at Boston. On June 24, the committee offered a report which was returned for further consideration. On June 26, Jefferson and Dickinson were added to the committee. Jefferson was a new member of Congress; but his reputation as a writer had proceeded him, and he was asked to prepare the draft.[27] From this point on, a dispute developed about the authorship of the Declaration. Dickinson published the whole draft in his works. Later, Jefferson, in his memoirs, claimed he wrote the last four and a half paragraphs, which are considered the strongest. Historians generally accepted this idea until Dr. George Moore presented a paper in 1882 before the Historical Society of New York in which he claimed to have found Dickinson's original first draft. Moore contended Dickinson to be the author of the whole document.[28] Julian P. Boyd in an article

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[27]Burnett, Continental Congress, pp. 85-86.

[28]Stillé, Dickinson, Appendix IV, pp. 353-364.

in 1950, possibly resolved the dispute. After examining the copies, Boyd concluded that Jefferson had submitted his fair copy to Dickinson prior to the meeting of the committee as he later did with the Declaration of Independence to Franklin. He probably did so because Dickinson was the elder statesman. Dickinson in his own handwriting recommended several changes. At the committee meeting Dickinson objected when he found his suggestions had been ignored. Dickinson then was asked to produce a copy. Boyd concluded that what Dickinson produced was an amplification and revision of the outline and structure of Jefferson's draft. (Passages throughout the text in the beginning, the middle and the end, were copied almost verbatim from Jefferson.) "It is apparent, too, that far from softening Jefferson's passages, Dickinson actually strengthened them."[29] The impasse reached in committee between June 26 and July 6 apparently was not political as could be logically concluded when considering the attitudes of Jefferson and Dickinson concluded Boyd. It stemmed from differences in style and methods of presentation between two of the great writers of the Revolution. In reality the work was a collaboration by the two men, although both seemed unwilling to collaborate. ". . . And in his

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[29]Julian P. Boyd, "The Disputed Authorship on the Causes and Necessity of Taking up Arms," The Pennsylvania Magazine of History and Biography, (January 1950), pp. 51-73.

closing affirmation of the justice of the American cause and of the strength of its union, Dickinson provided both a more suitable and a more inflammatory text. What Jefferson had refused to accept in Dickinson's mild suggestions resulted not in a weaker, but in a stronger Declaration," concluded Boyd.[30]

The Declaration itself was a bill of indictment, designed to create conviction and also to stir men to action in defense of their rights, though not to rashness and violence. Many of the phrases seemed harsh enough. Essentially, however, it was well adapted to the purpose for which it was intended. Having set forth at some length the reasons why the colonies had taken up arms, the Declaration sought to animate the soldiers with a sense of the righteousness of the cause for which they were fighting and with confidence in its eventual success:

> Our cause is just. Our union is perfect. Our internal resources are great, and, if necessary, foreign assistance is undoubtedly attainable. . . . With hearts fortified with these animating reflections, we most solemnly, before God and the World, declare, that. . . . the arms we have been compelled by our enemies to assume, we will, in defiance of every hazard, with unabating firmness and perseverance, employ for the preservation of our liberties; being with one mind resolved to dye Free men rather than live Slaves.[31]

Following this was a passage for those across the Atlantic:

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[30] Ibid., p. 72.

[31] Quoted in Burnett, The Continental Congress, p. 86.

> Lest this declaration should disquiet the minds of our friends and fellow subjects in any part of the empire, we assure them that we mean not to dissolve that Union which has so long and so happily subsisted between us, and which we sincerely wish to see restored . . . We have not raised armies with ambitious designs of separating from Great Britain, and establishing independent states. We fight not for glory or for contest.[32]

This summarized the arguments for the cause of taking up arms. It was weaker than the radicals desired but stronger than many of the conservatives wanted. It seemed rather ironical that the strong declaration was written shortly after the humble Second Petition to the King by the same author.

From this time until the end of 1775, Dickinson seemed to have maintained the attitude expressed in the Declaration of the Causes of Taking Up Arms in all the public papers issued by Congress. During this time Congress was busy preparing for war with England. In the fall of 1775, Pennsylvania elected its delegates for the coming year. The delegates, with the exception of Galloway, who had been defeated and replaced by the Speaker, John Morton, were the same chosen the previous May. The instructions drafted by Dickinson read:

> You should use your utmost endeavors to agree upon and recommend the adoption of such measures as you shall judge to afford the best prospect of obtaining the redress of American grievances, and utterly reject any proposition (should such be made) that may cause or lead to a separation from the mother-country, or a change in the form of this government.[33]

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[32] Ibid., pp. 86-87.

[33] Votes of Assembly, VII, pp. 7352-7355.

During the spring of 1776 radical changes were occurring in Pennsylvania. To many who had previously thought of nothing else, the hope of conciliation was gradually dimming.[34] Americans were more deeply split on the independence question than ever, with Pennsylvania even more deeply split than most.

By this time Pennsylvania had developed two significant political groups. The Assembly was dominated by the one group, who were the men of reasonable wealth and education, classified as the gentlemen of the province. They were moderate in thinking--insisting that several requirements be met before proclaiming independence. Dickinson led this moderate group who wanted at least one more effort made towards reconciliation, establishment of foreign alliances, a more perfect union, and the provincial charter assured, before any thoughts of independence were entertained. The other group led by Franklin, Rush, and McKean agreed with the New Englanders that it was time for the colonists to declare independence. Behind these men were many unknown radicals working furiously to bring about independence at any cost.[35] The conservatives were rapidly becoming loyalists. There were many of these Pennsylvanians, of course, who did desire

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[34]Stillé, Dickinson, p. 169.

[35]Ibid., p. 171.

unity with Britain under any conditions. Few of these people, however, were left in power in the Assembly by 1776.

By the early spring of 1776, the struggle between the radicals and the moderates had intensified. The radicals had earlier petitioned the Assembly for a change of instructions for Pennsylvania's delegates to congress so they might vote for independence if the question came up. The Assembly had refused.[36]

The first major radical demand was against the loyalty oath to the King required of all Assembly members. The radicals argued that swearing allegiance to a King against whom they were about to fight was inconsistent, if not absurd. The answer of the moderates was the same that congress had been giving:

> We are not fighting against the King, but against an abuse and usurpation of the royal authority, under cover of an act of Parliament which we regard as unconstitutional,--that is, out of the ordinary and established course of the English law,--and we are justified in making resistance by English tradition and example.[37]

Dickinson elaborated upon this by saying, "Our true course is now, as it has always been, especially if we hope to preserve our charter, to seek redress with arms in our hands, if necessary, to enforce our petition; but as long as we seek

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[36]David Hawke, In the Midst of a Revolution, (Philadelphia: The University of Pennsylvania Press, 1961), p. 20.

[37]Quoted in Stillé, Dickinson, p. 177.

protection in that way we must not withdraw our allegiance."[38] Many opposed this point of view

The first concession that the Assembly granted the radicals came after the Committee of Inspection[39] had threatened a revolution in February, 1776. Until the special elections of February 16, 1776, the Assembly was controlled by the moderates led by Dickinson and Joseph Reed. Though the radicals failed to gain a significant number of new seats, they began immediately to wrest control of the Assembly from the moderate majority. After the election the radicals made great strides towards controlling the Committee of Inspection. Although the key men of the old committee--John Dickinson and Joseph Reed, along with such gentlemen as John Wilcox and John Allen, both members of the city council--were still present, twelve days after the February election the committee put out a call for a Provincial Convention. The ostensible purpose of the convention was to "consider the state of the province."[40] In addition, the radicals continued to

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[38]Hawke, In the Midst of a Revolution, pp. 13-20.

[39]The Committee of Inspection was a powerful group created in 1774 to report on dissident elements in the non-importation crisis. Although legally only a watch dog group, it had since assumed wide powers of investigation, arrest, imprisonment, and harrassment, and it now had become an effective weapon to exert pressure on moderate Assembly members to call a Provincial Conference, and an effective weapon against Assembly members who opposed Independence.

[40]Hawke, In the Midst of a Revolution, pp. 13-20.

agitate for a change of instructions to the Pennsylvania delegates to the Continental Congress. The fact that unequal representation in the Pennsylvania Assembly was a source of discontent lent itself to radical plans. As a result the radicals sounded out the Assembly about representation on fairer lines. The hope was that once the city and back counties got their share of seats the radicals, or Independents as they were called, would be able to manipulate the Assembly. Because of this agitation, on March 8, the Assembly compromised and agreed to add seventeen seats to its membership. This was a concession that pleased both sides; the moderates were happy that they had forestalled talk of changes in the instructions to the delegates in Congress, and the radicals assumed that the backcountry was more radical, thereby giving them an opportunity to gain more seats in the Assembly. Four of the seats were to go to the city of Philadelphia and thirteen to the back counties. The election was scheduled for May 1. It was a hotly contested election, quite unusual in Pennsylvania at this time. Cato (Dr. William Smith at Philadelphia College) was the chief moderate spokesman. James Cannon, also at the Academy, attacked Smith, while Tom Paine answered Cato's attack on Common Sense.[41] In the campaign the radicals made an issue of the class approach, making the

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[41]Hawke, In the Midst of a Revolution, pp. 20-28.

distinction between the gentlemen (moderates) and the common man (radicals), and appealed to resentment of the backcountry and the lower class.

The moderates wanted "Peace upon honorable terms"--not necessarily reconciliation. If the occasion arose, moderates argued, they would listen to the general voice of their constituents.[42] The radicals answer, a pamphlet entitled "To the TORIES," contended that the moderates worked for the King. On May 1, 1776, when the election of the additional assemblymen took place, the radicals received an overwhelming defeat in the city; in the rural regions, however, they were more successful. But control remained in the hands of the moderates. However, "Control of Pennsylvania politics, though for the moment once again in hands of the gentlemen, was swiftly being taken over by a tight group of middle-aged tradesmen and small merchants, who, spurred on by a tight little band of zealots, refused to accept the results of the May election as final."[43] The results were so close that during the spring and early summer in Philadelphia the two factions were almost perfectly balanced--so much so that a shift of only ten moderate votes to the radicals would have given each party one seat and left the remaining two candidates in a tie in the May 1 election.[44]

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[42] Ibid., p. 31.

[43] Ibid., p. 34.

[44] Ibid.

The unique position of Philadelphia contributed much to the attitudes against independence expressed in the election--although a split was obvious. Many Philadelphians had asked themselves two questions: "Is a change necessary and is this the time for it?"[45] On May 1, slightly over one-half felt that this was not the time for a change. The Independents in blaming their defeat of the Catholics, Quakers, Tories, and the Proprietary dependents failed to realize the part played in the election by Pennsylvania's unique character, the bitter feeling towards New England, and to some extent Virginia, and the continued rumors that peace commissioners were on the way. These factors prompted many Philadelphians to give their votes to the moderates, thus delaying any prompt decisions of the question of independence.[46]

The back country also returned the moderates to power in the election of May 1, probably because they held the same sentiments as Philadelphians. There were signs of a break in the backcountry as many new men were appearing, but they still did not have the power or appeal to change the results. There were strong forces working against change and the idea of independence in both the city and backcountry. But the elections proved that there were slightly less than half in

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[45] Ibid., p. 56.

[46] Ibid., pp. 56-57.

Philadelphia and probably the same proportion in the back country who were convinced that there was merit in independence and that much could be said for change.[47]

Pennsylvania was a colony of no unanimity, except possibly for a brief time when Franklin had returned in 1775. As was characteristic of him, however, he held his peace until he saw what was best for both America's and his own interests. He had decided by July 1775 for independence.[48] In addition, "Common Sense," published on January 9, 1776 had helped stimulate revolutionary fervor. As the war approached Pennsylvania the war became more meaningful to many inhabitants, a factor leading many to vote for the radicals. Joseph Cannon, Christopher Marshall, Timothy Matlock, Tom Paine, Benjamin Rush, and Thomas Young were the leaders of the new radical-independent movement towards independence, and they set out to destroy the Constitution of Pennsylvania. All were inexperienced in government and had failed frequently in business endeavors, but all had a hope for the future and began setting up a political machine under the guidance of Cannon to rival that of the moderates.[49] However, as Sam Adams had written on the eve of the May 1 election, possibly

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[47] Ibid., p. 86.

[48] Ibid., p. 85.

[49] Ibid., pp. 102-107.

sensing the defeat of the radicals, "We cannot make Events, our business is only to improve them."[50] The event was lacking, so John and Sam Adams working with the independents set out to do just that.[51]

Accordingly, on May 10, John Adams introduced the following resolution in the Continental Congress.

> That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs have been hitherto established, to adopt such government as shall in the opinion of the representatives of the people, best conducive to the happiness and safety of their constituents in particular, and America in general.[52]

Much to Adams' astonishment, Dickinson, still firm for reconciliation, announced that he agreed entirely on the necessity for such a resolution. Dickinson pointed out, however, this resolution did not apply to Pennsylvania, which already had a government to fit these purposes, and one that had just received a mandate from the people. Besides, he continued, the Assembly, due to the charter of 1701, had the privilege among other things of initiating all legislation. Thus with Dickinson's blessing, the resolution promptly passed Congress.[53]

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[50]Quoted in Ibid., p. 108.

[51]Burnett, The Continental Congress, p. 157.

[52]Ibid.

[53]Hawke, In the Midst of a Revolution, pp. 119-120; John Adams to James Warren May 15, 1776, in Burnett, ed., The Letters of the Members of the Continental Congress, p. 445.

John Adams refused to be out-maneuvered. All of the important resolutions of Congress were dignified with a formal preamble before release to the public. Adams, with Dickinson out of town on business, used this device to plug the loophole Dickinson had discovered in the measure. The committee appointed to write the preamble consisted of John Adams, Edward Rutledge and Richard Henry Lee. Adams did most of the work on the preamble. The preamble stated that it was necessary to do away with any government that required an oath of affirmation to the crown in order to hold office. It was necessary that the exercise of every kind of authority under the crown should be totally suppressed, and all the powers of government should be exerted under the authority of the people of the colonies for, "The preservation of internal peace, virtue, and good order, as well as for the defence of their lives, liberties, and properties, against the hostile invasions and cruel depredations of their enemies."[54] In effect congress invited the Pennsylvania radicals to overthrow the government.

Because Dickinson was absent on this day, James Wilson defended Pennsylvania, and James Duane also spoke against the preamble. Their efforts were to no avail. The preamble was adopted on May 15. Adams believed that this was victory for

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[54]Burnett, The Continental Congress, p. 158.

the independence movement. He wrote to Warren, "This Day the Congress has passed the most important Resolution that ever was taken in America."[55] Soon after this preamble was passed, William Bradford, Sr., read it in his coffee house:

> "one man only huzzaad," James Allen reported. "In general it was ill-received. We stared at each other. My feelings of indignation were strong, but it was necessary to be mute. This step of Congress, just at the time commissioners are expected to arrive, was purposely contrived to prevent overtures of peace. . . . Moderate men look blank, & yet the Majority of the City & Province are of that stamp."[56]

The independents in Pennsylvania continued their efforts to bring about a change in the Assembly. In the election of May 1, the goal had been to elect enough independents to the Assembly to control it. Failing in that, Paine now set out to discredit the Assembly completely. The independents' propaganda alleged that the Assembly was established at royal pleasure and therefore could not change itself; this had to be done from the outside said a broadside entitled "The Alarm." Many mass meetings were held in which resolutions were adopted stating that the Assembly was not keeping harmony with other colonies and not protecting the constituents' safety. In addition it lacked authority of

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[55]John Adams to James Warren May 15, 1776, in Burnett, ed., Letters of the Members of the Continental Congress, p. 445.

[56]Quoted in Hawke, In the Midst of a Revolution, p. 142.

the people, and, therefore, should not sit in session as it was not competent to handle the colony's affairs.[57]

A remonstrance, as it was called, was passed by the Pennsylvania Assembly that reminded citizens that Congress had hitherto carefully refrained from interfering in the domestic policies of a colony, and therefore, "the Representatives of the People are left as the sole Judges, whether their Governments be sufficient for the Exigencies of their Affairs." It pointed out that in Pennsylvania, "Courts of Law are open, Justice has been administered with a due Attention to our Circumstances, and large sums of money issued . . ." It continued that already the government was representative of the people.[58] The Remonstrance was printed and circulated to the people in both the city and back country. It was not well received. "In twenty days, give or take a few, the minds of the people, it would seem, had been shaped to take a decisive stand against the moderates. The Remonstrance and the men who carried it out to the back country were received with abuse, threats, and even injury."[59] These events plus the building of an outstanding organization by Cannon had so convinced the people of Pennsylvania that even "Tory-ridden Chester, Bucks, and Philadelphia counties--ended up

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[57]Pennsylvania Gazette, May 22, 1776.

[58]Votes of Assembly VII, pp. 7524-7526.

[59]Hawke, In the Midst of a Revolution, p. 142.

sending a delegation to the Provincial Conference whose purpose was to write a new constitution."[60]

During June the Assembly tried to work out methods of handling the problems. The Independents found that by boycotting the Assembly, they could stop all endeavors. Had the moderates insisted, the Assembly, would have been totally inactive. However, they chose to change several things so that compromise could be effected. The oath to the King was suspended for new members, and a committee compromised the naturalization of Germans.[61] Given sufficient time Dickinson might have resolved the problem, but by then Virginia had voted to introduce a resolution to declare the colonies free and independent states. The Assembly procrastinated until June 1, then the Independents boycotted for four days before the moderates agreed to debate a change in the instructions to the delegates to Congress.[62] On June 8, the new instructions were brought in by the committee, debated, and passed. The main part of them read:

> . . . . We therefore hereby authorize you to concur with the other Delegates in Congress, in forming such further compacts between the United Colonies, concluding such Treaties with foreign Kingdoms and States, and in adopting such other Measures as, upon a View of all Circumstances, shall be judged necessary for promoting the Liberty,

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[60] Ibid., p. 150.

[61] Votes of Assembly VII, pp. 7520-7521.

[62] Ibid., p. 7535.

> Safety, and Interests of America; reserving to the People of this Colony the sole and exclusive Right of regulating the internal Government and Police of the same.[63]

There was no mention of independence. The Independents accepted these new instructions as "an artful and selfish compromise."[64] The moderates had accomplished what they had set out to do. The aim was to temporize on the issue until the sense of the province could be determined from the privincial conference soon to meet.[65] The radicals again boycotted on June 14 and forced adjournment, which ended proprietary government in Pennsylvania, although no one realized it at the time.[66]

When Dickinson had left for Delaware on May 10, he was confident that the drive for independence had been slowed and that even John Adams realized the need for confederation before independence. Dickinson knew that this would take time. Upon returning May 20, he was confronted by a changed situation. By early June, Dickinson was no longer a power in Pennsylvania politics. Men continued to listen to him, but not to follow his ideas. June 8, the day the new instructions were adopted, marked his political demise. After the House had passed the instructions but before they

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[63] Ibid., p. 7543.

[64] Pennsylvania Gazette, June 26, 1776.

[65] Hawke, In the Midst of a Revolution, p. 161.

[66] Votes of Assembly VIII, p. 7548.

had been released to the public, Dickinson in his role as Colonel of the First Battalion, attended a meeting of the battalion officers in the city. One officer, who opposed the Assembly's moderate proceedings, spoke particularly against the anti-independence instructions and pointed his remarks at Dickinson. He said that the authors of these instructions would find they had lost the confidence and affections of the people. Dickinson rose to defend himself and stated that the moderates were blamed for appointing men who had lost the confidence of the people and yet were also blamed because they had not given these men unlimited powers. He argued that the attackers said at one time that the Assembly had no right to alter the constitution without the consent of the people, and yet were arguing for the Assembly to give the delegates to congress the power to alter it. In his oratory Dickinson argued that loss of his life or even more important, the loss of affection of his countrymen would not deter him from acting as an honest man. The threats leveled on him could just as well not have been made, he continued, for he defied them. He would continue to stand unmoved against such threats. "I can defy the world Sir, but--I defy not heaven; nor will I ever barter my conscience for the esteem of mankind. So let my country treat me as she pleases still I will act as my conscience directs."[67]

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[67]Hawke, In the Midst of a Revolution, pp. 166-167.

As recalled by William Bradford, Jr., Dickinson's speech "appeared to be the unpremediated effusions of the heart. His graceful actions, the emotions of his countenance & plaintive yet manly voice strongly imposed upon my judgment. He was clearly wrong yet I believed him right. Such were the effects of oratory."[68] With this last speech Dickinson fell from power and was replaced by new men with new ideas who rode on the word, independence.[69]

Meanwhile, the events in the Continental Congress were progressing so much to John Adam's satisfaction that on May 20, he wrote quite elatedly to James Warren:

> Every Post and every Day rolls in upon Us, Independence like a Torrent. . . . Here are four Colonies to the Southward who are perfectly agreed now with the four to the Northward. Five in the middle are not yet quite so ripe; but they are very near it. . . . What do you think must be my Sensations when I see the Congress now daily passing Resolutions, which I most earnestly pressed for against Wind and Tide Twelve Months ago? And which I have not omitted to labour for a Month together from that Time to this? What do you think must be my Reflection, when I see the Farmer [Dickinson] himself now confessing the falsehood of all his Prophecies, and the Truth of mine, and confessing himself, now for instituting Governments, forming a Continental Constitution, making Alliances with foreigners, opening Ports and all that--and confessing that the defence of the Colonies, and Preparations for defence have been neglected, in Consequence of fond delusive hopes and deceitful Expectations?[70]

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[68]Ibid., p. 167.

[69]Ibid., p. 168.

[70]John Adams to James Warren May 20, 1776, in Burnett, ed., Letters of the Members of the Continental Congress, pp. 460-461.

The tide towards independence was heightened on June 7, when Richard Henry Lee introduced his fateful resolution according to the instructions of the Virginia legislature. They embodied three propositions: "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." The second resolve stated: "That it is expedient forthwith to take the most effectual measures for forming foreign Alliances." The final resolve stated: "That a plan of confederation be prepared and transmitted to the respective Colonies for their consideration and approbation."[71]

The issue was discussed in the committee of the whole on June 10. At this time the conservative or moderate element, including Dickinson, succeeded in having the question of independence postponed until July 1. The committee to prepare the declaration to bring about the resolutions was appointed, however, on June 11.[72] On June 12, probably partly due to the objections of Dickinson and others, two other committees were appointed: one to prepare for confederation, and the other to prepare a plan of treaties to be proposed to

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[71]Burnett, The Continental Congress, p. 171.

[72]Ibid., p. 173.

foreign powers.[73] Most delegates felt this was necessary. John Adams had written to Patrick Henry on June 3, 1776, stating the need for confederation and alliances. ". . . It has ever appeared to me that the natural course and order of things was this; for every colony to institute a government; for all the colonies to confederate, and define the limits of the Continental Constitution; then to declare the colonies a sovereign state. . . ." He remarked that then foreign alliances should be made. He feared that the Congress could not proceed systematically and that independence would have to be declared before either a confederation could be formed or state governments instituted. But he concluded: "It is now pretty clear that all these measures will follow one another in a rapid succession, and it may not perhaps be of much importance which is done first."[74]

The conservative element held up the declaration in reference to these three points: lack of instructions, no confederation, and lack of foreign alliances. These were the opinions Dickinson held, and every effort seemed to have been made to accomodate him. The original draft of the Articles of Confederation, although not introduced until July 12, 1776, and not passed until 1777, was in the handwriting

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[73]Ibid., p. 206.

[74]John Adams to Patrick Henry June 3, 1776, in Burnett, ed., Letters of the Members of the Continental Congress, p. 471.

of John Dickinson.[75] As a member of the secret committee of Foreign Affairs, he also helped draft the plan of treaties that was later introduced on July 18.[76] In fact the conduct of the members of the Continental Congress towards his opposition to independence contrasted sharply with that of those who had tried to crush him in Pennsylvania. Gradually, throughout the month of June the opposition of the various colonies towards independence was alleviated.[77] The revolution in Pennsylvania was moving that colony towards independence, although no legal government had been established. On June 24, however, the provincial conference had passed a declaration stating that they consented unanimously to their willingness to concur in a vote of the Congress for independence.[78] The decision was left largely up to the Pennsylvania delegates, as it was doubtful as to where the real authority in Pennsylvania lay.

By July of 1776, it is obvious that Dickinson had forgotten all plans of reconciliation. It was simply with him, as others, a question of expediency. As he later stated: "After the rejection of the last petition to the king,

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[75]Burnett, The Continental Congress, p. 206.

[76]Ibid.

[77]This is discussed colony by colony in Ibid., pp. 174-182.

[78]Ibid., p. 178.

not a syllable, to my recollection, was ever uttered in favor of a reconciliation with Great Britain."[79]

On July 1, the motion for independence was brought up again. Dickinson had prepared himself well for one last speech to oppose independence. He had thoroughly worked out the beginning and the end of his speech--the remainder he trusted to notes as he realized the consequences of opposition to the motion. Dickinson later recalled that he attempted to "convince even his opponents of his earnestness, his desire to follow the right course, his freedom from self-interest his sensibility to the occasion."[80] John Adams in his autobiography recorded his recollections of the day:

> . . . At one time and another all the arguments for it and against it had been exhausted, and were become familiar. I expected no more would be said in public, but that the question would be put and decided. Mr. Dickinson, however, was determined to bear his testimony against it with more formality. He had prepared himself apparently with great labor and ardent zeal, and in a speech of great length, and with all his eloquence, he combined together all that had before been written in pamphlets and newspapers, and all that had from time to time been said in Congress by himself and others. He conducted the debate not only with great ingenuity and eloquence, but with equal politeness and candor, and was answered in the same spirit.
>
> No member rose to answer him, and after waiting some time, in hopes that some one less obnoxious than myself,

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[79]Quoted in Stillé, Dickinson, p. 192.

[80]Dickinson's speech has been printed with an introduction by J. H. Powell, "Speech of John Dickinson opposing the Declaration of Independence, July 1776," The Pennsylvania Magazine of History and Biography, LX; (October 1941). pp. 458-481.

> who had been along for a year before, and still was, represented and believed to be the author of all the mischief, would move, I determined to speak.

Prior to the vote, the New Jersey delegates, who had just arrived, asked for a summary, and Adams recalled that since no other delegate was willing to speak:

> I summed up the reasons, objections, and answers in as concise a manner as I could, till at length the Jersey gentlemen said they were fully satisfied and ready for the question, which was then put, and determined in the affirmative.[81]

In 1783, in his vindication of his career, Dickinson further explained his reasoning. However, all indications were that Dickinson planned the speech because he fully expected to be overwhelmed with a tempest of popular resentment, and that he planned his later military service as a gesture of loyalty to the American cause, an exhibition that he was as firm a supporter of his country as the radical party could offer. He was hypersensitive on the matter of his integrity; which is probably the mood in which he wrote the beginning of his address. In his argument he denied that he had been the early persevering enemy of independence, asserting that he only opposed the Declaration of Independence being adopted "at the time when it was made."[82] This was not

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[81]John Adams, "Autobiography," in The Adams Papers, L. H. Butterfield, ed., III, (Cambridge: The Belknap Press, 1961) pp. 396-397.

[82]Powell, "Dickinson's Speech Opposing Independence," p. 466.

entirely accurate, for certainly no one who was caught between the Tories on the one hand and the radicals on the other had been so constant as Dickinson in opposing separation, though by the spring of 1776, he had become reconciled to it. He based his opposition to the Lee resolution on policy rather than on principle. His whole argument was based on the time and circumstances of the moment, the strength of the Family Compact, the possibility of an invasion of Portugal by Spain, the formation of governments in America, and the support of the people.[83]

Thereupon, he recited his objections to independence at the time that it was proposed. First, the military campaign then under way would probably decide the outcome, and to declare independence would add not one man nor the least supply to American strength. Instead it would "commit our country upon an alternative, where, to recede would be infamy, and to persist might be destruction."[84] Second, it would injure us at home, with friends in England, and Europe. He proposed that the colonies should consult France and Spain first. Without these prudent measures, the resolution would accomplish nothing tangible or important, but would lay the country open to uncertainty.[85]

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[83]Powell, "Dickinson's Speech Opposing Independence," p. 466.

[84]Ibid., p. 467.

[85]Ibid., pp. 471-473.

He concluded in 1783 with a statement few could disagree with:

> I will only add upon this point--that, I am acting a very small and a very short part in the drama of human affairs. I wish to do right; and to give satisfaction. The opinions of men are fallible, and sometimes unjust. There is one supreme judge who cannot err; and when I endeavor, that my defects may not, for want of integrity, be displeasing in his sight, I would have you gentlemen, assuredly to know, that, notwithstanding my sincere desire to please you, I shall little trouble myself how your applauses or your censures are bestowed.[86]

Later in the day of July 1, the vote was put on the resolution of June 7. Much to the radicals surprise, it was not a unanimous vote in the committee of the whole. The vote on the motion was thereupon postponed until the following day. On July 2, although confusion surrounds the issue, it is apparent that Dickinson and Robert Morris absented themselves so that Pennsylvania voted for independence by a vote of three to two.[87] Other colonies also changed so that John Adams could write to his wife on July 3:

> . . . Yesterday, the greatest question was decided, which ever was debated in America, and a greater, perhaps, never was nor will be decided among men. A resolution was passed without one dissenting Colony, "that these United Colonies are, and of right ought to be, free and independent States, and as such they have, and of right ought to have, full power to make war, conclude peace, establish commerce, and to do all other acts and things which other States may rightfully do." You will see, in a few days,

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[86]Stillé, Dickinson, Appendix V, pp. 409-410.

[87]Thomas McKean to Ceasar A. Rodney, August 22, 1813, in Burnett, ed., Letters of the Members of the Continental Congress, p. 534.

> a Declaration setting forth the causes which have impelled us to this mighty revolution, and the reasons which will justify it in the sight of God and Man. A plan of confederation will be taken up in a few days. . . .[88]

Immediately after the declaration was passed, Dickinson left as Colonel of the Militia to help defend New York. The move to change the Constitution of Pennsylvania continued and was finally passed without ratification by the people. Dickinson held himself not responsible for it. He wrote to Charles Thomson on August 10 that he had "cheerfully & deliberately" sacrificed popularity "to Principles" and for his integrity had suffered "all the indignities that my Countrymen now bearing Rule are inclined if they could so plentifully to shower down upon my innocent Head. . . ."[89] Thomson's reply a mixture of affection and frankness, best describes Dickinson's role:

> I know the rectitude of your heart & the honesty & uprightness of your intentions; but still I cannot help regretting, that by a perseverance which you were fully convinced was fruitless, you have thrown the affairs of this state into the hands of men totally unequal to them. I fondly hope & trust however that divine providence, which has hitherto so signally appeared in favour of our cause, will preserve you from danger and restore you not to "your books & fields," but to your country, to correct the errors, which I fear those "now bearing rule" will through ignorance--not intention--commit, in settling the form of government.
>
> There are some expressions in your letter, which I am sorry for; because they seem to flow from a wounded spirit. Consider, I beseech you and do justice to your "unkind countrymen." They did not desert you. You left

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[88]John Adams to Mrs. Adams July 3, 1776, in Ibid., p. 526.

[89]Quoted in Hawke, In the Midst of a Revolution, p. 178.

> them. Possibly they were wrong in quickening their march and advancing to the goal with such rapid speed. They thought they were right, and the only "fury" they show'd against you was to chuse other leaders to conduct them. I wish they had chosen better; & that you could have headed them, or they waited a little for you. But sure I am when their fervour is abated they will do justice to your merit. And I hope soon to see you restored to the confidence & honours of your country.[90]

Thomson was right, Dickinson's popularity did return. It was, however, not until 1782 after he had pursued a long career in the war and worked in Delaware politics several years. A counter-revolutionary faction also had to develop strength in Pennsylvania before Dickinson could return to power.

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[90]Quoted in Hawke, In the Midst of a Revolution, pp. 178-179.

CHAPTER VI

CAREER AFTER INDEPENDENCE

Dickinson's career suffered a setback because of his attitude towards independence, but it was not totally extinguished. By his support of the revolution, a cause in which he did not wholly believe, he redeemed himself in the eyes of the majority of Pennsylvanians. At first he was very unpopular, but as the Pennsylvania counter-revolution became a reality between 1776 and 1790, Dickinson again emerged as a leader. His attitudes were unchanged. The change in feeling towards him reflected the change in public attitude.

Within a week after the Delcaration of Independence, Dickinson, a colonel in the Pennsylvania militia, left for New York to join his troops. His detachment had been sent by congress to meet the threat against Staten Island created by the British army under Sir William Howe. He seemed to have performed well in the army and fought with dedication. A letter written to Charles Thomson probably best explains his attitude at the time:

Elizabeth-Town,
August 10, 1776

> . . . The enemy are moving, and an attack on New York is quickly expected. As for myself, I can form no idea of a more noble fate than, after being the constant advocate for and promoter of every measure that could possibly lead to peace or prevent her return from being barred up;

> after cheerfully and deliberately sacrificing my popularity and all the emoluments I might certainly have derived from it to principle; after suffering all the indignities that my countrymen now bearing rule are inclined, if they could, so plentifully to shower down upon my innocent hear, --than willingly to resign my life, if Divine Providence shall please so to dispose of me, for the defence and happiness of those unkind countrymen whom I cannot forbear to esteem as fellow-citizens admidst their fury against me. Much rather would I wish that these severe masters would give me up to my dear connections. My books and my fields are intercourse and employment for which my constitution is better formed than for the toils of war, to cultivate which my temper is more disposed than to aspire to all the united glories, could I attain them, of every heroic death from the Roman Curtius to the British Wolfe.[1]

Dickinson reiterated this claim after the war when he stated that although he had spoken his sentiments freely as an honest man should, once a decision was reached against his opinion he considered it the voice of his country. He said, "That voice proclaimed her destiny, in which I was resolved by every impulse of my soul to share, and to stand or fall with her in that scheme of freedom she had chosen."[2] In his "Vindication"[3] Dickinson elaborated on his military career and the attacks by the "ungrateful" radicals who later superseded him.

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[1]The letter is in Stillé, Dickinson, pp. 202-203.

[2]Quoted in Ibid., p. 204.

[3]Dickinson's "Vindication" was written after he was elected President of the Council in Pennsylvania in the fall of 1782 in response to anonymous attacks in the newspapers prior to the election by an unknown writer who signed his name "Valerius." The "Vindication" is printed in Ibid., Appendix V, pp. 364-414.

It was decided on July 4, that the Pennsylvania militia should march to New Jersey and continue in service until "a flying camp" of ten thousand men could be collected to relieve them. The militia prepared itself and left for Elizabeth Town. Dickinson said in the "Vindication": "I marched with them, though in such a weak state of health, that when I reached Trenton I was obliged to rest there a day, and then get a carriage to finish the journey, being unable to travel further on horseback."[4] He explained that upon arrival at Elizabeth Town, the command of the post devolved upon him and remained his during the time he was there. British troops were in force just across the river from where his militia was camped. He continued his account with a rather overdone condemnation of the radicals:

> My persecutors in Philadelphia remembered me at Elizabeth Town Point. I had not been but ten days in camp, (July 20, 1776) when I was turned by them out of Congress, into which I had been brought at the beginning of the contest, October the 17th, 1774, in OPPOSITION to the efforts of those men, who, then and always my foes, have since avowed their enmity to America. So MUCH ALIKE do traitors to their country, and some sort of patriots, think of me.
>
> Yes! while I was exposing my person to every hazard, and lodging every night within half a mile of hostile troops that the members of the convention at Philadelphia might slumber and vote in quiet and safety, they ignominously voted me, as unworthy of my seat, out of the national senate.[5]

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[4]Ibid., p. 384.

[5]Stillé Dickinson, pp. 384-385.

Dickinson continued to serve as commander of the Pennsylvania militia during July and August of 1776. Correspondence between him and General Mercer dealt with tactics and the major problem of desertion of many militiamen.[6] These desertions had so weakened his command that by the time it was replaced by the "flying camp," it was an ineffective unit.

The crowning blow to Dickinson's pride came on September 28, when the Provincial Conference approved the nomination of two brigadier-generals to supersede him. Dickinson resigned his commission. In his "Vindication," Dickinson said that he would have reconsidered his resignation but that it was obvious that his enemies meant to further degrade him. His pride led him to conclude:

> I could not stand like a chopping-block before them, to be hack'd by their tomahawks into such shape as might gratify their capricious fancy. I resolved, in the first place, never to be accountable to such men for any military command--secondly, to seek my fortune and a kinder usage in another state--and thirdly, to serve as a volunteer in the next call of the militia of the city and neighborhood, if it should happen before my departure.[7]

He resigned on two grounds--that the conference was an illegal body and that the appointment was a personal insult.

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[6]Force, American Archives, I, pp. 620, 895; II, 20-22, and Stillé, Dickinson, pp. 386-390.

[7]Stillé, Dickinson, Appendix V, p. 392.

The first Assembly under the new Constitution met early in November. Dickinson had been elected a member from the county of Philadelphia. He like many others believed that it was an illegal body for two reasons: first, it did not represent the people of the State; and second, it was revolutionary because it formed a State Constitution without ratification by the people. At this crisis, Dickinson strove to bring order out of chaos. On the first day of the meeting of the Assembly, he asserted that he and the moderates would accept the choice of speaker provided that the majority of Independents would agree to call a convention so that the people of Pennsylvania could revise the Constitution. They would agree to this method if no part of the new Constitution would go into effect prior to this meeting, and the Assembly would be dissolved before the meeting of the convention.[8] Because his proposition was not accepted by the Assembly, Dickinson refused to sit in it and retired.

It is at this time that Dickinson decided he would not hold public office again and in fact refused a seat in Congress when elected by Delaware in November.[9] This was the time when Thomson lectured Dickinson on leaving his post and Dr. Benjamin Rush also lamented his departure by pointing

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[8]Ibid., pp. 208-209.

[9]Stillé, Dickinson, pp. 212-213.

out that this was the critical moment in America and all of Philadelphia was waiting to see his actions. The defense of Pennsylvania might depend upon Dickinson's action, Rush continued.[10] Dickinson did not return to Philadelphia until the counter-revolution in Pennsylvania was well under way in 1782.

In Delaware, Dickinson devoted himself to his "books and fields" for a period of time and regained his health. The continual references to his ill-health indicated that after two years of struggle, he badly needed a rest.[11] In September of 1777, Dickinson carried out his plan of serving as a common soldier.

> I executed in the Delaware state, what I had intended to do in Pennsylvania. I became a private in captain Stephen Lewis's company; and in that capacity served, with my musket upon my shoulder, during the whole tour of duty performed that summer by the militia of that state, when the British army landed at the Head of Elk, and was advancing towards this city.[12]

His career as a private did not last long. Only a few weeks later he was offered and accepted an appointment as a brigadier-general of the Delaware militia by Thomas McKean, a former political opponent. Little more is known about Dickinson's military career other than he later resigned after the British

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[10]Letter from Rush to Dickinson December 1, 1776, in Ibid., p. 211.

[11]Ibid., pp. 212-213.

[12]Ibid., Appendix V, p. 394.

had moved on and the crisis had passed in Delaware.[13] In his "Vindication" he concluded:

> How I behaved in that station--Whether I approved myself firmly attached to the true interests of the United States in general, and of that state in particular--Whether my measure inclined to the support of the active friends to our liberties--Whether I preferred the welfare of the republic to every other consideration--or, whether I regarded my own emoluments, rather than more generous considerations--are questions, which if your writers desire to have answered, I should be glad, if they would be so obliging as to apply to the people of the state.[14]

It is this patriotism, so characteristic of the man, that probably led to his revival of popularity in Pennsylvania in 1782, thereby allowing his later contributions to the American Revolution.

Dickinson with his able pen was, of course, a much more effective man in Congress than on the battlefield. His role as a soldier is important only to illustrate his patriotism. He and Thomas McKean were the only members of the Continental Congress present at the time of the Declaration of Independence who actively fought in the war.[15] In November 1776, Dickinson had refused to accept his election as a delegate to Congress from Delaware. Delaware again selected him a delegate in 1779. At this time the country

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[13]Stillé, Dickinson, Appendix V, p. 395 and Ibid., p. 215.

[14]Ibid., pp. 396-397.

[15]Ibid., p. 204.

was in one of its darker moments with many British victories lightened only by the French Alliance and the defeat of Burgoyne at Saratoga. Many of the leaders who had led the march to independence were gone--either as ministers such as Franklin and Adams or had retired from Congress. Following Dickinson's 1779 election, John Jay, President of the Continental Congress, wrote him a letter expressing his delight that Dickinson had been re-elected to Congress, and asked him to attend as the Congress was about to consider some "very important affairs."[16] Dickinson took his seat on May 23, and was immediately put to work. He was appointed chairman of a committee to prepare an address to the states on the dangerous condition of the finances. On May 26, this address was presented, and adopted by Congress. This was Dickinson's fifth and last state paper. It contained a stirring appeal to the colonials and, "It was well drawn," wrote Charles Carroll of Carrollton on June 3, "But I think it comes too late by six months."[17]

In February 1779, Spain had offered her friendly mediation to Congress with the view of securing peace. This was probably the important matter to which Jay had referred in his letter. This situation set the stage for Dickinson's last important effort in the Continental Congress. Along

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[16]Letter found in Stillé, Dickinson, p. 217.

[17]Quoted in Burnett, Continental Congress, p. 409.

with Gouvernor Morris, Dickinson drafted the instructions to the commissioners, Adams in Britain, Franklin in France, and Jay in Spain, setting forth the conditions under which the colonies would accept negotiation.[18] The interesting thing to note is that in regard to the recognition of our independence and our claims to the fisheries and the boundaries, it took the same ground which was successfully taken by our negotiators in 1783 at the Treaty of Paris.[19]

Dickinson resigned his seat in Congress in the fall of 1779 and returned to his farm in Delaware. In 1781, he was elected a member of the Supreme Executive Council of that state, and shortly thereafter, its president.[20]

During Dickinson's exile in Delaware, the fight between the Pennsylvania Constitutionalists (radicals) and the Anti-Constitutionalists (moderates, or now conservatives) had continued to rage. During the period from 1776, the date of the first radicals victory, to the election of 1778, the fight had raged on with each side showing gains at various times until the election of October 1778. At this time: "The fury against engrossers, tories, and well-to-do Republicans in general presaged only one result at the October elections.

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[18]Adam's Instructions in Stillé, Dickinson, Appendix VI, pp. 414-421.

[19]Ibid., p. 221.

[20]Ibid., p. 222.

The returns showed a complete radical victory in the Assembly."[21] The Republicans had been driven completely underground leaving not even a significant minority of any strength in office. During the next two years, radicalism was unleashed in Pennsylvania. But during the period, the failure of the radicals to govern well was obvious. The vital stumbling block of the radical regime, however, was not the fury of the mob but the inability to solve the economic and financial problems of the day. The Constitutionalists failed and the Republican merchants came forward and showed what money and financial credit could do. It was logical that the public would turn to them for guidance and leadership.[22]

The task of administering the government of the State was too much for the radical revolutionary faction which had held the reins of leadership for four years. These leaders had exhausted their ingenuity and ability to solve the stupendous puzzle of drawing forth the resources of the State to carry on the war. In addition they had nothing new to dangle before the people. In a sense their program had been carried out. They had set up a democratic constitution, had dispossessed the Penns of their control over the state,

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[21]A very thorough discussion of this struggle can be found in Robert L. Brunhouse, The Counter-Revolution in Pennsylvania, 1776-1790 (Harrisburg: Pennsylvania Historical Commission, 1942). This quotation is from p. 76.

[22]Ibid., p. 87.

had driven the conservatives from the University, had waged their fight against Arnold, and had proscribed Tories. The inability to collect taxes and to keep down high prices did not enhance their popularity. In 1780 the army was in desperate straits. It was the Conservative merchants who came to the rescue after the State had failed. "Weary of war with its high taxes, seizure of property, inflation of money, and demands for men, the people tired of an administration which could promise no relief from the hardships."[23]

The conservatives (anti-constitutionalists) held the majority in the senate after the elections, but by a small margin, and Joseph Reed of the radicals, remained President of the Council. During this period, the Republicans under the guidance of Robert Morris were able to put Pennsylvania back on a sound financial basis. No changes in the constitution were attempted, but the conservatives worked to consolidate their position and work within the constitution to accomplish their aims.

It was in these circumstances that Dickinson determined to return to Philadelphia. Brunhouse concluded that "The return of John Dickinson to Pennsylvania political life in the role of President of Council indicated how far the pendulum had swung away from the rampant radicalism of 1779."[24]

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[23]Brunhouse, The Counter-Revolution, p. 88.

[24]Ibid., p. 121.

Although the Republicans had control of the Assembly from 1782 to 1784, they attempted no major changes in the form of government. For them the period was essentially one of preparation. From 1780-1782 they had found themselves; from 1782-1784 they consolidated their forces.[25]

The election in the fall of 1782 was bitterly fought. The contest for the positions on the Council were highly contested. Dickinson was elected to the Council from the County of Philadelphia, and in November he was chosen by the legislature as President of Council by a vote of forty-one to thirty-two for General Potter, the radical candidate.[26] The Constitutionalists had been defeated in the Assembly and when faced with defeat in the Council, retaliated in desperation by bitter attacks on the Anti-Constitutionalists in the newspapers.[27] Dickinson was the prime target in the attack. A series of letters in Freeman's Journal beginning on October 30, 1782, attacked Dickinson. These attacks were signed with the psuedonym "Valerius." The identity of Valerius still is not known. At the time it was rumored to be Joseph Reed. This seems unlikely and is not easily supported by evidence.[28]

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[25]Ibid., p. 121.

[26]Stillé, Dickinson, pp. 226-227.

[27]Brunhouse, The Counter-Revolution, p. 124.

[28]Ibid.

An extract from the diary of Mrs. Deborah Logan (Dickinson's niece) in 1814 referred to General Armstrong, Secretary of War, as Valerius.[29] Whether this was a fact known by the Dickinson family or was merely supposition is not known. In any event, Valerius leveled four charges against Dickinson. First, that he opposed independence; second, that he deserted his battalion in 1776 when Philadelphia expected to be attacked; third, that he opposed the constitution of 1776; and fourth, that when he advised his brother not to accept continental currency for debts during the war, he attempted to undermine the continental money. The following quotation from his first letter gives an impression of Valerius' style of writing:

> His worst enemies cannot deny that he has a good mind well improved by education, reading, a good professional knowledge of the law, a slow but elegant pen, and the manners of a gentleman. He possesses a boundless ambition, savoring too much of personal gratification, no small degree of dissimulation, passions naturally strong and under equal command. He was the early and persevering enemy of independence of America. He has neither the firmness or decision of mind for trying occasions, and after sounding the trumpet to others and engaging himself in civil and military offices he shrank from his duty and abandoned the cause at a time when his distressed country required his services the most. This example was most dangerous. In his despondency he endeavored to cut asunder the great sinew of our defense, the continental money and upon discovery he retired in disgrace and despair to a corner of the State he lately governed. He remained there in obscurity until the ebb of adversity was spent and the tide of American fortune

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[29]Deborah Logan's Diary, August 25, 1814, in Stillé, Dickinson, Appendix VII, pp. 421-423.

> decisively turned by the capture of Burgoyne and the French alliance. . . .[30]

Valerius quoted many passages from the speeches and writings of Dickinson in order to show his cautious and conservative position from the beginning of the controversy. He claimed he could not understand why Dickinson could not see what everyone else could. Stillé, in his defense of Dickinson, said:

> The sting of the attack of Valerius was not so much in the charges of unpatriotic conduct themselves, which every one in Mr. Dickinson's own home, at least, knew to be not only false but ridiculous, as in the tone of personal insult he assumed in belittling the motives of his conduct, and expecially in attributing that conduct to a timid, vacillating, and cowardly spirit."[31]

The events surrounding this attack and Dickinson's later "Vindication" are peculiar. Such attacks were not uncommon, although possibly this was more vicious than most. The unusual aspect was that Dickinson did not retaliate at the time but instead asked the newspapers not to publish anything in his defense.[32] Following his election, however, where there is little evidence that the attacks hurt him in any way--except possibly his pride, Dickinson answered the charges in a lengthy vindication of his career. This is fortunate because this is how many of his ideas are explained for our use today.

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[30]Quoted in Stillé, Dickinson, pp. 236-237.

[31]Ibid., pp. 238-239.

[32]Stillé, Dickinson, Appendix V, pp. 365-366.

Dickinson began his "Vindication" in the Freeman's Journal, January 1, 1783. He took each of the charges made by Valerius and attempted, quite successfully to defend his action. He explained why he opposed independence. "The first charge, as it is made, I deny: but I confess that I opposed the making the Declaration of Independence at the time when it was made. The right and authority of Congress to make it, the justice of making it, I acknowledged. The policy of then making it I disputed."[33] He explained the same reasoning that he had made in his speech opposing the declaration: lack of foreign allies and lack of a frame of government in the colonies, made independence unwise at the time.

He admitted the second charge that he opposed the Constitution of the state. But he pointed out that it was because of the way it was drafted, not the Constitution itself. He further contended that his attackers were inconsistent for if he opposed independence he would not care about the state Constitution. Others who served under the Constitution had also been opposed to it. Since the people of Pennsylvania now supported the Constitution, he said he would support change done only in a legal fashion.[34]

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[33] Ibid., p. 367.

[34] Ibid., pp. 375-379.

He totally denied the third charge that he deserted his battalion in the field in 1776.[35]

The fourth charge was that he had endeavored to discredit the continental money by informing his brother not to accept it for payments of debts. This letter was written during the war to his brother Philemon who was a general in New Jersey. He informed him not to accept the continental money, but John Dickinson had not signed the letter. The letter never reached Philemon as it was intercepted from a servant and made public in Philadelphia, much to Dickinson's embarrassment and consternation by many patriots. Dickinson argued that he had not signed the letter in case the British intercepted it and that his brother or even people in Philadelphia would recognize his handwriting. To counter the charge, he attempted to show that he had accepted the continental money himself.

> Facts are commonly called stubborn things. So they are. My behaviour with regard to continental money, where my own interest was concerned, is the best comment on my advice to my brother about it. If I was so constant to the cause of America, in that gloomy period, as to be thus industrious and exemplary in receiving continental money, it must have been with a desire and design to support its credit, whatever my private losses might be by that constancy. Is it to be believed, then, that I would give any advice to my brother that could possibly injure its credit?"[36]

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[35]Discussed on pages 117-120.

[36]Ibid., p. 408.

He explained that the advice to his brother was only for an area under British occupation at the time. Dickinson concluded with an appeal in his behalf, admitting that he might have erred at times, but never from the lack of proper motives.[37]

Dickinson served three years as President of the Council in Pennsylvania. During his term of office the Republicans continued to consolidate their gains and control the politics of Pennsylvania. Because they moved too fast they suffered a temporary setback in the elections of 1785. Events during the period of his governorship are not of great consequence to an understanding of Dickinson's role in the American Revolution. Problems with the frontier, solving of land claims in the Wyomong Valley, and revolt of militiamen over not receiving pay were the most important.[38]

Following his terms as Council President, Dickinson retired to Delaware for a period of time. In 1786 he attended the Annapolis Convention and was elected president.[39] Although many of the powers of his original draft were later deleted, Dickinson had been the chief author of the Articles of Confederation's first draft. In spite of this he was

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[37]Stillé, Dickinson, Appendix V, pp. 409-410.

[38]A discussion of his governorship can be found in Brunhouse, Counter-Revolution, pp. 126-163.

[39]"Proceedings of Commissioners to Remedy Defects of the Federal Government," Gaillard Hunt and James Scott Brown, editors, The Debates in the Federal Convention of 1787 (New York: Oxford Univeristy Press, 1920), p. xlviii.

one of the first to realize the defects in the document.[40] Dickinson signed the draft of the resolves of the convention calling for a convention to meet at Philadelphia on the second Monday in May of 1787.[41]

Dickinson attended the Constitutional Convention as a delegate from Delaware, and was a conspicuous figure, although he did not have a large part in the final result. He presented his credentials to the convention on May 29. In the convention he spoke on a wide range of subjects. His most important contribution was probably in his advocacy of the rights of the small states. His position in this debate was somewhat unique in that he wanted to retain the rights of the states but also wanted to have a strong national government. He said that the legislative, executive, and judicial departments ought to be made as independent as possible, but that such an executive as some wanted was not consistent with a republic. He stated that a firm executive could exist only in a limited monarchy. He believed that the British government was the best on earth and attributed much of this to the attachments which the crown drew to itself, and not merely from the force of its prerogatives. He

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[40]Merri-l Jensen, The Articles of Confederation, (Madison: The University of Wisconsin Press, 1963), pp. 126-139 and Appendix, pp. 254-262.

[41]Hunt and Brown, Debates of the Federal Convention, p. lv.

remarked that in place of these attachments, the delegates must find something else. He believed one source of stability was the double branch of the legislature. The division of the country into distinct states formed the other principal source of stability. This division ought therefore to be maintained, and considerable powers should be left with the states. This he stressed was the ground for his faith in the future of his country. Without this system, and in case of a consolidation of the states into one great republic, the citizens might read the country's fate in the history of smaller ones.

Although he believed a limited monarchy the best on earth, he believed it out of the question for America. The spirit of their times and the state of their affairs prohibited them from making the experiment even if it were desirable. A house of nobles that was essential for such a government could not be created. Nobles were the result of growth of the ages and could develop only through a multitude of circumstances that were unattainable in America.[42]

Even though a form most perfect perhaps was in itself unattainable, the delegates should not despair. For Dickinson believed that any nation that flourished at one time and yet

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[42]Gaillard Hunt, ed., The Writings of James Madison, III, (New York: G. P. Putnam's Sons, 1902), pp. 75-76.

fell from power later, was the result of a bad constitution. Therefore the delegates should seek the best government that was available. The breakdown of the nation into states could help solve the problem.[43]

On the point of representation, he argued that in the national legislature the decision must probably end in mutual concession. He hoped that each state would retain an equal voice in at least one branch of the national legislature, and said that he supposed the sums paid within each state would form a better basis for representation than either the number of inhabitants or the amount of property.[44]

As related by Madison, Dickinson added to this, his initial speech on the subject, later in the debates:

> Mr. Dickinson considered it essential that one branch of the Legislature sh[ould] be drawn immediately from the people; and as expedient that the other sh[ould] be chosen by the Legislatures of the States. This combination of the State Gov'ts with the national Govt. was as politic as it was unavoidable. In the formation of the Senate we ought to carry it through such a refining process as will assimilate it as nearly as may be to the House of Lords in England. He repeated his warm eulogiums on the British Constitution. He was for a strong National Govt. but for leaving the States a considerable agency in the System. The objection agst. making the former dependent on the latter might be obviated by giving to the Senate an authority permanent & irrevocable for three, five or seven years. Being thus independent they will check & decide with becoming freedom.[45]

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[43] Ibid.

[44] Ibid.

[45] Ibid., pp. 105-106.

How much he believed in the rights of the small states can be seen from what Dickinson told Madison:

> You see the consequence of pushing things too far. Some of the members from the small States wish for two branches in the General Legislature, and are friends to a good National Government; but we would sooner submit to foreign power, than submit to be deprived of an equality of suffrage in both branches of the legislature, and thereby be thrown under domination of the large States.[46]

Dickinson, however, believed in a strong national government and thought that the national government should have a negative of state laws.[47] In this proposition he agreed with James Madison, representative of the large states. Another way he believed the states should retain some power was when he moved that "Nor shall any State be formed by the junction of two or more States or parts thereof, without the consent of the Legislature of such States, as well as of the Legislature of the U. States." This was agreed to without a count of votes.[48] This was, he believed, necessary to insure the rights of the states, yet it was done as with his other arguments with the view of creating a strong national government.

Dickinson also spoke quite extensively on the powers of the executive. He debated on the behalf of election of

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[46] Ibid., p. 166.

[47] Ibid., Iv., p. 125.

[48] Ibid., p. 340.

the executive by the people. As he opposed election by the Congress or the state legislatures, he readily accepted the electoral college system.[49] He supported the idea that the President could appoint all offices not provided for in the constitution.[50] He thought that the president should be assisted in all appointments by a council or by the legislature.[51] Dickinson argued for the removal of the executive by the national legislature on the request of a majority of the legislatures of the individual states.[52] This subscribed to his theory that the states were the stable factors in the political system. His correspondence indicates that he believed at this time as well as the rest of his life that the states should have the power to check and control the acts of the President to a certain degree. But strange as this opinion seems to be it was due not so much to doubts about a strong President, as to the belief that such a system would be more readily supported by the people. In this respect, he reiterated his belief that this was the proper substitute for the attachments that the crown drew to itself.[53]

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[49]Hunt, ed., The Writings of James Madison, IV, p. 67.

[50]Ibid., p. 299.

[51]Ibid., p. 235.

[52]Ibid., III, p. 75.

[53]Ibid.

Dickinson spoke on a wide range of other topics in the convention. It appears that few of the major issues in the convention were passed without Dickinson at least registering his opinion. He spoke on the judiciary,[54] the veto power by the President,[55] qualifications of representatives,[56] definition of treason,[57] powers over commerce,[58] meaning of ex post facto laws,[59] and protection against violence.[60] Although he spoke on this variety of subjects, his importance must be attributed to his work on behalf of the small states and the final compromise that led to the formation of congress as it is today. The fact that he was arguing for a strong national government while insisting on the rights of the small states must be his most important contribution.

His role as author of the Articles of Confederation, which was one of the most useful documents to the Committee of Detail in writing the new constitution, adds a new dimension to his importance at Philadelphia.[61] The fact that the

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[54] Ibid., pp. 98, 210, and 315.

[55] Ibid., p. 111.

[56] Hunt, ed., The Writings of James Madison, III, p. 117, 131, and 254.

[57] Ibid., p. 247.

[58] Ibid., pp. 260, 273, 304, and 444.

[59] Ibid., p. 325.

[60] Ibid., pp. 226, 251, 342, and 343.

[61] Powell, "John Dickinson and the Constitution," p. 10.

convention of 1787 was a culmination of a long history of politics during the revolutionary period in which Dickinson wrote many of the important state papers might be even his greatest role One writer concluded:

> In Dickinson, with his conception of the state as a group of individuals rather than as an organic unity, with his legalistic belief in the natural rights of each individual, with his moralistic habit of mind, with the fundamental animism in religion to which he constantly referred, with the reinforcing agreement of the Society of Friends, with his thorough knowledge of the history of the common law and English liberty, these forces of Puritanism had a vigorous expression. It is precisely because Dickinson epitomized the philosophic tenants of the Puritan Revolution that his theories were of enormous importance in the formation of the Constitution. . . ."[62]

Dickinson's role in the constitutional convention was not significant. He spoke a great many times and seemed anxious to assume a vigorous leadership of the small-state group, but constant daily attendance through the hot summer so weakened his frail constitution that this was impossible.[63] Pierce in his sketch of the delegates referred to Dickinson in an uncomplimentary manner:

> Mr. Dickinson has been famed through all America, for his Farmers Letters; he is a Scholar, and said to be a Man of very extensive information. When I saw him in the Convention I was induced to pay the greatest attention to him whenever he spoke. I had often heard that he was a great Orator, but I found him an indifferent Speaker. With an affected air of wisdom he labors to produce a trifle,--his language is irregular and incorrect,--his flourishes, (for he sometimes attempts them), are like

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[62] Ibid., p. 11.

[63] Ibid., pp. 6-7.

> expiring flames, they just shew themselves and go out; --no traces of them are left on the mind to chear or animate it. He is however, a good writer and will be ever considered one of the most important characters in the United States. He is about 55 years old, and was bred a Quaker.[64]

Following the adoption of the Constitution in the convention of 1787, Dickinson again took up his pen on behalf of the states. Although his writings signed "Fabius," are not so well known as the Federalist Papers, they apparently had an impact as a letter survives in which Washington wrote of their merit.[65] Dickinson's letters do not have the comprehensiveness or the force of The Federalist and indicate that Dickinson meant them for a popular audience. In all, nine letters signed "Fabius" were published shortly after the adjournment of the convention.[66] Dickinson began the letters by explaining the nature of a federal system and showing the nature of delegated powers:

> When persons speak of a confederation do they or do they not acknowledge that the whole is interested in the safety of every part, in the agreement of parts, in the relation of parts to one another, to the whole, or to other societies? If they do then the authority of the whole must be coextensive with its interests; and if it is, the will of the whole must and ought in such cases to govern, or else the whole would have interests

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[64]Hunt and Brown, Debates of the Federal Convention, pp. xli-xlii.

[65]George Washington to John Vaughan, April 27, 1788, in Stillé, Dickinson, p. 274.

[66]Stillé, Dickinson, pp. 167-168.

> without the authority to manage them,--a position which prejudice itself cannot digest.[67]

After saying that the division of governmental powers into departments, distinct in each department but connected in their operations was obvious, he admitted that a bad administration might take place. He explained that it was the duty of the people to watch over their government and indicated that revolution would be allowable if all other methods of checking a bad administration failed.[68]

As in all of his writings, Dickinson turned to history to prove his contentions. He used ancient Greece and Rome to show how confederations had failed, and how the Achaean league was responsible for the glory of Greece. He attributed the decline of the Achaen league, not to the tendency towards aristocracy, but to disunion.[69] He then turned to answer the uncertainty that many expressed by using the speech of the Earl of Belhaven, who had opposed the union of England and Scotland, and had predicted dire calamities. He pointed out how absurd these predictions turned out to be.[70]

Dickinson defended the compromises in the convention and even referred to them as the strongest part. "It has

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[67]Quoted in Stillé, Dickinson, pp. 167-168.

[68]Ibid., p. 269.

[69]Ibid., pp. 270-271.

[70]Ibid., pp. 271-272.

been said, that this representation was a mere compromise. It was not a mere compromise. The equal representation of each state in one branch of the legislature, was an original substantive proposition, made in convention very soon after the draft offered by Virginia. . . ." He explained that the proposition was expressly made upon the principle that a territory of such extent as the United States could not be safely and advantageously governed but by a combination of the states, with each retaining some rights and sovereignty, except for those provisions necessary for the union. In order for the preservation of these sovereignties, it was essential they each state be protected by equal suffrage in one house of the legislature. If representation were based on numbers of people, the small states could be annihilated.[71]

The last argument that Dickinson brought forth in his letters of Fabius was against those who believed it was too close a resemblance to the English monarchial system. He asked:

> Is there more danger to our liberty from such a President as we are to have than to that of Britons from an hereditary monarch with a vast revenue, absolute in the erection and disposal of offices, and in the exercise of the whole executive power; in the command of the militia, fleets, and armies, and the direction of their operations; in the establishment of fairs and markets, the regulation of weights and measures, and the coining of money; who can call Parliaments with a breath and dissolve them with a

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[71]Max Farrand, ed., The Records of the Federal Convention, III, (New Haven: Yale University Press, 1911), p. 304.

> nod; who can at his will make war and peace, and treaties irrevocably binding the nation; who can grant pardons for crimes and titles of nobility as it pleases him? Is there more danger to us from twenty-six Senators, or double that number, than to Britons from an hereditary aristocratic body, consisting of many hundreds, possessed of enormous wealth in lands and money, strengthened by a host of dependents, and who, availing themselves of defects in the Constitution, send many of these into the House of Commons; who hold a third part of the legislative power in their own hands, and who form the highest judicature in the nation? Is there more danger to us from a House of Representatives, to be chosen by all the freemen of the Union every two years, than to Britons from such a sort of representation as they have in the House of Commons, the members of which are chosen but every seven years? . . ."[72]

Dickinson was undoubtedly a Federalist at the time of these writings. What impact they had on the people at this time is not known. Whether the fact that Delaware was the first to ratify the Constitution is indicative of their impact is mere speculation.[73]

This was the last important contribution of John Dickinson to the American cause. Although he wrote frequently in later life and carried on a correspondence with many, he refused to run for political office again as some of his friends wished.[74] In a way this was fitting since he had entered politics in 1764 at the beginning of the struggle against the British and climaxed it with the Constitution

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[72]Quoted in Stillé, Dickinson, pp. 273-274.

[73]Hunt and Brown, The Debates in the Federal Convention, p. 642.

[74]Stillé, Dickinson, pp. 278-279.

of 1787 that ended the era. During this period Dickinson had maintained the same constant course. He had maintained his belief that history told a convincing story of the importance of the individual and of the struggle for freedom. He had defended the colonial position on the basis of the rights of Englishmen and defended it on the higher ground of the rights of man.

The central point in Dickinson's idea of the state, transmitted through his writings, was the jealous freedom of the individual. Whether or how far a proposed measure infringed upon the liberty of the individual was the supreme test of all actions. As a result he was conservative, not wishing to see any change that would restrict the freedom of the citizens. The English constitution, Dickinson thought, had for seven centuries championed the rights of individuals. His opposition to infringements by the British was based on restrictions placed on the citizen. His hesitancy for independence was because he wanted guarantees that the new government would provide as good, if not better, guarantees than the British system.

But he was also imbued with the eighteenth-century juristic theory of the natural rights of man, and his earnest faith in the Christian religion made it possible for him to derive individualism from a divine source. He strongly felt that the cause of liberty was allied with heaven. The

principles of this liberty were granted by God and it was the right of the individual to protect them. He realized the danger of the majority and was always willing to fight its excesses.

With his conservative nature, his belief in democracy and popular sovereignty, and his stubborn individualism, it was natural that he would not always be a popular leader. His popularity often rose and fell according to popular opinion. In 1764 his opposition to royal governments was deemed popular by the people in the elections of that fall. In 1765 and the years immediately following, his arguments were the same and although not a candidate for office, his followers were defeated by the Pennsylvania voters for a too radical stand. Following the "Farmer's Letters," Dickinson regained his popularity, and few actions were taken in America without at least trying to get Dickinson's support before the step was taken. In 1776, the rise in popularity of the group of men more radical than he, relegated Dickinson to the low point of his influence. It took a great example of patriotism in the Revolutionary War and a change in attitude of the people to again place him in a position of power. When he returned, he was still maintaining his political beliefs. His later contributions have been eclipsed by more important men, but his role was a major one.

In conclusion, in spite of this fluctuating career it is evident that John Dickinson was important to the American states during the American Revolution. Although many were more important than he, his constant fight for the rights of the individual and his consistent stand for freedom makes him important to our understanding of that crisis.

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